



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

REGION X  
Alaska, Idaho, Oregon,  
Washington

915 Second Avenue  
Federal Bldg. Suite 3142  
Seattle, WA 98174-1002  
206-220-7954  
206-220-7959 (fax)

**SENT VIA ELECTRONIC MAIL ONLY**

June 28, 2017

Mr. Bruce Warner  
Board of Directors, President  
Tri-County Metropolitan Transportation District of Oregon  
1800 SW 1st Avenue, Suite 300  
Portland, OR 97201

**Re: Federal Transit Administration (FTA) Fiscal Year 2017 Triennial Review– Final Report**

Dear Mr. Warner:

The enclosed final report documents the FTA's Triennial Review of Tri-County Metropolitan Transportation District of Oregon (TriMet) which took place on April 25-26, earlier this year. This review is required by United States Code, Chapter 53 of Title 49. Although not an audit, the Triennial Review is the FTA's assessment of TriMet's compliance with Federal requirements, determined by examining a sample of grant management and program implementation practices. As such, the Triennial Review is not intended as, nor does it constitute, a comprehensive and final review of compliance with grant requirements.

The Triennial Review focused on TriMet's compliance in 17 areas. No deficiencies were found with the FTA requirements in 15 areas. Deficiencies were found in two areas: Maintenance and Procurement. TriMet had no repeat deficiencies from the 2014 Triennial Review.

Subsequent to the site visit, TriMet provided corrective action responses to close one of the deficiencies in the Maintenance area (*48: vehicle maintenance plan incomplete or out of date*). Also, corrective action provided for the Procurement area resulted in closing all the deficiencies (*129: no FTA clauses, 290: lacking required justification(s) and documentation for non-competitive award(s), and 340: lacking independent cost estimate*).

Mr. Warner  
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Please extend our appreciation to all staff for the cooperation and assistance during the Triennial Review. If TriMet staff needs any technical assistance or have any questions, please do not hesitate to contact Mr. Steve Saxton, Regional Engineer, at 206-220-4311 or by email at james.saxton@dot.gov.

Sincerely,

for Linda M. Gehrke  
Regional Administrator

Enclosure

cc: Neil McFarlane, General Manager, TriMet  
Ericka Turney, Grant Administrator, TriMet

**FINAL REPORT**

**FISCAL YEAR 2017  
TRIENNIAL REVIEW**

of

**Tri-County Metropolitan Transportation District of Oregon  
(TriMet)  
Olympia, WA  
Recipient ID: 1728**

*Performed for:*

**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL TRANSIT ADMINISTRATION  
REGION 10**

*Prepared By:*

**Milligan & Company, LLC**

**Scoping Meeting Date: January 26, 2017  
Site Visit Date: April 25-26, 2017  
Final Report Date: June 28, 2017**

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## I. Executive Summary

This report documents the Federal Transit Administration’s (FTA) Triennial Review of the Tri-County Metropolitan Transportation District of Oregon (TriMet) in Portland, OR. The review was performed by Milligan & Company, LLC. During the site visit, administrative and statutory requirements were discussed and documents were reviewed.

The Triennial Review focused on TriMet’s compliance in 17 areas. Deficiencies were found in the areas listed below.

Review Area	Deficiencies	
	Code	Description
3. Maintenance	48	Vehicle maintenance plan incomplete or out of date <i>(closed)</i>
	117	Facility/equipment maintenance program lacking or inadequate
6. Procurement	129	No FTA clauses <i>(closed)</i>
	290	Lacking required justification(s) and documentation for non-competitive award(s) <i>(closed)</i>
	340	Lacking independent cost estimate <i>(closed)</i>

Subsequent to the site visit, TriMet provided corrective action responses to close one of the deficiencies in the Maintenance area (48: *vehicle maintenance plan incomplete or out of date*). Also, corrective action provided for the Procurement area resulted in closing all the deficiencies (129: *no FTA clauses*, 290: *lacking required justification(s) and documentation for non-competitive award(s)*, and 340: *lacking independent cost estimate*).

## **II. Review Background and Process**

### **1. Background**

The United States Code, Chapter 53 of Title 49 (49 U.S.C. 5307(f) (2)) requires that “At least once every 3 years, the Secretary shall review and evaluate completely the performance of a recipient in carrying out the recipient’s program, specifically referring to compliance with statutory and administrative requirements...” This Triennial Review was performed in accordance with FTA procedures (published in FTA Order 9010.1B, April 5, 1993).

The Triennial Review includes a review of the grantee’s compliance in 17 areas. The basic requirements for each of these areas are summarized in Section IV.

