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# 190473

Ordinance

## Amend Intergovernmental Agreement between TriMet and the City for the Division Transit Project for Design and Construction Services (amend Contract No. 30006859)

Passed

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.

Introduced by

[Commissioner Jo Ann Hardesty](#)

Bureau

[Transportation](#)

Prepared by

Caitlin Reff

Date Prepared

May 18, 2021

Requested Council Date

June 30, 2021

Requested Agenda Type

Consent

7. On September 16, 2020, City Council approved Ordinance No. 190120 authorizing an Amendment to the IGA for design and construction services for the Project from \$2,000,000 to \$5,165,159.
8. 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.
9. 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.
10. 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. The first Amendment reflected additional services required by the City for construction delivery.
11. Now, with 60% of Project construction complete, it is appropriate to amend the IGA again to reflect right-of-way construction work and additional services being provided by City staff to support successful Project delivery.
12. 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.
13. 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.
14. 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 \$5,165,159 to \$6,168,743. 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 increase to the IGA for the Division Transit Project in the amount of \$1,003,584 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.

## Documents and Exhibits

 [Exhibit A](#) (624.08 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council  
June 30, 2021

Auditor of the City of Portland  
Mary Hull Caballero

## Impact Statement

 [Impact Statement](#) (162.4 Kb)

## Agenda Items

### 488 Consent Agenda in [June 23, 2021 Council Agenda](#)

Passed to second reading

Passed to second reading June 30, 2021 at 9:30 a.m.

### 515 Consent Agenda in [June 30, 2021 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea

## General information

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City of Portland, Oregon





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