


**Date:** June 26, 2024

**To:** Board of Directors

**From:** Sam Desue, Jr. 

**Subject:** **RESOLUTION NO. 24-06-36 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH MASS. ELECTRIC CONSTRUCTION COMPANY FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES FOR THE PIONEER COURTHOUSE SQUARE TYPE 1 TRACTION POWER SUBSTATION 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 Construction Manager/General Contractor (CM/GC) Services contract (Contract) with Mass. Electric Construction Company (MEC) for the underground Pioneer Courthouse Square (PSQ) Type 1 Traction Power Substation (TPSS) 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**

Pursuant to Resolution No. 24-01-07, the Board exempted this Contract from competitive bidding requirements. TriMet now requests the Board’s approval of the selected CM/GC contractor.

5. **Type of Action**

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

6. **Background**

Twelve Type 1 Traction Power Substations (TPSS) were installed along the Blue Line in approximately 1983, and have reached the end of their normal expected service life. Many electrical and other critical components are obsolete and no longer supported by the manufacturer. Therefore, all of these substations must be upgraded and/or replaced.

The PSQ substation is located in downtown Portland in an underground vault at the southwest corner of Pioneer Courthouse Square. TriMet's service and repair access to the vault is controlled through a lease agreement with the Pioneer Courthouse Square management, and TriMet's current access schedule must accommodate the Courthouse Square's complex public event schedule.

The primary access for TriMet maintenance personnel and equipment is through the mechanical room of the Pioneer Courthouse Square facility, but recently added mechanical equipment and seismic stabilization measures now partially block access to the vault. Another limited access to the substation vault for TriMet maintenance personnel is through an overhead hatch in the sidewalk of SW Yamhill Street (which serves as the Pioneer Square South MAX station platform), but it is not adequate or convenient.

This Project will reconfigure the vault to improve TriMet's access for maintenance personnel, improve the ventilation for future climate challenges, and allow for the installation of new and upgraded electrical substation equipment. This is a very complex Project that requires the management of interdependent, multi-disciplinary phases of multiple elements of work. Potentially negative impacts to all users of the shared Pioneer Courthouse Square facility must be limited, planned disruptions and the risks of unplanned disruptions to public transit must be minimized or avoided, and the Project must maintain an aggressive schedule to reach substantial completion as soon as practicable.

For this type of unique and complex Project, reliance on the services of an experienced CM/GC is generally most effective and efficient. The CM/GC must be able to assist with the final completion of design, perform constructability reviews, advise construction staging, phasing and access requirements, contribute to cost certainty, and establish needed coordination with all stakeholders, in order to ensure a successful construction process while minimizing the risk of unplanned impacts to transit operations. The CM/GC will need to coordinate with the landlord (Portland Parks & Recreation Bureau), the property management company (PSQ, Inc.), the utility provider, Pacific Power, Portland Bureau of Transportation (PBOT), jurisdictional partners, adjacent businesses, TriMet riders, and the general public.

This Resolution requests the Board's approval of the award of the CM/GC Services Contract to MEC, and authorization of \$295,096 for pre-construction services for this Project. During the pre-construction services portion of the CM/GC contract, TriMet staff will work with MEC to develop a Total Contract Price that aligns with internal estimates and budget for the construction portion of the CM/GC contract. If staff and MEC are able to agree on an acceptable Total Contract Price for construction, a subsequent Resolution will be presented to the Board for authorization of the construction work.

#### **7. Description of Procurement Process**

On January 24, 2024, the Board approved Resolution No. 24-01-07, which exempted this CM/GC contract from competitive bidding requirements. The RFP was issued on April 1, 2024 and advertised on TriMet's TriP\$ website and in the Daily Journal of Commerce. A pre-proposal meeting and site tour for interested firms took place on April 11, 2024, and was attended by ten (10) firms. TriMet received three (3) proposals: one from LK Comstock National Transit (LKCNT), one from Mass. Electric Construction Company (MEC), and one from Modern/Liberty Construction (MLC). Due to a conflict of interest, L.K. Comstock National Transit (LKCNT) withdrew its proposal prior to evaluations.

