TRIMET

Memo

Date: March 26, 2025

To: Board of Directors

From: Sam Desue, Jr.

Subject: **RESOLUTION NO. 25-03-14 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH MASS. ELECTRIC CONSTRUCTION COMPANY FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES FOR THE TYPE 1 TRACTION POWER SUBSTATION REPLACEMENT PROJECT**

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1. **Purpose of Item**
This Resolution requests that the TriMet Board of Directors (Board) authorize the General Manager or his designee to execute a Construction Manager/General Contractor (CM/GC) services contract (Contract) with Mass. Electric Construction Company (MEC) for the Type 1 Traction Power Substation Replacement 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: Sole Source

4. **Reason for Board Action**
Pursuant to Resolution No. 24-09-57, the Board exempted this Contract from competitive bidding requirements. TriMet now requests the Board's approval of the selected CM/GC contractor.

5. **Type of Action**
☒ Resolution
☐ Ordinance 1st Reading
☐ Ordinance 2nd Reading
☐ Other _____

6. **Background**
TriMet operates eleven Type 1 Traction Power Substations (TPSS) that were installed in 1983 along the Banfield section of the MAX Blue Line. Of the eleven substations, nine are in the City of Portland, and two are in the City of Gresham. The eleven substations are individual metal buildings that are nearly at the end of their normal expected service lives. Building enclosures have rusted and the integrity of the substation floors is questionable. The working spaces inside the substation buildings are inadequate for ease of maintenance, with

clearances that do not meet current National Electric Code (NEC) requirements, and many of their components are obsolete.

In March 2024, pursuant to Resolution No. 24-03-21, TriMet established a single prime design contract for these eleven TPSS. This common design approach ensures continuity and efficiency in design. As the first step of this process, site specific characteristics of all eleven sites were reviewed to identify risks, challenges and commonalities, establish design groups to eliminate or reduce those risks, and reduce overall project costs.

As a result of this review, two design groups were established for the Project. The first design group includes six TPSS sites located at NE 60th Avenue, Gateway Transit Center, E 122nd Avenue, E 148th Avenue, E 181st Avenue, and Gresham Central. Those locations have similar physical site conditions and are independent from the influence of other TriMet or third-party projects. Therefore, the design and construction approach for them should be very similar. The proposed MEC CM/GC Contract would address these six TPSS sites.

This complex construction Project requires the management of interdependent, multi-disciplinary construction phases for multiple elements of work, at different sites along the Banfield Line. Potentially negative impacts on TriMet's ridership and neighboring communities must be limited and planned disruptions and the risks of unplanned disruptions to transit must be minimized, while the overall Project maintains an aggressive schedule to reach substantial completion as soon as practicable.

For this type of Project, reliance on the services of a CM/GC is generally most efficient. A CM/GC is expected to assist with the completion of design, perform constructability reviews, advise concerning construction staging, phasing and access requirements, contribute to cost certainty, and establish needed coordination, in order to ensure a successful construction process while minimizing the risk of unplanned impacts to transit operations.

Use of the best value Request for Proposals (RFP) process to procure CM/GC services for this Project is preferred, because TriMet may consider only price in selecting a contractor under the traditional low bid procurement method. The RFP process allows TriMet to select a CM/GC contractor upon consideration of many factors, including experience in similar work, schedule performance, cost control, attention to safety, and quality of workmanship, small business utilization, workforce diversity and state Certification Office for Business Inclusion and Diversity (COBID) certification, along with price.

Therefore, pursuant to Resolution No. 24-09-57, the TriMet Contract Review Board (TCRB) authorized an exemption from the low bid solicitation process ordinarily required by ORS Chapter 279C, so that TriMet could use an RFP to engage a CM/GC for this Project.

This Resolution requests the Board's approval of the award of the CM/GC Contract to MEC, and an initial authorization of $169,641 for pre-construction services for the Project. As with other CM/GC services contracts, TriMet may need to seek additional Board authorization for modifications to accommodate long lead times for purchase of certain construction materials, or for an early work package, prior to seeking the Board's authorization of a Total Contract Price.

During the pre-construction services period, staff will work with MEC to develop a Total Contract Price that aligns with internal estimates and budget for the construction work. TriMet will then present the Board with a Resolution authorizing the Total Contract Price for the construction work.

