

Date: March 24, 2021

To: Board of Directors

From: Sam Desue, Jr.

Subject: RESOLUTION NO. 21-03-13 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH ORTIZ AND ASSOCIATES INC. FOR LAFAYETTE PEDESTRIAN BRIDGE MAINTENANCE AND REPAIR 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 (Contract) with Ortiz and Associates, Inc. (Ortiz) for Lafayette Pedestrian Bridge maintenance and repair services.

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 for all goods and services contracts obligating TriMet to pay in excess of \$1,000,000.

5. Type of Action

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

6. Background

TriMet constructed the Lafayette Pedestrian Bridge in the Brooklyn neighborhood in SE Portland as part of the Portland Milwaukie Light Rail (PMLR) Project. The bridge provides pedestrian, bicycle and mobility device access across the Union Pacific Railroad's Brooklyn rail yard between SE 18th Avenue & SE Rhine Street and SE 20th Avenue & SE Lafayette Street. Elevators at each end of the bridge provide ADA access. The bridge is used primarily by neighborhood pedestrians, especially school children attending local schools near the bridge. Although not directly connected to any other TriMet facility, the bridge provides

public street access to TriMet bus stops and the MAX light rail station at SE 17th Avenue and SE Rhine Street.

Typically, TriMet staff maintains assets used by TriMet customers for direct access to the transit system, such as elevators, ramps, and stairs that connect to rail platforms and transit centers. However, this pedestrian bridge is an isolated facility and not connected to a bus or rail station, and it poses unique challenges and resource demands of daily maintenance and repair.

Providing services for the Lafayette Pedestrian Bridge is particularly challenging for TriMet's Facilities Management department. The bridge is open 24-hours a day, 365-days a year, and its elevators, associated elevator control and alarm systems, CCTV and facility-wide lighting systems must be fully-functional at all times. The facility's expansive glass surfaces, together with its CCTV and lighting provide essential safety and security, and must be maintained to a very high standard. In order to maintain the facility safe and secure for neighborhood use, it must be kept clean of litter, graffiti and glass etching on a daily basis.

To ensure the high level of daily maintenance and repair necessary for this facility's safety and security, TriMet's Facilities Management department needs the services provided by a specialized contractor. TriMet has contracted maintenance and repair services for this facility for the past five years, and now needs a replacement contract.

7. Description of Procurement Process

On February 2, 2021, TriMet issued an Invitation to Bid (ITB) for Lafayette Pedestrian Bridge maintenance and repair services, with bids due on February 23, 2021. The ITB was publicly advertised on TriMet's eProcurement System (TriP\$). TriMet received three bids in response to the solicited ITB.

A summary of bids is below:

Contractor	Bid Price
Ortiz and Associates Inc.	\$1,329,633
Bratton Construction LLC	\$1,579,675
Snugs Pro Wash Inc.	\$1,646,650

TriMet determined that Ortiz was the lowest responsive and responsible bidder, and its bid was found to be fair and reasonable based on competition and comparison with TriMet's Independent Cost Estimate (ICE). Ortiz's bid is just under TriMet's ICE of \$1,350,000 for the five-year Contract term of this procurement. The ICE was based on pricing paid by TriMet for the same services from the same vendor over the last five years. Accordingly, staff recommends award of the contract to Ortiz.

The proposed Contract with Ortiz will be for a five-year term, with TriMet retaining the unilateral option to terminate for convenience if the Contract needs to be terminated for any reason during the five-year term. Price adjustments will be permitted on an annual basis, which will be capped at the Consumer Price Index for Urban Workers (CPI-W). It will be a task order based, requirements contract; actual payments will be based on the amount of work authorized by TriMet and performed by Ortiz.

8. Diversity

Ortiz's local workforce is 66.6% minority and 16.6% female, with a total local employee count of six. Although not a DBE Certified firm, Ortiz has identified four DBE firms in its bid for subcontracting opportunities: landscape work, graffiti removal, snow removal, and scheduled maintenance on the elevator HVAC.

9. Financial/Budget Impact

Funding for these services is budgeted under the Facilities Management operating budget.

10. Impact if Not Approved

If the Board elected not to approve the Contract, TriMet's alternative would be to perform this work in-house. Alternatively, the Board could direct staff to conduct a new solicitation. However, because the Contract was obtained via a competitive process, its re-solicitation is not likely to obtain better results in quality, price, or DBE participation. Further, Ortiz is highly qualified and their prices are fair and reasonable. Staff recommends award of the Contract to Ortiz.

RESOLUTION NO. 21-03-13

**RESOLUTION NO. 21-03-13 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A
CONTRACT WITH ORTIZ AND ASSOCIATES INC. FOR LAFAYETTE
PEDESTRIAN BRIDGE MAINTENANCE AND REPAIR SERVICES**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract (Contract) with Ortiz and Associates, Inc. for the procurement of Lafayette Pedestrian Bridge maintenance and repair services; and

WHEREAS, the total amount of the Contract exceeds \$1,000,000; and

WHEREAS, by Resolution dated October 25, 2017, the TriMet Board of Directors (Board) adopted a Statement of Policies requiring the Board to authorize goods and services contracts obligating TriMet to pay in excess of \$1,000,000;

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 in the amount of not more than \$1,329,633, through the March 24, 2026, contract term.

Dated: March 24, 2021

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:

Gregory E. Skillman

Legal Department