

Date: September 24, 2014

To: Board of Directors

From: Neil McFarlane

Subject: **RESOLUTION 14-09-47 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH DAVID EVANS AND ASSOCIATES, INC. FOR CONCEPTUAL AND TECHNICAL PLAN DEVELOPMENT SERVICES FOR THE SOUTHWEST CORRIDOR TRANSIT PROJECT**

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 David Evans and Associates, Inc. (“DEA”) for Conceptual and Technical Plan Development Services for the Southwest Corridor Transit Project (“Project”).

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other _____

3. Reason for Board Action

Board approval is required for personal services contracts obligating TriMet to pay in excess of \$150,000.

4. Type of Action:

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

5. Background

In 2009, Metro adopted the High Capacity Transit System Plan, which named the Southwest Corridor as the region’s highest transit priority. The Southwest Corridor Plan includes investments in transit service and roadway, active transportation, parks, and natural resource projects between Portland and Tualatin, via Tigard. Over the last four years, Metro has led the planning effort for the Southwest Corridor, which has included staff and policy officials from Sherwood, Tualatin, King City, Tigard, Durham, Beaverton, Lake Oswego, Portland, Multnomah and Washington Counties, ODOT, TriMet and Metro.

In July 2013, the Project Steering Committee recommended further study to advance project alignment options for high capacity transit, including both bus rapid transit and light rail transit. The next step in the planning process is to advance alignment options in both modes to the appropriate level of detail to support preparation of a Draft Environmental Impact Statement, which is expected to result in the selection of a Locally Preferred Alternative in the summer of 2016.

Work under this contract will be divided into several phases. The first phase is focused on the preparation of technical and planning documents (plan and profile drawings) for the various alignments and options inclusive of transit, roadway and active transportation components. This work will provide the basis for the environmental analysis to be performed by a separate consulting team under a separate contract to be led by Metro. The first phase is expected to begin in October 2014 and to end in June 2015. Work in the second phase would occur at the conclusion of the first phase and would consist of Draft Environmental Impact Statement support tasks such as cost estimating, travel time forecasting, and operations planning, in addition to refinement of plan and profile drawings in response to the environmental analysis work. If deemed necessary, the third phase would assist with project wrap-up and preparation for the next phase of development. This Resolution authorizes only the first phase of work.

Metro has contracted with TriMet to provide, through the management of a consultant team, the conceptual and technical plan development services and cost estimation for transit alternatives for the Project. TriMet issued a Request for Proposals (“RFP”) for these services. Metro will pay TriMet all costs incurred under this contract.

The RFP sought firms with bus rapid transit and light rail transit expertise. Proposals addressed qualifications of the firm and key individual experience, work plan, Disadvantaged Business Enterprises (“DBE”) plan, the availability of key personnel in Portland, and cost estimating and cost controls.

This procurement was subject to the Brooks Act, also known as Qualifications Based Selection. The Brooks Act is a federal statute enacted in 1972, which establishes the procurement process by which architects and engineers are selected for design contracts with federal agencies and agencies utilizing federal grant funds. In a Brooks Act procurement, the agency must select the most qualified firm, and then negotiate a fair and reasonable price for the required professional services. Price quotations are not permitted as a consideration in the selection process.

TriMet received two proposals in response to the RFP, from DEA and Parsons Brinckerhoff. TriMet appointed an evaluation committee to review and evaluate the proposals, which was comprised of staff from TriMet’s Capital Projects-Operating Projects department, Policy and Planning department, and office of Transit Equity and Diversity, as well as a representative from Metro. After evaluating the proposals, the scores were as follows:

Criteria	Possible Points	DEA	Parsons Brinckerhoff
Corporate Experience	15	12	12
Personnel Experience	40	35	32
Work Plan/ Contracting Plan	25	24	21
Availability in Portland	10	8	8
Cost Estimating and Controls	10	9	9
Total Score	100	88	82

In accordance with the Brooks Act, the direct labor costs and overall contract value were negotiated by TriMet after selection of the highest-ranked firm. The attached Resolution authorizes the award of a contract to DEA in an amount not to exceed \$1,685,000 for the first phase of work. This amount is within TriMet’s fair cost estimate and the budget established for this work and will be paid fully by revenues from Metro. In the event TriMet and its jurisdictional partners elect to proceed with additional phases of work, as described above, staff will return to the Board to request authority to modify the contract.

Work performed under the contract will be authorized as needed on a task order basis, allowing TriMet to tailor the scope of services to the specific needs of each individual task as well as to seek opportunities to bundle or otherwise structure efforts for maximum efficiency.

6. Procurement Process

The services were procured through a competitive RFP process, as described above.

7. Diversity

DEA has identified and agreed to the use of DBE subconsultants where appropriate. TriMet and DEA will seek to maximize DBE opportunities as each task order is negotiated. DEA is currently the designer for the East Segment of the Portland-Milwaukie Light Rail Project, and is achieving 16.7 percent DBE usage on that contract.

8. Financial/Budget Impact

TriMet will order work via the issuance of task orders. The cost of this work will be fully paid by Metro, making this contract revenue neutral to TriMet.

9. Impact if Not Approved

TriMet's alternative would be to hire additional engineering staff to complete the work. This option is not preferred because procurement of this contract addresses a short term staffing need that will not exist after this work is complete.

RESOLUTION 14-09-47

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH DAVID EVANS AND ASSOCIATES, INC. FOR CONCEPTUAL AND TECHNICAL PLAN DEVELOPMENT SERVICES FOR THE SOUTHWEST CORRIDOR TRANSIT PROJECT

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with David Evans and Associates, Inc. for the provision of Conceptual and Technical Plan Development Services for the Southwest Corridor Transit Project (“Contract”); and

WHEREAS, the total amount of the Contracts is expected to exceed \$150,000; and

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

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.

Dated: September 24, 2014

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:

Legal Department