This report presents the findings from the Triennial Review of TriMet. The review concentrated on procedures and practices employed during the past three years; however, coverage was extended to earlier periods as needed to assess the policies in place and the management of grants. The specific documents reviewed and referenced in this report are available at FTA’s regional office or the grantee’s office.

### **2. Process**

The Triennial Review process includes a pre-review assessment, a review scoping meeting with the FTA regional office, and an on-site visit to the grantee’s location. The review scoping meeting was conducted with the Region 10 Office on January 26, 2017. Necessary files retained by the regional office were sent to the reviewers electronically. A grantee information request and review package was sent to TriMet advising it of the site visit and indicating information that would be needed and issues that would be discussed. The site visit to TriMet occurred on April 25-26, 2017.

The onsite portion of the review began with an entrance conference, at which the purpose of the Triennial Review and the review process were discussed. The remaining time was spent discussing administrative and statutory requirements and reviewing documents. The reviewers visited TriMet’s operations facility to provide an overview of activities related to FTA-funded projects.

The reviewers examined a sample of maintenance records for FTA-funded vehicles. Upon completion of the review, FTA and the reviewers provided a summary of preliminary findings to TriMet at an exit conference. Section VI of this report lists the individuals participating in the review.

### 3. Metrics

The metrics used to evaluate whether a grantee is meeting the requirements for each of the areas reviewed are:

- *Not Deficient*: An area is considered not deficient if, during the review, no findings were noted with the grantee's implementation of the requirements.
- *Deficient*: An area is considered deficient if any of the requirements within the area reviewed were not met.
- *Not Applicable*: An area can be deemed not applicable if, after an initial assessment, the grantee does not conduct activities for which the requirements of the respective area would be applicable.

### III. Grantee Description

#### 1. Organization

TriMet, a municipal corporation, was formed in October 1969 under the provisions of Oregon Revised Statutes (ORS) Chapter 267 to provide mass transit services to the Portland metropolitan area. This area includes parts of Multnomah, Clackamas, and Washington counties. Service is provided by several modes: bus, light rail, commuter rail, and streetcar.

TriMet is governed by a seven-member Board of Directors appointed by the Governor of the State of Oregon. Board members represent and must live in certain geographical sub-districts. The Board sets TriMet policy, levies taxes, appropriates funds, adopts budgets, reviews contracts, and performs other duties required by state and Federal laws. The Board also appoints the General Manager who reports directly to the Board and is responsible for the day-to-day management of TriMet.

TriMet provides service across 525 square miles to a population of approximately 1.8 million people.

#### 2. Services

TriMet directly operates fixed-route bus service in all three counties of the Portland metropolitan area. While the hours of operation vary, many of the 80 different lines run with approximately 15 minute headways during the weekday morning and afternoon rush hours. Many of these lines connect with the light and commuter rail, streetcar, and Portland Aerial Tram (city-owned and operated). As of May 2017, TriMet has a fleet of 680 buses that are funded with Federal, state and local revenues.

Metropolitan Area Express (known as MAX), is TriMet's light rail system that connects Portland City Center with Beaverton, Gresham, Hillsboro, Milwaukie, North/Northeast Portland, and Portland International Airport. MAX has five separate lines (Orange, Green, Yellow, Red, and Blue) and covers 59.8 miles, which includes 97 stations. TriMet currently owns and utilizes 145 light rail vehicles for operations. MAX runs every 15 minutes or less, every day.

The Westside Express Service (known as WES) is TriMet's commuter rail line serving the cities of Beaverton, Tigard, and Wilsonville. WES operates on a 14.7-mile route, which includes five stations. Service is operated on weekdays during the morning and afternoon rush hours, with trains every 30 minutes. TriMet owns and utilizes six vehicles for operations.

The Portland Streetcar which began service in July 2001 is owned by the City of Portland and operates on three lines, on 16 miles of track, in Portland's Central City. Under an intergovernmental agreement with the City of Portland, TriMet has been providing personnel to operate the service and maintain the system since its inception.

Daily tickets and passes range from \$1.25 to \$5.00 for adults, honored citizens (65 years or older, Medicare cardholders or persons with disabilities) or youth (ages 7-17 or high school/General Education Development) and depend on length of time (2.5 hours or full day). Weekly and



monthly passes range from \$7.50 to \$100.

TriMet owns and operates three FTA-funded bus garages (Center, Powell, and Merlo), three FTA-funded rail facilities (Ruby Junction, Elmonica, and Wilsonville Commuter Rail), 16 FTA-funded transit centers and over 100 other facilities. TriMet performs administration functions at two FTA-funded buildings: Harrison Square (leased) and Center Street (TriMet-owned).

