

**Date:** September 18, 2019

**To:** Board of Directors 

**From:** Doug Kelsey

**Subject: RESOLUTION NO. 19-09-72 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH MODERN RAILWAY SYSTEMS, INC. (MRS) FOR STEEL BRIDGE SIGNALS AND COMMUNICATIONS SYSTEMS EQUIPMENT CONSTRUCTION SERVICES**

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**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 Modern Railway Systems, Inc. (MRS) for Steel Bridge Signals and Communications Systems Equipment Construction Services (Services).

**2. Type of Agenda Item**

- Initial Contract
- Contract Modification
- Other \_\_\_\_\_

**3. Reason for Board Action**

Board approval is required for all goods and services contracts obligating TriMet to pay in excess of \$1,000,000.

**4. Type of Action:**

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

**5. Background**

The Steel Bridge light rail and signaling system began serving the public in 1986 when the original light rail opened for service as the critical link between Gresham and downtown Portland. Spanning across the Willamette River, the bridge performs multiple functions. The bottom deck carries Union Pacific Railroad cargo trains and includes a separate pedestrian and bike path. The top deck carries public autos on both outside lanes, with exclusive light rail train traffic in the two center lanes. The Steel Bridge is central to TriMet's operation, with every light rail line passing across it.

The Steel Bridge is owned by Union Pacific Railroad and is leased to the Oregon Department of Transportation, which subleases a portion to TriMet. The sublease requires TriMet to maintain all transit-related facilities on the bridge.

The new signals and communication equipment system will replace the existing relay system with microprocessors across the bridge in cabinets and in a new signals bungalow near the East abutment. With the current relay system, maintenance personnel are required to attend to relays in each of the four cabinets on the bridge, working within inches of auto and train traffic. The new updated system will use hardware that requires far less maintenance time, is more reliable and robust, will allow for better on-time performance, and will be safer for maintenance personnel.

This new equipment will be installed during a three to four week shutdown of the bridge planned for August of 2020. During this time period, all upper deck train traffic will cease while rail and ballast are replaced by a separate civil contractor across the Steel Bridge as part of the larger overall Steel Bridge Transit Improvements Project.

**6. Procurement Process**

On July 24, 2019, the Board approved Resolution No. 19-07-56, which exempted this contract from competitive bidding requirements. TriMet conducted a competitive Request for Proposals (RFP) process. The RFP was issued on July 31, 2019 and advertised on TriMet’s TriP\$ website and in the Daily Journal of Commerce. A pre-proposal meeting for interested firms was held on August 8, 2019 at TriMet’s Harrison Square office and was attended by five (5) firms. Competition was limited due to the small number of firms engaged in these specialized services, and the proposal from MRS was the only one received.

An Evaluation Committee (EC) comprised of staff from TriMet’s Capital Projects Division was appointed to review, evaluate and score the MRS proposal. The evaluation criteria in the RFP included Qualifications of the Firm and Staff, and Diversity; Work Plan; and Price. The following table summarizes the scoring for MRS:

	<b>MRS</b>
<b>Criteria (points)</b>	
<b>Qualifications of the Firm and Staff, and Diversity (45)</b>	39.0
<b>Work Plan (35)</b>	29.0
<b>Price (20)</b>	20.0
<b>Total</b>	<b>88.0</b>

After reviewing the scores, the EC determined that MRS was well-qualified and that an interview was not necessary. MRS provided total pricing of \$1,979,476 for the Services. TriMet staff determined this pricing was fair and reasonable in relation to the local market for this type of work and in line with the Fair Cost Estimate generated by the design team. The proposed Resolution includes an additional \$296,921 for a 15% change order allowance.

**7. Diversity**

The MRS workforce is 17.5% minority and 9.2% female. MRS indicated it would endeavor to subcontract with certified firms in the areas of fiber optic cable furnishing and installation, traffic flagging, and copper cable installation.

**8. Financial/Budget Impact**

Approximately half of the agreed upon initial Contract cost of \$1,979,476 is covered under the Engineering & Construction Division’s budget for FY2020; the other half will be incurred during the August 2020 shutdown and will be included in the FY2021 budget.

9. **Impact if Not Approved**

TriMet could re-procure the contract, however, this option is not recommended because MRS is a well-qualified firm and has offered fair and reasonable pricing. In addition, the work needs to begin soon in order for the overall Steel Bridge Transit Improvements Project to stay on schedule.



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TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A  
CONTRACT WITH MODERN RAILWAY SYSTEMS, INC. (MRS) FOR STEEL  
BRIDGE SIGNALS AND COMMUNICATIONS SYSTEMS EQUIPMENT  
CONSTRUCTION SERVICES**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a contract (Contract) with Modern Railway Systems, Inc. (MRS) for Steel Bridge Signals and Communications Systems Equipment Construction Services; and

**WHEREAS**, the total amount of the Contract exceeds \$1,000,000; and

**WHEREAS**, by Resolution dated October 25, 2017, the TriMet Board of Directors (Board) adopted a Statement of Policies requiring the Board to approve goods and services contracts obligating TriMet to pay in excess of \$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 not to exceed \$1,979,476.
3. That the General Manager or his designee is further authorized to execute 15% change orders to the Contract in an amount not to exceed \$296,921.

Dated: September 18, 2019

Attest:

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Recording Secretary

Approved as to Legal Sufficiency:

  
\_\_\_\_\_  
Legal Department

