


**Date:** December 14, 2022

**To:** Board of Directors

**From:** Sam Desue, Jr. 

**Subject:** **RESOLUTION NO. 22-12-65 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT MODIFICATION WITH COCHRAN, INC. FOR ON-CALL ELECTRICAL REPAIR AND MAINTENANCE 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 modification (Modification) with Cochran, Inc. (Cochran) for on-call electrical repair and maintenance services.

**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 contract modifications causing contract amounts to exceed amounts previously authorized by the Board.

**5. Type of Action**

- Resolution
- Ordinance 1<sup>st</sup> Reading
- Ordinance 2<sup>nd</sup> Reading
- Other \_\_\_\_\_

**6. Background**

TriMet has numerous buildings, structures, and facilities within its 533 square mile service area that require the services of licensed electricians to complete new installations and to perform scheduled maintenance and repairs. Ordinarily, this work is handled by the plant maintenance mechanic staff in TriMet’s Facilities Management department. However, for certain electrical services that are beyond the experience, licensing and certification levels of

TriMet employees, the Facilities Management department relies on an on-call facilities electrical services contractor.

On December 9, 2020, via Resolution 20-12-46, the Board authorized the execution of a contract with Cochran to perform on-call electrical repair and maintenance services. Under this contract, Cochran provides on-call electrical services at various TriMet facilities, including preventative maintenance on existing equipment and/or systems, repairs to existing electrical systems that may require new installations (e.g., circuits, transformer updates, construction wiring and conduit), and infrared thermal scanning of existing equipment.

The parameters of the procurement effort that culminated in the December 2020 contract award to Cochran were derived from historical levels of on-call electrical service needs. At that time, the Board authorized a contract with Cochran in an amount not to exceed \$2,541,530, over a five-year period. However, failure rates are increasing due to the age of the majority of TriMet's electrical infrastructure, resulting in a commensurate increase in the volume of on-call electrical repair work greater than anticipated at the time of the initial contract.

Significant unknown electrical safety and security issues that have emerged and consumed more of the contract value than expected include:

- grounding and parallel path issues at TriMet's primary maintenance garages,
- failing assets requiring electrical upgrades to support their replacement, and
- significant expenditures on LED lighting upgrades at rail platforms and transit centers in support of TriMet's Reimagine Public Safety and Regaining Ridership Initiatives.

In addition, subsequent to the initial Cochran contract, the Facilities Management team implemented an OSHA-required Arc Flash program to identify electrical safety risks and insure regulatory compliance. Under the Arc Flash program, funded separately from the on-call contract, each component of a given facility's electrical infrastructure is identified and inventoried. This includes electrical distribution panels, a primary component of electrical systems at every facility, which have not previously been inventoried at TriMet.

Through the Arc Flash program, 62 electrical distribution panels were inventoried and inspected at Center Bus Maintenance, 81 at the Elmonica Rail Operations Facility, and 34 at the Merlo Bus Maintenance Facility. As the team continues the process of inventorying electrical distribution panels at substations and signal houses along the MAX alignment, it expects to address an additional 160 panels.

The Arc Flash team has learned that many of these non-inventoried electrical assets have not been maintained and may require replacement. Those not replaced will need regular infrared scanning as part of preventive maintenance. The replacement and/or correction of identified electrical problems and their subsequent inspection and/or observation, along with necessary recordkeeping is work performed pursuant to the Cochran on-call contract. In this sense, the discovery and remediation of these District-wide deficiencies has resulted in a significant increase of the electrical work needed to be addressed by the contract.

This unanticipated additional on-call electrical work has consumed more than \$2,300,000 of the Cochran contract's funds, leaving just under \$200,000 available after current task orders are completed and invoiced. Given the rapid depletion of the contract value only two years into the five-year agreement, TriMet has initiated a procurement to replace the current contract with a new five-year contract.

Therefore, this Resolution requests the Board's approval of a Modification of the current Cochran contract to add the amount of \$500,000. This Modification is intended to allow TriMet to meet its immediate on-call electrical repair and maintenance needs until the new contract has been procured.

**7. Description of Procurement Process**

The original contract was procured via an Invitation To Bid process.

**8. Diversity**

Cochran's 940-employee workforce is 24.6% minority and 10.2% female. Cochran will use its own workforce to perform the work under this contract Modification.

**9. Financial/Budget Impact**

The costs of electrical repair and maintenance services are budgeted as an element of the Facilities Management department's operating budget.

**10. Impact if Not Approved**

The Cochran contract will be exhausted before a replacement agreement can be procured, unless it is modified in accordance with this Resolution. Failure to approve this Resolution could result in significant safety hazards to TriMet staff at TriMet facilities, and could potentially disrupt operations. Approval of this Resolution is strongly recommended.

**RESOLUTION NO. 22-12-65**

**RESOLUTION NO. 22-12-65 OF THE TRI-COUNTY METROPOLITAN  
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A  
CONTRACT MODIFICATION WITH COCHRAN, INC. FOR ON-CALL  
ELECTRICAL REPAIR AND MAINTENANCE SERVICES**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a contract modification with Cochran, Inc. (Cochran) for on-call electrical repair and maintenance services (Modification); and

**WHEREAS**, by Resolution No. 22-05-35, dated May 25, 2022, the TriMet Board of Directors (Board) adopted a Statement of Policies requiring the Board to approve contracts obligating TriMet to pay in excess of \$1,000,000; and

**WHEREAS**, by Resolution No. 20-12-46, the Board approved a contract with Cochran totaling \$2,541,530, and the total amount of this Modification exceeds the contract amount authorized by the Board;

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the Modification shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute a Modification to the contract with Cochran, increasing the contract amount from \$2,541,530 to \$3,041,530, through the contract's December 2025 termination date.

Dated: December 14, 2022

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Presiding Officer

Attest:

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Recording Secretary

Approved as to Legal Sufficiency:

***Gregory E. Skillman***

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Legal Department