



Minutes

Meeting:	TriMet Board of Directors Regular Board Meeting	Date:	October 26, 2022
		Time:	9:00 a.m.
Board Members Present:	Lori Irish Bauman Keith Edwards Ozzie Gonzalez LaVerne Lewis Linda Simmons Kathy Wai	Board Members Absent:	Thomas Kim

TriMet Board Business meetings and public forum are available via web video stream. You can access the archived meetings and materials at trimet.org/meetings/board.

President Simmons called the business meeting to order at 9:34 am.

1. **Committee Reports**

Committee on Accessible Transportation (CAT) – Director Edwards provided an overview of the October 19th CAT meeting. Items on the agenda included a Security Update from Pat Williams and introduction to the new Executive Director of Transportation, Inessa Vitko. The committee reviewed the CAT FY23 Work Plan Priorities and also received a presentation on the Forward Together Concept.

Finance and Audit Committee – Director Irish-Bauman provided an overview of the October 26th F&A Committee meeting. The committee received a presentation from external auditors, Eide Bally. The committee also discussed the agenda for the November 9th Board Retreat.

Metro Policy Advisory Committee (MPAC) – In the absence of Director Kim, Government Affairs Senior Coordinator Tara O’Brien provided an overview of the September MPAC meeting. Items on the agenda included a presentation and discussion about the Factors of Homelessness and regional winter shelters. The committee received a presentation on an Urban Growth Boundary and there was also a discussion about Congestion Pricing policy for inclusion in the Regional Transportation Plan (RTP).

Transit Equity Advisory Committee (TEAC) – Director Wai provided an overview of October TEAC meeting. Items on the agenda included a presentation on the Forward Together Service Concept, an overview of the STIF Plan and a discussion about the TEAC Bylaws.

2. **General Manager Report**

3. **Consent Agenda**

- Approval of Board Meeting Minutes for September 28, 2022
- Approval of a Resolution directing that the reading of all ordinances be by title only.

- Resolution 22-10-54 – Approving the Submission of Eight Grant Applications to the Federal Transit Administration for FY2023 Federal Formula and Discretionary Funds.

Action: Director Irish Bauman moved approval of the Consent Agenda. Director Edwards seconded the motion. The motion passed with unanimous approval.

4. **Resolutions**

Resolution 22-10-55 – Authorizing a Contract with Mass Electric Construction Co. for the Ruby Junction Mainline Substation Upgrade Project

Mr. Desue discussed Resolution 22-10-55 requesting Board authorization for a sole source contract with Mass Electric Construction. Mass Electric is the original manufacturer of the Ruby Junction Mainline Station, which went into service back in 1986 with the opening of the eastside MAX Blue Line. Under the terms of the contract, Mass Electric would upgrade, retrofit and modernize the substation, to improve safety and reliability. The resolution seeks contract authority of \$1.6 million, plus 10% for potential change orders, for a total of \$1.76 million. Substation upgrades are included in the annual budgets for our Maintenance of Way Division. For diversity, Mass Electric has more than 1,000 employees, nearly 30% of whom identify as minority and 9% as female.

Action: Director Edwards moved approval of Resolution 22-10-55. Director Lewis seconded the motion. The motion passed with unanimous approval.

Resolution 22-10-56 – Authorizing a Contract with Liberty Electric, Inc. for the Yellow Line Light Rail Substation Feeder Breaker Retrofit Project

Mr. Desue discussed Resolution 22-10-56 which concerns modernization of substations that power the MAX system, in this case the MAX Yellow Line. He said it has been 18 years since the Yellow Line was completed, and the substations have reached the end of their life cycle, requiring upgrades to maintain safety and reliability. This upgrade would cover six substations and one rail yard. As the original manufacturer no longer offers replacement parts or repair services, TriMet issued an Invitation to Bid, and Liberty Electric emerged as the lowest responsive and responsible bidder. The resolution seeks contract authority just over \$2 million, plus 15% for potential change orders. The amount is included in the annual Maintenance of Way operating budget. Liberty Electric has 56 employees. About 20% are minorities and 12.5% are female.

Action: Director Irish Bauman moved approval of Resolution 22-10-56. Director Edwards seconded the motion. The motion passed with unanimous approval.

