

INTERGOVERNMENTAL AGREEMENT
BETWEEN TRIMET AND CITY OF PORTLAND
FOR ENHANCED TRANSIT MALL UPKEEP
THIRD AMENDMENT

TriMet Contract No. GH100324LE

THIS Third Amendment to the Enhanced Transit Mall Upkeep Agreement ("Agreement") is entered into as of the effective date identified below the signatures to this Agreement and is between the Tri-County Metropolitan Transportation District of Oregon ("TriMet") and the City of Portland ("City") (TriMet and City collectively are hereinafter referred to as "the Parties"). This Third Amendment is written to make the following changes to the Agreement. All provisions of the Agreement shall remain in effect unless modified or superseded by this Third Amendment.

AGREEMENT

1. As provided under Article V, Section 6 of the Agreement, the Parties hereby agree to extend the Agreement for a second five-year term, corresponding to fiscal years 2014-2015 through 2018-2019. The termination date of the Agreement is revised to September 30, 2019.
2. Prior versions of the Exhibits to the Agreement, corresponding to fiscal years 2009-2010 through 2013-2014, are hereby supplemented with revised versions, as listed below, corresponding to fiscal years 2014-2015 through 2018-2019, which are attached to this Third Amendment:

Exhibit Name	Date of Prior Version corresponding to FYs 09-10 through 13-14	Date of Supplemental Version corresponding to FYs 14-15 through 18-19
A. Enhanced Services, Costs and Service Levels	2/16/12	4/17/14
B. Enhanced Services Performed by the City of Portland	6/9/09	4/17/14
C. Major Maintenance Account Contributions	6/9/09	4/17/14
D. Contributions of the Parties	3/22/12	4/17/14

There are no other changes to the Agreement.

City of Portland

Leah Treat, Director
Portland Bureau of Transportation

Dated: _____

Approved as to Form:

City Attorney

**Tri-County Metropolitan Transportation
District of Oregon**

Shelly Lomax, Executive Director
TriMet Transportation Division

Dated: 7/30/14

Approved as to Form:

