

Date: February 23, 2022

To: Board of Directors

From: Sam Desue, Jr.

Subject: RESOLUTION NO. 22-02-08 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH NORTHWEST TESTING INC. FOR GEOTECHNICAL INSPECTION SERVICES FOR THE POWELL GARAGE REPLACEMENT PROJECT

1. Purpose of Item

This Resolution requests that the TriMet Board of Directors (Board) authorize the General Manager or his designee to execute a modification to the contract with Northwest Testing Inc. (NTI) for Geotechnical Inspection Services for the Powell Garage Replacement Project (Modification).

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other _____

3. Reason for Board Action

Board approval is required when a contract Modification exceeds the contract amount originally authorized by the Board.

4. Type of Action

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

5. Background

The Powell Garage Replacement Project (Project) began in late 2016. When completed, the Project will provide a new and larger garage, articulated fleet facilities, bus electrification facilities, dramatically increased bus storage and maintenance capacity, new fuel and wash facilities, and improved operator accommodations and employee parking. To date, the existing garage structure has been demolished, and completion of the new Fuel and Wash and Phase 1 of the project is already in use.

Good engineering and construction practices and the permit from the City of Portland require TriMet to obtain specified professional geotechnical and pavement inspections and testing through the end of construction for the Powell Garage Replacement Project (Project).

In September of 2018, TriMet entered into a \$500,000 contract with Northwest Testing, Inc. (NTI), as the Geotechnical Engineer of Record for the Project's required inspections and testing. Due in part to the careful process required to construct foundations over demolition and old utility installations and disturbed soils, NTI's scope of work includes periods of full-time observations during the excavation and preparation of footing subgrades, fresh properties testing of plain concrete pavement placements, as well as monitoring and testing of asphaltic concrete placement. The scope of work also includes inspection and testing of all site fills, trench and wall backfill, foundation subgrade preparation, and compacted slab base aggregate.

The Project has been delayed by approximately one year and the Project completion date extended to February 2023. As a result, the number of days needed for geotechnical testing and inspections also have been extended, and additional funds are needed to conduct the remaining geotechnical inspections from February of 2022 through the October 2022 end of construction.

6. **Description of Procurement Process**

The contract was procured through a Sole Source Justification in September of 2018.

7. **Diversity**

NTI's current workforce consists of 5% female and 29% minority employees, who are self-performing all services under this contract.

8. **Financial/Budget Impact**

The Modification will increase NTI's contract from \$500,000 to a total contract amount of \$600,000, which is within TriMet's construction budget for the Project. NTI bills the Project only for time and materials, up to the total amount of the Modification.

9. **Impact if Not Approved**

Reliance on a professional Geotechnical Engineer of Record for inspections of geotechnical and pavement elements is necessary for a Project of this nature and is a requirement of the building permit granted for the Project by the City of Portland. Without the approval of the Modification, TriMet would not be able to proceed with the necessary geotechnical inspections, which could result in a failure to identify safety hazards and/or the loss of the Project's building permit.

RESOLUTION NO. 22-02-08

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TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A
MODIFICATION TO THE CONTRACT WITH NORTHWEST TESTING INC.
FOR GEOTECHNICAL INSPECTION SERVICES FOR THE POWELL
GARAGE REPLACEMENT PROJECT**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract modification (Modification) with Northwest Testing, Inc. for Powell Garage Replacement Project Geotechnical Inspection Services; and

WHEREAS, by Resolution dated October 25, 2017, the TriMet Board of Directors (Board) adopted a Statement of Policies requiring the Board to authorize personal services contracts obligating TriMet to pay in excess of \$500,000;

WHEREAS, the total amount of the Modification exceeds the contract amount originally authorized by the Board;

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 to the contract to increase the total maximum amount from \$500,000 to \$600,000 through the contract's October 2022 expiration date.

Dated: February 23, 2022

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:

Gregory E. Skillman

Legal Department