Resolution 22-10-57 – Authorizing a Contract with Gillig, LLC for the Purchase of Operator Safety Shields for TriMet’s Revenue Service Bus Fleet

Mr. Desue discussed Resolution 22-10-57 requesting authorization for a contract with Gillig, to upgrade, retrofit and stabilize the operator safety panels, or shields, that are installed on buses. He said TriMet completed installation of the original safety panels in 2020 due to the pandemic. This upgrade will replace the existing, retractable, plastic panel with a larger, heavier-duty version that offers even more security to our operators. The new safety shield covers more area and is more substantial, thus requiring some additional stabilization work to ensure the integrity of the mounting frame in which it is installed. Although Gillig did not manufacture the safety panels, it is an authorized dealer of the ArrowGlobal shields, and there is no other bus company that is more familiar with TriMet’s fleet. He said there are no other operator safety panel systems that are compatible with those that are in use with our fleet, therefore, this is a sole source contract. The resolution requests \$3.2 million to complete upgrades to the 657 buses that are used for revenue service, as well as 10% for potential change orders, which are anticipated due to possible supply chain challenges. The amount is included in the adopted Capital Program budget for FY2023. He added that Gillig manufactures its buses in California, where it has a workforce of just under 1,000 people, which is nearly 72% minority and 9% female.

Action: Director Irish Bauman moved approval of Resolution 22-10-57. Director Lewis seconded the motion. The motion passed with unanimous approval.

Resolution 22-10-58 – Authorizing a Contract with Tempest Technologies, LLC for Audio/Visual Equipment, Design, Maintenance and Support Services

Mr. Desue discussed Resolution 22-10-58 which concerns audio and visual (A/V) equipment and support services for critical and non-critical functions within TriMet's Operations Command Center and back up Command Center. The A/V equipment at the OCC and BOCC helps monitor vehicle movement across the TriMet system, and requires round the clock support due to around the clock operations. In addition to the OCC and BOCC, Tempest will provide AV equipment, design, maintenance and supports at all TriMet facilities, including our Center Street Operations Headquarters, our Administrative headquarters, The Public Safety Office, Ruby Junction and all of our garages and offices. TriMet issued a competitive request for proposals (RFP) for this contract, and our source evaluation committee selected Tempest based on its technical proposal, competitive price and suitability to TriMet's needs. The contract is for a total of \$3.6 million, over a 5-year term, and includes a 10% allowance for potential change orders. However, the total amount of expenditures will be based on goods and services that are actually required during that time. The value of the contract is included as a line item in the IT Operating Budget for FY23. He added that Tempest has 42 employees; 7% of the workforce is minority and 21% is female.

Action: Director Lewis moved approval of Resolution 22-10-58. Director Wai seconded the motion. The motion passed with unanimous approval.

Resolution 22-10-59 – Authorizing a Contract with Transdev Services, Inc. for Paratransit Eligibility Assessment Services

Mr. Desue discussed Resolution 22-10-59. This resolution will allow TriMet to contract with Transdev for eligibility assessments for those applying to use LIFT. These assessments determine whether individuals under the American Disabilities Act (ADA). Mr. Desue noted that the pool of companies that can provide these services is extremely limited. He added that this is the first time in the past three solicitations that TriMet has received more than one proposal. The proposals came from the nation's two largest firms. Transdev emerged as the higher proposer. The Source Evaluation Committee requested a best and final offer from Transdev and received a price of \$7.6 million, which was determined to be fair and reasonable. The contract covers a 5-year term, and the services are included in the Accessible Transportation Program's (ATP) FY23 Budget. Transdev's national workforce includes more than 16,000 people, with 78% minority and 27% female.

Action: Director Irish Bauman moved approval of Resolution 22-10-59. Director Wai seconded the motion. The motion passed with unanimous approval.

Resolution 22-10-60 – Authorizing a Contract with Custom Truck One Sources, Inc. for the Purchase of Workhorse Rail Car Mover

Desue discussed Resolution 22-10-60 which seeks authorization for a contract to purchase a Workhorse rail car mover for our light rail system. This is a mission-critical, highly specialized, emergency rescue vehicle that can lift or move trains and components, and remove vehicles from the MAX right of way during emergency situations. TriMet currently has one of these vehicles but it is aging and requires frequent and costly repairs. He said it barely passed its federal safety inspection this year. Furthermore, the current Brandt truck cannot comply with new state of Oregon environmental regulations requiring modern emissions components in diesel trucks by 2030. The resolution seeks authorization for the purchase of a Workhorse rail car mover, as a second rescue vehicle to supplement the Brandt. Custom Truck is a leading provider of specialty rail equipment and has a Workhorse vehicle available that could be delivered to TriMet within six months. This is a sole source contract, requesting \$1.1 million for the vehicle, plus a 10% change order, related to potential supply chain issues. Custom Truck manufactures vehicles in Kansas City, Missouri. The

company has about 2,200 employees, 31% of whom are minorities and 9% are female. Funding is included in the FY 2023 Capital Programs budget.

