


**Date:** May 24, 2023

**To:** Board of Directors

**From:** Sam Desue, Jr. 

**Subject:** **RESOLUTION NO. 23-05-18 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH COCHRAN, INC. (COCHRAN) FOR ON-CALL ELECTRICAL, INFRARED THERMAL SCANNING, AND ARC FLASH PROGRAM 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 Cochran, Inc. (Cochran) for on-call electrical, infrared thermal scanning, and Arc Flash program 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**

Within its 533 square mile service area, TriMet has numerous buildings, structures, and other assets that require the services of licensed electricians to complete installations and perform scheduled maintenance and repairs. These facilities include four bus maintenance yards with more than one building at each yard; two rail maintenance yards with several buildings; three Accessible Transportation Program (LIFT) yards with buildings; three mechanical shops; one administrative building; 33 Park & Ride lots; 16 Transit Centers; approximately 50 bus

shelters with electrical power; 63 substations; 102 rail platforms; garages with lighting; and several employee parking lots associated with shops and maintenance yards.

Generally, electrical work for these facilities is handled by the plant maintenance mechanic staff in TriMet's Facilities Department. However, for certain electrical services that are beyond the experience, licensing and certification levels of TriMet staff, Facilities Management must rely on an on-call electrical services contractor.

In December of 2020, pursuant to Resolution No. 20-12-46, the Board authorized a five-year, on-call electrical repair and maintenance contract with Cochran for \$2,541,530. Subsequently, extensive and previously unknown electrical problems emerged that required Cochran's on-call services, and the initial contract funds were expended prior to the end of the contract term. Therefore, in December of 2022, under Resolution No. 22-12-65, the Board authorized a contract modification increasing the available funds by \$500,000, allowing Cochran's services to continue while TriMet procured a replacement contract.

In addition, while the prior Cochran contract was in effect, the Facilities Management team implemented an OSHA-required Arc Flash program, in order to identify electrical safety risks and ensure regulatory compliance. The Arc Flash program has identified significant additional work that will require on-call electrical services.

Under the Arc Flash program, each component of a given facility's electrical infrastructure must be identified and inventoried. This includes electrical distribution panels, a primary component of electrical systems at every facility. To date, the Arc Flash program has inventoried and inspected 62 electrical distribution panels at Center Bus Maintenance, 81 at the Elmonica Rail Operations Facility, and 34 at the Merlo Bus Maintenance Facility, which had not previously been inventoried and inspected. As the Facilities Maintenance Arc Flash team continues the process of inventorying electrical distribution panels at substations and signal houses along the MAX alignment, it expects to address an additional 160 panels.

During this process, the Arc Flash team learned that many of these non-inventoried electrical assets have not been maintained and may require replacement. Those not replaced will need regular infrared scanning as part of preventive maintenance. The replacement and/or correction of identified electrical problems and their subsequent inspection and/or observation, along with necessary recordkeeping, is work that will be performed pursuant to the replacement on-call electrical services contract.

The discovery and remediation of these District-wide electrical assets requires a significant increase in electrical work and a commensurate increase in the funding for the replacement on-call electrical services contract. The parameters of the procurement effort that culminated in the proposed award of this Contract to Cochran were derived from historical levels of electrical service, infrared thermal scanning, and the new electrical service needs identified by the Arc Flash program.

In addition, other significant unknown electrical safety and security issues were identified and made part of the proposed Contract, including:

- grounding and parallel path issues at TriMet's primary maintenance garages,
- failing assets requiring electrical upgrades to support their replacement, and
- significant expenditures on LED lighting upgrades at rail platforms and transit centers in support of TriMet's Reimagine Public Safety and Regaining Ridership Initiatives.

Under the Contract, Cochran will provide expanded on-call electrical services as needed at various TriMet facilities, including preventive maintenance on existing equipment and systems, repairs to existing electrical systems that may require new installations (e.g., circuits, transformer updates, construction wiring and conduit), infrared thermal scanning of existing equipment, and ongoing Arc Flash program services.

**7. Description of Procurement Process**

TriMet utilized a competitive Request for Proposals (RFP) process to select a contractor to provide the goods and services. The RFP was issued on April 3, 2023, with a proposal due date of April 24, 2023. A total of 206 vendors were notified of the RFP via TriMet’s eProcurement System (TriP\$) website, only one of which (Cochran) submitted a proposal.

A Source Evaluation Committee (SEC) comprised of staff from TriMet’s Maintenance Division reviewed and evaluated the proposal. The evaluation criteria included: (1) qualifications of the proposer; (2) qualifications of the staff; (3) diversity; (4) workforce development; (5) understanding of the work; and (5) price. After evaluating Cochran’s proposal, it was shortlisted to the competitive range and the SEC opened the price proposal. The SEC asked Cochran to submit a Best and Final Offer (BAFO) to revise pricing. TriMet received the BAFO on May 1, 2023.

