

Date: June 26, 2013

To: Board of Directors

From: Neil McFarlane

Subject: **RESOLUTION 13-06-43 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH PIVOT ARCHITECTURE, PC FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR TRIMET FACILITIES**

1. Issue or Purpose of the 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 contract with PIVOT Architecture, PC (“PIVOT”) for architectural, engineering, and related services for multiple projects associated with TriMet facilities (the “Moving Together Program”).

2. Reason for Board Action.

Board authorization is required because the proposed modification increases the contract amount beyond the amount originally authorized by the Board.

3. Background.

At its August 8, 2011 meeting, the Board approved Resolution 11-08-55, authorizing TriMet to execute a contract with PIVOT in the amount of \$4,282,000 for architectural, engineering, and related services for the multiple projects associated with TriMet’s facilities as a result of the Portland-Milwaukie Light Rail Transit Project (“Project”). The contract with PIVOT was awarded via a competitive Request for Proposal (“RFP”) process. As part of the RFP process, proposals were evaluated and scored based on each proposer’s qualifications to perform design work and construction phase services. The contract with PIVOT is a task order based contract, and includes scopes of work for both architectural services and for design services during construction (“DSDC”).

Under this contract, PIVOT was tasked with design of the Harrison Square office remodel, the Center Street building remodel (floors 2-4), Center Street parking changes, the Operations Command and Control Center, and a relocated facilities management building. PIVOT is also responsible for design services during construction for these tasks.

Since the initiation of the contract, a number of additional design services have been required. These include:

- New Building for Facilities Management and Maintenance of Way. TriMet originally planned to repurpose an existing building acquired for the Project for use by the

Facilities Management and Maintenance of Way groups. Subsequent building inspections raised significant structural concerns related to the foundation and ceiling trusses of the existing building. As result, PIVOT will design a new building on the site.

- **Additional Maintenance Upgrades to Center Street Building.** Initially, TriMet planned to replace about 20 percent of the windows at the Center Street building. Upon further inspection, it became clear that all the windows were at the end of their useful lives and it would be cost effective and less disruptive to replace these windows, fill cracks and paint the building at this time while Project changes were being made. Additionally, unplanned upgrades were necessary to the fire suppression, plumbing and electrical systems. Additional design was required for these scope increases.
- **First Floor Remodel.** TriMet requested additional design services to improve and reorganize the first floor of the Center Street building, including the bus operator report area, the lobby and the east entrance.
- **Interim Move to Modular Buildings.** TriMet initially planned that staff located on the first floor of the Center Street building would be able to remain in the building during construction. However, with the replacement of windows, additional building systems upgrades and the proposed remodel of the first floor, it was determined that it would be less disruptive overall to move bus operators into temporary modular facilities adjacent to the Center Street building. PIVOT is responsible for the design of these temporary modular buildings.
- **Parking lots.** TriMet initially had not included a new parking lot on Union Pacific property, but through negotiations with Union Pacific on other Project-related transactions, this property was made available to TriMet to address parking shortages at the Center Street facility. PIVOT was tasked with design of the new lot. Additionally, PIVOT was asked to modify the design of a lot to preserve existing drywell systems, thereby lowering the construction cost of connecting to the City of Portland's storm system.
- **Audiovisual and Low Voltage Expertise.** PIVOT is providing audiovisual and low voltage expertise needed for Harrison Square and the Center Street building

The table below summarizes the costs for these additional design services.

Changed or added services	Amount
Facilities management and maintenance of way building	\$369,000
Additional maintenance upgrades to Center	\$520,000
First floor remodel	\$476,800
Interim move to modular buildings	\$56,200
Parking lots	\$300,000
Audiovisual and low voltage expertise	\$100,000
Total	\$1,822,000

PIVOT has performed its responsibilities very well thus far. TriMet requires the continuation of these architectural services to ensure timely completion and high quality results. PIVOT is best suited to perform this work because of its extensive knowledge of the design and construction details for the Center Street and Maintenance of Way buildings. PIVOT is currently achieving 22 percent DBE participation.

TriMet will continue to authorize and manage PIVOT's work via the issuance of task orders, which will include a detailed scope of services and a not-to-exceed budget.

This proposed modification increases the contract amount by up to \$1,822,000, which is within 2 percent of TriMet's independent cost estimate of \$1,779,505. The new total authorized contract amount will be \$6,104,000.

Funds for the additional services will come from the existing budgets assigned to the Moving Together program being managed as part of the Project.

4. Options.

Additional options are limited to TriMet performing the work itself or seeking the services of another architecture firm. The first option is not feasible due to the highly specialized nature and volume of this work. The second option is not preferred because PIVOT was selected via a competitive process and has performed very well thus far. Additionally, PIVOT possesses significant experience and familiarity with the Project based on its work to date, and such experience would be difficult to replicate. Selection of another architect at this point in the project would compromise the completion of these tasks as scheduled.

5. Recommendation.

The General Manager recommends approval of the Resolution.

RESOLUTION 13-06-43

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH PIVOT ARCHITECTURE, PC FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR TRIMET FACILITIES

WHEREAS, TriMet has authority under ORS 267.200 to enter into a modification to the contract with PIVOT Architecture, PC for Architectural and Engineering Services for TriMet Facilities (“Modification”); and

WHEREAS, the total amount of the Modification shall exceed the amount previously authorized by the TriMet Board of Directors (“Board”); and

WHEREAS, the Board, by resolution dated November 25, 2009, adopted a Statement of Policies requiring the Board to approve personal services contracts obligating TriMet to pay an amount in excess of \$150,000;

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.

Dated: June 26, 2013

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:

Legal Department