

Date: October 23, 2024

To: Board of Directors

From: Sam Desue, Jr.

Subject: RESOLUTION NO. 24-10-62 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH ANCHOR QEA, LLC FOR ENVIRONMENTAL SUPPORT SERVICES FOR TRANSIT-RELATED PROJECTS

1. Purpose of Item

This Resolution requests that the TriMet Board of Directors (Board) authorize the General Manager or his designee to execute a contract with Anchor QEA, LLC (Anchor) for Environmental Support Services for Transit-Related Projects (Contract).

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other:

3. Type of Contract Procurement

- Low Bid / Invitation to Bid (ITB)
- Request for Proposals (RFP) (inc. CM/GC)
- Request for Qualifications (RFQ) (Personal Services)
- Other (inc. sole source): Sole Source

4. Reason for Board Action

Board authorization is required for all contracts obligating TriMet to pay in excess of \$1,000,000.

5. Type of Action

- Resolution
- Ordinance 1st Reading
- Ordinance 2nd Reading
- Other _____

6. Background

The National Environmental Policy Act (NEPA) of 1969 was the first of a series of major environmental laws enacted over the 1970s, and established fundamental U.S. environmental policies. NEPA requires all federal agencies to assess the environmental impacts of proposed actions before making decisions. Under NEPA, the social and environmental costs and benefits of various alternative actions must be evaluated and a preferred alternative selected, prior to an agency's decision to commit federal resources to a project.

Agencies like the Federal Transit Administration (FTA) must develop analyses and documents, or review those prepared by others, to ensure informed decision-making before taking action. Region 10 of the FTA, which includes the Seattle and Portland areas, currently is experiencing an acute shortage of staff needed to review and approve NEPA documents for various federally funded projects. This staff shortage is a result of many major projects in Region 10 under similar timelines needing environmental reviews. FTA approval of NEPA documentation is required prior to final engineering and release of federal funds for construction.

Pursuant to Section 1304 of the Fixing America's Surface Transportation (FAST) Act of 2015, transit districts may engage personnel who can work in coordination with FTA staff to review and approve environmental documents. The FTA Region 10 Administrator has requested that TriMet provide staff assistance to FTA in order to ensure timely review of NEPA documents for a number of local projects that are about to begin or are under FTA review. These projects include the Interstate Bridge Replacement, 82nd Avenue FX, Tualatin Valley Highway FX, transit centers and operator layover facilities.

FTA previously worked with Anchor on Seattle and Portland area projects under Section 1304 of the FAST Act, and advised TriMet that Anchor would be an acceptable extension of FTA staff. TriMet's engagement of Anchor will ensure that FTA has adequate personnel resources to conduct thorough and timely NEPA document reviews, so that current and planned projects may proceed.

This Resolution would authorize TriMet to enter into a five-year, sole-source Contract with Anchor for on-call, task order based work, in an amount not to exceed \$4,000,000.

7. **Description of Procurement Process**

This Contract is being awarded as a sole source. Anchor has an extensive background in this type of work, as well as extensive experience working with FTA Region 10 on environmental document reviews. Anchor also does not contract with TriMet, Metro or other regional agencies for environmental services on transit projects, thereby avoiding a conflict of interest in its role of providing these services. In addition, the Washington State Department of Transportation recently completed a solicitation process for NEPA document review services, and Anchor was the only qualified proposer.

8. **Diversity**

Anchor currently employs approximately 555 people, of whom 298 are women or minorities.

9. **Financial/Budget Impact**

The Contract's total value will not exceed \$4,000,000 over a five-year period. The first year Contract amount is included in TriMet's Engineering and Construction Budget for FY2025. The funds for the on-call tasks requested from Anchor will be provided by the relevant TriMet project, as each project is approved and funded.

10. **Impact if Not Approved**

Although TriMet could seek to procure these services on the open market, recent solicitations conducted by other public entities indicate that doing so would not result in an award to a different contractor or a lower cost. Anchor is uniquely qualified to provide these services, does so at a cost-effective price, and is very responsive to the needs of the FTA. Failure to execute the proposed Contract could result in significant delays to many current and planned TriMet projects.

RESOLUTION NO. 24-10-62

**RESOLUTION NO. 24-10-62 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A
CONTRACT WITH ANCHOR QEA, LLC FOR ENVIRONMENTAL SUPPORT
SERVICES FOR TRANSIT-RELATED PROJECTS**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with Anchor QEA, LLC (Anchor) for Environmental Support Services for Transit-Related Projects (Contract); and

WHEREAS, by Resolution No. 22-05-35, dated May 25, 2022, the TriMet Board of Directors (Board) adopted a Statement of Policies requiring the Board to authorize all contracts obligating TriMet to pay in excess of \$1,000,000; and

WHEREAS, the total amount of the Contract exceeds \$1,000,000;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Contract shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute the Contract in the amount of not more than \$4,000,000, over the five-year life of the Contract.

Dated: October 23, 2024



Presiding Officer

Attest:



Recording Secretary

Approved as to Legal Sufficiency:



Legal Department