

**Date:** September 16, 2015

**To:** Board of Directors

**From:** Neil McFarlane *Neil McFarlane*

**Subject:** RESOLUTION 15-09-61 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH LANDSCAPE FORMS, INC. FOR FABRICATION OF PORTLAND-MILWAUKIE LIGHT RAIL PROJECT PASSENGER SHELTERS

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**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 Landscape Forms, Inc. (“LFI”) for the fabrication of 14 passenger shelters for the Portland-Milwaukie Light Rail Project (“PMLR Project”).

**2. Type of Agenda Items**

- Initial Contract
- Contract Modification
- Other \_\_\_\_\_

**3. Reason for Board Action**

Board approval is required for goods and services contracts obligating TriMet to pay in excess of \$500,000.

**4. Type of Action:**

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

**5. Background**

The PMLR Project includes 10 stations along its 7.3 mile length. The original design of the Project included 30 platform shelters at those 10 stations. Prior to final design, the Federal Transit Administration (“FTA”) informed TriMet that the federal funding share of the PMLR Project would be reduced from 60 percent to 50 percent. As a result, TriMet engaged in a process called “recalibration,” which included increasing the local funding share of the PMLR Project and also reducing project costs by eliminating and deferring various elements with the understanding that if the project was completed under budget, with FTA’s approval some of these items might be added back. Among the things deferred from the PMLR Project were 14 of the planned 30 passenger shelters. The in-ground infrastructure for these

passenger shelters remained in the PMLR Project scope to facilitate later addition if funding could be obtained.

As it became apparent that the PMLR Project would be completed under budget, TriMet requested that FTA approve funding allowing the 14 deferred passenger shelters to be added back to the PMLR Project. In March 2015, FTA approved this request.

At its July 2012 meeting, the Board passed Resolution 12-07-65 authorizing a contract with LFI for final design and fabrication of station amenities for the PMLR Project. Station amenities included shelters, signage, graphics, seating, emergency telephones and other items on the station platforms. LFI was awarded this contract pursuant to a competitive Request for Proposals process. Under that original contract, LFI designed and fabricated the 16 passenger shelters that are currently installed on the PMLR Project. LFI's work under its original contract is complete, and has been excellent.

## **6. Procurement Process**

This Resolution would authorize TriMet to enter into a sole source contract with LFI in an amount not to exceed \$1,412,536 to fabricate the remaining 14 shelters that are being added back to the PMLR Project, plus a change order allowance of 10 percent of the contract price (\$141,253). By entering into a contract with LFI for the additional shelters, TriMet minimizes risk and expense while maintaining the high standards of quality and detailing in the design and fabrication process established by LFI in its work on the original 16 shelters. These shelters are the result of an extensive ten-month design and detailing process by LFI, working closely with TriMet staff. LFI was initially selected because they had design, engineering, and fabrication skills that made them especially qualified to produce the custom shelters required by TriMet. The design details are fabricator-specific, and attempting to re-create these shelters with another fabricator would be extremely difficult and would increase the risk of compatibility issues at the platforms where infrastructure has been installed to accommodate LFI's shelter design, and could lead to maintenance inconsistencies in future years. Furthermore, LFI has, with the exception of a small cost increase for materials, agreed to provide the shelters at the same unit prices established in 2012.

This contract will be issued consistent with FTA guidelines for entering into sole source contracts.

## **7. Diversity**

Due to the nature of these services, the work under this contract is very specialized and subcontracting opportunities are limited. Nonetheless, TriMet requested that LFI review its comprehensive manufacturing and material supply chain and identify potential Disadvantaged Business Enterprise ("DBE") subcontracting opportunities. LFI did so, and reached out to several potential DBE subcontractors, but was unable to find any DBE firms to perform work under the contract.

TriMet will procure a separate contract for the installation of these shelters. TriMet expects that the installation contract will provide contracting opportunities for DBE firms.

**8. Financial/Budget Impact**

This contract is included in the PMLR Project budget.

**9. Impact if Not Approved**

If not approved, TriMet would enter into a competitive RFP process to design and fabricate shelters that are consistent with the shelters designed and fabricated by LFI under its original contract. Given that LFI provided the original shelters for the PMLR Project, it is unlikely that other firms would compete for this work. Such a process would also add risk and expense.

**RESOLUTION 15-09-61**

**RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH LANDSCAPE FORMS, INC. FOR FABRICATION OF PORTLAND-MILWAUKIE LIGHT RAIL PROJECT PASSENGER SHELTERS**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a contract with Landscape Forms, Inc. for Fabrication of Portland-Milwaukie Light Rail Project Passenger Shelters (“Contract”); and

**WHEREAS**, the total amount of the Contract shall exceed \$500,000; and

**WHEREAS**, the TriMet Board of Directors (“Board”), by Resolution dated November 25, 2009, adopted a Statement of Policies requiring the Board to approve goods and services contracts obligating TriMet to pay in excess of \$500,000;

**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.
3. That the General Manager or his designee is authorized to execute change orders in an amount not to exceed \$141,253.

Dated: September 16, 2015

Attest:

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

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Recording Secretary

Approved as to Legal Sufficiency:

  
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Legal Department