TriMet’s Americans with Disabilities Act (ADA) complementary paratransit service, LIFT, is a shared-ride public transportation service for people who are unable to use regular buses or trains due to a disability or disabling health condition. LIFT is currently operated by two contractors; First Transit, Inc, which provides Transportation and Central Dispatch Services; and Penske Truck Leasing, LLC, which provides maintenance services. LIFT has a current fleet of 268 vehicles, which are funded by Federal, state, and local dollars. LIFT uses Broadway Cab, on an ad hoc basis, to supplement its paratransit service.

In the past three fiscal years (FYs), 2014, 2015, and 2016, TriMet had agreements with up to twenty-four contractors and three subrecipients to support its operations using Federal funds.

TriMet's National Transit Database Report for fiscal year 2016 provided the following financial and operating statistics for its fixed-route (bus), ADA complementary paratransit, light rail and commuter rail service:

<b>Operating Statistic</b>	<b>Fixed-Route Service</b>	<b>ADA Complementary Paratransit Service</b>	<b>Light Rail – MAX</b>	<b>Commuter Rail – WES</b>
Unlinked Passengers	59,749,842	927,320	38,194,524	512,390
Revenue Hours	1,670,498	475,234	528,900	7,531
Operating Expenses	\$235,103,656	\$32,761,113	\$108,121,769	\$6,813,294

### **3. Grant and Project Activity**

Below is a list of TriMet’s open grants at the time of the review.

Grant Number	Grant Amount	Year Executed	Description
OR-2017-005-00	\$678,000	2017	OpenTripPlanner (OTP) Project
OR-2016-015-01	\$280,000	2017	North Hillsboro Shuttle & Bus Preventive Maintenance
OR-2016-011-00	\$473,773	2017	FY2016 Regional Transportation Options (RTO) Program
OR-2016-013-00	\$4,959,316	2017	Rail Preventive Maintenance & Powell-Division Safety Project
OR-2016-014-00	\$16,000,000	2017	Debt Service
OR-2016-006-00	\$20,245,802	2017	State of Good Repair
OR-2016-007-00	\$479,510,943	2014	Milwaukie Light Rail Project
OR-16-X042-05	\$3,459,885	2014	Elderly/Disabled
OR-37-X009-05	\$4,533,889	2008	Job Access Reverse Commute for Operating
OR-95-X054-04	\$21,890,500	2013	Rail & Bus Preventive Maintenance and Bike Facilities
OR-95-X038-03	\$1,761,058	2013	FY2012-15 Regional Transportation Options (RTO) Program
OR-2017-005-00	\$678,000	2017	OTP Project

## Completed Projects

In the past three years, TriMet has completed the following noteworthy projects:

### Sunset Transit Center Platform Pavers

The Sunset Transit Center opened in 1998 as part of the west side extension of MAX from downtown Portland to Hillsboro. The Transit Center includes a MAX station, parking garage, and bus transfer locations. This station experiences heavy use and the station platform pavers were failing. The project entailed demolishing and removing existing concrete pavers and subslabs at both platforms and replacing them with concrete paving. Platform amenities were replaced and infrastructure was added for the future Hop Fastpass readers. Provisions were made for closed-circuit television (CCTV) on both platforms and for a transit tracker on the west bound platform. TriMet issued the notice to proceed for construction in May 2014 and subsequently closed the platforms until service was restored in September 2014.

### Maintenance of Way Central Shop/Trolley Barn

TriMet's trolley barn at the Rose Quarter Transit Center has been used as a storage and maintenance facility for four vintage trolleys since 1991. Due to accessibility issues and the growing frequency of light rail service, vintage trolleys have rarely operated on TriMet's system. In 2014, two vintage trolleys were transferred to Loop Trolley Transportation Development District in St. Louis, Missouri and two were transferred to Vintage Trolley, Inc. and moved to Lake Oswego to be used on the Willamette Shoreline alignment. Staff responsible for the maintenance and repair of the light rail system were located at Ruby Junction in Gresham and needed significant travel time to address problems at priority switches and signals in downtown

Portland. The project included the construction of a staff report area, showers, training facilities and tool storage areas. The TriMet Board authorized the construction contract in February 2015 and the facility opened in December 2015.

## **Projects Underway**

TriMet is currently in the process of implementing the following noteworthy projects:

### *Portland-Milwaukie Light Rail Transit Project*

The 7.3-mile project opened for revenue service on September 13, 2015. It extends from the terminus of the MAX Green and Yellow lines at Portland State University in downtown Portland to South Waterfront, Southeast Portland, Milwaukie, and North Clackamas County. Remaining project activities include costs for: construction and installation of deferred shelters on station platforms; renovating the facility at 3520 SE 20<sup>th</sup> for Facilities Management; remodeling the back-up command center at Ruby Junction; conducting the required before-and-after studies; retrofitting existing light rail vehicles to be compatible with new communications systems on the Type 5 vehicles; modifying selected alignment features to improve safety; disposition of real property; and design and construction of noise and vibration mitigation.

