


Date: September 27, 2023**To:** Board of Directors**From:** Sam Desue, Jr. **Subject:** **RESOLUTION NO. 23-09-48 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH DAVID EVANS AND ASSOCIATES, INC. (DEA) FOR CROSS MALL TURN BACK PROJECT DESIGN SERVICES****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 (Contract) with David Evans and Associates, Inc. (DEA) for the Cross Mall Turn Back Design Services 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

Service disruptions on the MAX system occur due to unforeseen circumstances, as well as planned maintenance and repair work. This Project is intended to reduce the duration of schedule disruptions when those events occur.

The MAX Red and Blue lines travel east on Yamhill Street and west on Morrison Street in downtown Portland. When service disruptions occur on the MAX system east of the

Willamette River, TriMet must keep eastbound trains from crossing the river into the disrupted service area and further compounding the disruption. Under such circumstances, TriMet must execute a “turnback,” i.e., switch the eastbound trains from the Yamhill Street tracks onto the westbound Morrison Street tracks, in order to maintain service. These “turnbacks” now occur at SW 1st Avenue between the Old Town/Chinatown and Skidmore Fountain Platforms.

TriMet Rail Operations Planning used MAX service modeling to assess system-wide opportunities to improve efficiency, increase on-time performance, and reduce the time it takes to recover normal schedules after a service disruption. Those opportunities were then ranked in order of which would provide the most benefit. Installing a new turnback at SW 1st Avenue between Yamhill Street and Morrison Street is the highest ranked opportunity.

The Project proposes the installation of a new turnback on 1st Avenue between Yamhill Street and Morrison Street, including associated switches, track circuits, train signals, train control, and overhead catenary, that would allow eastbound trains on Yamhill Street to move more efficiently to the westbound track on Morrison Street. The Project would facilitate MAX service during construction of the Earthquake Ready Burnside Bridge project, decrease the impact and duration of service disruptions when the Steel Bridge is out of service, and reduce the impact and duration of service disruptions associated with issues on the east side of the river. The Project also would allow for future scheduled MAX circulator service to address capacity issues on the west side of the river, when needed.

7. **Description of Procurement Process**

TriMet utilized a competitive Request for Qualifications (RFQ) process to select a design services contractor for the Project. A total of 740 vendors were notified of the RFQ via TriMet’s eProcurement System (TriP\$). The RFP was issued on May 31, 2023, with a proposal due date of June 28, 2023. A pre-proposal conference was held on June 7, 2023. Representatives from seven (7) firms attended the conference.

The only proposal TriMet received was from DEA, which anticipated relying on a diverse team of qualified subcontractors to complete the Project. TriMet believes competition was limited due to the size and scope of the Project, requiring a broad range of disciplines as well as the significantly increased utilization and demand for design services that is affecting agencies along much of the west coast. After receiving the DEA proposal, TriMet staff contacted other potential proposers to determine why they did not respond. Most firms stated they did not have the in-house capacity or capabilities to submit as a prime consultant for the Project and had attended the pre-proposal with the intent to learn more about the Project and find sub-consultant opportunities.

TriMet is required by ORS 279C.110 to utilize a Qualifications-Based Selection when selecting architects and engineers for design contracts. In a Qualifications-Based Selection procurement, the Agency must first select the most qualified firm, then negotiate a fair and reasonable price for the required professional services. Price quotations are not permitted as a consideration in the selection process.

TriMet appointed an evaluation committee (EC) to review and evaluate the proposals, which was comprised of staff from TriMet’s Engineering, Construction and Planning Division. EC members were selected based on their expertise, experience and knowledge related to the Project. The EC scored the DEA proposal in accordance with the procedures and criteria

established in the RFQ, and determined that DEA was well-qualified and did not require an interview.

DEA's scores are as follows:

Criteria	Possible Points	DEA's Score
Corporate Experience	15	14.42
Personnel Experience	35	32.83
Subcontractor and Diversity Plan	25	21.50
Work Plan and Quality Control Plan	10	8.67
Availability and Track Record	5	4.83
Cost Estimating, Cost Controls, and Value Engineering	10	8.50
TOTAL POSSIBLE POINTS	100	90.75

In accordance with a Qualifications-Based Selection, the direct labor costs and overall contract value were negotiated after selection of the contractor.

The attached Resolution authorizes the award of a five-year Contract to DEA, in an amount not to exceed \$2,550,000 for the Project. TriMet staff determined that the negotiated rates are fair and reasonable in relation to the local market for this type of work and comparison with other rates for similar services.

8. **Diversity**

DEA's total employee count is 971, and its workforce is 17.3% minority and 33.2% female. DEA anticipates using M/W/E/SDVBE firms for 20% of the work in the areas of signals and communications, noise and vibration, cost estimating, geotechnical engineering and hazard analysis.

9. **Financial/Budget Impact**

The cost of the services anticipated to occur in FY2024 is included in the FY2024 Engineering, Construction and Planning Capital Improvement Plan (CIP) budget. The budget for these services in future fiscal years is included in TriMet's five-year CIP.

10. **Impact if Not Approved**

If the Board decides not to approve this contract, TriMet could conduct another procurement. However, TriMet selected the best proposal through the RFQ process, with a diverse team of well qualified firms. Advertising the contract a second time is unlikely to lead to additional or more favorable proposals. In addition, the time spent re-procuring could lead to price escalation as well as the Project not being completed before the anticipated disruption caused by Multnomah County's Earthquake Ready Burnside Bridge Project.

RESOLUTION NO. 23-09-48

**RESOLUTION NO. 23-09-48 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A
CONTRACT WITH DAVID EVANS AND ASSOCIATES, INC. (DEA) FOR
CROSS MALL TURN BACK PROJECT DESIGN SERVICES**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with David Evans and Associates, Inc. (DEA) for the Cross Mall Turn Back Design Services 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 an amount not to exceed \$2,550,000, over the five-year Contract term.

Dated: September 27, 2023

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department