Cochran’s overall score after the BAFO submission is summarized below:

	Possible Points	Cochran
<i>Evaluation Criteria</i>		
Qualifications of Proposer	10	8.0
Qualifications of Staff	10	7.8
Diversity	10	7.2
Workforce Development	10	8.0
Understanding of the Work	40	33.6
<b>Technical Proposal Totals . . .</b>	<b>80</b>	<b>64.6</b>
<b>Price Proposal . . .</b>	<b>20</b>	<b>20</b>
<b>Total Score . . .</b>	<b>100</b>	<b>84.6</b>
<b>Initial Proposal Pricing . . .</b>		<b>\$10,665,472</b>
<b>BAFO Pricing . . .</b>		<b>\$9,302,052</b>
<b>Independent Cost Estimate . . .</b>		<b>\$12,412,000</b>

Although Cochran submitted the only proposal in response to the RFP, the firm’s scoring was satisfactory and its proposal represents the best overall value to TriMet. Cochran has an experienced and reputable staff and a significant company presence in the Portland metropolitan area. In addition, Cochran has an excellent relationship with TriMet staff and

knows TriMet's system better than any electrical contractor in the area. The SEC also determined that Cochran thoroughly demonstrated its ability to effectively respond to TriMet's needs under the previous contracts.

In addition, Cochran's proposal was found to be fair and reasonable based on rates charged on their two prior TriMet contracts for the same services, and in comparison with TriMet's Independent Cost Estimate (ICE) of \$12,412,000. Accordingly, staff recommends award of the Contract to Cochran.

As discussed above, in a period of approximately two and one-half years, TriMet utilized nearly all of the \$3,041,530 available under the prior Cochran contract for on-call electrical services. Due to the magnitude of the additional work necessary to remediate these District-wide electrical assets, the proposed Contract is for a significantly greater amount than the prior one. If the Resolution is approved, the proposed Contract would be for the amount of \$9,302,052, plus an additional amount for unanticipated expenditures not to exceed 15%, for a total authorized amount of \$10,697,360.

The proposed Contract will be for a five-year term, with TriMet retaining the unilateral option to terminate for convenience for any reason during that period. Price adjustments will be permitted on an annual basis at TriMet's discretion, which will be capped at the Consumer Price Index for all Urban Wage Earners and Clerical Workers (CPI-W) for the Portland-Salem area Western Region. The total amount ultimately paid will be based on TriMet's actual on-call needs and the goods and services required during the Contract term.

## **8. Diversity**

Cochran's total workforce is 740, of whom 16.8% are minorities and 12.1% are female. In addition to using its own workforce, Cochran intends to subcontract general contracting, security and door hardware services, and roadway flagging services for task order work. Cochran is certified as a 100% Women's Business Enterprise (WBE) through the Women's Business Enterprise National Council, and currently seeks certification as a federal DBE and as a WBE through the Oregon Certification Office for Business Inclusion and Diversity (COBID).

Moreover, Cochran recently created a position and hired a full-time Director of Diversity and Inclusion, who is charged with helping Cochran to become more diverse internally. The Director also focuses on helping Cochran increase diversity among its sub-contractors, as well as among the emerging businesses the firm mentors on larger projects. The new Director comes from the construction industry and has numerous strategies for how Cochran could achieve greater diversity as a contractor.

Cochran also is a union contractor whose employees are represented by the IBEW/NACA. As a union contractor, Cochran benefits from employing apprentices on every project. Doing so helps train the next generation of tradespeople and reduces the composite labor rate for a project. Further, IBEW/NECA hires and prioritizes BIPOC and Women in its hiring program. Cochran's current total apprenticeship utilization rate is approximately 25%.

## **9. Financial/Budget Impact**

The costs of on-call electrical, infrared thermal scanning, and Arc Flash program services are included within the Facilities Management department's operating budget.

#### **10. Impact if Not Approved**

Continuing to have Cochran's on-call electrical services available under this Contract is necessary to ensure that electrical components in TriMet's facilities remain monitored and fully functional. The failure to approve this Resolution could result in significant safety hazards to TriMet staff and/or the public at TriMet facilities, and could potentially disrupt operations. If the Resolution is not approved, TriMet will need to re-procure for these goods and services, but it is highly unlikely that re-soliciting will achieve better quality, price, or broader participation. Approval of this Resolution is strongly recommended.

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TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A  
CONTRACT WITH COCHRAN, INC. (COCHRAN) FOR ON-CALL  
ELECTRICAL, INFRARED THERMAL SCANNING, AND ARC FLASH  
PROGRAM SERVICES**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a contract with Cochran Inc. (Cochran) for the procurement of on-call electrical, infrared thermal scanning, and Arc Flash program services (Contract); and

**WHEREAS**, by Resolution No. 22-05-35, 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 exceeds \$1,000,000.

**NOW, THEREFORE, BE IT RESOLVED:**

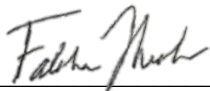
1. That the Contract shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute the Contract in an amount of \$9,302,052, with the actual expenditure based on the cost of goods and services provided over the Contract's five-year term.
3. That the General Manager or his designee is authorized to execute modifications to the Contract to pay for unanticipated additional expenditures in an amount not to exceed 15%, for a total authorized amount of \$10,697,360, over the Contract's five-year term.

Dated: May 24, 2023



Presiding Officer

Attest:



Recording Secretary

Approved as to Legal Sufficiency:



Legal Department