

Date: April 24, 2024

To: Board of Directors

From: Sam Desue, Jr. 

Subject: **RESOLUTION NO. 24-04-27 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH ASA CONSTRUCTION, LLC FOR THE COLUMBIA OPERATIONS FACILITY– 42ND AVENUE SECURITY MAIN GATE PROJECT**

1. Purpose of Item

This Resolution requests that the TriMet Board of Directors (Board) authorize the General Manager to execute a contract (Contract) with ASA Construction, LLC (ASA) for the Columbia Operations Facility - 42nd Avenue Security Main Gate 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) (inc. CM/GC)
- Request for Qualifications (RFQ) (Personal Services)
- Other:

4. Reason for Board Action

Board authorization is required for all contracts obligating TriMet to pay in excess of \$1,000,000.

5. Type of Action

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

6. Background

As TriMet transitions to zero-emission fuel and expands its bus fleet, the need for an additional bus operations and maintenance facility has become crucial. Acquired in 2018, the future Columbia Operations Facility, located at 4421 NE Columbia Boulevard, offers an ideal bus base location, which will reduce deadheading and TriMet vehicle emissions.

As part of a Portland Bureau of Transportation (PBOT) Local Improvement District (LID) project, a new traffic signal will be built at 42nd Avenue and Columbia Boulevard, which will enhance safety and efficient access to the Columbia Operations Facility. Completion of

PBOT’s traffic signal project is scheduled for late summer 2024, and it will reconfigure access to TriMet’s Columbia property when finished.

In order to maintain access to the Columbia property, the construction schedule for TriMet’s 42nd Avenue Security Main Gate Project necessarily has been advanced. TriMet’s Project will enhance site security and efficient access to its Columbia property by installing TriMet’s standard fencing, security cameras, and lighting, and will rely on PBOT’s new 42nd and Columbia traffic signal to control access to the Columbia property. The Project is essential for ensuring the safety and security of TriMet’s facility, its personnel, and its assets by controlling access to the site.

7. Description of Procurement Process

TriMet issued an Invitation to Bid (ITB) on February 27, 2024, with bids due on March 28, 2024. The ITB was advertised on TriMet’s TriP\$ website. TriMet received three bids in response to the ITB, and ASA Construction submitted the lowest responsive and responsible bid.

A summary of the bids is shown below:

	Pence Contractors, LLC	ASA Construction, LLC	Skyward Construction, Inc.
	\$1,019,917	\$1,323,362	\$1,530,442
<i>Independent Cost Estimate (ICE)</i>	<i>\$918,115</i>		

TriMet’s Independent Cost Estimate (ICE) for the Project was \$918,115. Pence Contractors, LLC was the apparent low-bid, however Pence withdrew its bid after reviewing the Disadvantaged Business Enterprise (DBE) Good Faith Effort and Utilization forms. ASA Construction then was determined to be the lowest responsive and responsible bidder, and its bid was determined to be fair and reasonable based on competition and in comparison with TriMet’s Independent Cost Estimate (ICE).

Per ORS 279C.340, TriMet staff met with ASA Construction to discuss its bid, since all bids received were above TriMet’s ICE. After this discussion, TriMet determined that the bid received was appropriate. The Board’s approval of this Resolution would authorize the award of the Contract to ASA Construction.

As is typical for this type of construction work, unforeseen circumstances may occur that require changes to the scope of work for the Project. Therefore, the Resolution includes authority for potential future change orders of up to \$158,803, or 12 percent (12%) of the Contract amount.

8. Diversity

ASA Construction’s total employee count is 14, and its workforce is 35.7% minority and 28.5% female. ASA Construction is a Women Business Enterprise (WBE) and Disadvantaged Business Enterprise (DBE). ASA Construction also will subcontract 10% of the work to firms certified by the Oregon Certification Office for Business Inclusion and Diversity (COBID). In particular, it will subcontract the electrical work to Epling Electrical, a COBID-certified Emerging Small Business (ESB).

9. Financial/Budget Impact

The cost of work associated with the Project is included within the Engineering, Construction, and Planning Division's FY2024 budget, and is in accordance with TriMet's approved Columbia Operations Facility Capital Improvement Program (CIP).

10. Impact if Not Approved

If this Resolution is not approved, TriMet could re-procure the Contract. However, it is very unlikely that a second procurement effort will lead to bid proposals that offer a better price or are from more qualified firms.

Further, this Project is the first of many planned construction projects that will repurpose TriMet's Columbia property and deliver a new Columbia Operations Facility. A significant delay in this Project's completion will cause operational impacts due to the inefficient site access, and will delay the schedule of subsequent projects at the Columbia site, resulting in the overall delay of the opening of the Columbia Operations Facility.

RESOLUTION NO. 24-04-27

**RESOLUTION NO. 24-04-27 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A
CONTRACT WITH ASA CONSTRUCTION FOR THE COLUMBIA
OPERATIONS FACILITY – 42ND AVENUE SECURITY MAIN GATE PROJECT**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with ASA Construction, LLC for the Columbia Operations Facility - 42nd Avenue Security Main Gate Project (Contract); and

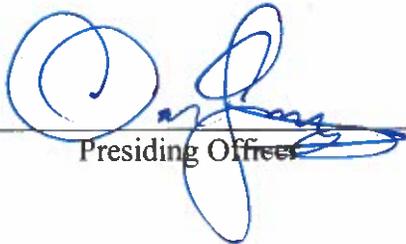
WHEREAS, by Resolution No. 22-05-35, dated May 25, 2022, the TriMet Board of Directors (Board) adopted a Statement of Policies requiring the Board to authorize contracts obligating TriMet to pay in excess of \$1,000,000; and

WHEREAS, the total amount of the Contract exceeds \$1,000,000;

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 \$1,323,362, and execute change orders in the amount of not more than \$158,803 (12%) for a total contract authority not to exceed \$1,482,165, through the Contract's January 15, 2025 termination date.

Dated: April 24, 2024



Presiding Officers

Attest:



Recording Secretary

Approved as to Legal Sufficiency:



Legal Department