

**Date:** January 27, 2016

**To:** Board of Directors

**From:** Neil McFarlane *Neil McFarlane*

**Subject:** RESOLUTION 16-01-03 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH PAVEMENT SERVICES, INC. FOR ASPHALT PAVEMENT MAINTENANCE PROGRAM DESIGN SERVICES

**1. Purpose of Item**

The purpose of this item is to request that the TriMet Board of Directors (“Board”) authorize the General Manager to execute a contract with Pavement Services, Inc. for asphalt pavement maintenance program design services.

**2. Type of Agenda Item**

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

**3. Reason for Board Action**

Board approval is required for personal services contracts obligating TriMet to pay in excess of \$150,000.

**4. Type of Action:**

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

**5. Background**

TriMet is responsible for maintaining an estimated 3.4 million square feet of asphalt throughout its service district, which is equivalent to 26 miles of standard roadway. Typical locations of asphalt are park and ride facilities, transit centers, substations and employee parking lots. These locations can include light and heavy duty asphalt pavements. TriMet has a major investment in these asphalt pavement assets, and needs professionally qualified asphalt design services to provide ongoing inspections and tests in support of an asphalt pavement management program. This program has three objectives: (1) establish existing pavement conditions; (2) develop a prioritized maintenance and rehabilitation plan to manage pavement maintenance expenditures; and (3) maintain and update the asphalt management database and provide on-going reporting to TriMet. The asphalt pavement management program is an element of TriMet's overall asset management program. This proposed contract for design services will develop and annually

update TriMet's asphalt pavement maintenance program. Separately, TriMet will contract for asphalt maintenance services, which are expected to be on the order of \$0.5 to \$1.0 million in annual, ongoing capital maintenance expense.

## 6. Procurement Process

This procurement was subject to the Brooks Act, also known as Qualifications Based Selection. The Brooks Act is a federal statute enacted in 1972, which establishes the procurement process by which architects and engineers are selected for design contracts with federal agencies, and state or local agencies utilizing federal grant funds. In a Brooks Act procurement, the agency must select the most qualified firm, and then negotiate a fair and reasonable price for the required professional services. Price quotations are not permitted as a consideration in the selection process.

On November 6, 2015, TriMet issued a Request for Proposals (“RFP”) for asphalt pavement maintenance program design services. The RFP sought firms with qualifications and experience in asphalt pavement evaluation and design services.

On December 1, 2015 TriMet received three (3) proposals in response to the RFP, from GeoDesign, Inc., Pavement Services, Inc. (“PSI”), and GRI. An evaluation committee was appointed to review and evaluate the proposals, comprised of staff from TriMet’s Facilities Management, Capital Projects, and Transit Equity and Diversity departments. Proposal evaluations addressed (1) qualifications/experience of the firm; (2) qualifications/experience of key individuals offered for the services; (3) work plan approach, including diversity plan (see next section); (4) availability of key personnel in Portland; and (5) cost estimating and cost controls. After evaluating the proposals, two firms, PSI and GRI, were deemed highly capable and interviews were scheduled. Following interviews, the evaluation committee determined overall proposal scores as follows:

Evaluation Criteria	Possible Points	GRI	PSI
Corporate Experience	20	17	18
Staff Experience	35	30	30
Work Plan (incl. Diversity Plan)	25	21	24
Availability/Local Presence	10	9	9
Cost Estimating and Controls	10	8	7
<b>Total Score</b>	<b>100</b>	<b>85</b>	<b>88</b>

PSI is based in Portland and specializes in pavement engineering and testing services for public agencies including the Oregon Department of Transportation and cities and counties in the Portland region.

In accordance with the Brooks Act, the direct labor costs and overall contract value were negotiated by TriMet after selection of the highest-ranked firm. The negotiated costs are within TriMet's fair cost estimate for these services. The proposed contract is for a base period of one year, with up to four (4) option years, as follows:

Base Contract	\$320,016
Option Year 1	\$59,841
Option Year 2	\$61,636
Option Year 3	\$63,485
Option Year 4	\$65,390
Estimated total 5-year contract amount	\$570,368

Estimated prices for each year reflect the projected scope of services for that year. All services to be performed under this contract will be based on task orders, with specific services determined by TriMet staff, and with costs subject to negotiation as the work is required.

Staff requests by this Resolution that the Board authorize the General Manager to execute the base term (year 1) contract, and at his discretion, future modifications to the base contract for option years two through five, upon satisfactory negotiation of option year pricing. The estimated total five-year contract amount is \$570,368, with total contract costs to be based upon the agency's actual requirements.

**7. Diversity**

TriMet's RFP required proposers to include in their work plan, a diversity plan addressing workforce diversity and Disadvantaged Business Enterprise (“DBE”) subcontracting plan.

PSI is an Emerging Small Business (ESB). PSI's workforce diversity is 40% female and 20% minority. PSI identified DBE subcontracting opportunities for computer-aided drafting, traffic flagging, and utility locates, and estimated probable DBE subcontracting participation of 12% during this contract. TriMet and PSI will seek to maximize DBE opportunities as each task order is negotiated.

**8. Financial/Budget Impact**

These services are budgeted under the Maintenance division, Facilities Management department.

**9. Impact if Not Approved**

The Board could opt not to approve the contract. However, staff has determined PSI's proposal to be fully responsive and responsible, and their pricing fair and reasonable. An alternative to hire TriMet professional engineers on staff, qualified to perform the concrete pavement inspections and tests, would not be cost-effective, as this work is not continuous on a full-time staff basis. An option to not approve the services would deprive TriMet of information needed to optimally manage its concrete pavement yards and park and ride facilities.

**RESOLUTION 16-01-03**

**RESOLUTION OF THE TRI-COUNTY METROPOLITAN  
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING  
A CONTRACT WITH PAVEMENT SERVICES, INC. FOR ASPHALT  
PAVEMENT MAINTENANCE PROGRAM DESIGN SERVICES**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a one-year contract with four additional one-year options with Pavement Services, Inc. for asphalt pavement maintenance program design services ("Contract"); and

**WHEREAS**, the total amount of the Contract shall exceed \$150,000; and

**WHEREAS**, the TriMet Board of Directors (Board), by Resolution dated 25, 2009, adopted a Statement of Policies requiring the Board to approve personal services contracts obligating TriMet to pay in excess of \$150,000;

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

1. That the Contract shall be in conformance with applicable laws.
2. That the General Manager is authorized to execute the Contract.

Dated: January 27, 2016

Attest:

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

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

Approved as to Legal Sufficiency:

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