

**Date:** September 22, 2021

**To:** Board of Directors

**From:** Sam Desue, Jr.

**Subject: RESOLUTION NO. 21-09-45 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH VAUGHN ENVIRONMENTAL INC. (VAUGHN) FOR LANDSCAPE AND BIOSWALE MAINTENANCE AND ON-CALL 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 with Vaughn Environmental Inc. (Vaughn) to provide landscape and bioswale maintenance and related on-call services (Contract).

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

6. **Background**

TriMet has over 200 landscaped locations that are serviced on both a regular schedule and on an on-call/as-needed basis. TriMet uses contracted services for the maintenance of these landscaped locations. The landscape service area is divided into four zones:

- Zone #1 is generally defined as the Blue Line Hatfield to 11<sup>th</sup> Terminus, and WES Line Beaverton Transit Center to Tualatin South;
- Zone #2 is generally defined as the Orange Line SW 5<sup>th</sup> & Jackson to Park Avenue Garage area;

- Zone #3 is generally defined as the Yellow Line Interstate Rose Quarter to Expo Center, Blue Line Rose Quarter Transit Center to Gateway, and the Red Line Parkrose to Cascades area; and
- Zone #4 generally defined as the Blue Line 102<sup>nd</sup> to Cleveland and Green Line SE Main to Clackamas Town Center area.

Vaughn will provide the following regularly scheduled services including not limited to: turf and bed care; shrub/groundcover/perennial pruning; tree pruning (under 14'); removal of organic debris and trash located within the work zone; weeding and removal of invasive plants; blowing hardscapes (if fouled); maintaining automatic irrigation (spring turn on, summer monitoring and adjusting, and late-fall shut-down).

On-call tasks may include but are not limited to, replacement plantings, clear and grub work, and general landscaping.

#### 7. **Description of Procurement Process**

Prior to issuance of the Invitation to Bid (ITB), TriMet staff alerted approximately forty (40) landscaping firms listed on the State of Oregon's Certification Office for Business Inclusion and Diversity (COBID) website informing them of this opportunity and encouraging them to participate. The communication also included instructions for registering on TriP\$, TriMet's e-procurement site, which helps provide easier access to the solicitation documents. In addition to the outreach, staff decided that separating awards by zone would maximize the number of opportunities for certified firms.

TriMet issued the ITB on July 2, 2021. The solicitation was advertised on TriP\$ and notice was sent to 141 vendors. In order to respond to the ITB, vendors were required to attend one of two mandatory pre-bid conferences. These conferences were offered both online (via Webex) and in person at TriMet's Center Street location. Three (3) firms attended the first meeting.

Following this meeting, TriMet staff again reached out to COBID firms to remind them of the mandatory pre-bid conference and encouraged them to attend the second one. This outreach consisted of both an email reminder as well as a follow up phone call. Because of these efforts, twelve (12) firms attend the second pre-bid conference.

TriMet received nine Bids on August 6, 2021: Bridge Town Construction and Landscaping LLC (Bridgetown); Brightview Landscape Services (Brightview); JN Maintenance LLC (JN); Mow Zone Landscaping and Lawn Care (Mow Zone); Neyda's Landscape and Maintenance LLC (Neyda's); Northwest Landscape Services (Northwest); Pac Green Nursery and Landscape LLC (Pac Green); Valleyscapes, Inc. (Valleyscapes); and Vaughn.

The proposed Contracts with each of the vendors will be for a 5-year term, with TriMet retaining the unilateral option to terminate for convenience for any reason, during the 5-year term.

For Zone 1, TriMet awarded a contract in the amount of \$871,313.30 to Bridgetown. For Zone 3, TriMet awarded a contract in the amount of \$524,233.90 to Pac Green. The awarded contracts for Zones 1 and 3 fall below the threshold for Board approval. Mow Zone was the apparent low bidder for Zones 3 and 4, but TriMet staff determined that the company did not meet the minimum requirements stated in the ITB and its bid was therefore rejected.

Therefore, for Zones 2 and 4, TriMet awarded a contract to Vaughn in the total amount of \$1,501,630, over an anticipated five-year contract term. See contract awards shown below.

**Zone 1:**

Bridgetown	Mow Zone	Northwest	Pac Green	Valleyscapes
\$871,313	\$969,826	\$940,850	\$1,241,530	\$1,572,693

**Zone 2:**

JN	Mow Zone	Pac Green	Valleyscapes	Vaughn
\$1,402,602	\$835,843	\$1,000,483	\$1,256,467	\$829,023

**Zone 3:**

JN	Mow Zone	Neyda's	Pac Green	Valleyscapes	Vaughn
\$758,227	\$442,159	\$41,490,809	\$524,234	\$816,724	\$575,427

**Zone 4:**

Brightview	JN	Mow Zone	Neyda's	Pac Green	Valleyscapes	Vaughn
\$3,221,939	\$962,736	\$587,011	\$48,726,325	\$681,648	\$1,088,190	\$672,607

*Bridgetown* - 5-year Contract total (Zone 1): \$871,313

*Pac Green* – 5-year Contract Total (Zone 3): \$672,607

*Vaughn* - 5-year Contract total (Zones 2 and 4): \$1,501,630

The total price for the Contract awarded to Vaughan for Zone 2 and Zone 4 compares favorably with TriMet’s Independent Cost Estimate (ICE) for the work. Vaughan’s pricing was deemed fair and reasonable based on competition.

8. **Diversity**

Vaughn is a certified Emerging Small Business (ESB) and Women Business Enterprise (WBE) and will self-perform all work. Vaughn’s workforce is 60.8% minority and 4% female.

It should be noted that the other two firms receiving contracts under this solicitation are also certified firms: Bridgetown is an ESB, and Pac Green is a Disadvantaged Business Enterprise (DBE), ESB, and WBE.

9. **Financial/Budget Impact**

The Contract amount is accounted for in the Facilities Maintenance operating budgets for FY22 through FY27.

10. **Impact if Not Approved**

If this Contract is not approved, TriMet will need to reissue the Invitation to Bid (ITB) for Zones 2 and 4. This option is not recommended, as Vaughn is a well-qualified firm and resoliciting is unlikely to result in additional competition, a superior contractor or a lower price.

**RESOLUTION NO. 21-09-45**

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TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A  
CONTRACT WITH VAUGHN ENVIRONMENTAL INC. (VAUGHN) FOR  
LANDSCAPE AND BIOSWALE MAINTENANCE AND ON-CALL SERVICES**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a contract with Vaughn Environmental Inc. (Vaughn) for landscape and bioswale maintenance and related on-call services; 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; and

**WHEREAS**, the total amount of the Contract exceeds \$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 total amount of \$1,501,630, over the 5-year life of the Contract.

Dated: September 22, 2021

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Presiding Officer

Attest:

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Recording Secretary

Approved as to Legal Sufficiency:

***Gregory E. Skillman***

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Legal Department