

**Date:** May 28, 2025

**To:** Board of Directors

**From:** Sam Desue, Jr. 

**Subject:** **RESOLUTION NO. 25-05-27 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH ADVANCED RAILWAY TECHNOLOGY, INC. FOR QUALIFIED PROTECTION PERSON SERVICES FOR ON-TRACK SAFETY OF ROADWAY WORKERS AND WORKGROUPS**

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**1. Purpose of Item**

This Resolution requests that the TriMet Board of Directors (Board) authorize the General Manager to execute a contract with Advanced Railway Technology, Inc. (ART) for Qualified Protection Person (QPP) Services for On-Track Safety of Roadway Workers and Workgroups (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:

**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 1<sup>st</sup> Reading
- Ordinance 2<sup>nd</sup> Reading
- Other

**6. Background**

Federal regulations require TriMet to provide Roadway Worker Protection for maintenance personnel who perform work in and near the MAX light rail Right of Way (ROW). In compliance with this requirement, Facilities Management provides a Qualified Protection Person (QPP) for each ROW location at which it performs regular grounds maintenance.

A QPP provides ROW lookout duties, warning workers of oncoming trains in the area. The QPP also stays in regular radio contact with TriMet Rail Control during all work adjacent to the ROW, and has the responsibility to start, stop, and/or move workers as needed to insure safe and efficient train movement through work zones. To carry out its grounds maintenance obligations, TriMet Facilities Management must engage between three to five QPPs, for three to five days per week, year-round.

**7. Description of Procurement Process**

TriMet issued an Invitation to Bid (ITB) on March 3, 2025, with bids due on March 25, 2025. The ITB was advertised on TriMet’s TriP\$ website. A total of 326 vendors were notified of the ITB through TriP\$, but the only response TriMet received was from ART. As a result, ART submitted the lowest responsive and responsible bid.

TriMet’s Independent Cost Estimate (ICE) for the Project was \$2,244,788. A comparison of ART’s responsive bid with TriMet’s ICE is shown below:

	<b>Advanced Railway Technology, Inc.</b>
ART Bid . . .	\$1,399,913
Independent Cost Estimate . . .	\$2,244,788

TriMet determined that ART was the lowest responsive and responsible bidder, and found its bid to be fair and reasonable. This determination was based on comparing ART’s bid to: 1) amounts paid to other vendors for the same service, 2) the amount paid to ART for the same service under its contract with TriMet’s Engineering & Construction Division, and 3) the amount of TriMet’s ICE.

In a 2020 solicitation for similar services, ART (dba Global Signals Group at that time) bid 42% higher than its counterparts. In the current 2025 solicitation, ART submitted a significantly more competitive bid, decreasing its hourly rate by 15% and its estimated Consumer Price Index (CPI) calculation to 2.8%. Accordingly, as the lowest qualified bidder for this work, staff recommends award of the contract to ART. Notice of Intent to Award was sent to all bidders on March 31, 2025, and no protests were received.

The proposed contract with ART will be for a five-year term, with TriMet retaining the unilateral option to terminate for convenience for any reason during that period. Price adjustments will not be permitted, as ART’s bid included annual rate increases. The total Contract costs will be based on TriMet’s actual requirements during the five-year contract term.

**8. Disadvantaged & Small Business Utilization**

ART will be self-performing all of the work under the contract.

**9. Financial/Budget Impact**

The initial year of the Contract amount is accounted for in the Maintenance Division’s FY2025 and FY2026 Budgets.

## **10. Impact if Not Approved**

If the Board does not approve this Resolution, Facilities Management personnel will not be able to perform maintenance grounds work in and near the ROW. District wide, approximately 40% of all maintenance grounds are in the ROW. If grounds are not regularly maintained, we may expect a loss of plant life, or an increase of invasive foliage that can decrease rail line of sight safety. In addition, TriMet customers and staff understand that well-maintained grounds improve safety and provide a more pleasant and welcoming transit system.

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TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A  
CONTRACT WITH ADVANCED RAILWAY TECHNOLOGY, INC. FOR  
QUALIFIED PROTECTION PERSON SERVICES FOR ON-TRACK SAFETY  
OF ROADWAY WORKERS AND WORKGROUPS**

**WHEREAS**, TriMet has authority under ORS 267.200 to enter into a contract with Advanced Railway Technology, Inc. for Qualified Protection Person Services for On-Track Safety of Roadway Workers and Workgroups (Contract); and

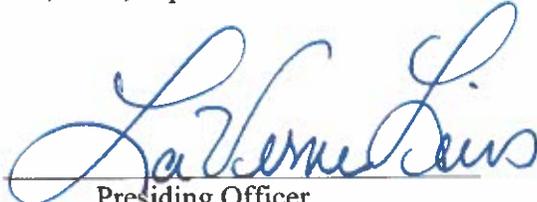
**WHEREAS**, by Resolution No. 22-05-35, dated May 25, 2022, the TriMet Board of Directors (Board) adopted a Statement of Policies requiring the Board to authorize contracts obligating TriMet to pay in excess of \$1,000,000; and

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

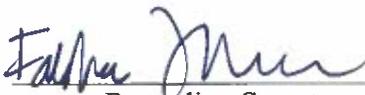
**NOW, THEREFORE, BE IT RESOLVED:**

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 \$1,399,913, with the total amount to be based on actual services provided through the Contract's April 30, 2030, expiration date.

Dated: May 28, 2025

  
\_\_\_\_\_  
Presiding Officer

Attest:

  
\_\_\_\_\_  
Recording Secretary

Approved as to Legal Sufficiency:

  
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Legal Department