

Date: March 23, 2016

To: Board of Directors

From: Neil McFarlane *Neil McFarlane*

Subject: RESOLUTION 16-03-16 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET)
AUTHORIZING A CONTRACT WITH PIVOT ARCHITECTURE FOR
ARCHITECTURAL 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 a contract with PIVOT Architecture (“Pivot”) for Architectural Design Services for Buildings Group Small Projects.

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

The TriMet Capital Projects division includes a Buildings Department that manages the development, design and implementation of projects related to the construction, repurposing, or refurbishing of 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 a contract to a consultant to provide on-call architectural design services to the Buildings Group, on a task order basis, for various small remodel and construction projects.

6. Procurement Process

On January 20, 2016, TriMet issued a Request for Proposals (“RFP”) for these services. The RFP sought qualifications of each firm, including individual experience, work plan, diversity plan, and the availability of key personnel in Portland.

This procurement was subject to the Brooks Act, also known as Qualifications Based Selection. The Brooks Act is a federal statute enacted in 1972, which establishes the procurement process by which architects and engineers are selected for contracts with federal agencies and agencies utilizing federal grant funds. In a Brooks Act 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 division, Facilities Management department, and office of Diversity and Transit Equity. EC members were selected based on their expertise, experience and knowledge related to the services to be provided. On February 10, 2016, TriMet received six proposals in response to the RFP, from Convergence Architecture, MCA Architects, Oh Planning + Design, Pivot, Shur Architects, and Waterleaf Architecture. The EC ranked the proposers in accordance with the procedures and criteria established in the RFP. After completing this review, the EC determined that Pivot was the highest ranked proposer. Full scores for the proposers were as follows:

Criteria	Possible Points	PIVOT	Waterleaf Architecture	MCA Architects	Oh Planning + Design	Shur Architects	Convergence Architecture
Corporate Experience	20	17	19	15	15	12	12
Personnel Experience	35	31	25	25	23	20	20
Work Plan and Diversity Plan	25	20	20	17	17	18	25
Availability in Portland	10	8	9	9	8	8	9
Cost Estimating & Cost Controls	10	8	8	10	8	8	9
Total	100	84	81	76	71	66	65

Accordingly, TriMet proposes to award a contract to Pivot.

7. Diversity

Pivot indicated it expects to achieve at least 10 percent Disadvantaged Business Enterprise (“DBE”) participation under this contract, depending on the nature of the actual work assigned, and has selected three Portland DBE firms and one Emerging Small Business (“ESB”) firm as members of its team. These DBE subcontractors will perform electrical, structural and permitting design services, as needed. Pivot will specify DBE subcontracting opportunities as each task order is negotiated, at which time the DBE utilization will become a fixed commitment.

8. Financial/Budget Impact

TriMet will order work via the issuance of task orders. Task orders will only be issued when sufficient budget exists to do so, and will be billed to the particular project for which the work is being performed. In accordance with Qualifications-Based Selection, the direct labor costs and overall contract value were negotiated after selection of the consultant. TriMet staff has determined that 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 a contract to Pivot for up to three years, in an amount not to exceed \$1,000,000.

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 of small scale and often needs to be performed under short deadlines to respond to immediate needs. Using one firm on a task-order basis will expedite the work and will reduce overall costs by eliminating the procurement and administrative process for multiple, separate contracts.

RESOLUTION 16-03-16

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH PIVOT ARCHITECTURE FOR ARCHITECTURAL DESIGN SERVICES FOR BUILDINGS GROUP SMALL PROJECTS

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with PIVOT Architecture for Architectural Design Services (“Contract”); and

WHEREAS, the total amount of the Contract shall 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 Contract shall be in conformance with applicable laws.
2. That the General Manager or his designee is authorized to execute the Contract.

Dated: March 23, 2016

Attest:

Presiding Officer

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department