

Date: December 13, 2023

To: Board of Directors

From: Sam Desue, Jr.

Subject: RESOLUTION NO. 23-12-68 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH STACY AND WITBECK, INC. FOR CONSTRUCTION SERVICES FOR THE WILLAMETTE SHORE LINE TRESTLE REPAIR AND NEBRASKA STREET CROSSING REPLACEMENT PROJECT

1. **Purpose of Item**

This Resolution requests that the TriMet Board of Directors (Board) authorize the General Manager or his designee to execute a contract with Stacy and Witbeck, Inc. (SWI) for construction services (Contract) for the Willamette Shore Line trestle repair and Nebraska Street crossing replacement project (Project).

2. **Type of Agenda Item**

- Initial Contract
- Contract Modification
- Other _____

3. **Type of Contract Procurement**

- Low Bid / Invitation to Bid (ITB)
- Request for Proposals (RFP) (inc. CM/GC)
- Request for Qualifications (RFQ) (Personal Services)
- Other (inc. sole source):

4. **Reason for Board Action**

Board authorization is required for all contracts obligating TriMet to pay in excess of \$1,000,000.

5. **Type of Action**

- Resolution
- Ordinance 1st Reading
- Ordinance 2nd Reading
- Other _____

6. **Background**

The existing Willamette Shore Line (WSL) railroad right-of-way (ROW) corridor extends from Portland’s South Waterfront to Lake Oswego, along the western bank of the Willamette River. The ROW corridor is owned by the Willamette Shore Line Consortium, which consists of four partners: City of Lake Oswego, City of Portland, TriMet, and Metro. The Oregon Electric Railway Historical Society (OERHS) is the operator of the trolley service that runs on the ROW.

Within the Consortium, TriMet is responsible for providing routine inspections along the ROW corridor and evaluating, among other things, the structural integrity of wooden trestles. When issues arise, TriMet oversees the implementation of solutions, which may include design, permitting, repairs and construction. These ongoing efforts preserve and maintain the infrastructure to support continued rail operations between the South Waterfront and Lake Oswego by self-powered trolleys, and help preserve the railroad ROW corridor for potential future transit use.

The ROW corridor contains three 100-year old railroad trestles - the Long, Short and Jones Trestles - that support the WSL trolley, along with a number of automobile and pedestrian crossings. The most recent repair of the ROW trestles occurred in 2016. In 2020, inspection of the trestles identified new repairs necessary to maintain safe operations. As a result, TriMet suspended trolley operations that pass over the trestles of concern until the needed repairs are completed.

In addition, deterioration of the South Nebraska Street crossing, which provides automobile access to Willamette Park, the river and public boat launch, has resulted in a number of roadway and railroad safety issues. The crossing itself is constructed of rail on wood ties capped with asphalt, and the ties have rotted away due to poor drainage and water saturation. Along with the failing track surface, the crossing's road surface contains potholes that require regular repair.

This Project will correct these safety issues. The failing timbers from the three trestles will be removed and replaced with new pressure-treated timbers. At the South Nebraska Street crossing, catch basins will be constructed to intercept water run-off and carry it away in a culvert under the track. Restoration of the crossing will include replacement of the gravel subgrade, replacement of the failed wood ties with concrete crossing panels and heavier rails, hardscape signage and striping.

7. Description of Procurement Process

Although the Board authorized an exemption from the low bid procurement process for this project at its June 28, 2023 meeting (Resolution No. 23-06-28), due to timing and schedule concerns, TriMet staff ultimately elected to award this contract via a regular low bid procurement. TriMet issued an Invitation to Bid (ITB) on September 7, 2023, with bids due on October 4, 2023.

However, because of questions regarding Buy America requirements for certain material to be used in the project, and the determination that TriMet would furnish the material in question to the selected Contractor, TriMet staff elected to cancel the low bid solicitation. Therefore, TriMet reissued the ITB on October 19, 2023, with bids due on November 14, 2023. The ITB was advertised to 591 potential vendors on TriMet's TriP\$ website as well as in the Daily Journal of Commerce, and two Contractors submitted bids.

A comparison of the two bids received and TriMet's Independent Cost Estimate (ICE) is shown below:

CONTRACTOR:	RailWorks	Stacy and Witbeck
Stated Bid Price	\$4,180,938	\$3,505,963
ICE	\$3,468,900	

TriMet determined that SWI's bid is fair and reasonable, based on comparison with TriMet's ICE of \$3,468,900 and with the other bid received. This Resolution would authorize the award of the Contract to SWI.

The total bid price includes a Bid Alternative in the amount of \$410,695 to replace structural members that are presently adequate but may require replacement in the next five years. The desired effect of the Bid Alternative will be to extend the time between maintenance. TriMet has the option to pursue the Bid Alternative after review of the cost to complete the possible replacement work and further information from SWI.

As is typical for this type of work, unforeseen circumstances could occur that may require changes to construction work. Therefore, the attached Resolution includes authority for potential future change orders on the Contract of up to \$350,000, approximately 10 percent (10%) of the contract value.

8. **Diversity**

SWI's total employee count is 865, and its workforce is 30% minority and 15% female.

9. **Financial/Budget Impact**

Funding for this project is included in the FY24 budget for Engineering and Construction.

10. **Impact if Not Approved**

In addition to providing trolley service between the South Waterfront area and Lake Oswego, the Willamette Shore Line Trolley operates to assure continued Right-of-Way property rights. If this Resolution is not approved, the trolley will not be able to operate on the full length of the corridor, which risks a challenge to maintenance of the Willamette Shore Line consortium's Right of Way property rights.

RESOLUTION NO. 23-12-68

**RESOLUTION NO. 23-12-68 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING
STACY AND WITBECK, INC. FOR CONSTRUCTION SERVICES FOR THE
WILLAMETTE SHORE LINE TRESTLE REPAIR AND NEBRASKA STREET
CROSSING REPLACEMENT PROJECT**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with Stacy and Witbeck, Inc. (SWI) for construction Services for the Willamette Shore Line trestle repair and Nebraska Street crossing replacement Project (Contract); and

WHEREAS, by Resolution No. 22-05-35, dated May 25, 2022, the TriMet Board of Directors (Board) adopted a Statement of Policies requiring the Board to authorize all contracts obligating TriMet to pay in excess of \$1,000,000; and

WHEREAS, the total amount of the Contract exceeds \$1,000,000;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Contract shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute the Contract in the amount of \$3,505,963.
3. That the General Manager or his designee is further authorized to execute Change Orders to the contract in an amount not to exceed \$350,000 (10% of the modification amount) through the Contract's expected termination date of August 2024.

Dated: December 13, 2023



Presiding Officer

Attest:



Recording Secretary

Approved as to Legal Sufficiency:



Legal Department