

**Date:** January 23, 2013

**To:** Board of Directors

**From:** Neil McFarlane

**Subject: RESOLUTION 13-01-06 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH PB AMERICAS, INC. FOR FINAL DESIGN SERVICES AND DESIGN SERVICES DURING CONSTRUCTION FOR OPERATION AND MAINTENANCE FACILITY EXPANSION FOR THE PORTLAND-MILWAUKIE LIGHT RAIL PROJECT**

---

**1. Issue or Purpose of the Item.**

The purpose of this item is to request that the TriMet Board of Directors (“Board”) approve a resolution authorizing the General Manager to execute a modification to the contract with PB Americas, Inc. (“PB”) for final design services and design services during construction in support of the Operations and Maintenance Facility Expansion for the Portland-Milwaukie Light Rail Project (“Project”).

**2. Reason for Board Action.**

Board authorization is required because the proposed modification increases the contract amount beyond the amount originally authorized by the Board.

**3. Background.**

At its March 2011 meeting, the Board approved Resolution 11-03-17, authorizing TriMet to execute a contract with PB for final design services and design services during construction in support of the Operations and Maintenance Facility Expansion for the Project. The contract with PB was awarded via a competitive Request for Proposal (“RFP”) process, and covered the maintenance facility expansion that is required for the Project. The contract included an option for supplying a Resident Engineer during construction.

Originally, TriMet planned to utilize its own staff to perform these services. However, it was determined that using a consultant for this work would be preferable given the short-term nature of the assignment and the fact that current TriMet staff has a full workload at this time. Because TriMet staff had been expected to perform this work, its cost was included within TriMet’s staffing budget for the expansion work. That budget will instead be used to fund PB’s services.

PB has strong experience in design and management for major construction projects, and has performed very well thus far during final design. TriMet now intends to execute the option for a Resident Engineer during construction.

Provision of these services via a consultant will supplement TriMet staff, and PB is best suited to perform this work because of its extensive involvement in and knowledge of the final design and construction specifications for the Ruby Junction expansion. PB will provide staff to ensure that construction work conforms to the drawings and specifications, to assist TriMet in the management of construction, and to represent TriMet's interests in day-to-day interfaces with the Contractor.

The proposed modification would increase the contract amount by \$700,000, from \$3,265,178 to \$3,965,178. The modification amount is less than TriMet's independent cost estimate, and is within TriMet's budget for this work. TriMet will pay for these services from Project funds.

Work under the contract will be managed by individual task orders for discrete items of work, thereby affording TriMet management the best opportunity to monitor work progress and to control final costs.

PB is currently achieving Disadvantaged Business Enterprise ("DBE") participation of 16 percent for its work, and is on track to continue to do so.

#### **4. Options.**

TriMet's options are limited to re-procuring the work or performing the work itself, without the assistance of an engineering firm. The first option is not desirable because there was excellent competition for the contract and TriMet has negotiated a contract price that it believes is fair and reasonable based upon the scope of work. A new procurement is not likely to result in a more favorable result. The second option is not feasible due to the highly specialized nature and large volume of engineering work on the Project.

#### **5. Recommendation.**

The General Manager recommends that the Board approve the Resolution.

**RESOLUTION 13-01-06**

**RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO A CONTRACT WITH PB AMERICAS, INC. FOR FINAL DESIGN SERVICES AND DESIGN SERVICES DURING CONSTRUCTION FOR OPERATIONS AND MAINTENANCE FACILITY EXPANSION FOR THE PORTLAND-MILWAUKIE LIGHT RAIL PROJECT**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a contract modification with PB Americas, Inc. for final design services and design services during construction for the Operations and Maintenance Facility expansion for the Portland-Milwaukie Light Rail Project (“Modification”); and

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

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

**NOW, THEREFORE, IT IS HEREBY RESOLVED:**

1. That the Modification shall be in conformance with applicable laws.
2. That the General Manager or his designee is authorized to execute the Modification.

Dated: January 23, 2013

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

Attest:

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

Approved as to Legal Sufficiency:

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