

**Date:** December 11, 2024

**To:** Board of Directors

**From:** Sam Desue, Jr.

**Subject: RESOLUTION NO. 24-12-68 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH STACY WITBECK, INC. FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) SERVICES FOR THE MAX STATION REHABILITATION 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 contract with Stacy Witbeck, Inc. (SWI) for Construction Manager/General Contractor (CM/GC) Services (Contract) for the MAX Station Rehabilitation Project (Project).

**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) (incl. CM/GC)
- Request for Qualifications (RFQ) (Personal Services)
- Other (incl. sole source)

**4. Reason for Board Action**

In accordance with Resolution No. 24-03-22, which exempted this Contract from competitive bidding requirements, TriMet solicited a best value Request for Proposals and now requests the Board’s approval of a Contract for Preconstruction Services and Early Work Package with the recommended CM/GC contractor.

**5. Type of Action**

- Resolution
- Ordinance 1<sup>st</sup> Reading
- Ordinance 2<sup>nd</sup> Reading
- Other \_\_\_\_\_

**6. Background**

The eastside MAX Blue Line stations were built in 1986, and have now been in service for over 30 years. Existing station facilities are in need of upgrades and rehabilitation to bring them up to a state of good repair so that they meet current TriMet safety, security and

aesthetic standards. Previously, the Blue Line Station Rehabilitation (BLSR) Program accomplished upgrades at several Blue Line stations in Portland's eastside, including the NE 122<sup>nd</sup> Avenue, NE 162<sup>nd</sup> Avenue, and Gresham City Hall MAX Station platforms.

On February 27, 2019, via Resolution No. 19-02-15, the Board authorized a CM/GC contract for the BLSR Program. Because funding for the Program relied only on TriMet general funds, the CM/GC contract was issued without certain provisions required for federal contracts.

TriMet now has been awarded \$3,000,000 in federal grant funds, to which TriMet will match \$1,700,000 in local funds, in order to rehabilitate the NE 82<sup>nd</sup> Avenue MAX Station. These funds are intended to cover design, construction, and project administration costs for the scope of work. Due to the use of federal grant funds, TriMet must enter into a new CM/GC contract for this work that includes required federal contract language.

TriMet intends to rehabilitate the NE 82<sup>nd</sup> Avenue MAX Blue Line Station as the first of three renovations of grade-separated stations along the Blue Line's Banfield alignment. Should future budgets allow, TriMet intends to utilize the same contractor to renovate the NE 60<sup>th</sup> Avenue and Hollywood/NE 42<sup>nd</sup> Avenue MAX stations. Therefore, TriMet seeks a CM/GC services contractor for the work at the NE 82<sup>nd</sup> Avenue MAX Station, and potentially for work at the NE 60<sup>th</sup> Avenue and Hollywood/NE 42<sup>nd</sup> Avenue MAX stations.

For this type of complex Project, reliance on an experienced CM/GC services contractor is generally most effective and efficient. The CM/GC must be able to assist with the final completion of design; perform constructability reviews; contribute to cost certainty; provide advice on construction staging, phasing and access requirements to minimize impacts to customers; and coordinate with all stakeholders to ensure a successful construction process while minimizing the risk of unplanned impacts to transit operations.

## **7. Description of Procurement Process**

On March 27, 2024, the Board approved Resolution No. 24-03-22, which exempted procurement of this CM/GC services contract from ordinary low bid requirements, and allowed TriMet to issue a Request for Proposals (RFP) for a best value contract. TriMet issued an RFP on September 13, 2024, and advertised it on TriMet's TriP\$ website and in the Daily Journal of Commerce. A September 23, 2024 pre-proposal meeting was attended by three (3) interested firms. In response to the RFP, TriMet received one (1) proposal from SWI.

Since only one proposal was received, TriMet's Contract Administrator contacted the other two potential contractors who attended the pre-proposal conference on September 23, 2023, to determine why they did not submit proposals. One contractor stated that it would be better suited as a subcontractor to perform the work after the pre-construction process, and the other contractor was awarded a different CM/GC contract with TriMet and felt its focus should be on the project it already had been awarded.

An Evaluation Committee (EC) consisting of staff from TriMet's Engineering & Construction and Maintenance divisions was appointed to review, evaluate and score the SWI proposal.

The evaluation criteria in the RFP included:

- Proposer Experience/Past Performance,
- Proposed Project Team.
- Draft Project Approach, Work Plan, and Schedule,
- Draft Contracting Plan and DBE Program,
- Project Management, and
- Price.

After evaluation of the technical proposals, the EC determined that SWI was in the competitive range for Contract award. Initial scoring is summarized on the following table.

