

Date: December 9, 2015

To: Board of Directors

From: Neil McFarlane 

Subject: RESOLUTION 15-12-73 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH HDR ENGINEERING, INC. FOR SURVEY, INSPECTION, AND DESIGN SERVICES FOR THE WES RIGHT OF WAY MAINTENANCE 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 HDR Engineering, Inc. (“HDR”) for Survey, Inspection, and Design Services for TriMet’s Westside Express Service (“WES”) Right of Way Maintenance 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

TriMet’s 14.7-mile WES commuter rail line, which TriMet has operated since February 2009, runs in a railroad corridor that is shared with Portland & Western Railroad (“PNWR”) freight service. Under TriMet’s shared-use agreement with PNWR, TriMet is responsible for paying PNWR for Federal Railroad Administration (“FRA”) required inspections and associated maintenance. These costs are paid for within the WES operating budget. However, the agreement also allows TriMet to contract directly for capital maintenance of WES track to ensure the long term state of good repair. By directly managing the capital maintenance of WES track, TriMet can control schedule, costs and quality of work. The WES Right of Way Maintenance Project will help ensure that the WES corridor is maintained to FRA standards required for

passenger train speeds, remains in a state of good repair, provides quality ride comfort for WES passengers, and maintains consistent track geometry at passenger platforms, in order to comply with the Americans with Disabilities Act and FRA level-boarding regulations.

Work to be performed by HDR under this proposed contract will assist TriMet in inspecting, documenting, surveying, and designing the required maintenance work for the Project along the WES alignment, which will be performed through a separate construction contract that will be procured once design work is complete.

6. Procurement Process

On September 21, 2015, TriMet issued a Request for Proposals (“RFP”) for these services. The RFP sought firms with track rehabilitation design expertise of similar scale. The RFP sought qualifications of the firm and key individual experience, work plan, quality plan, diversity plan, the availability of key personnel in Portland, and cost estimating and cost controls. On October 19, 2015, TriMet received two proposals in response to the RFP.

This procurement was subject to the Brooks Act, also known as Qualifications-Based Selection. Qualifications-Based Selection is a procurement process which is utilized when selecting architects and engineers for design contracts. In Qualifications-Based Selection 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 appointed an evaluation committee (“EC”) to review and evaluate the proposals, which was comprised of staff from TriMet’s Capital Projects division, Facilities Management, and the office of Diversity and Transit Equity. EC members were selected based on their expertise, experience and knowledge related to the Project. TriMet received two proposals in response to the RFP, from HDR and David Evans and Associates, Inc. (“DEA”). The EC ranked the proposers in accordance with the procedures and criteria established in the RFP. After completing this review, the EC determined that HDR was the highest ranked proposer. Full scores for the proposers were as follows:

Firm	Possible Points	HDR	DEA
Corporate Experience	21	19	17
Personnel Experience	35	30	30
Work Plan / Diversity Plan	24	20	19
Availability in Portland	10	8	7
Cost Estimating and Controls	10	9	7
Total Score	100	86	80

Accordingly, TriMet proposes to award a contract to HDR. In accordance with Qualifications-Based Selection, the direct labor costs and overall contract value were negotiated after selection of the contractor. The attached Resolution authorizes the award of a contract in an amount not to exceed \$490,000 for the design work on the Project. TriMet staff has determined that the price is fair and reasonable, and this amount is within the budget established for this work.

7. Diversity

In its proposal, HDR indicated that it expects to be able to achieve 17 percent Minority/Women/Emerging Small Business ("M/W/ESB") participation from subcontracting work such as track inspection and evaluation. HDR will specify M/W/ESB subcontracting opportunities as each task order is negotiated, at which time the M/W/ESB utilization will become a fixed commitment.

8. Financial/Budget Impact

The Project is included in the FY2016 TriMet Capital & Operating Projects Budget.

9. Impact if Not Approved

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

RESOLUTION 15-12-73

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH HDR ENGINEERING, INC. FOR SURVEY, INSPECTION, AND DESIGN SERVICES FOR THE WES RIGHT OF WAY MAINTENANCE PROJECT

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with HDR Engineering, Inc. for Survey, Inspection, and Design Services for the WES Right of Way Maintenance Project ("Contract"); and

WHEREAS, the total amount of the Contract 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: December 9, 2015

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department