


Date: October 23, 2024

To: Board of Directors

From: Sam Desue, Jr. 

Subject: **RESOLUTION NO. 24-10-59 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT MODIFICATION WITH STACY WITBECK, INC. TO PROVIDE TRACK MAINTENANCE 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 modification (Modification) with Stacy Witbeck, Inc. (SWI) to provide track maintenance services.

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 contract Modifications obligating TriMet to pay in excess of \$1,000,000.

5. Type of Action

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

6. Background

TriMet’s MAX light rail tracks regularly require maintenance by specialized equipment that TriMet does not own or operate. There also is a very limited pool of contractors who possess this specialized equipment and the skill necessary to perform this track maintenance work. Therefore, TriMet must rely upon outside contractors to perform MAX track maintenance work such as 1) surfacing and lining, 2) dressing and distributing ballast, 3) rail welding, and 4) repairing and replacing rail-roadway at-grade crossings.

TriMet issued a Request for Proposal (RFP) in June 2023 and received two proposals: One from SWI and one from Raimore Construction. After proposal review and scoring, both proposals were determined to be high quality and in the best interests of TriMet. Therefore, on August 3, 2023, TriMet executed a contract with SWI in the amount of \$800,000 for mechanized track maintenance work, and executed a similar contract with Raimore.

On May 8, 2024, the SWI contract was modified to add \$192,000 in order to accomplish track realignment and de-stressing rail due to summer heat. These added funds were necessary to resolve the need for slow orders and restore normal operating conditions on Blue Line and Red Line by the end of summer.

As of September 15, 2024, the modified contract amount has nearly been expended, and SWI completed the originally anticipated work ahead of schedule. However, TriMet expects that an additional \$3,000,000 of mechanized track maintenance work will be needed over the next two years at additional locations, in order to keep our MAX track infrastructure running safely and reliably. This additional State of Good Repair work includes de-stressing rail, repairing special track work, and additional rail-roadway at-grade crossing repair and replacement, along with ongoing surfacing and lining, dressing and distributing ballast, and rail welding.

As shown below, this Resolution would authorize a contract Modification with SWI to increase the amount of the contract by \$3,000,000. This additional funding would allow TriMet to schedule this work for completion by the contract’s October 2026 termination date.

Base Contract	\$800,000
Modification 1	\$192,000
Subtotal	\$992,000
Amount Authorized by this Resolution No. 24-10-59	\$3,000,000
Total Amount of Modified Contract	\$3,992,000

7. Description of Procurement Process

A competitive Request for Proposals (RFP) process was used to select SWI.

8. Diversity

SWI’s total employee count is 865, and its workforce is 30% minority and 15% female. SWI will self-perform the majority of the security services provided under the Modification.

9. Financial/Budget Impact

The mechanized track maintenance services are included in the FY 2025 Maintenance Division budget.

10. Impact if Not Approved

Although TriMet could terminate the SWI contract and then obtain bids to complete the remaining work, doing so would not be likely to result in a reduced price or greater efficiency, and could increase costs due to mobilization of a new contractor and possible out-of-state scheduling and coordination. Further, SWI has performed well under this contract, and continued negotiation of “open book” side-by-side comparison of cost estimates will ensure fair and reasonable pricing. The approval of this Resolution will ensure that this critical work maintains its current schedule for completion in the summer of 2026.

RESOLUTION NO. 24-10-59

**RESOLUTION NO. 24-10-59 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A
CONTRACT MODIFICATION WITH STACY WITBECK, INC. TO PROVIDE
TRACK MAINTENANCE SERVICES**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract modification (Modification) with Stacy Witbeck, Inc. (SWI) for track maintenance services; 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 approve contract Modifications that obligate TriMet to pay in excess of \$1,000,000; and

NOW, THEREFORE, BE IT RESOLVED:

1. That the Modification shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute a Modification of the SWI contract, increasing the total contract amount from \$992,000 to \$3,992,000, through the October 2026 termination date of the Modification.

Dated: October 23, 2024

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department