


Date: December 11, 2019

To: Board of Directors

From: Doug Kelsey 

Subject: **RESOLUTION NO. 19-12-91 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A MODIFICATION TO THE CONTRACT WITH CH2M HILL, INC. (CH2M) FOR DESIGN SERVICES FOR THE GIDEON OVERCROSSING PROJECT**

1. Purpose of Item

This Resolution requests that the TriMet Board of Directors (Board) authorize the General Manager or his designee to execute a modification to a contract (Modification) with CH2M HILL, Inc. (CH2M) (now known as Jacobs) for design services for the Gideon Overcrossing 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 (inc. sole source) _____

4. Reason for Board Action

Board approval is required because the proposed Modification increases the contract amount beyond the amount previously authorized by the Board.

5. Type of Action:

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

6. Background

This Project provides for an accessible pedestrian and cyclist overcrossing over the Union Pacific Railroad and TriMet MAX tracks between SE 14th Avenue and SE 13th Place in Portland and restores an important connection in Southeast Portland's Hosford-Abernethy and Brooklyn neighborhoods that was eliminated due to the addition of the Orange Line MAX tracks. The Project is being constructed using remaining Portland-Milwaukie Light Rail Transit Project funds from the Federal Transit Administration (FTA). The City of

Portland will be the ultimate owner, end user/operator, and maintainer of all assets designed and constructed.

At its March 2018 meeting, the Board approved Resolution 18-03-30, authorizing award of a contract to CH2M for design services in an amount not-to-exceed \$972,670. Due to public feedback as the Project progressed, an additional task order was created for CH2M to revisit the original parameters and other possible designs for the Project. In addition, unanticipated scope was needed to accommodate Union Pacific Railroad (UPRR) requirements. Therefore, at its March 2019 meeting, the Board approved Resolution 19-03-23, authorizing an additional \$145,544 for 90% to 100% design, design services during construction, and contingencies.

As the Project has progressed, unanticipated cross-disciplinary requirements have resulted in multiple revisions of submittals and drawings and subsequent reviews. An additional \$240,120 is now necessary for the completion of design services during construction and contingencies.

A summary of the previous and currently requested contract authority is below:

1.	Original Contract Authority (Resolution 18-03-30)	\$972,670
2.	Design Completion, Adjustments for Design Services During Construction and Design Contract Contingency (Resolution 19-03-23)	\$145,544
3.	Adjustments for Additional Design Services During Construction and Design Contract Contingency	\$240,120
4.	Total Revised Contract Authority	\$1,358,334

7. Description of Procurement Process

TriMet used a competitive Request for Proposals (RFP) process to select the contractor for the Project.

8. Diversity

In its original proposal, CH2M indicated it would utilize Disadvantaged Business Enterprise (DBE) contractors for approximately 44% of the work in the areas of architectural design, mechanical engineering/design, civil engineering, landscape architecture, and electrical engineering and design. CH2M is currently at 42% utilization of DBE contractors. TriMet anticipates DBE utilization to remain close to the current rate, but will continue to work with CH2M to maximize utilization to meet or exceed the original goal.

9. Financial/Budget Impact

The additional requested authority is accounted for in the Engineering & Construction Division's budget for FY2020.

10. Impact if Not Approved

If the Board decides not to approve this contract Modification, TriMet's alternative would be to not complete the project or hire additional staff to complete the design work, which would result in significant additional costs and delays to the Project.

RESOLUTION NO. 19-12-91

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TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A
MODIFICATION TO THE CONTRACT WITH CH2M HILL, INC. (CH2M) FOR
DESIGN SERVICES FOR THE GIDEON OVERCROSSING PROJECT**

WHEREAS, TriMet has authority under ORS 267.200 to execute a contract modification with CH2M HILL, Inc. for design services for the Gideon Overcrossing (Modification); and

WHEREAS, the total amount of the Modification exceeds the contract amount originally authorized by the TriMet Board of Directors (Board); and

WHEREAS, by Resolution dated October 25, 2017, the Board adopted a Statement of Policies requiring the Board to approve modifications to contracts that exceed the amount previously authorized by the Board;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Modification shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute the Modification in the amount of \$240,120.

Dated: December 11, 2019

Attest:

Presiding Officer

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department

