

Date: April 23, 2025

To: Board of Directors

From: Sam Desue, Jr.



Subject: **RESOLUTION NO. 25-04-23 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET), ACTING IN ITS CAPACITY AS THE TRIMET CONTRACT REVIEW BOARD (TCRB), ADOPTING UPDATED TCRB RULES**

1. Purpose of Item

This Resolution requests that the TriMet Board of Directors (Board), acting in its capacity as the TriMet Contract Review Board (TCRB) adopt updated TCRB Rules.

2. Type of Agenda Item

- ☐ Initial Contract
- ☐ Contract Modification
- ☒ Adoption of Updated TCRB Rules by TCRB

3. Reason for Board Action

The Board, acting in its capacity as the TCRB, must adopt TCRB Rules by resolution.

4. Type of Action

- ☒ Resolution
- ☐ Ordinance 1st Reading
- ☐ Ordinance 2nd Reading
- ☐ Other _____

5. Background

The Oregon Public Contracting Code, ORS 279A through ORS 279C (the Code), applies to most public agencies within the State of Oregon, including TriMet, and the General Manager has the authority to promulgate TriMet Contracting Rules consistent with the Code.

In addition, the Code authorizes the TriMet Board of Directors (Board) to constitute itself as the TriMet Contract Review Board (TCRB) which, after making statutorily required findings, may exempt certain contracts from the Code's competitive bidding requirements. In its role as the TCRB, the Board exercises its authority under TCRB Rules adopted by Resolution that implement applicable Code requirements.

The TCRB last amended its Rules on October 22, 2014, in response to Oregon legislative changes to the Code. Recently, the legislature amended the Code at ORS 279B.065 and 279B.070 to raise certain dollar thresholds applicable to all public agency procurements. Specifically, the Small Purchase threshold was raised to \$25,000 and the limit for formal procurements was raised to \$250,000. While the General Manager has the authority to modify these thresholds within TriMet's Contracting Rules, only the TCRB has the authority

to implement these changes as part of the TCRB Rules.

After reviewing the TriMet Contracting Rules and the current TCRB Rules, TriMet Procurement and Legal staff determined the TCRB Rules should be amended and reorganized to incorporate recent legislative changes, eliminate redundancies, and facilitate their use.

The proposed amendments to the Rules update the definitions section, memorialize statutory exemptions, reorganize the special procurements section, revise the definition and requirements for sole source contracts, include requirements for public notice and allowance for protest of non-competitive awards, expand the list of contract types categorically exempted from competitive bidding requirements, and make changes to more closely align with peer regional agencies like Metro, the City of Portland, and Multnomah County.

The proposed TCRB Rules are set forth in the attached Exhibit A. The existing Rules are attached as Exhibit B. The proposed amendments to the Rules are summarized on Exhibit C.

The proposed changes are intended to clarify the TCRB's role in approving exemptions of certain contracts from the Code's ordinary competitive bidding requirements, and provide TriMet staff with greater flexibility to procure goods and services, while still protecting the public interest and encouraging full and open competition.

6. Financial/Budget Impact

The adoption of the updated TCRB Rules is not expected to have a budget impact.

7. Impact if Not Approved

If this Resolution is not approved, the TCRB and TriMet staff would continue operating under the current rules. This is not recommended because the Rules must be updated to reflect current legislative changes to the Code, and the revised Rules will allow TriMet to procure goods and services in a more efficient and timely manner.

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TRANSPORTATION DISTRICT OF OREGON (TRIMET), ACTING IN ITS
CAPACITY AS THE TRIMET CONTRACT REVIEW BOARD (TCRB),
ADOPTING UPDATED TCRB RULES**

WHEREAS, pursuant to ORS 279A.060, the TriMet Board of Directors (Board) is authorized to constitute itself as the TriMet Contract Review Board (TCRB); and

WHEREAS, pursuant to a Resolution, the TCRB has the authority to establish Rules that govern its actions consistent with the Oregon Public Contracting Code; and

WHEREAS, on October 22, 2014, pursuant to Resolution No. 14-10-48, the TCRB adopted its current Rules; and

WHEREAS, the TCRB has determined that the current TCRB Rules should be updated and reorganized to reflect legislative changes and facilitate their use, and wishes to adopt the updated TCRB Rules set forth in the attached Exhibit A;

NOW, THEREFORE, BE IT RESOLVED:

1. That the TriMet Contract Review Board hereby adopts the updated TCRB Rules, attached hereto as Exhibit A.
2. That the updated TCRB Rules shall conform with applicable law and be effective upon adoption.

Dated: April 23, 2025

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department