### *Positive Train Control*

This project is to upgrade the WES commuter automatic train control system to achieve positive train control compliance and Federal Railroad Administration (FRA) certification by December 31, 2018. PTC field testing was completed in September 2016. FTA approved the required failure testing plan in October 2016. All required testing is complete and results have been uploaded to the secure FRA website. The PTC safety plan is expected to be submitted mid-2017 and details of FRA requirements for single point of failure and railway worker in charge console will be explored in 2017. Work will likely extend into 2018.

### *Powell Garage Renovation*

TriMet is working on remodeling the Powell Garage maintenance and transportation facility. The project will increase bus parking and maintenance capacity as well as add capability to maintain 60-foot articulated buses for the Division Transit Project noted below. A pre-bid meeting for the design consultant was held in late October 2016 and TriMet's Board approved the Construction Management/General Contract in April 2017. The next phase is design development (60 percent design) which is scheduled to be completed in November 2017 with 90 percent construction completed in March 2018.

### *Powell LIFT Relocation*

TriMet's LIFT service is being relocated from the Powell Garage to a portion of the Powell Park-and-Ride along the Green light rail line. Design phase has reached 100 percent completion in April 2017 and TriMet has procured a Construction Manager/General Contractor (CM/GC). Construction is scheduled to be completed late spring or early summer 2018.

### *Hop Fastpass*

Hop Fastpass is TriMet's electronic fare system which is scheduled for implementation in 2017. The system is currently in beta testing with selected customers and TriMet employees. The MAX, WES, and Vine (C-Tran's bus rapid transit) services will all use Hop Fastpass. Readers

have been installed at all WES and MAX platforms. Customers will tap Hop Fastpass cards or mobile wallets on the reader each time they board or transfer and a green check and positive tone will confirm approval. The Hop Fastpass reader will indicate how much time is remaining on the ticket and if the account balance is running low. The system will accept Android Pay, Samsung Pay, and Apple Pay. Adding funds to a Hop Fastpass account can be done through many modes: the Hop Fastpass application, website, phone, or at over 500 retail locations. No bank account is required and automatic re-loading of the account can be arranged. Riders seven years old or older can use the Hop Fastpass card.

### Washington Park Station

The Washington Park Station is TriMet's only enclosed, underground station and was completed in 1998 as part of the west side MAX extension. Repairs to the station will include upgrades to lighting, walls, ceiling, code, and information displays, along with architectural changes, and technological improvements. During the October 2016 board meeting, the Board authorized the construction contract for these changes. Platforms will remain open during the construction (work hours will be between 8:00 p.m. and 5:00 a.m.). Construction began in late April 2017 and substantial completion is expected in August 2017.

## **Future Projects**

TriMet is pursuing the following noteworthy projects:

### Division Transit Project

The FTA approved TriMet's request to enter project development on October 2, 2015 for an alignment that runs from downtown Portland along SE Division to the Gresham Transit Center in east Multnomah County; approximately 18 miles. A steering committee selected a locally preferred alternative (LPA) in November 2016. Design and environmental work will follow, with construction expected to begin in January 2019 and conclude sometime late 2020. In early 2021, TriMet will conduct systems testing and operator training. This route will be served by articulated buses with all-door boarding and signal prioritization. It is expected to open for revenue service in September 2021.

### Southwest Corridor Project

The Southwest Corridor Project is a 12-mile, light rail line that will serve Southwest Portland, Tigard, and surrounding communities. A steering committee selected Bridgeport Village as the terminus. This project is entering a year-long Federal environmental review period to study the project's potential impacts on the built and natural environment. Review will assist in the selection of a final package of transportation investments for the corridor. TriMet is expected to request permission to enter project development in mid-2017 and apply for a Project Construction Grant Agreement (PCGA) in 2019. Revenue service is anticipated to begin in 2025 or 2026.

### Steel Bridge

TriMet is initiating work to analyze near-term capital and maintenance projects to reduce delay and improve reliability of light rail transit across the Steel Bridge. The Steel Bridge, which is owned by Union Pacific Railroad, leases the upper deck to the Oregon Department of Transportation who subleases the center lanes to TriMet for the MAX tracks. This analysis will include review and recommendations of long-term capacity enhancement alternatives.

*Red Line Extension to Fairplex*

This project would extend the Red light rail line from the Beaverton Transit Center to the Fair Complex station in Hillsboro. Design phase is near completion; the project is awaiting authorization for construction funding. Tri-Met is considering expanding the project to include double-tracking the portions of the line near the airport that are now single tracked.

