

**Date:** July 22, 2020

**To:** Board of Directors

**From:** Doug Kelsey



**Subject: RESOLUTION NO. 20-07-34 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION OF THE CONTRACT WITH MOTT MACDONALD, LLC FOR ON-CALL PROJECT MANAGEMENT, COST ESTIMATING, SUSTAINABILITY AND SCHEDULING SERVICES**

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**1. Purpose of Item**

This Resolution requests that the TriMet Board of Directors (Board) authorize the General Manager or his designee to execute a modification to the contract (Modification) with Mott MacDonald, LLC (Mott) for On-Call Project Management, Cost Estimating, Sustainability and Scheduling Services.

**2. Type of Agenda Item**

- Initial Contract
- Contract Modification
- Other \_\_\_\_\_

**3. Reason for Board Action**

Board authorization is required because the proposed Modification increases the contract amount beyond the amount previously authorized by the Board.

**4. Type of Action**

- Resolution
- Ordinance 1<sup>st</sup> Reading
- Ordinance 2<sup>nd</sup> Reading
- Other \_\_\_\_\_

**5. Background**

TriMet’s Engineering & Construction (E&C) Division is responsible for delivering all of the Agency’s various construction projects, including approximately \$269 million worth of projects in FY2021. To avoid hiring permanent staff for temporary project needs, and to augment staff vacancies in particular disciplines, the E&C Division relies on on-call estimators and schedulers in order to maintain project demands.

In August 2017, TriMet issued a Solicitation for On-call Support Services within multiple disciplines that serve the E&C Division. Individuals who provide these project services work in Estimating, Permitting, Project Management, Scheduling, and Sustainability, as needed by the various projects.

The procurement was conducted in accordance with Brooks Act procedures, as required for Architectural and Engineering Services financed with FTA money. A total of 18 contracts were awarded, each with a cap of \$500,000 over the life of contract. Of the 18 contracts awarded, seven were awarded specifically for Cost Estimating services, which plays a critical role in efficient contract administration. A few of the Cost Estimating contracts also included other disciplines, such as Scheduling services.

Since the inception of these 18 contracts, one of the firms is no longer in business, one has requested to close the contract, some have not been responsive to TriMet's task order requests and others do not have the expertise needed for special assignments. There are only two on-call contracts that include scheduling services. This has left TriMet to rely heavily on only a few contractors, including Mott, which now have limited amounts remaining of the \$500,000 initially authorized by the Board for each contract.

The Mott contract includes other disciplines, such as Scheduling and Project Management, and TriMet has utilized Mott for a significant amount of the Cost Estimating and Scheduling work required by the E&C Division. TriMet's Cost Estimating department consists of just three members and currently has two vacancies. As a result of the pandemic and current hiring freeze these vacancies remain on hold, leaving only one cost estimator on staff. Further, TriMet has only one scheduler on staff. With the same E&C Division workload, project staff must rely on the on-call contracts to keep the projects on schedule. The additional disciplines available within Mott's single contract further reduces the amount of funds remaining to satisfy TriMet's competing demands.

**6. Procurement Process**

The contract was procured under the Brooks Act using a competitive Request for Proposals process.

**7. Diversity**

Mott is self-performing all work under this contract. Mott's workforce is 18% minority and 21% female.

**8. Financial/Budget Impact**

The Modification will increase the Mott contract amount by \$750,000, for a total amount of \$1,000,000. The increased contract amount will have no effect on the FY2021 budget because work performed under the Mott contract is funded from other projects contained within the approved FY2021 budget.

**9. Impact if Not Approved**

TriMet could delay increasing the Mott contract beyond the already authorized amount. This option is not recommended as it would result in significant delays on projects for which TriMet requires Mott's cost estimating and scheduling services.

**RESOLUTION NO. 20-07-34**

**RESOLUTION NO. 20-07-34 OF THE TRI-COUNTY METROPOLITAN  
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A  
MODIFICATION OF THE CONTRACT WITH MOTT MACDONALD, LLC  
FOR ON-CALL PROJECT MANAGEMENT, COST ESTIMATING,  
SUSTAINABILITY AND SCHEDULING SERVICES**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a contract modification (Modification) with Mott MacDonald LLC (Mott) for On-Call Project Management, Cost Estimating, Sustainability and Scheduling Services; and

**WHEREAS**, the total amount of the Modification exceeds the contract amount originally authorized by the TriMet Board of Directors (Board); and

**WHEREAS**, by Resolution dated October 25, 2017, the Board adopted a Statement of Policies requiring it to approve personal services contracts obligating TriMet to pay in excess of \$500,000;

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the Modification shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute a Modification of the contract to increase the total maximum amount to \$1,250,000, through the contract's October 2022 termination date.

Dated: July 22, 2020

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Presiding Officer

Attest:

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Recording Secretary

Approved as to Legal Sufficiency

**Gregory E. Skillman**

Legal Department