

Date: February 22, 2023

To: Board of Directors

From: Sam Desue, Jr.

Subject: **RESOLUTION NO. 23-02-06 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT MODIFICATION WITH EC ELECTRIC FOR PHASE 2 BATTERY ELECTRIC BUS CHARGING STATIONS AT THE POWELL GARAGE**

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 with EC Electric for additional Battery Electric Bus Charging Stations at the Powell Garage (Modification).

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)
- Request for Qualifications (RFQ)
- Other (inc. sole source) _____

4. Reason for Board Action

Board approval is required for 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 was awarded a Federal Transit Administration (FTA) Low or No Emission Grant in 2018. Funds from the FTA’s Low or No Emission program provide financial assistance to states and eligible public agencies for the purchase or lease of low or no emission vehicles that use advanced technologies, or for related equipment or facilities used for transit revenue operations. This Modification is for the battery electric bus charging stations at Powell Garage related to the Low or No Emission Grant.

Starting in spring and summer 2021, TriMet received and deployed in service five Gillig all-electric 40-foot transit buses (440 kWh batteries). In addition, pursuant to Resolution No. 22-04-23, TriMet purchased twenty-four (24) Gillig battery-electric buses (585 kWh batteries) which are scheduled to enter production in the fall of 2023.

To support and maintain these new all-electric transit buses, TriMet initiated a major renovation project at TriMet's Powell Bus Garage Facility that incorporates the civil and electrical infrastructure necessary to support up to 24 independent plug-in charging stations. In September of 2021, via Resolution No. 21-09-43, the Board authorized a contract with EC Electric in the amount of \$2,164,614, to install twelve plug-in electric bus charging stations at Powell garage for TriMet's planned electric bus fleet.

EC Electric is the assumed business name of EC Company, an Oregon corporation founded in the Pacific Northwest in 1946, with offices in Albany, Bay City, Eugene/Springfield, Portland, Redmond, and Seattle. At this time, EC Electric has completed the installation of the twelve plug-in charging stations for Phase 1 of the project, and the charging stations have been commissioned and are operational. To date, the charging stations have proven to be reliable, robust, and to meet all specifications.

The Modification authorized by this Resolution would allow for the installation of an additional twelve battery electric bus charging stations at the Powell Garage for Phase 2 of this project, which will provide increased battery electric bus deployment and maintenance at that facility. The Modification will permit TriMet to exercise its option in the EC Electric contract for the procurement and installation of charging dispensers, power converters, system warranty, an integrated cloud subscription service, and spare parts; testing and commissioning of the charging system; service and maintenance plans, and a two-year warranty plan for the additional charging stations.

EC Electric is experienced, capable and well qualified to conduct the installation of the ChargePoint DC chargers required for Phase 2 of the project. The total cost of the Modification is \$2,164,614 (the same as the original cost), for a five-year contract term. The cost compares favorably to TriMet's original independent cost estimate (ICE) of \$2,342,000 for the initial procurement, accounting for CPI inflation.

7. Description of Procurement Process

The initial contract was procured through the Request for Proposals (RFP) process.

8. Diversity

EC Electric's total employee count is 1463, and its workforce is 12.24% minority and 17.29% female. EC Electric will self-perform the work under this contract.

9. Financial/Budget Impact

The initial estimated annual amount for these Battery Electric Bus Charging Stations is included in the approved FY2023 Maintenance Operations operating budget.

10. Impact if Not Approved

If the Board decides not to approve this Modification, TriMet could re-procure it. However, TriMet selected the best of three competitive proposals through the initial RFP process. Advertising the contract a second time will cause delay and increased costs, and is not likely to lead to additional or more favorable proposals. Furthermore, EC Electric has shown that it is well qualified to perform this additional work.

RESOLUTION NO. 23-02-06

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WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract modification with EC Electric for Battery Electric Bus Charging Stations (Modification); and

WHEREAS, the total amount of the Modification exceeds \$1,000,000; and

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

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 the Modification in the total amount of \$2,164,614, over the Modification's five-year duration.

Dated: February 22, 2023

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:

Legal Department