TriMet Deputy General Counsel

**EXHIBIT A FOR FY14-15 THROUGH FY18-19
ENHANCED SERVICES, COSTS, AND SERVICE LEVELS**

FINAL 4.17.14

SERVICE	FY 2013-14 BUDGET BASIS	FY 2014-15 BUDGET	FY 2015-16 BUDGET	FY 2016-17 BUDGET	FY 2017-18 BUDGET	FY 2018-19 BUDGET	SERVICE LEVELS
TRANSIT MALL:							
SIDEWALKS							
Daily Cleaning	\$368,893	\$379,960	\$387,559	\$395,310	\$403,217	\$411,281	Daily litter, graffiti & debris removal. Spot pressure washing as required.
Pressure Washing	\$187,856	\$193,492	\$197,362	\$201,309	\$205,335	\$209,442	Each block face approximately every 30 days.
POLE MAINTENANCE	\$35,107	\$14,000	\$14,280	\$14,566	\$14,857	\$15,154	Annual paint touchup of catenary poles.
DRAINAGE	\$11,129	\$11,463	\$11,692	\$11,926	\$12,165	\$12,408	Annual cleaning of stormwater inlets and leads.
LANDSCAPE MAINTENANCE	\$10,805	\$11,129	\$11,352	\$11,579	\$11,810	\$12,046	Carwash Fountain, planted tree wells, & stormwater basins as required.
STREET TREES & GRATES	\$52,221	\$53,788	\$54,864	\$55,961	\$57,080	\$58,222	Three year cycle for pruning. 1/3rd of trees per year.
BENCHES	\$5,834	\$6,009	\$6,129	\$6,252	\$6,377	\$6,504	Daily graffiti, debris and spill cleanup, and associated touchup. Arm rest repair.
PUBLIC ART	\$500	\$515	\$525	\$536	\$547	\$557	Annual payment to endowment. Sealing of grout bases to prevent leaching.
WASTE RECEPTACLES	\$6,956	\$7,165	\$7,308	\$7,454	\$7,604	\$7,756	Daily graffiti removal and wipe down. Repair/replacement as required.
TRANSIT SHELTERS	\$151,868	\$156,424	\$159,552	\$162,744	\$165,998	\$169,318	Weekly pressure washing. Daily cleaning.
TRANSIT SIGNAGE	\$0	\$0	\$0	\$0	\$0	\$0	Daily wipe down and graffiti removal.
GENERAL OPERATIONS	\$154,500	\$152,815	\$155,871	\$158,989	\$162,169	\$165,412	Overall program management and administrative functions.
CAPITAL REPL. FUND	\$10,300	\$10,609	\$10,821	\$11,038	\$11,258	\$11,484	
SECURITY PROGRAM	\$337,806	\$347,940	\$354,899	\$361,997	\$369,237	\$376,821	Daily patrol, incident response. Periodic animal control inspections.
PUBLIC SPACE MANAGEMENT	\$75,190	\$77,446	\$78,995	\$80,575	\$82,186	\$83,830	Ten monthly events & holiday programming
SUBTOTAL	\$1,408,965	\$1,422,755	\$1,451,210	\$1,480,234	\$1,509,839	\$1,540,036	
Contingency	\$10,300	\$10,609	\$10,821	\$11,038	\$11,258	\$11,484	
TRANSIT MALL SUBTOTAL	\$1,419,265	\$1,433,364	\$1,462,031	\$1,491,272	\$1,521,097	\$1,551,519	
MORR/YAM/1ST AVE:							
Daily Cleaning (72/112)	\$144,165	\$148,490	\$151,460	\$154,489	\$157,579	\$160,730	Daily litter, graffiti & debris removal. Spot pressure washing as required.
Pressure Washing	\$33,356	\$34,357	\$35,044	\$35,745	\$36,460	\$37,189	Each block face approximately every 30 days
Security	\$162,171	\$167,036	\$170,377	\$173,784	\$177,260	\$180,805	Daily patrol & incident response.
Shelter Cleaning	\$3,090	\$3,183	\$3,247	\$3,312	\$3,378	\$3,445	Weekly pressure washing.
SUBTOTAL	\$342,782	\$353,066	\$360,127	\$367,330	\$374,676	\$382,170	
Contingency	\$5,150	\$5,305	\$5,411	\$5,519	\$5,630	\$5,742	
SUBTOTAL MORR/YAM/1ST AVE	\$347,932	\$358,371	\$365,538	\$372,849	\$380,306	\$387,912	
FISCAL YEAR	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	
TOTAL REQUIREMENTS	\$1,767,197	\$1,791,735	\$1,827,570	\$1,864,121	\$1,901,404	\$1,939,432	
Third Party Cash Contributions	\$229,603	\$208,010	\$212,170	\$216,414	\$220,742	\$225,157	
Total City/TriMet Cash Contributions	\$1,537,594	\$1,583,725	\$1,615,400	\$1,647,707	\$1,680,662	\$1,714,275	

186763

EXHIBIT B FOR FY14-15 THROUGH FY18-19
ENHANCED SERVICES PERFORMED BY THE CITY OF PORTLAND

4/17/2014

SERVICE	BASIS 13-14	ESTIMATED COST 14-15	ESTIMATED COST 15-16	ESTIMATED COST 16-17	ESTIMATED COST 17-18	ESTIMATED COST 18-19	SERVICE LEVEL DESCRIPTION
TRANSIT MALL							
Hose Flushing *	\$341,134	\$351,368	\$358,395	\$365,563	\$372,874	\$380,332	Two nights per week (Thursday & Sunday)
Street Flushing and Sweeping *	\$112,814	\$116,199	\$118,523	\$120,893	\$123,311	\$125,777	Five nights per week
Patching	\$11,593	\$11,941	\$12,179	\$12,423	\$12,671	\$12,925	As required within 7 calendar days notice
New Traffic Signals	\$26,064	\$26,866	\$27,404	\$27,952	\$28,511	\$29,081	New City Costs due to expanded inventory
New Street Lights	\$17,899	\$18,436	\$18,805	\$19,181	\$19,564	\$19,956	New City Costs due to expanded inventory
Street Light Power	\$10,746	\$11,069	\$11,290	\$11,516	\$11,746	\$11,981	New City Costs due to expanded inventory
Planter Pots	\$151,944	\$156,502	\$159,632	\$162,825	\$166,081	\$169,403	Two seasonal plantings, watering & plant maintenance/replacement.
Service Trash Receptacles	\$0	\$0	\$0	\$0	\$0	\$0	Provide for emptying trash receptacles 6 nights/week through garbage hauler contracts
MORR/YAM/1ST AVE.							
Hose Flushing	\$213,207	\$219,604	\$223,996	\$228,476	\$233,045	\$237,706	Two nights per week. (Thursday & Sunday)
Street Flushing and Sweeping	\$52,596	\$54,174	\$55,258	\$56,363	\$57,490	\$58,640	Five nights/week
Service Trash Receptacles	\$0	\$0	\$0	\$0	\$0	\$0	Provide for emptying trash receptacles 6 nights/week through garbage hauler contracts
TOTAL CITY SERVICES	\$938,017	\$966,158	\$985,481	\$1,005,190	\$1,025,294	\$1,045,800	

