

TriMet Contract Review Board Rules Update

April 23, 2025

TriMet Board of Directors

TCRB Role and Responsibility

- OR statute requires competitive bidding
- OR statute also allows a local “Contract Review Board” to exempt solicitations from competition
- The TriMet Board of Directors is designated as the TriMet Contract Review Board (TCRB)
- The TCRB can exempt solicitations from competition

Current TCRB Rules

- Last adopted in October 2014
- Generally out-of-date with current practices
- Requires more items than necessary to go to the TCRB
- Induces more “Sole Source” contracts, when other non-competitive exemption types would be more appropriate for those goods or services

Proposed TCRB Rule Updates

- Primarily clerical
- Reorganizes rules for clarity
- Memorializes current TriMet contracting practices
- Addition of statutory exemptions
- Addition of several classes of common exemptions

Memorializes Oregon Statutory Exemptions

- Law enforcement equipment
- Grants
- Real property
- Contracts for debt, loans, and investments

Memorializes Oregon Statutory Exemptions (cont.)

- Purchases from Oregon Corrections Enterprises (OCE)
 - Oregon Law *requires* governments to consider contracting with OCE for the goods and services they provide, before going to the open market
 - Currently, TriMet contracts with OCE for two items:
 - Vinyl slipcovers for LRV seats
 - Sacrificial wooden “rail guards” on the front of LRVs

Memorializes Statutory Exemptions (cont.)

- **Contracts with other governments**
 - Joint resourcing of transportation infrastructure projects
 - Use of other governmental services
 - Transit police services, contracted from municipalities
 - Shared regulatory programs (clean air construction, etc.)
 - Funding exchanges

Addition of Classes of Common Exemptions

- Special Procurements
 - Under \$250k may be authorized by General Manager
 - Over \$250k may be authorized by TCRB
- Brand Name “or Equal”
- Advertising

Addition of Classes of Common Exemptions (cont.)

- Reverse Auctions
 - Oregon DAS conducted a pilot project and is now encouraging the consideration of reverse auctions
 - **6 out of 10 reverse auctions resulted in cost savings (7% to 29%)**
 - **Reverse auction was unsuccessful for the other 4 solicitations**
 - Written offers are submitted without price, and there is a public “live auction” process to determine lowest price
 - TriMet conducted a reverse auction for fuel, but not recently

Addition of Classes of Common Exemptions (cont.)

- **Reverse Auctions (cont.)**
 - **Pros:**
 - **Increases competition, particularly on price**
 - **Larger vendor pool**
 - **Cons:**
 - **Additional auction step requires additional time**
 - **Works best for simple solicitations with at least three vendors**
 - **Requires technical facilitation from a 3rd party auction facilitator**

Addition of Classes of Common Exemptions (cont.)

- Rating agencies
- Periodicals and Copyrighted Materials
- Direct purchase from original manufacturer
- Warranty services
- Memberships and Professional Associations
- Artist contracts

Clarifies Sole Source Restrictions

- Clarifies the existing “sole source” exemption when goods and services are available from only one source
- Added statutory requirement for written findings
- Requires public notice and allows public protest
- Limits sole source contracts to two years
- Clarifies that sole source must not avoid competition

Clarifies Sole Source Restrictions

- Oregon Law authorizes Sole Source contracts *only* when only one known vendor can possibly provide the good or service
- Project managers must demonstrate that only a singular known vendor exists in the market
- Procurement staff also review the market to confirm

New Transparency Requirements

- Requires staff to publicly notice all non-competitive awards over \$250k, and allows for public protest
- Requires staff to publicly notice all Sole Source awards over \$25k, and allows for public protest

Questions?

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