

Date: February 25, 2015

To: Board of Directors

From: Neil McFarlane *Neil McFarlane*

Subject: RESOLUTION 15-02-09 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING ON-CALL CONTRACTS WITH GEOSYNTEC CONSULTANTS, INC. AND LANDAU ASSOCIATES FOR ON-CALL ENVIRONMENTAL SITE ASSESSMENT AND OTHER ENVIRONMENTAL SERVICES

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 contracts with Geosyntec Consultants, Inc. (“Geosyntec”) and Landau Associates (“Landau”) for On-Call Environmental Site Assessment and Other Environmental Services (“On-Call Environmental Services”).

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

TriMet’s Capital Projects Division manages a series of contracts for On-Call Environmental Services. These contracts are available to all TriMet staff, but are used primarily by Capital Projects’ Real Property Department. TriMet’s last set of contracts expired on January 31, 2015. TriMet previously had four firms under contract for these services because more environmental site assessment work was needed during the property acquisition portion of the Portland-Milwaukie Light Rail Project (“PMLR Project”). Even though property acquisition for the PMLR Project is nearly complete, TriMet will continue to have some need for these services over the next five years, albeit at a lower volume than during the PMLR Project.

When TriMet purchases property with Federal Transit Administration (“FTA”) funds, FTA requires that TriMet appraise and purchase the property “as if clean,” which means TriMet must determine the type and extent of any contamination and the cost of any necessary environmental cleanup. To make these determinations and comply with FTA requirements, TriMet must obtain a Phase I and Phase II environmental site assessment report, which is provided by the on-call contractor.

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 advertised a Request for Proposals (“RFP”) for these services and received fourteen responses. TriMet formed an Evaluation Committee, and the committee ranked the proposers in accordance with the procedures and criteria established in the RFP. Full scores for the top six proposers were as follows:

Criteria	Possible Points	Geosyntec	Landau	Parametrix	Hahn and Associates	PBS Engineering	AMEC
Corporate Experience	20	19	18	19	18	19	18
Personnel Experience	30	28	27	27	25	25	24
Work Plan and Diversity Plan	30	30	25	22	22	20	21
Cost Estimating and Cost Controls	10	8	8	8	8	8	7
Availability in Portland	10	8	8	8	8	8	8
Total	100	93	86	84	81	80	78

The remaining eight proposers, listed by total score only, were as follows:

Proposer	Total Score
Farallon Consulting	70
Cardno	65
Geodesign, Inc.	64
Terracon Consultants	64
Evren Northwest, Inc.	61
Professional Service Industries, Inc.	61
Plateau Geoscience Group	56
Soil Solutions	49

Based on the extent of work expected to be performed over the next five years, TriMet believes having two firms under contract will be sufficient, and recommends awarding contracts to Geosyntec and Landau.

The initial term of each contract will be one year, with four one-year extension options. The initial contract amounts will be \$100,000, which each may be increased up to a total contract amount of \$200,000 over the five year term, if necessary. TriMet's actual payments to the consultants will be based on the amount of work authorized by TriMet, subject to resources authorized in the annual budget. The special provisions of these on-call services contracts state that entry into a contract with TriMet for these services does not guarantee any minimum amount of work or compensation. TriMet will issue work under these on-call contracts on a task order basis.

TriMet will negotiate each task order in accordance with federal Brooks Act requirements to ensure that the selected consultant has the demonstrated competence and qualification for the work, and is able to perform the work at a fair price. TriMet staff will take into account personnel, level of expertise of a particular firm, availability, and Disadvantaged Business Enterprise ("DBE")/subcontractor utilization plan as key factors in assigning a task.

6. Procurement Process

These contracts were procured through a competitive RFP process, as described above.

7. Diversity

In the proposals, Geosyntec and Landau both indicated that they expect to be able to achieve approximately 25-30 percent DBE participation from subcontracting work such as drilling, soil testing, labwork, and technical writing. When assigning a task, TriMet will work with the contractor to identify potential DBE subcontracting opportunities and will discuss subcontractor utilization as the task order is negotiated.

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.

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 these contracts is of small scale and often needs to be performed under short deadlines to respond to immediate needs. The option of using on-call contracts will expedite the work while maintaining open competition and will reduce overall costs by eliminating the procurement and administrative process for multiple, separate contracts.

RESOLUTION 15-02-09

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING ON-CALL CONTRACTS WITH GEOSYNTEC CONSULTANTS, INC. AND LANDAU ASSOCIATES FOR ON-CALL ENVIRONMENTAL SITE ASSESSMENT AND OTHER ENVIRONMENTAL SERVICES

WHEREAS, TriMet has authority under ORS 267.200 to enter into contracts with Geoyntec Consultants, Inc. and Landau Associates for On-Call Environmental Site Assessment and Other Environmental Services (“Contracts”); and

WHEREAS, the total amount of each 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 Contracts shall be in conformance with applicable laws.
2. That the General Manager or his designee is authorized to execute the Contracts in an amount not to exceed \$200,000 each.

Dated: February 25, 2015

Attest:

Presiding Officer

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department