

Date: July 22, 2020**To:** Board of Directors**From:** Doug Kelsey**Subject: RESOLUTION NO. 20-07-33 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH NEOPART TRANSIT LLC (NEOPART) FOR CERTIFIED SURGICAL MASKS****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 Neopart Transit LLC (Neopart) for inventoried ASTM F2101 or EN 14683 certified surgical masks (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) _____

4. Reason for Board Action

Board authorization is required for all goods and services 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

Wearing of masks, face coverings, or face shields by all individuals operating or riding public transit in Oregon is mandatory, in accordance with Governor Brown's executive orders, as well as the June 25, 2020, Oregon Health Authority guidance specific to the counties (Multnomah, Washington, Clackamas) served by TriMet. The current OHA guidance also requires TriMet to provide masks, face coverings, or face shields to its employees. Further, the OHA guidance encourages TriMet to provide disposable face coverings for riders and visitors who do not have one.

TriMet operates a fleet of approximately 714 transit buses, 145 light rail vehicles (LRVs), 6 diesel multiple-unit commuter rail vehicles, 278 paratransit vehicles (vans and cutaway buses), and 285 support vehicles within its service boundary. The masks procured via this Contract will be distributed to employees, passengers and visitors to TriMet facilities for use as Personal Protective Equipment (PPE) against the COVID-19 Coronavirus, in accordance with recommendations set forth by the Centers for Disease Control (CDC) and the OHA.

7. **Description of Procurement Process**

TriMet issued the Invitation to Bid (ITB) for inventoried ASTM F2101 or EN14683 certified surgical masks on June 5, 2020, with bids due on June 26, 2020. The ITB was publicly advertised on TriMet’s eProcurement System (TriP\$). TriMet received twenty (24) bids in response to the solicited ITB.

A summary of bids is below:

Contractor	Stated Bid Price
Neopart Transit LLC	\$1,440,000
Vehicle Maintenance Program, Inc.	\$1,460,000
Rocket Distributors LLC	\$1,600,000
Uweport LLC	\$1,900,000
GlobalGeeks Inc.	\$2,000,000
GK Trading LLC	\$2,300,000
Resolute Consulting, LLC	\$2,300,000
Servomax Inc	\$2,400,000
CrowdSync Technology LLC	\$2,600,000
DD Office Products Inc.	\$2,600,000
AIA\Promotions2Go	\$3,280,000
Catalyst PR	\$3,320,000
Fastenal Company	\$3,500,000
Unipak Corp.	\$3,600,000
Spirit Sanitizer	\$3,800,000
Stewart Marketing Group LLC	\$3,850,000
My T Print Inc. dba Class Act Uniforms	\$3,900,000
Response Technologies, LLC	\$3,980,000
R.S. Hughes Co. Inc.	\$4,260,000
Alpha Masks	\$4,300,000
Six Robbles' Inc.	\$4,500,000
Tiles in Style LLC dba Taza Supplies	\$5,440,000
RazorBlade Solutions, LLC	\$6,000,000
Aramark	\$6,100,000

TriMet determined that Neopart was the lowest responsive and responsible bidder, and its bid was found to be fair and reasonable based on competition and comparison with TriMet's Independent Cost Estimate (ICE). The Neopart bid is 78% less than TriMet's ICE of \$6,490,000 for the five-year Contract term for this procurement. The ICE was based on unit pricing paid by TriMet on emergency orders placed since the start of COVID-19 in the Portland metropolitan area. Accordingly, staff recommends award of the contract to Neopart.

The proposed Contract with Neopart will be for a five-year term, with TriMet retaining the unilateral option to terminate for convenience if the Contract needs to be terminated for any reason during the five-year term. In addition, TriMet is only obligated to purchase 2,000,000 masks during the first contract year, with no obligation to purchase masks in years two through five.

The total expenditures under the Contract will be based on TriMet's actual usage, which will vary annually and will be dependent on the status of a vaccine for COVID-19, and changes in the CDC Guidelines and/or the Governor's executive orders.

8. **Diversity**

Neopart's workforce consists of 27 employees, 25.9% of whom are minorities and 22.2% of whom are female. Subcontractors will not be used to perform any of the work under the Scope of Neopart's Contract.

9. **Financial/Budget Impact**

The Contract amount is accounted for in TriMet's general operating budget for FY2021. Funding needed for Contract years two through five will be budgeted in accordance with changing needs.

10. **Impact if Not Approved**

Should the Board choose to not approve the Contract, TriMet will not be in compliance with current OHA guidance requiring provision of masks to employees and encouraging provision of masks to riders and visitors. Re-solicitation of the Contract is not likely to obtain better results in quality, price or DBE participation. Further, Neopart is highly qualified and its prices are fair and reasonable. Contract award to Neopart is strongly recommended.

RESOLUTION NO. 20-07-33

**RESOLUTION NO. 20-07-33 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A
CONTRACT WITH NEOPART TRANSIT LLC (NEOPART) FOR CERTIFIED
SURGICAL MASKS**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with Neopart Transit LLC for the procurement of inventoried ASTM F2101 or EN 14683 certified surgical masks (Contract); and

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

WHEREAS, by Resolution dated October 25, 2017, the TriMet Board of Directors (Board) adopted a Statement of Policies requiring the Board to authorize goods and services contracts obligating TriMet to pay in excess of \$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 \$1,440,000, through the July 23, 2025, Contract term.

Dated: July 22, 2020

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency

Gregory E. Skillman

Legal Department