

Date: July 26, 2017

To: Board of Directors

From: Neil McFarlane *Neil McFarlane*

Subject: RESOLUTION 17-07-59 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING CONTRACTS WITH PIVOT ARCHITECTURE PC, ROWELL BROKAW ARCHITECTS PC, AND MCA ARCHITECTS PC FOR DESIGN SERVICES FOR BUILDINGS GROUP SMALL PROJECTS

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 contracts with PIVOT Architecture PC (PIVOT), Rowell Brokaw Architects PC (Rowell), and MCA Architects PC (MCA) for design services for Buildings Group Small Projects (Services).

2. Type of Agenda Item

- Initial Contract
 Contract Modification
 Other _____

3. Reason for Board Action

Board approval is required for personal services contracts obligating TriMet to pay in excess of \$150,000.

4. Type of Action

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

5. Background

TriMet's Capital Projects and Construction Division includes a Buildings Department that manages the development, design, and implementation of projects related to construction, repurposing, or refurbishing existing and new TriMet buildings, including bus and rail facilities, office and support space, and storage locations. The purpose of this Resolution is to award three contracts to consultants to provide the Services on a rotating task order basis for various small remodel and construction projects.

6. Procurement Process

On May 22, 2017, TriMet issued a Request for Proposals (RFP) to award multiple contracts for the Services. The RFP sought firms with the qualifications and experience similar in size, scope, and nature as the Services being solicited. The RFP included the following evaluation criteria: corporate experience; personnel experience; work plan, quality control, and diversity plan; availability in Portland and track record with local jurisdictions; and cost estimating and cost controls. A pre-proposal conference was held on May 30, 2017, and attended by 17 firms, including eight Disadvantaged Business Enterprise (DBE), Emerging Small Business (ESB), Women owned Business Enterprise (WBE) and Minority owned Business Enterprise (MBE) firms. A total of 98 firms downloaded the RFP and TriMet received proposals from Akana, Carleton Hart Architecture, LEEKA Architecture, Mackenzie, MCA, Merryman Barnes Architects (Merryman Barnes), PIVOT, and Rowell.

This procurement was subject to the Brooks Act, also known as a Qualifications-Based Selection. A Qualifications-Based Selection is a procurement process utilized when selecting architects and engineers for design contracts. In a Qualifications-Based Selection procurement, the agency must select the most qualified firm, and then negotiate a fair and reasonable price for the required professional services. Price quotations are not permitted as a consideration in the selection process.

TriMet appointed an evaluation committee (EC) to review and evaluate the proposals, which was comprised of staff from TriMet’s Capital Projects and Construction Division. The EC ranked the proposers in accordance with the procedures and criteria established in the RFP. After completing the initial review process, the EC determined that PIVOT, Rowell Mackenzie, MCA, and Merryman Barnes were in the competitive range. The EC determined that PIVOT and Rowell’s two highest scores did not require interviews, but did interview Mackenzie, MCA, and Merryman Barnes. After interviews, the EC determined that PIVOT, Rowell, and MCA were the highest ranked proposers. Final full scores for the proposers were as follows:

| Firm | Possible Points | Akana | Carleton Hart | LEEKA | Mackenzie | MCA | Merryman Barnes | PIVOT | Rowell Brokaw |
|--|-----------------|-----------|---------------|-----------|-----------|-----------|-----------------|-----------|---------------|
| Corporate Experience | 20 | 15 | 11 | 14 | 18 | 20 | 17 | 19 | 19 |
| Personnel Experience | 35 | 27 | 26 | 25 | 30 | 34 | 27 | 34 | 34 |
| Work Plan, Quality Control, and Diversity Plan | 25 | 22 | 17 | 19 | 22 | 23 | 22 | 24 | 25 |
| Availability in Portland and Track Record | 10 | 10 | 8 | 8 | 9 | 9 | 8 | 9 | 9 |
| Cost Estimating and Controls | 10 | 8 | 6 | 9 | 9 | 9 | 9 | 10 | 10 |
| Total Score | 100 | 82 | 68 | 75 | 88 | 95 | 83 | 96 | 97 |

Accordingly, TriMet proposes awarding contracts to PIVOT, Rowell, and MCA.

In accordance with Qualifications-Based Selection, the direct labor costs and overall contract value were determined after selection of the proposers. The attached Resolution authorizes the award of three contracts for up to three years with TriMet's option to renew for two additional one-year periods in an amount not to exceed \$1,000,000 each, for a total of \$3,000,000. TriMet staff has determined the negotiated rates are fair and reasonable in relation to the local market for this type of work and in comparison to other rates for similar services under contract.

7. Diversity

PIVOT included one DBE firm and one ESB firm as members of its core design team, and five additional DBE firms, two additional ESB firms, and two WBE firms as additional subconsultants. These subconsultants will perform structural, MEP (mechanical, electrical and plumbing), civil, landscape/signage, A/V, and code engineering and design services, as needed. PIVOT will specify subcontracting opportunities as each task order is negotiated, at which time the utilization will become a fixed commitment.

Rowell included two DBE//ESB/WBE firms and one DBE/ESB/MBE firm as members of its core design team. These subconsultants will perform electrical, civil, and permitting engineering and design services, as needed. Rowell will specify subcontracting opportunities as each task order is negotiated, at which time the utilization will become a fixed commitment.

MCA included two DBE/ESB/MBE firms, one DBE/ESB/WBE firm, one DBE/MBE firm, and two ESB firms as members of its core design team. These subconsultants will perform electrical, mechanical, structural, and civil engineering, landscape architecture, and cost estimating services, as needed. MCA will specify subcontracting opportunities as each task order is negotiated, at which time the utilization will become a fixed commitment.

8. Financial/Budget Impact

TriMet will execute work by issuing task orders on a rotating basis. Task orders will be issued only when sufficient budget exists and will be billed to the particular project for which the work is being performed. In accordance with a Qualifications-Based Selection, the direct labor costs and overall contract value were negotiated after selection of the contractors. TriMet staff has determined the negotiated rates are fair and reasonable in relation to the local market for this type of work. The attached Resolution authorizes the award of three contracts for up to three years with TriMet's option to renew for two additional one-year periods in an amount not to exceed \$1,000,000 each, for a total of \$3,000,000.

9. Impact if Not Approved

TriMet could elect to award separate contracts as work is identified. However, much of the work to be performed under this contract is on a small scale and often needs to be performed under short deadlines to respond to immediate needs. Using three firms on a rotating task-order basis will expedite the work and will reduce overall costs by eliminating the procurement and administrative process required for multiple, separate contracts.

RESOLUTION 17-07-59

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING CONTRACTS WITH PIVOT ARCHITECTURE PC, ROWELL BROKAW ARCHITECTS PC, AND MCA ARCHITECTS PC FOR DESIGN SERVICES FOR BUILDINGS GROUP SMALL PROJECTS

WHEREAS, TriMet has authority under ORS 267.200 to enter into contracts with PIVOT Architecture PC, Rowell Brokaw Architects PC, and MCA Architects PC for Architectural Design Services for Buildings Group Small Projects (Contracts); and

WHEREAS, the total amount of each Contract is expected to exceed \$150,000; and

WHEREAS, the TriMet Board of Directors (Board), by Resolution dated November 25, 2009, adopted a Statement of Policies requiring the Board to approve personal services contracts obligating TriMet to pay in excess of \$150,000;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Contracts shall be in conformance with applicable laws.
2. That the General Manager or his designee is authorized to execute the Contracts in an amount not to exceed \$1,000,000 each for a total of \$3,000,000 for the term of the Contracts.

Dated: July 26, 2017

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department