<b>Proposer:</b>	<b>SWI</b>
<b>A. Proposer Experience and Past Performance (10 points)</b>	9.33
<b>B. CM/GC Project Team Staff (35 points)</b>	31.67
<b>C. Draft Project Approach, Work Plan &amp; Schedule (50 points)</b>	43.33
<b>D. Draft Contracting Plan and DBE Program (40 points)</b>	27.33
<b>E. Project Management (25 points)</b>	23.67
<b>Total Technical Score . . .</b>	<b>135.33</b>
<b>F. Price (40 points)</b>	40
<b>Total Score (200 points possible)</b>	<b>175.33</b>

TriMet interviewed SWI on October 25, 2024, and subsequently requested a revised proposal from the firm. Following receipt of the revised proposal on October 31, 2024, the EC reviewed the scoring, determined that SWI provided the best value to TriMet, and recommended that SWI be awarded the Contract. A summary of final scores is shown in the table below:

<b>Proposer:</b>	<b>SWI</b>
<b>A. Proposer Experience and Past Performance (10 points)</b>	9.33
<b>B. CM/GC Project Team Staff (35 points)</b>	31.67
<b>C. Draft Project Approach, Work Plan &amp; Schedule (50 points)</b>	45
<b>D. Draft Contracting Plan and DBE Program (40 points)</b>	27.33
<b>E. Project Management (25 points)</b>	23.67
<b>Total Technical Score . . .</b>	<b>137.00</b>
<b>F. Price (40 points)</b>	40
<b>Total Score (200 points possible)</b>	<b>177.00</b>

The pricing provided by SWI was deemed fair and reasonable. SWI’s price for Pre-Construction Services is \$82,803, which is comparable with TriMet’s Independent Cost Estimate.

In addition, SWI identified early work items that can be completed ahead of construction. These items include site investigations that will facilitate the final design and cost estimation. The Early Work Package amount is not to exceed \$10,000.

The Project will consist of rehabilitating three (3) grade-separated MAX stations: initial work at the NE 82<sup>nd</sup> Avenue MAX Station, and future work at the NE 60<sup>th</sup> Avenue and Hollywood/NE 42<sup>nd</sup> Avenue MAX Stations. However, this Resolution seeks Board authority

only for Pre-Construction Services and Early Work Package for the NE 82<sup>nd</sup> Avenue MAX Station.

TriMet will continue to negotiate the Total Contract Price (TCP) for the NE 82<sup>nd</sup> Avenue MAX Station part of the Project and return to the Board for authorization of the TCP when it has been negotiated. TriMet will seek additional Board authority for the future work at the NE 60<sup>th</sup> Avenue and Hollywood/NE 42<sup>nd</sup> Avenue MAX Stations.

	Board Authorization
Pre-Construction Services	\$82,803
Early Work Package	\$10,000
Total	\$92,803

**8. Diversity**

SWI has 752 employees, of whom 17.6% are women and 36.4% minority. SWI intends to use Disadvantaged Business Enterprises (DBEs) for 15% of the construction work on the Project.

**9. Financial/Budget Impact**

The \$92,803 amount for the Project's Pre-Construction Services and Early Work Package is included in the Engineering & Construction Division's FY2025 Budget.

**10. Impact if Not Approved**

If the Board decides not to approve this Resolution, TriMet could re-procure the CM/GC Contract. However, TriMet received only one response through the RFP process and advertising a second time is unlikely to lead to additional or more favorable proposals. In addition, SWI is well qualified to perform this work, which must begin soon in order for the Project to stay on schedule with both design and construction, and meet federal grant requirements.

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TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING  
A CONTRACT WITH STACY WITBECK, INC. FOR CONSTRUCTION  
MANAGER/GENERAL CONTRACTOR (CM/GC) SERVICES FOR THE  
MAX STATION REHABILITATION PROJECT**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a contract (Contract) with Stacy Witbeck, Inc. (SWI) for Construction Manager/General Contractor (CM/GC) services for the MAX Station Rehabilitation Project; and

**WHEREAS**, by Resolution No. 24-03-22, dated March 27, 2024, the TriMet Board of Directors (Board) authorized an exemption from low bid contract procurement requirements for the Project; and

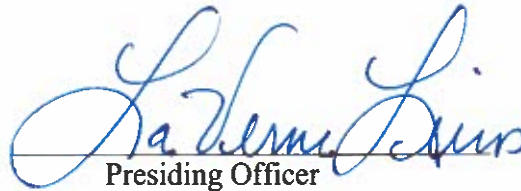
**WHEREAS**, TriMet has solicited a best value Request for Proposals and selected SWI as the CM/GC services contractor for the Project; and

**WHEREAS**, the Board wishes to approve the award of the Contract and authorize the Pre-Construction Services and Early Work Package in the amount of \$92,803;

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the Contract shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute the Contract in the amount of \$92,803, through the Project's anticipated completion date of December 2029.

Dated: December 11, 2024

  
Presiding Officer

Attest:

  
Recording Secretary

Approved as to Legal Sufficiency:

  
Legal Department