

Date: October 26, 2022

To: Board of Directors

From: Sam Desue, Jr.

Subject: RESOLUTION NO. 22-10-58 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH TEMPEST TECHNOLOGIES, LLC (TEMPEST) FOR AUDIO/VISUAL (AV) EQUIPMENT DESIGN, MAINTENANCE AND SUPPORT SERVICES

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 with Tempest Technologies, LLC (Tempest) for the procurement of audio/visual (AV) equipment, and design, maintenance, and support services (Contract).

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):

4. Reason for Board Action

Board authorization is required for all 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

As part of its transit service, TriMet operates an Operations Command Center (OCC) and Back-Up Operations Command Center (BOCC) to control and monitor vehicle movement. Within the OCC and BOCC there is audio/visual (AV) equipment serving both critical and non-critical functions. This equipment requires continuous support service to maintain functionality and the OCC/BOCC's continuous operation.

Tempest will provide 24/7 (24-hours per day, 7-days per week) support, via phone and/or on-site, for AV equipment serving both critical and non-critical functions within TriMet's OCC, BOCC, and any other location that utilizes AV equipment.

TriMet has AV systems in our Emergency Operations Center (EOC), training rooms, and all of the large conference rooms that also require maintenance. The training room is where TriMet trains its Rail Operators and Dispatchers, and the EOC is where all senior operational personnel gather to discuss anticipated and/or ongoing disruptions (e.g., protests, weather events, major service disruptions).

Tempest will provide AV equipment, systems design, evaluation, and implementation of new equipment/systems as required at all of TriMet's locations, including but not limited to the OCC, the BOCC, Center Street Operations Building, One Main Place (scheduled to be occupied by Summer 2023), Ruby Junction Rail Facility, Public Safety Office, and all of TriMet's garages and satellite offices. The OCC and BOCC equipment is nearing the end of its useful life and will require design, maintenance and support services as it is replaced. Further, a significant portion of Tempest's services will be to provide AV equipment, systems design, maintenance and support for TriMet's new facilities at One Main Place.

7. **Description of Procurement Process**

TriMet utilized a competitive Request for Proposals (RFP) process to select a contractor to provide the goods and services. The RFP was issued on August 24, 2022, with a proposal due date of September 16, 2022. A total of 301 vendors were notified of the RFP via TriMet's eProcurement System (TriP\$) website, of which four firms (Cochran, Delta Systems Integration, Hyphn, and Tempest Technologies) submitted proposals.

A Source Evaluation Committee (SEC) comprised of staff from TriMet's Information Technology Division evaluated the proposals. The evaluation criteria included: (1) qualifications of the proposer; (2) qualifications of the staff; (3) workforce diversity; (4) understanding of the work; and (5) price. Initial scores of the four proposers are as follows:

	Possible Points	Cochran	Delta Systems Integration	Hyphn	Tempest Technologies
<i>Evaluation Criteria</i>					
Qualifications of Proposer, Staff, and Diversity	30	25.0	24.3	22.3	29.0
Understanding of the Work	40	31.3	26.3	29.3	38.5
Technical Proposal Totals . . .	70	56.3	50.5	51.5	67.5

After evaluating the proposals, two proposers were shortlisted to the competitive range, and the SEC opened their price proposals. Best and Final Offers (BAFOs) were not requested as the majority of the price is an allotment, and will fluctuate depending on projects TriMet may have for the contractor during the five-year Contract term.

Overall scores of the two firms are as follows:

	Possible Points	Cochran	Tempest Technologies
<i>Evaluation Criteria</i>			
Qualifications of Proposer, Staff, and Diversity	30	25.0	29.0
Understanding of the Work	40	31.3	38.5
Technical Proposal Totals . . .	70	56.3	67.5
Price Proposal . . .	30	30.0	29.5
Total Score . . .	100	86.3	97.0
Pricing . . .		\$3,618,460	\$3,676,650
<i>Independent Cost Estimate (ICE) . . .</i>		\$3,626,780	

The SEC was unanimous in its decision to award the resulting Contract to Tempest, which had the highest score in its Technical Proposal and was only 0.5 points lower in Pricing than the other competitive finalist. In addition, Tempest’s proposal was found to be fair and reasonable based on competition and a comparison with TriMet’s Independent Cost Estimate (ICE) of \$3,626,780 for the Contract. Further, the SEC felt that Tempest is best suited to meet TriMet’s needs.

The proposed Contract with Tempest will be for a five-year term, with TriMet retaining the unilateral option to terminate for convenience for any reason during that period. Price adjustments will be permitted on an annual basis at TriMet’s discretion, which will be capped at the Consumer Price Index for all Urban Wage Earners and Clerical Workers (CPI-W) for the Portland-Salem area Western Region. The total amount ultimately paid will be based on TriMet’s actual requirements and the goods and services needed during the Contract term.

8. Diversity

Tempest’s total employee count is 42, and its workforce is 7.2% minority and 21.4% female. Tempest will use its own workforce to perform the services under this Contract.

9. Financial/Budget Impact

The goods and services are included as a line item in TriMet’s Information Technology Division’s FY2023 operating budget.

10. Impact if Not Approved

Continuing operation of this Contract is necessary to ensure that the AV equipment in TriMet’s facilities remain monitored and fully functional. If the Resolution is not approved, TriMet will need to re-procure for these goods and services, but it is highly unlikely that re-soliciting will achieve better quality, price, or broader participation. Further, Tempest is well qualified to provide these goods and services, and its prices are fair and reasonable.

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WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with Tempest Technologies, LLC (Tempest) for the procurement of audio/visual (AV) equipment, systems design, maintenance, and support services (Contract); and

WHEREAS, by Resolution 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, the total amount of the Contract exceeds \$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 Contract in an amount of \$3,676,650, with the actual expenditure based on the cost of goods and services provided throughout the Contract's five-year term.
3. That the General Manager or his designee is authorized to execute modifications to the Contract to pay for unanticipated additional expenditures in an amount not to exceed \$367,665 (10% of the Contract amount), over the Contract term.

Dated: October 26, 2022

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:

Gregory E. Skillman
Legal Department