



Lane Transit District Board Agenda Packet

August Board Meeting

Wednesday, August 21, 2024

5:30 – 8:00 p.m.

The meeting will be held in-person, remotely or via broadcasting.

Address: 3500 E. 17th Avenue, Eugene OR 97401

Zoom: Stream live via link: [August Board Meeting](#)

Broadcasting: Watch live on channel 21 or via link: <https://metrotv.ompnetwork.org/>

AGENDA ITEM

- 5:30 – 5:35 **I. CALL TO ORDER & ROLL CALL:** Gino Grimaldi (President), Susan Cox (Vice President), Pete Knox (Secretary), Kelly Sutherland, Lawrence Green (Treasurer), Michelle Webber, Heather Murphy

- 5:35- 5:40 **II. ADJUSTMENTS TO THE AGENDA**

- 5:40 – 5:45 **III. COMMENTS FROM THE CEO**

- 5:45 – 5:50 **IV. PUBLIC COMMENT** – Public comment may be provided in writing to clerk@ltd.org, via Zoom, or in-person at the meeting.

- 5:50 – 5:55 **V. CONSENT AGENDA**
 - a. Adoption of Resolution 2024-08-21-022: Appointing Members to the STIF Advisory Committee
 - b. Adoption of Resolution 2024-08-21-023: Adopting the LTD Procurement Policy and Delegating Certain Authority
 - c. Adoption of Resolution 2024-08-21-024: Approving the 2024 Title VI Compliance Report

- 5:55 – 6:50 **VI. BUSINESS INFORMATIONAL ITEMS**
 - a. **EMPLOYEE OF THE MONTH** - July and August 2024
 - b. **TRIENNIAL RESULTS**.....Rebecca Hay, Compliance Officer
 - c. **PERFORMANCE RESULTS**.....Aimee Reichert, Chief Performance Officer
 - d. **ANTI-TRAFFICKING**.....Sarah Koski, Community Resource Liaison

6:50 VII. BUSINESS ACTION ITEMS

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7:50 a. OPERATION COMMAND CENTER AND ROOFING PROJECT.....Todd Smith, Project Manager

b. COMMUNITY OUTREACH FRAMEWORK.....Dave Roth, Director of Planning

c. ALTERNATIVE WORK CONCEPTS.....John Ahlen, Mobility Services Manager

7:50: VIII. OTHER BUSINESS

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8:00 a. Board Member Reports.....Allie Brusasco, Board Administrator

b. Delegated Authority Report..... Jameson Auten, Chief Executive Officer

c. Monthly Department Reports – July & August.....Jameson Auten, Chief Executive Officer

d. Information on Future Board Meetings.....Allie Brusasco, Board Administrator

e. Items for Action or Information for Future Board Meetings – Requested by the Board

f. LTD preliminary financial report for the fiscal year 2024 pursuant to ORS 267.140

8:00 IX. ADJOURNMENT

The facility used for this meeting is wheelchair accessible. To request a reasonable accommodation or interpreter, including alternative formats of printed materials, please contact LTD’s Administration office no later than 48 hours prior to the meeting at 541-682-5555 (voice) or 7-1-1 (TTY through Oregon Relay).



Lane Transit District Agenda Item Summary (AIS)

Presented By: None.

Title: Consent Agenda

Action: Approval

Consent Agenda:

- Adoption of Resolution 2024-08-21-022: Appointing Members to the STIF Advisory Committee
- Adoption of Resolution 2024-08-21-023: Adopting the LTD Procurement Policy and Delegating Certain Authority
- Adoption of Resolution 2024-08-21-024: Approving the 2024 Title VI Compliance Report

PROPOSED MOTION: I move to approve the Consent Agenda as presented.



Lane Transit District Agenda Item Summary (AIS)

Presented By: Kathleen Flynn, Grant Specialist

Title: STIF Committee Members

Action: Adoption of Resolution No. 2024-08-21-022 Appointing Members to the STIF Advisory Committee.

Background:

In mid-2017, the Oregon Legislature enacted House Bill 2017, the Keep Oregon Moving Act, which included a new 0.1% employee payroll tax to fund public transportation. This tax provides a dedicated source of funding for expanding public transportation service in Oregon that benefits a high percentage of low-income households. This funding source is called the [Statewide Transportation Improvement Fund \(STIF\)](#). Ninety percent (90%) of the STIF funds are disbursed by formula to Qualified Entities (QE) based on the amount of payroll tax generated in their area. Lane Transit District is the Qualified Entity for the funds allocated to Lane County.

Pursuant to OAR 732-040-0030(1), the Governing Body of each Qualified Entity shall appoint an Advisory Committee to advise and assist the QE “in carrying out the purposes of the STIF and prioritizing Projects to be funded by STIF moneys received by the Qualified Entity.”

Because several current Advisory Committee members are no longer able to serve on the Committee, LTD staff conducted recruitment efforts in the local community and sought new applicants for the Committee during the month of July. As a result of these efforts, we have identified four new members for the STIF Advisory Committee.

The STIF Advisory Committee will hold its introductory meeting on September 10, 2024 from 4:30-5:30. Subsequent meetings will be held on October 8, November 5, November 19, December 3, and December 10, 2024 from 5:00-6:30.

Attachments: Biographies and Photographs of New STIF Advisory Committee Members.

