

Date: December 9, 2020

To: Board of Directors



From: Doug Kelsey

Subject: RESOLUTION NO. 20-12-47 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT MODIFICATION WITH NORTH COAST ELECTRIC COMPANY TO PROVIDE LED LIGHTING FIXTURES AND CONTROLS AT FOUR TRIMET MAINTENANCE FACILITIES

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 modification (Modification) with North Coast Electric Company (North Coast) to provide LED lighting fixtures and controls at four TriMet Maintenance facilities.

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other _____

3. Type of Contract Procurement

- Low Bid / Invitation to Bid (ITB)
- Request for Proposals (RFP) (inc. CM/GC)
- Request for Qualifications (RFQ) (Personal Services)
- Other (inc. sole source): State Price Agreement (Piggyback)

4. Reason for Board Action

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

5. Type of Action

- Resolution
- Ordinance 1st Reading
- Ordinance 2nd Reading
- Other _____

6. Background

TriMet received a Fire Inspection Citation on July 20, 2020, stating that existing fixtures are not code compliant. In response, Facilities Management requested the installation of LED lighting as a lighting upgrade at the Center Maintenance facility. Three other Maintenance facilities have similar light fixtures that are at the end of or well beyond their useful life expectancy and may not be code compliant.

Subsequent to receiving the citation, TriMet Facilities staff learned of an Energy Trust of Oregon (ETO) program that subsidizes the replacement of incandescent lighting in buildings with LED lighting. In order to get the Center Maintenance Facility phase of the project (Phase I) underway in alignment with the ETO timeline, and to preserve the maximum incentive (rebate) amount available from ETO, TriMet awarded an initial contract to North Coast in the amount of \$235,132 for the purchase of LED lighting fixtures and controls to be installed at the Center Maintenance Facility.

This contract award to North Coast was based on a “piggyback” to a competitively bid State of Oregon Price Agreement (#8498). The “piggyback” procurement methodology allows TriMet to take advantage of competitively bid unit pricing for the LED lighting fixtures and controls for all four TriMet locations included in this project, without implementation of a project-specific procurement process for these materials. The definite quantity/definite delivery, firm/fixed unit price contract was appropriate, because quantities for Phase I of this contract were definite. North Coast’s pricing to TriMet is based upon the State of Oregon’s competitively bid agreement and is in line with TriMet Facilities’ Independent Cost Estimate (ICE) pricing. Therefore, staff determined that using the State of Oregon Price Agreement would provide the best value for TriMet.

This LED lighting product has also been ranked “most energy efficient” by ETO. Thus, it will yield the highest level of ETO Incentive (rebate) to TriMet, as well as the greatest ongoing energy savings available on the market today.

By using North Coast’s product, TriMet is taking advantage of a 70% - 100% ETO Incentive (rebate) for the cost of the light fixtures/controls for Phase I. The ETO Incentive has two parts: the “Standard” amount of \$146,255, and the “Bonus” amount of \$37,882, for a total incentive for Phase I of \$184,137, if TriMet receives both Incentives. The ETO has indicated that it will be able to extend its Incentive program through February 28, 2021.

For Phases II through IV of the project at the Ruby Junction, Merlo, and Elmonica Maintenance facilities, TriMet will be eligible for ETO Incentives estimated as follows:

- Ruby Junction \$375,348
- Merlo \$240,506
- Elmonica \$224,406

This Resolution authorizes a Modification of the current North Coast contract in the amount of \$1,110,189 through the June 30, 2023 end of the contract. The Modification will allow the purchase of LED lighting fixtures and controls for the Ruby Junction, Merlo, and Elmonica Maintenance Facilities under the same competitively bid State of Oregon Price Agreement, with TriMet again “piggybacking” on the state contract.

7. Description of Procurement Process

The contract was procured by piggybacking on a State of Oregon Price Agreement (#8498).

8. Diversity

North Coast’s workforce is 13.5% minority and 17.4% female, and its total employee count is 741, but it is not a DBE certified firm.

9. Financial/Budget Impact

Funding for the LED lighting is included in the Maintenance Operations division's FY2021 operating budget.

10. Impact if Not Approved

All of TriMet's Maintenance facilities have similar light fixtures that are at the end of or well beyond their useful life expectancy and, like the lighting fixtures at the Center Maintenance Facility, may not be Code-compliant. Failure to approve this Resolution to upgrade all the non-compliant fixtures puts TriMet at risk of violating the Fire Code and poses the risk of personal injury and property damage. Predictable lighting failures also would impede critical maintenance work, potentially impacting on-time performance. Finally, approval of this Resolution is advised because the ETO Incentives for upgrading these fixtures may not be available after February 28, 2021.

RESOLUTION NO. 20-12-47

**RESOLUTION NO. 20-12-47 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A
CONTRACT MODIFICATION WITH NORTH COAST ELECTRIC COMPANY
TO PROVIDE LED LIGHTING FIXTURES AND CONTROLS AT FOUR
TRIMET MAINTENANCE FACILITIES**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract modification (Modification) with North Coast Electric Company for the procurement of LED lighting to be installed at four TriMet Maintenance facilities; and

WHEREAS, the total amount of the Modification 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 authorize 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 Modification in the amount of not more than \$1,110,189, through the June 30, 2023, contract term.

Dated: December 9, 2020

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency

Gregory E. Skillman
Legal Department