

ORDINANCE No. 187351

Amend contract with Motivate International, Inc., formerly Alta Bicycle Share, Inc., to implement the Bike Share System, not to exceed \$2,175,000 (Ordinance; amend Contract No. 30003174)

The City of Portland ordains:

Section 1. The Council finds:

1. On September 19, 2012, Council approved Intergovernmental Agreement #28287 (the "IGA") with the Oregon Department of Transportation ("ODOT") to accept TWO MILLION DOLLARS (\$2,000,000) in Federal Highway Administration (FHWA) funds to develop a bike share system (the "System") and operate it for five (5) years.
2. On January 9, 2013, the City of Portland, acting and by and through its Bureau of Transportation ("PBOT") entered into Contract No. 30003174 (the "Original Contract") with Alta Bicycle Share, Inc. ("Alta") to purchase, install and operate the System in Portland.
3. On December 15, 2013, the IGA was amended to include PBOT's receipt of a FORTY-TWO THOUSAND DOLLAR (\$42,000) grant from the Federal Transit Administration (FTA) to fund a portion of the System at Union Station.
4. Subsequently, one hundred percent (100%) of Alta's stock was purchased by Bikeshare Holdings LLC ("BSH"). Alta retained its obligations and rights under the Original Contract. Thereafter, Alta changed its name to Motivate International, Inc. ("Motivate").
5. Due to technological advancements in the industry, PBOT renegotiated the terms of the Original Contract to include the acquisition, launch and operation of a 600 bike, 30 station smart bike technology System as substantially set forth in the Amended and Restated Services Contract attached hereto as Exhibit A (the "Amended Contract").
6. Under the Amended Contract, Motivate has agreed to a three (3) year operating term (the "Term") with obligations regarding levels of service, pricing, sponsorships, revenue sharing and appropriate collection and accounting of System revenues. The cost of operating the System will be covered by available System revenues. To the extent that System revenues are not adequate to cover the cost of operating the System to meet the performance standards of the Amended Contract, Motivate International, Inc. will use its private funds to meet any shortfall. The IGA funds will be used for equipment purchase and System launch costs. No City funds will be used to operate or otherwise fund the System during the Term with the exception of the Match (defined below).

7. The Amended Contract increases the procurement authority for the City to cover the costs of purchasing and launching the System not to exceed \$2,175,000. The match requirement of the federal grants is 10.27% and will be met with funding from reimbursements from transportation demand management programs held in the PBOT's current budget (the "Match").
8. The PBOT's level of confidence in the cost estimates for the purchase of the System equipment is high, the prices for the System equipment are set forth in the Amended Contract as Exhibit D.

NOW, THEREFORE, the Council directs:

- a. That the Chief Procurement Officer is hereby authorized to execute the Amended Contract with Motivate International, Inc., in a form similar to the contract attached as Exhibit A, and to increase procurement authority in an amount not to exceed \$2,175,000 to launch the System.
- b. The Mayor and the Auditor hereby are authorized to pay for the contract from the FY 2015-16 Budget, Fund No. 217001, Project No. T00336, Commitment Item No. 521000, Grant ID TR000199.

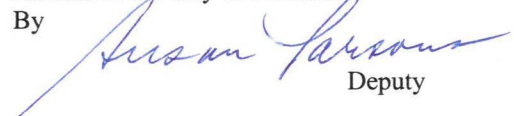
Passed by the Council, SEP 23 2015

Commissioner Steve Novick
Prepared by: Steve Hoyt-McBeth:slg
Date Prepared: September 8, 2015

Mary Hull Caballero

Auditor of the City of Portland

By


Deputy

953-983 =

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Agenda No. **187351**
ORDINANCE NO.
 Title

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not to exceed \$2,175,000

<p>INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety – Novick <i>CW</i></p> <p>BUREAU APPROVAL</p> <p>Bureau: Transportation Policy, Planning and Projects Manager: Art Pearce Director: <i>[Signature]</i> <i>9/1/15</i></p> <p>Prepared by: Steve Hoyt-McBeth:slg Date Prepared: 9/1/15 Supervisor: Margi Bradway <i>MB</i></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>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date September 16, 2015</p>	<p>CLERK USE: DATE FILED SEP 11 2015</p> <p style="text-align: right;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p> <p>SEP 16 2015 PASSED TO SECOND READING</p>
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AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/></p> <p>Start time: 9:45am</p> <p>Total amount of time needed: 1 hour, 15 min (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	_____	
4. Novick	4. Novick	✓	
Hales	Hales	✓	