

## **ORDINANCE No. 190120**

\*Amend the Intergovernmental Agreement for the Division Transit Project with TriMet for Design and Construction Services (Ordinance; amend Contract No. 30006859)

The City of Portland ordains:

Section 1. The Council finds:

1. On December 7, 2016, the Portland City Council approved Resolution No. 37254 adopting the Locally Preferred Alternative for the Powell Division Corridor Project and conditions of approval. The Locally Preferred Alternative was unanimously approved by the City of Gresham, Metro Council, the Multnomah County Commission and the TriMet Board of Directors.
2. Powell-Division Corridor Project leadership was transferred from Metro to TriMet on December 20, 2016. The name of the Project was subsequently changed to the Division Transit Project ("Project") to reflect the preferred alignment.
3. On March 22, 2017, the FTA approved the Project for project justification warrants, limiting the project budget to less than \$175 million.
4. On August 15, 2018, City Council approved Ordinance No. 189116 authorizing execution of a financing agreement with TriMet to provide a portion of the total local match funding as required by the FTA.
5. On April 17, 2019, City Council approved Ordinance No. 189463 authorizing execution of an Intergovernmental Agreement (IGA) for design and construction services for the Project and accepting a grant of \$2 million from TriMet. The IGA documents understandings and agreements relating to services being provided between TriMet and the City.
6. On December 19, 2019, City Council approved Resolution No. 37471 accepting the Building Healthy Connected Communities Along the Division Transit Corridor Report and accepted a status report on the progress toward items listed in the Division Transit Project Locally Preferred Alternative Conditions of Approval including an update on project final design and construction approach.
7. The Portland Bureau of Transportation (PBOT) serves as the City's lead on the Project, with other City bureaus, including but not limited to, the bureaus of Environmental Services, Planning and Sustainability, Water, and Parks and Recreation contributing professional expertise.
8. City of Portland staff time expended on the Project for Preliminary Engineering up to completion of 30% design drawings was provided via in-kind match.

9. The original Design and Construction IGA and \$2 million grant from TriMet included City services related to the Final Design phase of the project as well as estimates for scopes of work to be performed during construction.
10. Now, with the construction program defined and construction underway, it is appropriate to amend the IGA to reflect additional services being provided by City staff.
11. The Project is subject to budgetary limitations imposed by the FTA and Finance Agreements, and all terms and conditions of the FTA Small Starts Grant Agreement ("SSGA") will apply to this Agreement.
12. Upon completion of project construction, the Parties plan to enter into a Project maintenance agreement that will detail each Party's obligations with respect to maintenance of the facilities.
13. The Bureau's level of confidence in the cost estimates for this project is high. It is typical of major transit projects to require amendments to staff services agreements between the parties. As project specifics become clearer or change, additional services will be negotiated and may need to be added. It is possible that there may be future amendments to the Agreement to incorporate other understandings, services or betterments to be provided.

NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge is hereby authorized to accept on behalf of the City of Portland an amendment to the grant from TriMet for the Division Transit Project whereby the total grant is increased from \$2,000,000 to \$5,165,159. Any additional increases to the grant amount must be approved by the City Council.
- b. The Commissioner-in-Charge is hereby authorized to execute an IGA for the Division Transit Project in the amount of \$5,165,159 in a form similar to Exhibit A.
- c. The Commissioner-in-Charge is authorized to execute amendments to this IGA approved as to form by the City Attorney, provided the changes do not increase the City's financial risk.
- d. The OMF Grants Office is authorized to perform all administrative matters in relation to the grant application, grant agreement or amendments, requests for reimbursement from the grantor, and to submit required online grant documents on the Commissioner-in-Charge's behalf.

Section 2. The Council declares that an emergency exists because a delay would unnecessarily delay the City's ability to perform the activities authorized by the agreement; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, September 16, 2020

Commissioner Chloe Eudaly  
Prepared by: Caitlin Reff; CB  
Date Prepared: 8/10/2020

**Mary Hull Caballero**  
Auditor of the City of Portland

By *Keelan McClymont*  
Deputy

\*Amend the Intergovernmental Agreement for the Division Transit Project with TriMet for Design and Construction Services (Ordinance; amend Contract No. 30006859)

<p style="text-align: center;"><b>INTRODUCED BY</b> Commissioner/Auditor: <b>Chloe Eudaly</b></p>	<p>CLERK USE: DATE FILED <u>9/8/20</u></p>
<p style="text-align: center;"><b>COMMISSIONER APPROVAL</b></p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u>Karla Moore-Love</u> Deputy</p> <p style="font-size: small;">Digitally signed by Karla Moore-Love Date: 2020.09.08 16:55:38 -07'00'</p>
<p>Mayor—Finance &amp; Administration - Wheeler</p>	
<p>Position 1/Utilities - Fritz</p>	
<p>Position 2/Works - Ryan</p>	
<p>Position 3/Affairs - Hardesty</p>	
<p>Position 4/Safety - Eudaly <span style="font-size: x-small;">Digitally signed by Jamey Duhamel Date: 2020.09.08 09:49:00 -07'00'</span></p>	
<p style="text-align: center;"><b>BUREAU APPROVAL</b></p>	
<p>Bureau: <b>PBOT</b> Bureau Head: Christopher Warner <span style="font-size: x-small;">Digitally signed by Christopher Warner Date: 2020.09.01 08:34:49 -07'00'</span></p>	
<p>Prepared by: <b>Caitlin Reff</b> Date Prepared: <b>8/11/20</b></p>	
<p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p><b>City Auditor Office Approval:</b> required for Code Ordinances</p>	
<p><b>City Attorney Approval:</b> Ken McGair <span style="font-size: x-small;">Digitally signed by Ken McGair Date: 2020.08.25 16:03:03 -07'00'</span> required for contract, code, easement, franchise, comp plan, charter</p>	
<p>Council Meeting Date <b>9/16/20</b></p>	

**AGENDA**

**TIME CERTAIN**   
Start time: 9:45

**Total amount of time needed:** \_\_\_\_\_  
(for presentation, testimony and discussion)

**CONSENT**

**REGULAR**

**Total amount of time needed:** 30 Minutes  
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Ryan	✓	
3. Hardesty	✓	
4. Eudaly	✓	
Wheeler	✓	