

Date: June 27, 2018

To: Board of Directors

From: Doug Kelsey

Subject: RESOLUTION 18-06-52 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PORTLAND FOR DESIGN AND CONSTRUCTION SERVICES FOR THE PORTLAND-MILWAUKIE LIGHT RAIL PROJECT TO ADD WORK ON THE GIDEON OVERCROSSING

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 intergovernmental agreement (IGA) with the City of Portland for design and construction management services for the Portland-Milwaukie Light Rail Transit Project (PMLR Project) to add work on the Gideon Overcrossing.

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other _____

3. Reason for Board Action

Board approval is required because this modification will increase the value of the IGA beyond the amount previously authorized by the Board.

4. Type of Action

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

5. Background

This modification to the IGA is to allow TriMet to compensate the City of Portland for its staff time spent working with TriMet on the design and construction of the Gideon Overcrossing, which will be a new accessible pedestrian and bicycle bridge over the Union Pacific Railroad and TriMet MAX tracks between SE 14th Avenue and SE 13th Place near the Clinton Station. This overcrossing will replace the original pedestrian bridge, which was removed for

construction of the PMLR Project, and will restore an important connection between the Southeast Portland Hosford Abernathy and Brooklyn neighborhoods.

At its May 23, 2018 meeting, the Board approved Resolution 18-05-43, authorizing TriMet to enter into a contract with Stacy and Witbeck, Inc., for Construction Manager/General Contractor Services for the Gideon Overcrossing. The overcrossing was originally expected to be constructed as part of the PMLR Project, but was deferred in 2010 when federal funding for the PMLR Project came in below expectations. However, with the strong support of the surrounding community and the City of Portland, TriMet successfully secured approval from the Federal Transit Administration to construct the new overcrossing, utilizing remaining PMLR Project funds. Once completed, the City of Portland will be the owner, operator, and maintainer of the Gideon Overcrossing.

Since the City will own the overcrossing, significant City of Portland staff input and assistance is being provided regarding its design and construction. The IGA between TriMet and the City of Portland, as modified over the course of the PMLR Project, authorized TriMet to pay up to \$14,955,602 for City of Portland staff services during the entirety of PMLR Project design and construction. This Modification to the IGA would increase the amount of the IGA by \$262,125 to \$15,217,727, to allow City of Portland staff to perform work associated with the design and construction of the Gideon Overcrossing.

6. Procurement Process

TriMet has negotiated the amount of the modification with the City of Portland.

7. Financial/Budget Impact

The cost of the work is included in the PMLR Project budget.

8. Impact if Not Approved

The City will own, operate, and maintain the Gideon Pedestrian Crossing once construction is complete, and construction will occur in part in City right of way. Therefore, City staff input, assistance, and support during the design and construction phase is required. Further, design and construction services IGAs with local jurisdictions are the typical method utilized to identify the scope of design and construction services that TriMet and the local jurisdiction will provide to the Project. In the event the resolution was not approved, TriMet would not be able to reimburse the City for staff time spent working on the Gideon Crossing portion of the PMLR Project.

RESOLUTION 18-06-52

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PORTLAND FOR DESIGN AND CONSTRUCTION SERVICES FOR THE PORTLAND-MILWAUKIE LIGHT RAIL PROJECT TO ADD WORK ON THE GIDEON OVERCROSSING

WHEREAS, TriMet has authority under ORS 267.200 and ORS Chapter 190 to enter into a modification to the intergovernmental agreement with the City of Portland for design and construction services for the Portland-Milwaukie Light Rail Transit Project (Modification); and

WHEREAS, the Board of Directors (Board), by Resolution dated October 25, 2017, adopted a Statement of Policies requiring the Board to approve intergovernmental agreements obligating TriMet to pay in excess of \$1,000,000; and

WHEREAS, the total amount of the Modification shall exceed the amount previously authorized by the Board;

NOW, THEREFORE, BE IT 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 in an amount not to exceed \$262,125 for a total not to exceed amount of \$15,217,727.

Dated: June 27, 2018

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department