

Date: September 23, 2026

To: Board of Directors

From: Sam Desue, Jr.



Subject: **RESOLUTION NO. 26-09-26 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES CONTRACT MODIFICATION FOR LONG-LEAD PROCUREMENT ELEMENTS WITH JE DUNN CONSTRUCTION COMPANY FOR THE POWELL FUEL-CELL ELECTRIC BUS INFRASTRUCTURE PROJECT**

1. Purpose of Item

This Resolution requests authorization for the General Manager or his designee to execute a modification (Modification) to the Construction Manager/General Contractor (CM/GC) services contract (Contract) with JE Dunn Construction Company (JE Dunn) for the Fuel-Cell Electric Bus Powell Garage Retrofit Project (Project).

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)
- ☐ Other (inc. sole source)

4. Reason for Board Action

TriMet Board of Directors (Board) authorization is required for all contract modifications which exceed the authority previously granted by the Board.

5. Type of Action

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

6. Background

Following TriMet's Zero Emission Bus Fleet Transition Plan and the financial plan for the 82nd Avenue Transit Project, TriMet began the application process for a Federal Low or No Emission Grant (Grant) in early 2023. Confirmation of the Grant award in the amount of \$39,000,000 was received in September 2024, and the Grant was fully executed on May 2, 2025. The Grant provides funds for:

- 14 Fuel-Cell Battery-Electric Buses (FCEBs),
- Modifications to the Powell Operations Facility maintenance area (Powell) necessary to maintain FCEBs,
- A hydrogen fueling station, and
- Workforce Development training.

This funding will allow the Powell garage to be retrofitted to support the maintenance and fueling of the FCEB fleet, which will ultimately support TriMet FX® - Frequent Express service established through the 82nd Avenue Transit Project. One additional FCEB will be purchased using the Oregon Department of Transportation Carbon Reduction Grant.

The Project is complex in nature and requires exclusive expertise in areas such as hydrogen fueling infrastructure, permitting, and detection systems. It also involves a wide and complex market structure. The modifications and fueling infrastructure at Powell Garage require specialty services from the contractor to deliver the Project within a strict budget and to maintain a schedule necessary to support the 82nd Avenue Transit Project and the start of FX revenue service in 2029.

At its April 2026 meeting, the Board approved Resolution No. 26-04-16, which authorized awarding the CM/GC contract to JE Dunn and approving an initial \$292,795 for pre-construction services. At this same Board meeting, TriMet staff briefed the Board on the critical path for procurement of FCEBs that will provide revenue service for the 82nd Avenue Transit Project.

Staff worked with JE Dunn during pre-construction services to develop an Early Work Package for the procurement of the electrical and hydrogen-fueling equipment necessary to meet the Project schedule and advance design for permitting.

This Resolution requests \$7,725,295 in additional authorization for:

- Costs associated with furnishing and purchasing of Gaseous Hydrogen fueling equipment including, but not limited to, compressor, ground storage, dispensers, trailer interface panels, defueling panels, valve panels, and fleet-management integration terminals.
- Costs associated with furnishing and purchasing electrical equipment including, but not limited to, switchboards, panelboards, transformers, motor control centers, and all associated accessories required for a complete installation.
- Authority to cover a TriMet controlled contingency at 20% of the equipment cost as a result of the level of design, permitting process and the specialized hydrogen equipment vendors, as well as allowances for current identified alternatives in the scope.

The agreed upon cost to procure the long-lead time items is as described below:

Resolution No. 26-04-16	\$292,795
Pre-Construction Services	
Sub-Total Board Authority	\$292,795
This Resolution No. 26-09-26	
Hydrogen Equipment	\$5,470,119
Electrical Equipment	\$505,306

Change Order Allowance	\$1,749,870
Total Amount Requested by this Resolution No. 26-09-26	\$7,725,295
Total Contract Authority	\$8,018,090

This Resolution is only for long-lead elements. Once a Total Contract Price is negotiated and agreed upon by JE Dunn and TriMet, TriMet will return to the Board to request authorization for a Total Contract Price for the Project.

7. Description of Procurement Process

The original CM/GC Contract was procured through a competitive Request for Proposal (RFP) process, as authorized by Board Resolution No. 25-09-49.

8. Financial/Budget Impact

The budget for the Project is included in TriMet's FY2027 Adopted Budget for the Maintenance Division, and funds for the CM/GC services will continue to be requested in TriMet's five-year Capital Improvement Plan (CIP), for future years. The Project is funded through a Federal Transit Administration Low or No-Emission Vehicle Grant.

9. Impact if Not Approved

If this Resolution is not approved, procurement of critical long-lead equipment will be delayed, resulting in corresponding delays to permitting, construction start, and Project completion. Such delays are likely to increase overall Project costs through escalation, extended design support, and additional construction general conditions. Delays would also adversely affect the schedule for the broader 82nd Avenue Transit Project

RESOLUTION NO. 26-09-26

**RESOLUTION NO. 26-09-26 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A
CONSTRUCTION MANAGER/GENERAL CONTRACTOR SERVICES
CONTRACT MODIFICATION FOR LONG-LEAD PROCUREMENT
ELEMENTS WITH JE DUNN CONSTRUCTION COMPANY FOR THE
POWELL FUEL-CELL ELECTRIC BUS INFRASTRUCTURE PROJECT**

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract modification (Modification) with JE Dunn Construction Company (JE Dunn) for Construction Manager/General Contractor (CM/GC) services for additional elements of the Powell Fuel-Cell Electric Bus Infrastructure Project (Project); and

WHEREAS, by Resolution No. 26-04-16, dated April 22, 2026, the TriMet Board of Directors (Board) authorized a CM/GC Contract (Contract) with JE Dunn in the amount of \$292,795; and

WHEREAS, by Resolution No. 25-06-29, dated June 25, 2025, the Board adopted a Statement of Policies requiring it to authorize contract modifications which exceed authority previously granted by the Board; and

WHEREAS, the total amount of the Modification exceeds the authority previously granted by the Board;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Modification shall conform with applicable law.
2. That the General Manager or his designee is authorized to execute the Modification in an amount not to exceed \$5,975,425.
3. That the General Manager or his designee is further authorized to execute Change Orders in an amount not to exceed \$1,749,870, resulting in a total contract authority not to exceed \$8,018,090.

Dated: September 23, 2026


Presiding Officer

Attest:


Recording Secretary

Approved as to Legal Sufficiency:


Legal Department