* These service levels are subject to the availability of funds as annually appropriated by the City Council and may vary from year to year.

186763

EXHIBIT C FOR FY14-15 THROUGH FY18-19
MAJOR MAINTENANCE ACCOUNT CONTRIBUTIONS
SERVICES PROVIDED ON TRANSIT MALL ONLY
4/17/2014

SERVICE	BASIS 13-14	ESTIMATED COST 14-15	ESTIMATED COST 15-16	ESTIMATED COST 16-17	ESTIMATED COST 17-18	ESTIMATED COST 18-19	SERVICE LEVEL DESCRIPTION
CONTRIBUTIONS BY PBOT							
Resurfacing	\$303,270	\$303,270	\$303,270	\$303,270	\$303,270	\$303,270	Every 15 years. Includes 10% contingency.
Intersection Pavers	\$225,827	\$225,827	\$225,827	\$225,827	\$225,827	\$225,827	Semi-annual inspection with annual touchup. Clean, resand and reseal every three years.
Street Light Poles	\$3,355	\$3,355	\$3,355	\$3,355	\$3,355	\$3,355	Full repaint every 15 years.
Traffic Signal Poles	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	Full repaint every 15 years.
Granite Curb Maintenance	\$10,300	\$10,300	\$10,300	\$10,300	\$10,300	\$10,300	Five Year Cycle to refurbish
Benches	\$1,100	\$1,100	\$1,100	\$1,100	\$1,100	\$1,100	Full repaint every ten years.
Newsrack Capital	\$0	\$0	\$0	\$0	\$0	\$0	
SUBTOTAL - PBOT	\$549,852	\$549,852	\$549,852	\$549,852	\$549,852	\$549,852	
CONTRIBUTIONS BY TRIMET							
OCS Poles	\$27,318	\$27,318	\$27,318	\$27,318	\$27,318	\$27,318	Full repaint every 15 years.
SUBTOTAL - TRIMET	\$27,318	\$27,318	\$27,318	\$27,318	\$27,318	\$27,318	
TOTAL TRUST ACCOUNT CONTRIBUTIONS	\$577,170	\$577,170	\$577,170	\$577,170	\$577,170	\$577,170	

**EXHIBIT D FOR FY14-15 THROUGH FY18-19
CONTRIBUTIONS OF THE PARTIES
4/17/2014**

SUMMARY OF ENHANCED SERVICE REQUIREMENTS

REQUIREMENTS	13 - 14 BASIS	14 - 15	15 - 16	16 - 17	17 -18	18 -19	TOTALS FYs15-19
ENHANCED SERVICES BY TRIMET - EXHIBIT A	\$1,767,197	\$1,791,735	\$1,827,570	\$1,864,121	\$1,901,404	\$1,939,432	\$9,324,261
ENHANCED SERVICES BY PBOT - EXHIBIT B	\$938,017	\$966,158	\$985,481	\$1,005,190	\$1,025,294	\$1,045,800	\$5,027,923
TRUST ACCOUNT CONTRIBUTIONS BY PBOT - EXHIBIT C	\$549,852	\$549,852	\$549,852	\$549,852	\$549,852	\$549,852	\$2,749,258
TRUST ACCOUNT CONTRIBUTIONS BY TRIMET - EXHIBIT C	\$27,318	\$27,318	\$27,318	\$27,318	\$27,318	\$27,318	\$136,590
TOTAL ENHANCED SERVICE REQUIREMENTS	\$3,282,384	\$3,335,062	\$3,390,220	\$3,446,481	\$3,503,867	\$3,562,401	\$17,238,032
LESS THIRD PARTY CASH CONTRIBUTIONS	(\$229,603)	(\$208,010)	(\$212,170)	(\$216,414)	(\$220,742)	(\$225,157)	(\$1,082,492)
NET REQUIREMENTS TO BE FUNDED CITY AND TRIMET	\$3,052,781	\$3,127,052	\$3,178,050	\$3,230,067	\$3,283,125	\$3,337,244	\$16,155,539

