

**Date:** July 27, 2022

**To:** Board of Directors

**From:** Sam Desue, Jr.

**Subject: RESOLUTION NO. 22-07-43 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING ON-CALL CONTRACTS WITH JUST BUCKET EXCAVATING, INC., BRATTON CONSTRUCTION, LLC, AND ADVANCED TRIBAL, LLC FOR BUS LAYOVER IMPROVEMENT AND UPGRADE CONSTRUCTION PROJECTS**

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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 contracts with Just Bucket, Inc. (Just Bucket) Bratton Construction (Bratton), and Advanced Tribal, LLC (Advanced Tribal) for bus layover improvement and upgrade construction services (Contracts).

**2. Type of Agenda Item**

- Initial Contract
- Contract Modification
- Other:

**3. Reason for Board Action**

Board authorization is required for all 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**

In October 2018, the Board adopted the Statewide Transportation Improvement Fund (STIF) Plan, which is funded on a biennial basis by revenue generated from payroll taxes. The authorized STIF projects include construction of physical improvements or upgrades intended to increase and facilitate bus service within the built environment. This will require construction work to alter or add bus layover space at existing stops or transit centers, as well as the addition of bus pads for future bus shelters and if needed, lighting for customer and operator safety.

There are currently two such projects nearing final design: one at the Gateway Transit Center and another at the Gresham Transit Center. The Gateway project will include the demolition of a portion of existing concrete sidewalk, curb and gutter to create a common

pick-up spot for two simultaneous buses. This will require the relocation of an existing light pole and replacement of a small portion of the adjoining bus lane. The Gresham project will include demolition of an existing asphalt road, shrubs (for sightline improvements), a portion of post and cable fencing, as well as concrete sidewalk and corner ADA ramp for upgrading this area to current standards. The Gresham project calls for installation of over 200 linear feet of concrete sidewalk, curb, and gutter with a bus pad, and includes new landscaping elements (street trees, low-lying shrubs, and irrigation), light poles with security cameras and a large, flat gravel area to facilitate maintenance efforts.

In March 2022, the Board approved Resolution No. 22-03-11, authorizing a class exemption from the competitive, low-bid procurement method for these anticipated bus layover improvement and upgrade projects. Approval of the March Resolution allowed staff to issue a Request for Proposal (RFP) for this class of projects to contractors certified by the State of Oregon Certification Office for Business Inclusion and Diversity (COBID). The Board’s approval of the current Resolution will authorize TriMet to implement Resolution No. 22-03-11 by offering construction contracts for projects like the Gateway and Gresham Transit Center bus layover improvements to the top-ranked COBID-certified bidders who responded to that RFP.

**6. Description of Procurement Process**

Following the March Board meeting, staff performed outreach to garner COBID-certified contractor interest in the RFP, get feedback on the pricing form, other aspects of the scope of work, and contract expectations. TriMet issued the RFP on May 25, 2022, with a proposal due date of June 15, 2022. A total of 386 vendors were notified of the RFP via TriMet’s eProcurement System (TriP\$). Four (4) firms: Just Bucket, Bratton Construction, Advanced Tribal, and Interlaken, Inc. (Interlaken) submitted proposals.

Three Source Evaluation Committee (SEC) members comprised of staff from TriMet’s Engineering & Construction (EC) Division evaluated the proposals. The evaluation criteria included: (1) qualifications of the proposer, (2) qualifications of the staff, and (3) approach to work.

After reviewing initial technical scores, the SEC determined that additional information was required from two (2) firms to obtain clarification of parts of their responses. After receiving the clarifying information, the SEC ranked the firms. The top ranked firms and points awarded are shown below:

Criterion (points)	<b>Advanced Tribal</b>	<b>Bratton</b>	<b>Interlaken</b>	<b>Just Bucket</b>
Proposer Qualifications (40)	35	35	32	38
Staff Qualifications (35)	30	29	30	33
Approach to Work (25)	22	21	22	25
<b>Grand Total</b>	<b>87</b>	<b>86</b>	<b>84</b>	<b>96</b>

Each of the three (3) top-ranked firms selected was asked to submit a rate sheet with selected services and materials. TriMet staff has determined that the negotiated rates submitted by each firm are fair and reasonable in relation to the local market for the type of work, and in comparison with rates for similar services.

Approval of this Resolution will allow TriMet to award a separate, on-call Contract for Bus Layover Improvement and Upgrade Construction Services to each of the three firms. Each contract will be for a one-year term, with TriMet's unilateral option to extend for four additional one-year extensions. The total amount of each contract will not exceed \$5,000,000, over the five-year term, and the range of costs for the projects within each of the awarded Contracts is estimated to be from \$5,000 to \$1,000,000.

**7. Diversity**

- a) Just Bucket is a COBID certified minority-owned business (MBE) and a disadvantaged owned business (DBE). Its total employee count is 18, and its workforce includes eight minorities and four females.
- b) Advanced Tribal is a COBID certified minority-owned business (MBE) and a disadvantaged owned business (DBE). Its total employee count is nine, and its workforce includes eight minorities and two females.
- c) Bratton is a minority-owned business (MBE), a disadvantaged owned business (DBE), and a woman-owned business (WBE). Its total employee count is 24, and its workforce includes 23 minorities and four females.

**8. Financial/Budget Impact**

The cost of the work is included in the FY 2022-2023 STIF Plan and STIF funding is expected to continue on a biennial basis.

**9. Impact if Not Approved**

If this Resolution is not approved, the identified Statewide Transportation Improvement Fund (STIF) funds would not be allocated to these three COBID-certified firms during the projected five (5) year timeline. In that case, TriMet would lose a great opportunity to pioneer a program that could benefit the Agency, other public agencies and the COBID-certified contractor community.

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**WHEREAS**, TriMet has authority under ORS 267.200 to enter into contracts with Just Bucket, Inc., Bratton Construction, LLC, and Advanced Tribal, LLC for bus layover improvement and upgrade construction services (Contracts); 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**, by Resolution No. 22-03-11, dated March 23, 2022, the TriMet Board of Directors (Board) authorized a class exemption for the Contracts from the competitive, low-bid procurement method, which allowed staff to issue a Request for Proposals (RFP) to contractors certified by the State of Oregon Certification Office for Business Inclusion and Diversity (COBID); and

**WHEREAS**, the Contracts will be performed by COBID-certified contractors; and

**WHEREAS**, the total amount of each of the Contracts exceeds \$1,000,000;

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

1. That each of the Contracts shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute the Contracts for construction services in amounts not to exceed \$5,000,000 each, with the term of each of the Contracts not to exceed five years.

Dated: July 27, 2022

Attest:

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Presiding Officer

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Recording Secretary

Approved as to Legal Sufficiency:

***Gregory E. Skillman***  
Legal Department