## IV. Results of the Review

### 1. Financial Management and Capacity

Basic Requirement: The grantee must demonstrate the ability to match and manage FTA grant funds, cover cost increases and operating deficits, cover maintenance and operational costs for FTA-funded facilities and equipment, and conduct and respond to applicable audits.

Finding: During this Triennial Review of TriMet, no deficiencies were found with the FTA requirements for Financial Management and Capacity.

### 2. Technical Capacity

Basic Requirement: The grantee must be able to implement FTA-funded projects in accordance with the grant application, FTA Master Agreement, and all applicable laws and regulations, using sound management practices.

Finding: During this Triennial Review of TriMet, no deficiencies were found with the FTA requirements for Technical Capacity.

### 3. Maintenance

Basic Requirement: Grantees and subrecipients must keep federally funded vehicles, equipment and facilities in good operating condition. Grantees and subrecipients must keep Americans with Disabilities Act (ADA) accessibility features on all vehicles, equipment, and facilities in good operating order.

Finding: During this Triennial Review of TriMet, deficiencies were found with the FTA requirements for Maintenance.

#### *Vehicle maintenance plan incomplete or out of date (48)*

Recipients of Sections 5310, 5307, and 5339 program funds must have in their files a maintenance plan. The maintenance plan should identify the goals and objectives of a maintenance program, which may include, for example, vehicle life, frequency of road calls, and maintenance costs compared to total operating costs. The maintenance plan should establish the means by which the grantee will meet such goals and objectives. These plans should describe a system of periodic inspections and preventive maintenance to be performed at certain defined intervals.

TriMet's vehicle maintenance plan does not include the required vehicle inspection intervals for FTA-funded assets no longer under warranty.

#### *Facility/equipment maintenance program lacking or inadequate (117)*

Grantees are required to have a current written maintenance program for FTA-funded facilities and facility-related equipment. A model program for FTA-funded facilities would include:

- An organization and assignment of responsibility for facility and equipment maintenance

- A series of inspections and routine maintenance actions designed to ensure proper care and maximize useful service life of facilities and equipment
- A record-keeping system that maintains adequate permanent records of maintenance and inspection activity for buildings and equipment

TriMet’s facility/equipment maintenance plan does not include all FTA-funded assets. In addition, the plan does not document the series of maintenance and inspection activities to be performed at appropriate intervals for the FTA-funded facilities and equipment.

Subsequent to the site visit, TriMet provided its revised vehicle maintenance plan that includes vehicle inspection activities to be performed at appropriate intervals. FTA looks forward to receiving TriMet’s response to the remaining corrective action below.

Corrective Action and Schedule: For the deficiency *facility/equipment maintenance program lacking or inadequate (117)*, by September 27, 2017, submit to the FTA regional office a revised facility/equipment maintenance plan that includes all FTA-funded assets, along with a series of maintenance and inspection activities to be performed at appropriate intervals.

#### 4. Americans with Disabilities Act

Basic Requirement: Titles II and III of the ADA of 1990 provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service.

Finding: During this Triennial Review of TriMet, no deficiencies were found with the U.S. Department of Transportation (U.S. DOT) requirements for ADA.

#### 5. Title VI

Basic Requirement: The grantee must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance without regard to whether specific projects or services are federally funded. The grantee must ensure that federally supported transit services and related benefits are distributed in an equitable manner.

Finding: During this Triennial Review of TriMet, no deficiencies were found with the FTA requirements for Title VI.

#### 6. Procurement

Basic Requirement: Grantees use their own procurement procedures that reflect applicable state and local laws and regulations, provided that the process ensures competitive procurement and the procedures conform to applicable Federal law, including 49 CFR Part 18, (repealed effective

December 26, 2014), 2 CFR Part 1201, incorporating 2 CFR Part 200 (specifically Sections 200.317-200.326), and FTA Circular 4220.1F, “Third Party Contracting Guidance.”

**Finding:** During this Triennial Review of TriMet, deficiencies were found with the FTA requirements for Procurement.

During the site visit to TriMet, a total of six procurements were reviewed: one invitation for bid (IFB) for brake repairs; four requests for proposals (RFPs) for paratransit transportation services, planning services, engineering/construction services, and security service; and one IFB for fuel.

