

Date: August 10, 2022

To: Board of Directors

From: Sam Desue, Jr.

Subject: RESOLUTION NO. 22-08-48 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT MODIFICATION WITH ORTIZ AND ASSOCIATES, INC. FOR BUS STOP SHELTERS AND AMENITIES MAINTENANCE AND INSTALLATION SERVICES

1. **Purpose of Item**

This Resolution requests that the TriMet Board of Directors (Board) authorize the General Manager or his designee to execute a contract modification with Ortiz and Associates, Inc. (Ortiz) for Bus Stop Shelters and Amenities Maintenance and Installation Services (Modification).

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 authorization is required because the amount of the Modification exceeds the amount previously authorized by the Board.

5. **Type of Action**

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

6. **Background**

TriMet's service area covers 533 square miles of the tri-county region, within which TriMet maintains 6,591 bus stops and 1,000 bus shelters. While TriMet's Maintenance Operations group has overall responsibility for the on-going maintenance and repair of TriMet's bus shelters, a contractor is ordinarily hired to provide services and store TriMet assets related to

the installation, replacement, repair, maintenance, and refurbishment of TriMet's bus stop shelters and amenities. The contract services include replacement of broken glass panels and the storage of bus shelters, shelter glass, trashcans, information displays, benches, and other related shelter materials, to ensure timely repair and replacement as required.

In October of 2017, TriMet issued an Invitation to Bid (ITB) for these services, and Ortiz was the lowest responsive and responsible bidder. At its December 2017 meeting, the Board approved Resolution No. 17-12-84, authorizing the contract award to Ortiz in an amount not to exceed \$1,976,195.

TriMet continues to experience a historically high level of vandalism to its bus shelters and amenities. In June 2022 alone, there were nearly 100 reported incidents involving TriMet covered shelters, and there has been a 400% increase in vandalism since the Ortiz contract began in 2018. The majority of repairs involve the replacement of glass. Replacement glass costs have skyrocketed (+40%) for glass manufacturing and shelter glass. The costs of refurbishment of old shelters, including sanding and repainting, have increased as well.

Because of the dramatic increase in the costs associated with this work, only about \$60,000 remains available under the contract and a Modification to increase funds is necessary. The Modification of \$1,510,901 authorized by this Resolution will allow Ortiz to continue the repair and maintenance of TriMet's existing bus stop shelters and amenities. In addition, the Modification will provide funds for Ortiz to perform vandalism repair, maintenance and storage of bus shelters and amenities for the new FX-2 Division bus line, from September 18, 2022 until the Ortiz contract's original termination date of March 14, 2023.

In 2023, TriMet intends to resolicit contractors to perform these services at the end of the Ortiz contract. The solicitation will seek contractors for work on all styles of bus shelters, but will specify that TriMet will store the supply of materials. By storing the materials at a TriMet facility, we anticipate interest from a larger pool of qualified contractors because they will not have to bear the burden of storing TriMet property. In addition, this provision offers TriMet more certainty regarding storage costs.

7. **Description of Procurement Process**

This contract was awarded via an ITB process.

8. **Diversity**

Ortiz is in the process of re-certification as a DBE firm and will continue to self-perform a majority of the contract under the Modification. Ortiz has a total of seven employees; one female and six males. Two of Ortiz' employees are Hispanic and one is African American.

9. **Financial/Budget Impact**

Funding for this contract is included in Maintenance Operations Division's operating budget for FY23, and will be paid for with local funds.

10. **Impact if Not Approved**

This Modification is necessary to ensure that TriMet's bus shelters continue to be maintained and are safe for use by the public. If the Resolution is not approved, TriMet would need to immediately re-procure for these goods and services, and it is highly unlikely that re-soliciting at this time will achieve better quality, price, or broader participation. Further,

Ortiz is well qualified to provide these goods and services, and its prices are fair and reasonable.

RESOLUTION NO. 22-08-48

**RESOLUTION NO. 22-08-48 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A
CONTRACT MODIFICATION WITH ORTIZ AND ASSOCIATES, INC. FOR
BUS STOP SHELTERS AND AMENITIES MAINTENANCE AND
INSTALLATION SERVICES**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract modification (Modification) with Ortiz and Associates, Inc. (Ortiz) for Bus Stop Shelters and Amenities Maintenance and Installation Services; and

WHEREAS, by Resolution 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 Modification exceeds \$1,000,000, and the amount previously authorized by the Board;

NOW, THEREFORE, BE IT RESOLVED:

1. That the contract Modification shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute the Modification in the amount of not more than \$1,510,901, with the total amount to be based on actual goods and services provided through the original contract termination date of March 14, 2023.

Dated: August 10, 2022



Presiding Officer

Attest:



Recording Secretary

Approved as to Legal Sufficiency:



Legal Department