PAYMENT DUE TRIMET FROM CITY UNDER THIS AGREEMENT

PBOT - GTR	\$607,804	\$649,804	\$664,224	\$678,788	\$693,498	\$708,355	\$3,394,669
PBOT- Existing Meter Revenue	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$2,000,000
PARKS GF	\$135,000	\$135,000	\$135,000	\$135,000	\$135,000	\$135,000	\$675,000
PBOT Meter Rate Increase	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000	\$5,000,000
Inflation on Operating Funds	\$96,202	\$99,088	\$101,069	\$103,091	\$105,153	\$107,256	\$515,656
TOTAL CITY RESOURCES	\$2,239,006	\$2,283,892	\$2,300,293	\$2,316,879	\$2,333,651	\$2,350,611	\$11,585,325
LESS COSTS BORNE BY CITY - EXHIBITS B AND C	(\$1,487,869)	(\$1,516,009)	(\$1,535,332)	(\$1,555,042)	(\$1,575,146)	(\$1,595,652)	(\$7,777,181)
CASH PAYMENTS DUE TRIMET FROM CITY UNDER THIS AGREEMENT	\$751,137	\$767,882	\$764,961	\$761,837	\$758,505	\$754,959	\$3,808,144
NET TRIMET CONTRIBUTION REQUIRED TO FUND THIS AGREEMENT	\$813,775	\$843,161	\$877,756	\$913,189	\$949,475	\$986,634	\$4,570,214

SUMMARY OF TRIMET CONTRIBUTIONS

Funding for PMMI Agreement	\$690,255	\$716,755	\$749,369	\$782,780	\$817,004	\$852,060	\$3,917,968
Funding of Trust Account	\$27,318	\$27,318	\$27,318	\$27,318	\$27,318	\$27,318	\$136,590
Inflation on PMMI Operating Funds	\$96,202	\$99,088	\$101,069	\$103,091	\$105,153	\$107,256	\$515,656
TOTAL TRIMET CONTRIBUTION	\$813,775	\$843,161	\$877,756	\$913,189	\$949,475	\$986,634	\$4,570,214

SUMMARY OF CONTRIBUTIONS BY THIRD PARTIES

Clean & Safe, Inc. In-Kind Animal Control Services	\$5,000	\$5,150	\$5,253	\$5,358	\$5,465	\$5,575	\$26,801
Clean & Safe, Inc. In-Kind Security Services	\$78,799	\$81,163	\$82,786	\$84,442	\$86,131	\$87,853	\$422,375
Clean & Safe, Inc. In-Kind Cleaning Services	\$111,773	\$115,126	\$117,429	\$119,777	\$122,173	\$124,616	\$599,121
PSU In-Kind Security Services	\$0	\$12,800	\$13,056	\$13,317	\$13,583	\$13,855	\$66,612
PSU In-Kind Cleaning Services	\$0	\$12,000	\$12,240	\$12,485	\$12,734	\$12,989	\$62,448
Clean & Safe, Inc. Cash Contributions	\$60,777	\$62,600	\$63,852	\$65,129	\$66,432	\$67,761	\$325,775
PSU: Cash Contributions	\$168,827	\$145,410	\$148,318	\$151,285	\$154,310	\$157,396	\$756,719
TOTAL NON-BUDGETED CONTRIBUTIONS	\$420,176	\$429,099	\$437,681	\$446,435	\$455,364	\$464,471	\$2,233,051