

Date: January 27, 2016
To: Board of Directors
From: Neil McFarlane *Neil McFarlane*
Subject: RESOLUTION 16-01-05 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH OTAK, INC. FOR SURVEY, RIGHT OF WAY MAPPING, AND GIS INTEGRATION 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 OTAK, Inc. for survey, right of way mapping, and GIS integration 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 1st Reading
- Ordinance 2nd Reading
- Other _____

5. Background

As part of the Portland-Milwaukie Light Rail Project (“Project”), TriMet acquired a significant amount of property necessary to construct the various Project elements. These included property to be retained by TriMet for the permanent operation of the light rail line, but also property used to construct streets, sidewalks, and public utility rights of way, and some property that ended up being excess to the Project.

With construction of the Project now complete, TriMet needs to legally transfer some of the newly-constructed street, sidewalk, and public utility rights of way to the appropriate local jurisdictions, as well as dispose of remainder parcels of land that are no longer needed for the Project. Survey and legal description work is needed to support these normal project close-out activities.

In addition, TriMet is also legally required to file surveys with both Multnomah and Clackamas counties for post-construction monumentation, and to replace any survey monuments that were destroyed during Project construction. Under this contract, OTAK would perform these necessary Project closeout services, as well as assist TriMet in properly integrating right of way maps and survey data into its existing geographic information system and computer aided design system.

6. Procurement Process

On November 11, 2015, TriMet issued a Request for Proposals (“RFP”) for these services. The RFP sought firms with survey and mapping expertise of similar scale. The RFP sought qualifications of the firm and key individual experience, work plan, diversity plan, the availability of key personnel in Portland, and cost estimating and cost controls.

This procurement was subject to the Brooks Act, also known as Qualifications-Based Selection. Qualifications-Based Selection is a procurement process which is utilized when selecting architects, engineers, and other professional services. In Qualifications-based Selection 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.

TriMet appointed an evaluation committee (“EC”) to review and evaluate the proposals, which was comprised of staff from TriMet’s Capital Projects division, and office of Diversity and Transit Equity. EC members were selected based on their expertise, experience and knowledge related to the Project.

On December 4, 2015, TriMet received one proposal, from OTAK. The RFP was widely distributed via TriMet’s Ebid system to well over 300 firms, including some plan centers. Ten firms attended the pre-proposal meeting, including four firms that were potential prime contractors. At the conclusion of the process, TriMet requested feedback from firms that expressed interest in the work but did not propose. The responses indicate that, in this busy market, some firms felt they did not have sufficient resources to provide a thorough proposal in response to the RFP, and also might have difficulty adequately staffing the work if awarded the contract. Staff also believes that other potential proposers may have viewed OTAK, which had a contract to perform legal description services during the Project, as a very strong proposer and elected not to pursue this contract.

When only one proposal is received, TriMet may cancel the procurement if it determines that the proposer is not qualified. In this instance, the EC determined that OTAK was well qualified. After evaluating the proposal, OTAK’s scores were as follows:

Firm	Possible Points	OTAK
Corporate Experience	20	18
Personnel Experience	40	34
Work Plan / Diversity Plan	25	23
Availability in Portland	10	10
Cost Estimating and Controls	5	3
Total Score	100	88

Accordingly, TriMet proposes to award a contract to OTAK.

7. Diversity

OTAK indicated that it expects to be able to achieve approximately 12 percent Disadvantaged Business Enterprise (“DBE”) participation on this contract from subcontracting work such as field survey, mapping, and post-construction monumentation, and has chosen two DBE firms and one Minority /Women/Emerging Small Business (“M/W/ESB”) firm to be members of its team. During its recent work on the Project, OTAK achieved a 15 percent DBE participation rate, and also received commendations from TriMet staff for its efforts to provide mentoring services to a DBE survey and mapping subcontractor.

8. Financial/Budget Impact

The majority of the work under this contract is included in the Project budget, with a small portion being paid for by the Real Property capital budget for fiscal year 2015-16. In accordance with Qualifications-Based Selection, the direct labor costs and overall contract value were negotiated after selection of the contractor. TriMet staff has determined that the negotiated rates are fair and reasonable, in relation to the local market for this type of work. The attached Resolution authorizes the award of a contract in an amount not to exceed \$450,000 for the work.

9. Impact if Not Approved

TriMet’s alternative would be to hire additional staff to complete the work. This option is not preferred because procurement of this contract requires highly specialized expertise and addresses a short term staffing need that will not exist after this work is complete.

RESOLUTION 16-01-05

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH OTAK, INC. FOR SURVEY, RIGHT OF WAY MAPPING, AND GIS SERVICES

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with OTAK, Inc. for survey, right of way mapping, and GIS services (“Contract”); and

WHEREAS, the total amount of the Contract is expected to exceed \$150,000; 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 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 or his designee is authorized to execute the Contract.

Dated: January 27, 2016

Attest:

Presiding Officer

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department