


**Date:** March 24, 2021

**To:** Board of Directors

**From:** Sam Desue, Jr. 

**Subject: RESOLUTION NO. 21-03-14 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 VARIOUS TRIMET FACILITIES**

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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 modification (Modification) with North Coast Electric Company (North Coast) to provide LED lighting fixtures and controls at various TriMet 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 1<sup>st</sup> Reading
- Ordinance 2<sup>nd</sup> Reading
- Other \_\_\_\_\_

**6. Background**

On December 9, 2020 via Resolution 20-12-47, the Board of Directors authorized the General Manager to execute a modification to a publicly procured community purchase agreement with North Coast in the amount of \$1,110,189, in order to purchase lighting fixtures to upgrade interior and exterior lighting at TriMet’s primary bus garages and rail yards. This contract award to North Coast was 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, and potential additional locations, without implementation of a project-specific procurement process for these materials. 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.

The bus garage and rail yard lighting upgrades were initiated in response to a Fire Inspection Citation TriMet received on July 20, 2020, stating that existing fixtures at the Center Street Garage were not code compliant. The lighting fixtures were also beyond their expected useful life. Staff determined that the same non-compliant and aged fixtures were installed at the other three primary garages, and it was prudent and cost-effective to extend the lighting upgrade to those facilities as well. In addition, TriMet was able to take advantage of an Energy Trust of Oregon (ETO) Incentive (rebate) program that subsidizes the purchase of energy-efficient lighting fixtures.

These first four phases (Center Garage, Ruby Junction, Merlo Garage, and Elmonica Operations Facility) are going very well. Center Garage was completed in late November 2020 and TriMet received its ETO Incentive check in early January. Merlo is now complete with the Incentive check in process. Ruby Junction is now over 90% complete, and Elmonica is on schedule for completion mid-March 2021. All projects are in alignment with ETO program requirements.

Due to the success of these first four phases, ETO has agreed to extend the 2020 Incentive program to allow TriMet to complete additional projects, even though ETO officially closed its 2020 program to new project applications. The 2020 program extension is very advantageous to TriMet because it will remain eligible for the same 70% - 100% ETO Incentive for the cost of the light fixtures/controls that were extended for the first four phases. The ETO “Standard” Incentive is 70% of the total project cost, and the additional 2020 “Bonus” incentive is 30% of that cost. Because ETO has extended TriMet’s eligibility for both components of the Incentive, TriMet may be able to receive 100% of the materials cost.

As a result of the 2020 ETO Incentive extension, staff has identified two facilities in which lighting is especially critical and require upgrades: the Robertson Tunnel bores, and the Gateway Park and Ride parking structure and surrounding walkways. The Robertson Tunnel bore lighting was originally installed in 1998 when the tunnel was constructed, and is well beyond its useful life. The tunnel lighting also does not meet TriMet’s safety standards, as there are significant dark spots every 60 feet along the bores, creating significant safety hazards for staff working in the tunnel bores.

Gateway is one of TriMet’s most challenging locations in terms of public safety and cleanliness. Recently, approximately 25% of the lighting fixtures in the parking structure failed. In troubleshooting the failure, staff determined that these fixtures are also well beyond their expected useful life. Staff also found that the substandard lighting created significant dark spots, which can present trip hazards and offer cover for illicit activities.

However, in order to comply with ETO’s terms for extending the 2020 Incentive program TriMet must move quickly. North Coast has furnished TriMet price quotations of \$297,000 for the fixtures and controls costs for the Robertson Tunnel, and \$51,633 for fixtures and

controls costs for Gateway, for a total cost of \$348,633. ETO is currently estimating the Incentive and ongoing energy savings amounts for these two sites.

This Resolution will authorize a Modification of \$348,633 to the North Coast contract, increasing the current contract authority from \$1,110,189 to \$1,458,822, through the June 30, 2023 end of the contract. The Modification will allow the purchase of LED lighting fixtures and controls for the Robertson Tunnel and the Gateway Park and Ride, 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 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-FY22 operating budget.

**10. Impact if Not Approved**

Board approval of this Resolution is needed because the lighting fixtures at these TriMet facilities are at the end of or beyond the end of their expected useful life, are in need of replacement and their anticipated failures present significant safety hazards and ongoing operational risk. Further, the ETO Incentives for replacement of these fixtures are between 70% - 100% of the total fixture cost. Approval of this Resolution would allow TriMet to take advantage of this significant bonus.

**RESOLUTION NO. 21-03-14**

**RESOLUTION NO. 21-03-14 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 VARIOUS  
TRIMET 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 various TriMet facilities; 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; and

**WHEREAS**, the total amount of the Modification exceeds the amount previously authorized by the Board;

**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 \$348,633, increasing the total authorized contract amount from \$1,110,189 to \$1,458,822, through the June 30, 2023, contract term.

Dated: March 24, 2021

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Presiding Officer

Attest:

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Recording Secretary

Approved as to Legal Sufficiency:

**Gregory E. Skillman**

Legal Department