Contract	Date	Method	Amount	Deficiencies
Siemens Light Rail Vehicles (S70 T-4 LRV) Caliper & Electro Hydraulic Units (EHU) Overhaul	March 4, 2015	IFB	\$977,544	Lacking required justification and documentation for non-competitive award
LIFT Transportation Services	June 27, 2016	RFP	\$48,325,878	No independent cost estimate (ICE); No FTA clauses
Draft Environmental Impact Statement (DEIS) Conceptual & Technical Plan Development services	December 9, 2014	RFP	\$1,300,000	None noted
Portland-Milwaukie Light Rail (PMLR) Temporary Security Services	September 16, 2014	RFP	\$459,463	None noted
Construction Management/General Contractor (CMGC) Services for PMLR Deferred Shelter Installation Project	May 11, 2016	RFP	\$6,234,056	None noted
B5 Ultra Low Sulfur Diesel (ULSD) Bulk Fuel Supply	December 11, 2013	IFB	\$80,273,544	None noted

*No FTA Clauses (129)*

Grantees are required to include specific required clauses in FTA-funded procurements, intergovernmental agreements (e.g., those involving states and other public entities), and subrecipient agreements. The contract files for the purchase of paratransit transportation service did not include the required clauses. Missing were: Transit Employee Protective Arrangement, Charter Service Operations, School Bus Operations, and Drug and Alcohol Testing.

*Lacking required justification(s) and documentation for non-competitive award(s) (290)*

Except for small and micro purchases, proposals and/or bids must be publicly solicited from an adequate number of sources. Grantees are prohibited from restricting competition in federally supported procurement transactions. With a single bid, the documentation should include a cost analysis, as well as an explanation as to why a single bid was obtained. Upon receiving a single bid or proposal in response to a solicitation, the grantee should determine if competition was adequate. This should include a review of the specifications for undue restrictiveness and should include a survey of potential sources that chose not to submit a bid or proposal.

The contract files demonstrated that the procurement of a vendor to complete brake repair resulted in a single bid. The files did not include evidence that the specification was not unduly restrictive or that a survey was conducted as to why other potential sources chose not to bid.



### *Lacking independent cost estimate (340)*

The ICE is a tool to assist in determining the reasonableness of the bid or proposal being evaluated; that is, to assist in performing the cost or price analysis. An ICE is the starting point for conducting a cost or price analysis. It is required for all procurements in excess of the Simplified Acquisition Threshold. An ICE is completed prior to receipt of bids or proposals.

In a review of the contract files for the purchase of paratransit transportation services, TriMet was unable to demonstrate that the ICE was performed prior to the receipt of bids.

Subsequent to the site visit, TriMet provided its procurement procedures that conform to applicable Federal law, including: 2 CFR Part 1201, incorporating 2 CFR Part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;” FTA C. 4220.1F, “Third Party Contracting Guidance;” and the FTA’s Master Agreement. The submission included checklists and other tools that ensure FTA requirements are met. Based on the submission of the above corrective action, the Procurement deficiencies are closed.

## **7. Disadvantaged Business Enterprise**

Basic Requirement: The grantee must comply with 49 CFR Part 26 to ensure nondiscrimination in the award and administration of U.S. DOT-assisted contracts. Grantees also must create a level playing field on which DBEs can compete fairly for US DOT-assisted contracts.

Finding: During this Triennial Review of TriMet, no deficiencies were found with the U.S. DOT requirements for DBE.

## **8. Legal**

Basic Requirement: The grantee must be eligible and authorized under state and local law to request, receive, and dispense FTA funds and to execute and administer FTA-funded projects. Grantees must comply with Restrictions on Lobbying requirements.

Finding: During this Triennial Review of TriMet, no deficiencies were found with the FTA requirements for Legal.

## **9. Satisfactory Continuing Control**

Basic Requirement: The grantee must ensure that FTA-funded property will remain available to be used for its originally authorized purpose throughout its useful life until disposition.

Finding: During this Triennial Review of TriMet, no deficiencies were found with the FTA requirements for Satisfactory Continuing Control.

## 10. Planning/Program of Projects

Basic Requirement: The grantee must participate in the transportation planning process in accordance with FTA requirements, Fixing America's Surface Transportation (FAST) Act, and the metropolitan and statewide planning regulations. Each recipient of a Section 5307 grant shall develop, publish, afford an opportunity for a public hearing on, and submit for approval, a program of projects (POP).

Finding: During this Triennial Review of TriMet, no deficiencies were found with the FTA requirements for Planning/POP.

## 11. Public Comment on Fare Increases and Major Service Reductions

Basic Requirement: Section 5307 grantees are expected to have a written, locally developed process for soliciting and considering public comment before raising a fare or carrying out a major transportation service reduction.

Finding: During this Triennial Review of TriMet, no deficiencies were found with the FTA requirements for Public Comment on Fare Increases and Major Service Reductions.

## 12. Half Fare

Basic Requirement: For fixed-route service supported with Section 5307 assistance, fares charged seniors, persons with disabilities, or an individual presenting a Medicare card during off peak hours will not be more than one half the peak hour fares.