Action: Director Edwards moved approval of Resolution 22-10-60. Director Lewis seconded the motion. The motion passed with unanimous approval.

Resolution 22-10-61 – Authorizing a Contract with Peterson Power System for the Purchase of Five Generators for its Various Maintenance Facilities

Mr. Desue discussed Resolution 22-10-61. This contract would provide for the purchase of emergency power generators for five TriMet facilities: Center Street, Merlo, Ruby Junction North, Ruby Junction South, and Elmonica. The need for these generators was determined following an assessment of the condition of TriMet’s existing emergency backup systems. The new generators will ensure that emergency lighting, fire-life-safety and related mission-critical systems have emergency back-up power. They also will ensure TriMet’s backup power systems meet the requirements of the National Fire Protection Association and the standards set forth in National Electrical Code. For this contract, TriMet used Sourcewell to procure the generators. Sourcewell is a cooperative purchasing program for government and nonprofit agencies that provides better prices than they might be able to obtain through individual open market solicitations. Sourcewell issued a formal, competitive RFP and awarded the contract to Caterpillar. Peterson is an authorized dealer of Caterpillar. The amount of TriMet’s contract with Peterson is \$3 million for the generators and related parts, plus a 15% change order, to address any potential supply-chain issues. Funding is included in the FY23 Capital Program Budget. Peterson’s Portland metro office workforce includes about 70 people. Nearly 22% are minorities, and 13% are female. The firm intends to subcontract to Team Electric, which has a local workforce of 42 people, with 12% minorities and 14% female.

Action: Director Irish Bauman moved approval of Resolution 22-10-61. Director Lewis seconded the motion. The motion passed with unanimous approval.

Resolution 22-10-62 – Authorizing an Exemption from Competitive Bidding Requirements for a Contract for Design-Build Services for the Park Avenue Park & Ride Expansion Project

Mr. Desue discussed Resolution 22-10-62 seeking an exemption from the low bid process to utilize a “best value” request for proposals for the Park Avenue Park & Ride Expansion Project. The Park Avenue Park & Ride, on the MAX Orange Line, was completed in 2015. It was designed to allow for future expansion of two additional floors that were deferred during the project. Using savings from the Orange Line project, we now have FTA approval to move forward on adding those two floors. The Board’s approval of this resolution will allow TriMet to enter into a competitive RFP process that selects a Design / Build contractor based on many factors, including price. This project includes specialized work, with tight deadlines and a strict budget. Use of the competitive RFP will provide for consideration of factors such as skill and experience to manage its complexities. As such, the competitive RFP process was also used for the original construction of the Park & Ride. The competitive RFP process helps support workforce diversity and subcontracting with small businesses. The cost of the work is included in the Engineering, Construction and Planning Division’s FY23 Budget.

Action: Director Edwards moved approval of Resolution 22-10-62. Director Lewis seconded the motion. The motion passed with unanimous approval.

5. Ordinance No. 369 – Amending and Updating TriMet Code Chapters 18 and 19 (First Reading and Public Hearing)

General Counsel Devine read the ordinance in title only.

Mr. Desue provided an overview of Ordinance 369. The Ordinance will amend the TriMet Code to enhance security for our riders and employees. It authorizes the General Manager to impose increased penalties — in the form of exclusions — for prohibited conduct on the transit system. The amendments will expand the Code’s definition for what types of offenses can lead to long-term

exclusions. Ordinance 369, seeks support to further protect our operators, other frontline staff and our riders by expanding what falls under a “serious physical offense.” The Ordinance would add attempted felonies and all Oregon Class A misdemeanors against a person. Class A misdemeanors are the most serious category of misdemeanors and include crimes like assault 4 and bias crimes. The Ordinance also simplifies the Code by eliminating the distinction between first and second offenses. It provides the General Manager with the discretion to determine the scope of an exclusion based on the seriousness of the offense committed.

President Simmons opened the forum for public comment.

No members of the public expressed interest to testify.

The second reading of Ordinance 369 will take place at the December Board meeting.

Other Business & Adjournment

Hearing no further business, President Simmons adjourned the meeting at 10:28 a.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Kimberley Angove". The signature is written in a cursive style and is positioned above a horizontal line.

Kimberley Angove, recording secretary