


Date: May 27, 2026

To: Board of Directors

From: Sam Desue, Jr. 

Subject: **RESOLUTION NO. 26-05-19 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH NEW FLYER OF AMERICA, INC. FOR THE PURCHASE OF FIFTEEN (15) SIXTY-FOOT, HYDROGEN FUEL CELL, ZERO-EMISSIONS ELECTRIC BUSES, FOR FIXED-ROUTE SERVICE**

1. Purpose of Item

This Resolution requests authorization for the General Manager, or his designee, to execute a contract (Contract) with New Flyer of America, Inc. (New Flyer) for the acquisition of fifteen (15) sixty-foot, hydrogen fuel cell, zero-emissions electric buses, for the 82nd Avenue Transit Project and the resulting fixed-route TriMet FX® - Frequent Express service.

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: Cooperative Purchasing Agreement

4. Reason for Board Action

The TriMet Board of Directors' (Board) authorization is required for all contracts obligating TriMet to pay in excess of \$2,000,000.

5. Type of Action

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

6. Background

Following TriMet's Zero Emission Bus Fleet Transition Plan and the financial plan for the 82nd Avenue Transit Project, TriMet began the application process for a Federal Transit Administration Low or No Emission Grant (Low-No Grant) in early 2023. Confirmation of the Low-No Grant award was received in September 2024 and was fully executed on May 2, 2025. The Low-No Grant provides funds for:

- 14 Fuel Cell Battery-Electric Buses (FCEB)

- Modifications to the Powell Operations Facility maintenance area necessary to maintain FCEBs,
- Hydrogen fueling stations, and
- Workforce Development training.

A portion of Low-No Grant funding will allow TriMet to purchase 14, sixty-foot articulated FCEBs, which will ultimately support TriMet FX® – Frequent Express service established through the 82nd Avenue Transit Project. One additional FCEB will be purchased using the Oregon Department of Transportation Carbon Reduction Grant (ODOT Grant).

This Resolution authorizes a contract with New Flyer in an amount not-to-exceed \$41,780,480 for the purchase of 15, sixty-foot FCEBs. The Low-No Grant provides \$23,797,200 and \$3,000,000 will be funded through the ODOT Grant. The remaining \$14,983,280 is included in TriMet’s local match for the 82nd Avenue Transit Project, which is funded by the Board-approved payroll tax revenue bonds to be issued this summer.

In the Low-No Grant application, TriMet proposed partnering with New Flyer to purchase the sixty-foot articulated FCEBs. New Flyer is the only Buy America compliant bus manufacturer for FCEBs.

The FCEBs delivered under the Contract will be low-floor design, service ready, hydrogen powered with 56-kilogram capacity. They will be equipped with air conditioning, automatic stop announcements and displays, interior and exterior CCTV cameras, provision for three wheelchairs, internal bike racks, LED lighting, plus the latest electronics, and safety and diagnostics technology. Bus Maintenance staff have reviewed and concur with all design details for this FCEB order.

7. Description of Procurement Process

When submitting our grant application, TriMet chose to team with New Flyer, who was named in the application. The Contract with New Flyer is classified as a procurement by noncompetitive methods, because the Grant allowed for the applications to include partnerships between eligible public agencies and specific vehicle manufacturers.

TriMet intends to piggyback on a Commonwealth of Virginia Price Agreement. The Commonwealth of Virginia previously issued a formal competitive Request for Proposals for hydrogen FCEBs, and New Flyer was awarded a contract as a result of that solicitation. The New Flyer contract is a State Cooperative Purchasing Contract under Section 3019 of the FAST Act and complies with FTA Guidelines. Because TriMet is a member of the Oregon Cooperative Procurement Program, TriMet can take advantage of the Commonwealth of Virginia Price Agreement cooperative agreement to procure New Flyer FCEBs under the Commonwealth of Virginia Price Agreement contract.

During negotiations with New Flyer, the State of Washington also awarded a contract to New Flyer for the purchase of FCEBs via a formal Competitive Request for Proposals process. In the event that this agreement offers more competitive pricing than the Commonwealth of Virginia agreement, TriMet will piggyback on the State of Washington Price Agreement.

The Contract term is for 48 months and will be structured as a bus procurement where TriMet will pay the contractor upon the submission of invoices, TriMet’s completed and approved Pre-Award and Post-Delivery Buy America Audits, and the delivery, commissioning, and acceptance of the service-ready buses.

Execution of the Contract is contingent upon a successful pre-award Buy America Audit as required to ensure compliance with FTA Buy America provisions, which have been substantially completed and await final approval.

TriMet's past and current experience with New Flyer, along with references from other agencies, reflect both market confidence and New Flyer's capacity to fulfill large-scale municipal procurement.

8. Financial/Budget Impact

The purchase of the 15 sixty-foot FCEBs will not exceed \$41,780,480 and will be included in the future years FY2028 and FY2029 Capital Improvement Program (CIP) budget for the Engineering & Construction Division. The FCEBs are funded through the FTA's Low or No-Emission Grant (\$23,797,200), ODOT's Carbon Reduction Grant (\$3,000,000) and TriMet's local share of the 82nd Avenue Transit Project (\$14,983,280), funded by the Board-approved payroll tax revenue bonds to be issued this summer.

9. Impact if Not Approved

New Flyer was named in the grant application. If this Resolution is not approved, TriMet would not be in compliance with the grant application conditions, would not be eligible for the grant award under the Low or No Emission Grant Program, and would not be able to execute this Contract to procure dedicated FECB sixty-foot articulated buses for the 82nd Avenue Transit Project.

RESOLUTION NO. 26-05-19

RESOLUTION NO. 26-05-19 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH NEW FLYER OF AMERICA, INC. FOR THE PURCHASE OF FIFTEEN (15) SIXTY-FOOT, HYDROGEN FUEL CELL, ZERO-EMISSIONS ELECTRIC BUSES, FOR FIXED-ROUTE SERVICE

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract (Contract) with New Flyer of America, Inc. (New Flyer) for the acquisition of fifteen (15) sixty-foot, hydrogen fuel cell, zero-emissions electric buses, for fixed-route service; and

WHEREAS, by Resolution No. 25-06-29, dated June 25, 2025, the TriMet Board of Directors (Board) adopted a Statement of Policies requiring it to authorize contracts obligating TriMet to pay in excess of \$2,000,000; and

WHEREAS, the total amount of the Contract exceeds \$2,000,000;

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 with New Flyer for fifteen (15) sixty-foot, hydrogen fuel cell, zero-emissions electric buses, in an amount not-to-exceed \$41,780,480.

Dated: May 27, 2026

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department