Finding: During this Triennial Review of TriMet, no deficiencies were found with the FTA requirements for Half Fare.

## 13. Charter Bus

Basic Requirement: Grantees are prohibited from using federally funded equipment and facilities to provide charter service if a registered private charter operator expresses interest in providing the service. Grantees are allowed to operate community based charter services excepted under the regulations.

Finding: During this Triennial Review of TriMet, no deficiencies were found with the FTA requirements for Charter Bus.

## 14. School Bus

Basic Requirement: Grantees are prohibited from providing exclusive school bus service unless the service qualifies and is approved by the FTA Administrator under an allowable exemption. Federally funded equipment or facilities cannot be used to provide exclusive school bus service. School tripper service that operates and looks like all other regular service is allowed.

Finding: During this Triennial Review of TriMet, no deficiencies were found with the FTA requirements for School Bus.

## **15. Security**

Basic Requirement: As recipients of Section 5307 funds, grantees must annually certify that they are spending at least one percent of such funds for transit security projects or that such expenditures for security systems are not necessary.

Finding: During this Triennial Review of TriMet, no deficiencies were found with the FTA requirements for Security.

## **16. Drug Free Workplace and Drug and Alcohol Program**

Basic Requirement: Grantees are required to maintain a drug-free workplace for all grant-related employees and to have an ongoing drug-free awareness program. Grantees receiving Section 5307, 5309, 5311 or 5339 funds that have safety-sensitive employees must have a drug and alcohol testing program in place for such employees.

Finding: During this Triennial Review of TriMet, no deficiencies were found with the FTA requirements for Drug-Free Workplace and Drug and Alcohol Program.

## **17. Equal Employment Opportunity**

Basic Requirement: The grantee must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program, or activity receiving Federal financial assistance under the Federal transit laws. (Note: Equal Employment Opportunity Commission's regulation only identifies/recognizes religion and not creed as one of the protected groups.)

Finding: During this Triennial Review of TriMet, no deficiencies were found with the FTA requirements for EEO.

## V. Summary of Findings

Review Area	Finding	Deficiency	Corrective Action	Response Date	Date Closed
1. Financial Management and Capacity	ND				
2. Technical Capacity	ND				
3. Maintenance	D-48	Vehicle maintenance plan incomplete or out of date	Submit to the FTA regional office a revised vehicle maintenance plan that includes vehicle inspection activities to be performed at appropriate intervals.	September 27, 2017	May 11, 2017
	D-117	Facility/equipment maintenance program lacking or inadequate	Submit to the FTA regional office a revised facility/equipment maintenance plan that includes all FTA-funded assets, along with a series of maintenance and inspection activities to be performed at appropriate intervals.	September 27, 2017	
4. ADA	ND				
5. Title VI	ND				
6. Procurement	D-129	No FTA clauses	Submit to the FTA regional office procurement procedures that conform to applicable Federal law, including: 2 CFR Part 1201, incorporating 2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards"; FTA C. 4220.1F, "Third Party Contracting Guidance"; and the FTA Master Agreement. The submission should include checklists or other tools that ensure FTA requirements are met.	September 27, 2017	June 2, 2017
	D-290	Lacking required justification(s) and documentation for non-competitive award(s)			
	D-340	Lacking independent cost estimate			
7. DBE	ND				
8. Legal	ND				
9. Satisfactory Continuing Control	ND				
10. Planning/ POP	ND				
11. Public Comment on Fare Increases and Major Service Reductions	ND				

<b>Review Area</b>	<b>Finding</b>	<b>Deficiency</b>	<b>Corrective Action</b>	<b>Response Date</b>	<b>Date Closed</b>
12. Half Fare	ND				
13. Charter Bus	ND				
14. School Bus	ND				
15. Security	ND				
16. Drug-Free Workplace/ Drug and Alcohol Program	ND				
17. EEO	ND				

