

Date: December 11, 2024

To: Board of Directors

From: Sam Desue, Jr.

Subject: **RESOLUTION NO. 24-12-69 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH JUST BUCKET EXCAVATING, INC. FOR THE POWELL-DIVISION SAFETY AND ACCESS TO TRANSIT PROJECT**

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 Just Bucket Excavating, Inc. (Just Bucket Excavating) for the Powell-Division Safety and Access to Transit Project (Project).

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:

4. Reason for Board Action

Board authorization is required for contracts obligating TriMet to pay in excess \$1,000,000.

5. Type of Action

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

6. Background

In 2016, Metro determined that instead of a SE Powell-SE Division route for the Division Transit Project (DTP), the locally preferred alternative for the DTP would be solely along SE Division Street. That decision meant that the FX2-Division bus rapid transit line would not directly serve SE Powell Boulevard. Therefore, TriMet identified several potential safety and access to transit improvements within the Powell-Division corridor that would benefit transit customers in that area, but were not included in the improvements being made by the DTP. The Powell-Division Safety and Access to Transit Project (Project) was created to implement these potential improvements.

The Project is a multi-jurisdictional effort involving several regional road authorities, including the Oregon Department of Transportation (ODOT), the Portland Bureau of Transportation (PBOT) and the City of Gresham. Relying on the proposed contractor, Just Bucket Excavating, TriMet now intends to construct several of the crossing safety and access improvements identified by the Project that will enhance bus stops along SE Powell Boulevard and SE Division Street between Portland and Gresham.

These safety and access improvements include additional lighting, upgraded signage and striping, ADA ramps, sidewalk and bus stop improvements, and installation of two Rectangular Rapid Flashing Beacon (RRFB) signals. Through the proposed Contract, the following five intersections will receive safety and access enhancements:

	STREET	CROSS STREET	SAFETY ENHANCEMENTS
1	Powell	47th Avenue	Signage, striping, improvements to existing signal
2	Powell	57th Avenue	Signage, striping, LED luminaire
3	Powell	61st Avenue	Signage, striping (including new crosswalk striping), pavement, sidewalk, ADA ramps
4	Powell	79th Avenue	RRFB, left turn removal , signage, striping (including new crosswalk striping), paving, sidewalk, ADA ramps, stop improvements
5	Division	Roberts Avenue	RRFB, Signage for EB and WB vehicles, enhancing at-grade path through median, ADA ramp, trees

7. Description of Procurement Process

TriMet issued an Invitation to Bid (ITB) on October 24, 2024, with bids due on November 19, 2024. The ITB was advertised on TriMet’s TriP\$ website and in the Daily Journal of Commerce (DJC). In response to the ITB, TriMet received bids from Brown Contracting, Inc. (Brown Contracting); Just Bucket Excavating, Inc. (Just Bucket Excavating); MJ Hughes Construction, Inc. (MJ Hughes); and Stacy Witbeck, Inc. (SWI).

A summary of the bids is shown below:

Brown Contracting	Just Bucket Excavating	MJ Hughes	SWI
(incomplete bid submitted)	\$1,130,530	\$1,708,186	\$1,358,000
<i>Independent Cost Estimate (ICE) \$1,578,305</i>			

TriMet’s Independent Cost Estimate (ICE) for the Project was \$1,578,305. Brown Contracting’s bid was ruled not responsive, and Just Bucket Excavating’s bid was determined to be the lowest responsive and responsible bid. Its bid also was determined to be fair and reasonable based on competition, and in comparison with TriMet’s ICE.

This Resolution will authorize the award of the Contract in the amount of \$1,130,530 to Just Bucket Excavating, with a Contract termination date of June 30, 2025. As is typical for this type of construction work, unforeseen circumstances may occur that require changes to the Project’s scope of work. Therefore, the Resolution also authorizes potential future change orders of up to twenty percent (20%) of the Contract amount, or \$226,106, for a total possible authorization amount of \$1,356,636.

8. Diversity

Just Bucket Excavating is a Minority Business Enterprise (MBE) and Disadvantaged Business Enterprise (DBE) with eighteen employees, of whom 50% are minorities and 22.2% are female. The company will be subcontracting 26% of the Project work in the areas of concrete, landscaping, and hauling, to firms certified by Oregon's Certification Office for Business Inclusion and Diversity (COBID).

9. Financial/Budget Impact

The Project is funded by federal grants awarded by ODOT through the Statewide Transportation Improvement Program (STIP), TriMet's 10.78% local match from general funds, and Statewide Transportation Improvement Funds (STIF) supporting Project overruns. The Project is included within the Strategy & Planning Division's FY2025 Budget.

10. Impact if Not Approved

If this Resolution is not approved, construction may not be completed by June 30, 2025, which would jeopardize TriMet's ability to utilize FY2025 funding resources, including STIF dollars supporting Project cost overruns.

RESOLUTION NO. 24-12-69

RESOLUTION NO. 24-12-69 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH JUST BUCKET EXCAVATING, INC. FOR THE POWELL-DIVISION SAFETY AND ACCESS TO TRANSIT PROJECT

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract (Contract) with Just Bucket Excavating, Inc. for the for the Powell-Division Safety and Access to Transit Project; 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 the amount of \$1,130,530, and is authorized to execute change orders not to exceed 20% of the Contract amount (\$226,106), for a total possible authorized amount of \$1,356,636, through the Contract's June 30, 2025, expiration date.

Dated: December 11, 2024



Presiding Officer

Attest:



Recording Secretary

Approved as to Legal Sufficiency:



Legal Department