

**Date:** April 25, 2018

**To:** Board of Directors

**From:** Doug Kelsey

**Subject:** **RESOLUTION 18-04-34 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH EMERIO DESIGN, LLC FOR THE POWELL LIFT RELOCATION PROJECT**

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**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 modification to the contract with Emerio Design, LLC (Emerio) for the Powell LIFT Relocation Project (Project).

**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**

Due to upcoming bus fleet expansion, TriMet must make changes to some of its existing bus maintenance facilities to expand its ability to store and maintain the growing fleet. To allow for expansion of the Powell Garage facility, TriMet is planning to relocate the Powell LIFT paratransit operation from the Powell Garage site to the nearby Powell Park & Ride site. The need for LIFT service is also growing, and in addition to facilitating reconfiguration of the Powell garage facility, the relocation of LIFT will allow for storage of more LIFT vehicles.

At its April 2016 meeting, the Board approved Resolution 16-04-22, authorizing TriMet to execute a contract with Emerio in the amount of \$800,000 for architectural and engineering work on the Project.

The scope of work for the Project's design then increased, due to items discovered during the course of design and refinements requested by both internal and external Project stakeholders. The added work scope resulted in a need to increase the Contract amount from \$800,000 to \$925,000. The Board approved the additional work at the March 2017 Board meeting via Resolution 17-03-20.

The Project is in the construction phase and the need for design services during construction has been higher than anticipated due to unforeseen circumstances such as permit delays, jurisdictional requirements, and site conditions that differed from the original design. Staff have already authorized additional funds in accordance with the 10% overage allowance for personal service contracts allowed for in the Delegated Contracting Authority, approved by the Board at its October 2017 Meeting. With the 10% overage authorized, the current not-to-exceed amount is \$1,017,500. The changing work scope has resulted in a need to increase the Contract amount again by \$65,000 for a total not-to-exceed amount of \$1,082,500.

Emerio has performed in a satisfactory manner thus far and has worked with TriMet to solve unexpected issues as they have arisen.

**6. Procurement Process**

The contract was procured via a competitive Request for Proposals process.

**7. Diversity**

Emerio is a certified Disadvantaged Business Enterprise (DBE) and Minority Business Enterprise (MBE) in the State of Oregon. At the time of the initial Contract award, Emerio expected to be able to achieve approximately 60 percent M/W/ESB/SDV participation from both its work and subcontracting work. Currently, Emerio is achieving 43 percent M/W/ESB/SDV participation.

**8. Financial/Budget Impact**

The Project is included in the FY 2017-18 general fund budget.

**9. Impact if Not Approved**

TriMet's alternative would be to hire additional staff or procure another architecture and engineering consultant to perform design services during construction. Either alternative would be inefficient, increase Project costs, and likely impact Project schedule.

**RESOLUTION 18-04-34**

**RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH EMERIO DESIGN, LLC FOR THE POWELL LIFT RELOCATION PROJECT**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a contract modification with Emerio Design, LLC for architectural and engineering services for the Powell LIFT Relocation Project (Contract Modification); and

**WHEREAS**, the total amount of the Contract Modification shall exceed the amount previously authorized by the TriMet Board of Directors (Board); and

**WHEREAS**, the Board, by Resolution dated October 25, 2017, adopted a Statement of Policies requiring the Board to approve contract modifications that exceed the amount previously authorized by the Board;

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

1. That the Contract Modification shall be in conformance with applicable laws.
2. That the General Manager or his designee is authorized to execute the Contract Modification and increase the contract amount by \$65,000 for a total not to exceed amount of \$1,082,500.

Dated: April 25, 2018

Attest:

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Presiding Officer

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Recording Secretary

Approved as to Legal Sufficiency:

  
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Legal Department