An Evaluation Committee (EC) consisting of staff from TriMet’s Engineering & Construction Division, and Rail Maintenance of Way (MOW) Department was appointed to review, evaluate and score the proposals. The evaluation criteria in the RFP included:

- Proposer Experience/Past Performance;
- Established manufacturing processes and business relations to key component suppliers;
- Proposed Project Team;
- Draft Project Approach, Work Plan, and Schedule;
- Draft Contracting Plan and MBE/WBE/ESB/VBE Program;
- Project Management; and
- Price

After evaluation of the technical proposals, the EC determined that both firms were in the competitive range for Contract award, therefore pricing was opened for both. After pricing was factored in the scoring, only MEC remained in the competitive range. An interview was held with MEC in order to clarify its submitted proposal, and TriMet subsequently requested a revised proposal. Following receipt of the revised proposal on June 6, 2024, the EC reviewed the scoring and determined that MEC provided the best value to TriMet. The EC recommended the Contract be awarded to MEC.

A summary of final scores is shown in the table below.

<b>Criteria (points)</b>	<b>MLC</b>	<b>MEC</b>
<b>Proposer Experience/Past Performance (20)</b>	14.60	18.40
<b>Established manufacturing processes and business relations to key component suppliers (15)</b>	10.60	14.40
<b>Proposed Project Team (30)</b>	21.80	27.00
<b>Draft Project Approach, Work Plan &amp; Schedule (40)</b>	30.40	37.80
<b>Draft Contracting Plan and MBE/WBE/ESB/VBE Program (40)</b>	35.60	35.60
<b>Project Management (25)</b>	21.40	22.60
<b>Price (30)</b>	30.00	25.07
<b>Total (200)</b>	<b>164.4</b>	<b>180.87</b>

8. **Diversity**

MEC’s total employee count is 1,609, and its workforce is 42.8% minority and 10% female. In its proposal, MEC indicated it would utilize certified small business contractors for approximately 20% of the work. Subcontracting areas include electrical, mechanical, fiber optics, telephones, structural, architectural, electrical testing, engineering studies, concrete, general commercial construction, and traffic control. TriMet staff will work with MEC to maximize certified small business subcontracting opportunities.

9. **Financial/Budget Impact**

The \$295,096 amount for the Project’s pre-construction costs is included in the Engineering and Construction Division’s FY2025 Budget.

10. **Impact if Not Approved**

If the Board decides not to approve this Resolution, TriMet could re-procure the CM/GC Contract. However, TriMet received three responses through the RFP process for this Contract, and advertising it a second time is unlikely to lead to additional or more favorable proposals. In addition, MEC is well qualified to perform this work, which must begin soon in order for the Project to stay on schedule with both design and construction.

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**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a contract (Contract) with Mass. Electric Construction Company (MEC) for Construction Manager/General Contractor (CM/GC) services for the Pioneer Courthouse Square (PSQ) Type 1 Traction Power Substation (TPSS) Replacement Project (Project); and

**WHEREAS**, by Resolution No. 24-01-07, dated January 24, 2024, the TriMet Board of Directors (Board) authorized an exemption from the competitive low-bid approach for the Project; and

**WHEREAS**, TriMet solicited a best value Request for Proposals and selected a CM/GC contractor for the Project; and

**WHEREAS**, the Board wishes to approve the award of the Contract to MEC and authorize the pre-construction services in the amount of \$295,096;

**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 and proceed with the pre-construction services for the Project in the amount of not more than \$295,096, over the anticipated two and a half-year life of the Contract.

Dated: June 26, 2024

  
\_\_\_\_\_  
Presiding Officer

Attest:

  
\_\_\_\_\_  
Recording Secretary

Approved as to Legal Sufficiency:

  
\_\_\_\_\_  
Legal Department