

**Date:** August 8, 2018

**To:** Board of Directors

**From:** Doug Kelsey 

**Subject:** **RESOLUTION 18-08-63 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH STANTEC ARCHITECTURE, INC. FOR DESIGN SERVICES FOR THE POWELL BUS GARAGE REPLACEMENT PROJECT**

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**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 modification to the contract with Stantec Architecture, Inc. (Stantec) for Design Services for TriMet's Powell Bus Garage Replacement Project (Project).

**2. Type of Agenda Item**

- Initial Contract
- Contract Modification
- Other \_\_\_\_\_

**3. Reason for Board Action**

Board approval is required because this modification will increase the value of the agreement beyond the amount previously authorized by the Board.

**4. Type of Action**

- Resolution
- Ordinance 1<sup>st</sup> Reading
- Ordinance 2<sup>nd</sup> Reading
- Other \_\_\_\_\_

**5. Background**

At its January 25, 2017 meeting, the Board approved Resolution 17-01-04, authorizing award of a contract to RNL Design, Inc. (RNL) in the amount of \$5,000,000 for design services for the Project. That amount did not include any funding for future design services during construction because the amount necessary for that work could not be determined at the time. It was stated that staff would return to the Board for approval prior to modifying the contract for that work.

The contract was awarded in the amount of \$4,930,000. Stantec subsequently purchased RNL and the contract was transferred. The Project is now entering the construction phase and an additional \$4,208,301 is needed for the design services anticipated over the next three years.

Prior Authorization Limit (Resolution 17-01-04)	\$5,000,000
Delegated Authority Increase	\$133,484
<b>Total Prior Authorization Limit</b>	<b>\$5,133,484</b>
Additional Authority	\$4,208,301
<b>Total Authority Limit</b>	<b>\$9,341,785</b>

The design services during construction amount is \$4,208,301, which is less than TriMet's fair cost estimate of \$4,575,200. TriMet believes that the negotiated amount is fair and reasonable.

#### 6. Procurement Process

The contract was procured through a competitive Request for Proposals (RFP) process.

#### 7. Diversity

In its proposal, RNL expected to achieve 27% DBE participation by subcontracting out such areas of work as traffic engineering, survey services, permitting, landscape architecture, electrical engineering, and geotechnical engineering and a portion of architectural design. Currently, Stantec is achieving approximately 26% DBE participation. The work included in this proposal anticipates above 35% participation. Stantec's workforce diversity is 18% minority and 34% women.

#### 8. Financial/Budget Impact

The Project is included in the FY 2018-2019 Capital Program Budget. The Powell Bus Garage Project is bond funded at approximately 26% (\$25,000,000 of MTIP Bonds and \$5,931,822 of 2017 Revenue Bonds).

#### 9. Impact if Not Approved

TriMet's alternative would be to hire additional staff to complete the design work. This option is not preferred because procurement of this contract requires highly specialized expertise, especially in industrial equipment design, and addresses a short term staffing need that will not exist after this work is complete and there would be a time delay incurred to implement the hiring of TriMet staff. The completion of work would also be delayed.

**RESOLUTION 18-08-63**

**RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH STANTEC ARCHITECTURE, INC. FOR DESIGN SERVICES FOR THE POWELL BUS GARAGE REPLACEMENT PROJECT**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a contract modification with Stantec Architecture, Inc. for design services for the Powell Bus Garage Replacement Project (Contract Modification); and

**WHEREAS**, the total amount of the Contract Modification shall exceed the amount previously authorized by the Board; and

**WHEREAS**, the TriMet Board of Directors (Board), by Resolution dated October 25, 2017, adopted a Statement of Policies requiring the Board to authorize contract modifications obligating TriMet to pay in excess of the amount previously authorized by the Board;

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the Contract Modification shall be in conformance with applicable laws.
2. That the General Manager or his designee is authorized to execute the Contract Modification in an amount not to exceed \$4,208,301.

Dated: August 8, 2018

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Presiding Officer

Attest:

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Recording Secretary

Approved as to Legal Sufficiency:

  
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Legal Department