## VI. Attendees

Name	Title	Phone Number	E-mail Address
<i>Tri-County Metropolitan Transportation District of Oregon</i>			
Neil McFarlane	General Manager	503.962.4831	mcfarlan@trimet.org
Dee Brookshire	Executive Director, Finance & Administration (CFO)	503.962.4822	brookshd@trimet.org
Eileen Collins	Manager, LIFT Service Delivery	503.962.8203	collinse@trimet.org
Sam Marra	Executive Director Maintenance Operations	503.962.5840	marras@trimet.org
Margo Moore	Director, Accessible Transportation Programs	503.962.4984	moorem@trimet.org
Erika Turney	Grants Administrator	503.962.4832	turneye@trimet.org
Nancy Young-Oliver	Director Budget & Grants Admin	503.962.5875	youngn@trimet.org
Eric Mireiter	Accounting Manager	503.962.4804	mireitee@trimet.org
Cara Fitzpatrick	Director Financial Services	503.962.4817	fitzpatc@trimet.org
Angela Burns-Brown	Director Talent Management	503.962.2252	browna@trimet.org
Robert Seeley	Director of Bus Maintenance	503.962.5830	seeleyb@trimet.org
Andrew Wilson	Director of Insurance Programs	503.962.6412	wilsonan@trimet.org
Lance Erz	Director of Real Property	503.962.2108	erzl@trimet.org
Shelley Devine	General Counsel	503.962.6496	devines@trimet.org
Dan Blair	Director Rail Equipment Maintenance	503.962.8129	blaird@trimet.org
Brett Rogers	Director of Facilities	503.962.2460	rogersb@trimet.org
Tom Strader	Senior Coordinator, Fare Policy Program	503.962.6424	stradert@trimet.org
Carl Green	Analyst Operations	503.962.5711	greenc@trimet.org
John Gardner	Director of Diversity & Transit Equity	503.962.2217	gardnerj@trimet.org

<b>Name</b>	<b>Title</b>	<b>Phone Number</b>	<b>E-mail Address</b>
Roland Henson	Manager, Training & Maintenance Quality Assurance	503.962.6497	hensonr@trimet.org
Eric Hesse	Coordinator Strategic Planning	503.962.4977	hessee@trimet.org
Les Spittler	Director, Procurement and Contracts	503.962.3055	spittlerl@trimet.org
Dan Caufield	Director Operations Planning & Development	503.962.4803	caufield@trimet.org
Nathan Griffin	Manager Stores & Warranty Programs	503.962.3022	griffinn@trimet.org
Meshawn Flowers	Senior Financial Analyst III - Grants	503.962.5648	flowersm@trimet.org
Greg Haley	Manager, Bus Maintenance	503.962.5832	haleyg@trimet.org
Alan Lehto	Director Policy & Planning	503.962.2136	lehtoa@trimet.org
Harry Saporta (phone)	Executive Director Safety & Security	503.962.4909	saportah@trimet.org
Shawna Huffman (phone)		503.962.	huffmans@trimet.org
Clay Thompson	Coordinator Outreach Services	503.962.6438	thomsoc@trimet.org
Kathy Daniels	Assistant Manager, LIFT Service Delivery	503.962.8222	danielsk@trimet.org
Jake Warr	Administrator, Title VI & Equity Programs	503.962.2234	warrj@trimet.org
Elizabeth Papadopoulos	Manager Facilities Systems	503.962.2464	papadoe@trimet.org
Richard Kindig	Manager MOW Operations	503.962.8150	kindigr@trimet.org
Dan O'Neil	Analyst Operations (REM)	503.962.5613	oneild@trimet.org
Steve Callas	Manager Service Performance & Analysis	503.962.7502	callasc@trimet.org
Jackie Blyn	Administrator III, Contracts	503.962.2218	blynj@trimet.org
Monika Johnson	Representative Diversity & Transit Equity	503.962.2213	johnsomo@trimet.org

<b>Name</b>	<b>Title</b>	<b>Phone Number</b>	<b>E-mail Address</b>
Dion Graham Sr.	Administrator ADA Compliance	503.962.5678	graham@trimet.org
Greg Skillman	Deputy General Counsel - Senior	503.962.4815	skillmag@trimet.org
Brooke Taylor	Administrator Drug & Alcohol Testing Program	503.962.4828	taylorb@trimet.org
Doug Kelsey	Chief Operating Officer	503.962.4955	kelseyd@trimet.org
Tim McHugh (phone)	Chief Information Officer	503.962.4927	mchught@trimet.org
Randy Stedman (phone)	Executive Director Labor Relations & Human Resources	503.962.6414	stedmanr@trimet.org
Steve Witter	Executive Director, Capital Projects & Construction	503.962.2169	witters@trimet.org
Patrick Preusser	Executive Director Transportation	503.962.5828	preussep@trimet.org
<b><i>FTA</i></b>			
Susan Fletcher	Director, Oversight & Program Management	206.220.7514	susan.fletcher@dot.gov
Steve Saxton	FTA, Regional Engineer	206.220.4311	james.saxton@dot.gov
<b><i>Milligan &amp; Company, LLC</i></b>			
Ketnah Parchment	Reviewer	215.496.9100	kparchment@milligancpa.com
Jim Buckley	Reviewer	410.404.7443	jbuckley@milligancpa.com
Brigid Hynes-Cherin	Reviewer	202.271.8195	Bhynes-cherin@milligancpa.com



## **VII. Appendices**

No appendices included in this report.