

Date: February 22, 2017

To: Board of Directors

From: Neil McFarlane *Neil McFarlane*

Subject: RESOLUTION 17-02-13 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH THE CENTER FOR TRANSPORTATION AND THE ENVIRONMENT FOR PROJECT MANAGEMENT SERVICES RELATED TO THE ACQUISITION OF NEW FLYER XCELSIOR 40' ZERO EMISSION BATTERY ELECTRIC BUSES

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 the Center for Transportation and the Environment (CTE) for project management services (Services) related to the acquisition, planning, and deployment of New Flyer Xcelsior 40' zero emission battery electric buses resulting from a Federal Transit Administration (FTA) grant award.

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

In March 2016, the FTA published a Notice of Funding Opportunity (NOFO) for the Low or No Emission Grant Program. The funds provided by this program provide financial assistance for the purchase or lease of low or no emission vehicles that use advanced technologies, or for related equipment or facilities to be used for transit revenue operations.

TriMet submitted an application totaling \$7,265,000, and was awarded a grant for \$3,405,750, with the remaining \$3,859,250 being budgeted by TriMet as the local match. In the grant application, TriMet proposed partnering with New Flyer for the purchase of five electric buses and with CTE for project management services necessary to incorporate the buses into revenue service, including planning and initiation, infrastructure design, engineering and construction, and route deployment. This resolution would authorize a contract with CTE in the amount of \$475,000, as contemplated in the grant application. Authority to purchase the buses will be requested in a future Resolution.

6. Procurement Process

CTE is a member-based non-profit organization whose mission is to improve the efficiency and sustainability of the United States' energy and transportation systems. CTE works on many federally funded green energy transportation projects. When submitting its grant application, TriMet chose to team with CTE and New Flyer, and both those parties were named in the application. Therefore, the requested contract with CTE will be classified as a sole source because TriMet is not required to conduct a competitive solicitation in accordance with the FTA NOFO. The NOFO specifically allowed for applications to include partnerships between eligible public agencies and specific vehicle manufacturers, equipment vendors, or project consultants.

The term of the requested contract with CTE will be for one year with TriMet's option to renew for two additional one year periods. The total estimated amount of the contract is \$475,000 over the three year period. The contract will be structured as a cost reimbursement agreement where TriMet will reimburse CTE for actual and allowable costs only as directed and approved by TriMet's project manager.

7. Diversity

As mentioned above, CTE was named in the grant application as one of TriMet's partners, and will provide necessary Services related to the introduction of electric buses to TriMet's fleet. CTE is a non-profit organization that specializes in, among other things, managing green energy technology projects for local agencies that are funded by the United States Department of Transportation and Department of Energy. Given CTE's expertise in this area, it typically does not subcontract its work. CTE has a workforce utilization consisting of 48 percent women and approximately 10 percent minorities.

8. Financial/Budget Impact

The money for project management services by CTE is being provided by the FTA as a grant award resulting from the Low or No Emission Grant Program. The local share of the overall project cost (\$3,859,250) is included in the Capital Improvement Program budget for FY 2017-18 and FY 2018-19.

9. Impact if Not Approved

CTE was named in the grant application. If this contract is not approved, TriMet would not be compliant with the grant application conditions, and thus might no longer be eligible for grant award.

RESOLUTION 17-02-13

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH THE CENTER FOR TRANSPORTATION AND THE ENVIRONMENT FOR PROJECT MANAGEMENT SERVICES RELATED TO THE ACQUISITION OF FIVE NEW FLYER XCELSIOR 40' ZERO EMISSION BATTERY ELECTRIC BUSES

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with the Center for Transportation and the Environment for project management services related to the acquisition, planning and deployment of five New Flyer Xcelior 40' zero emission battery electric buses (Contract); and

WHEREAS, the total amount of the Contract is expected to 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: February 22, 2017

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department