7. **Description of Procurement Process**

After the TCRB exempted the Contract from the low bid process, TriMet issued an RFP on November 18, 2024 and advertised it on TriMet's TriP$ website. A pre-proposal meeting for interested firms took place on November 25, 2024, and was attended by seven (7) firms. TriMet received three (3) proposals: one from Fulcrum Construction & Building Services, LLC (Fulcrum), one from Mass. Electric Construction Company (MEC), and one from Modern/Liberty Construction (MLC).

An Evaluation Committee (EC) consisting of staff from TriMet's Engineering & Construction Division and Rail Maintenance of Way (MOW) Department was appointed to review, evaluate and score the proposals. The evaluation criteria in the RFP included:

- Proposer Experience/Past Performance;
- Established manufacturing processes and business relations to key component suppliers;
- Proposed Project Team;
- Draft Project Approach, Work Plan, and Schedule;
- Draft Contracting Plan and MBE/WBE/ESB/VBE Program;
- Project Management; and
- Price

After evaluation of the technical proposals, the EC determined that two firms, MEC and MLC, were in the competitive range for Contract award, therefore pricing was opened for both. After pricing was factored in the scoring, both firms remained in the competitive range. Interviews were held with both firms in order to clarify their submitted proposals, and TriMet subsequently requested revised proposals from each. Following receipt of the revised proposals on February 27, 2025, the EC reviewed the scoring and determined that MEC provided the best value to TriMet, and recommended the Contract be awarded to MEC.

A summary of final scores is shown in the table below, with maximum scores per category shown in parentheses:

Criteria (maximum points)	MLC	MEC
Proposer Experience/Past Performance (20)	17.6	18.2
Established manufacturing processes and business relations to key component suppliers (5)	4.4	5.0
Proposed Project Team (30)	26.6	28.0
Draft Project Approach, Work Plan & Schedule (40)	36.6	38.2
Draft Contracting Plan and MBE/WBE/ESB/VBE Program (30)	28.6	26.2
Project Management (25)	23.4	22.6
Price (50)	47.22	50.0
Total (maximum 200)	**184.42**	**188.20**

8. **Diversity**

MEC has 1,109 employees, of whom 32.6% are minorities and 9.3% are females. In its proposal, MEC indicated it would utilize small business subcontractors certified by Oregon's Certification Office for Business Inclusion and Diversity (COBID) for approximately 20% of the work. Subcontracting areas include electrical, mechanical, structural, architectural, electrical testing, concrete, general commercial construction, and civil and site work. TriMet staff will work with MEC to maximize certified small business subcontracting opportunities.

9. **Financial/Budget Impact**

The $169,641 cost for the Contract's pre-construction work is included in the proposed FY2026 Budget for the Engineering & Construction Division.

10. **Impact if Not Approved**

If the Board decides not to approve this Resolution, TriMet could re-procure the CM/GC Contract. However, TriMet received three responses through the RFP process, and advertising for the Contract a second time is unlikely to lead to additional or more favorable proposals. In addition, MEC is well qualified to perform this work, which must begin soon in order for the Project to stay on schedule with both design and construction.

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RESOLUTION NO. 25-03-14 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH MASS. ELECTRIC CONSTRUCTION COMPANY (MEC) FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES FOR THE TYPE 1 TRACTION POWER SUBSTATION REPLACEMENT PROJECT

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract (Contract) with Mass. Electric Construction Company (MEC) for Construction Manager/General Contractor (CM/GC) services for the Type 1 Traction Power Substation (TPSS) Replacement Project (Project); and

WHEREAS, by Resolution No. 24-09-57, dated September 25, 2024, the TriMet Board of Directors (Board) authorized an exemption from the low bid approach for the Project; and

WHEREAS, TriMet solicited a best value Request for Proposals and selected MEC as the CM/GC contractor for the Project; and

WHEREAS, the Board wishes to approve the award of the Contract to MEC and authorize the pre-construction services in the amount of $169,641;

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 and proceed with the pre-construction services for the Project in the amount of not more than $169,641, over the one-year life of the Contract.

Dated: March 26, 2025

LaVerne Lopes
Presiding Officer

Attest:

Faleska Thrash
Recording Secretary

Approved as to Legal Sufficiency:

Gregory E. Skilton
Legal Department