PROPOSED MOTION:

I move to adopt LTD Resolution No. 2024-08-21-022 appointing members to the Statewide Transportation Improvement Fund (STIF) Advisory Committee.

NEW STIF ADVISORY COMMITTEE MEMBERS

Brenda Kosydar



I was born and raised in Eugene, where I graduated from North Eugene High School and attended the University of Oregon. Both of my children also graduated from the U of O. I began working in social services in 2000, and started focusing specifically on Eugene's homeless population in 2005. I worked locally as a Homeless Case Manager for 12 years and was involved in the formation of the Egan Warming Centers. I also served as a board member for Opportunity Village. Currently, I'm beginning my fifth year as the Program Coordinator for Eugene's Community Court program, which is a specialty docket of Eugene Municipal Court. I have a lot of passion around making services available for all who are in need and enjoy collaborating with others with the same passion.

Mary McCoy



I have lived, worked, and raised my family in Lane County for many years. I am the mother of two adult children and six grandchildren, all of whom use LTD. When I was a single parent raising my children, we used LTD as our primary transportation. I am grateful for this opportunity to serve LTD and the community.

Josh Myatt



My name is Josh Myatt. I'm currently a student at The University of Oregon pursuing a degree in Journalism. As someone who used to work in the transportation industry (specifically the airline industry over the last 11 years), I understand the importance of getting around. I have a passion for public transit. In 2008, I presented to the McMinnville City Council on how to improve public transit in my home region. From adding larger buses, establishing a transit hub, and improving reliability and technology, that one PowerPoint presentation I gave more than a decade ago transformed into one of the most important projects in Yamhill County's history. In 2011, I was selected to be a part of APTA's Youth Summit in our nation's capital. Selected as the only representative from Oregon, I took part in a 7-day summit along with 49 others that were selected that consisted of touring transit operation facilities in Washington, DC (learning inside and outside the operations), listening to guest speakers like a Los Angeles, CA transit executive and a CEO of a transit technology company, visiting the White House, and even meeting the current Transportation Secretary at the time, Secretary Ray LaHood. While life brings many changes, one thing that will never change for me is my passion for public transportation. Not only does it provide a car-free alternative for some, but it's also a necessary lifeline for more. It's something that I always hope can be improved to not only gain additional access to some but also invite others to try it and decide to ditch the keys and "tap the card".

Kari Turner



Kari Turner is recently retired after working as an architect in Eugene for 28 years. During the course of her career, Kari specialized in designing transit stations for multiple transit agencies throughout the West, including Lane Transit District. She believes that transit is an integral piece of our community that enables accessibility, equity, and sustainability. Kari strives to find solutions and opportunities that are beneficial to all through collaboration, honesty, and good-humor. In her free-time, Kari enjoys backpacking, swimming, biking, sewing, baking, woodworking, and connecting with friends and family.



LTD RESOLUTION NO. 2024-08-21-022

**APPOINTING MEMBERS TO THE LANE TRANSIT DISTRICT
STATEWIDE TRANSPORTATION IMPROVEMENT FUND (STIF) ADVISORY
COMMITTEE**

WHEREAS, the Statewide Transportation Improvement Fund (STIF) Advisory Committee (“STIF Advisory Committee” or “Committee”) was established by the LTD Board of Directors in Resolution No. 2018-08-15-27, A Resolution Appointing State Transportation Improvement Fund (STIF) Advisory Committee Members.

WHEREAS, pursuant to OAR 732-040-0030, the STIF Advisory Committee advises and assists LTD in carrying out the purposes of the Statewide Transportation Improvement Fund and prioritizing projects to be funded by STIF funds received by LTD in its role as a Qualified Entity.

WHEREAS, the Committee shall consist of at least seven (7) members, all of whom are voting members, and each of whom is knowledgeable about the public transportation needs or residents or employees located within or traveling to and from LTD’s service area or Lane County; and is a person who is a member of or represents one or more of the following:

- (a) Local governments, including land use planners;
- (b) People with disabilities;
- (c) Veterans;
- (d) Low-income individuals;
- (e) Social equity advocates;
- (f) Environmental advocates;
- (g) Black, indigenous, and people of color;
- (h) Bicycle and pedestrian advocates;
- (i) People with limited English proficiency;
- (j) Public health, social and human service providers;
- (k) Transit users who depend on transit for accomplishing daily activities;
- (l) Individuals age 65 or older;
- (m) educational institutions;
- (n) Public Transportation Service Providers;
- (o) Non-profit entities which provide public transportation services;
- (p) Neighboring Public Transportation Service Providers;
- (q) Employers; or
- (r) Major destinations for users of public transit.

WHEREAS, the Committee must include at least four members who, separately, are members of or represent each of the of the following four groups:

- (a) Low-income individuals;
- (b) Individuals age 65 or older;
- (c) People with disabilities; and
- (d) Public Transportation Service Providers.

WHEREAS, the Committee must include members from both within and outside LTD's boundaries.

WHEREAS, the Committee shall also include the following three (3) non-voting members, appointed to the Committee by their respective governing bodies:

- i. Two directors of the LTD Board of Directors; and
- ii. One representative of the Oregon Department of Transportation.

WHEREAS, there are seven current STIF Advisory Committee members who have already been appointed by LTD's Board of Directors who are eligible for reappointment to the Committee; and

WHEREAS, due to vacancies on the STIF Advisory Committee, LTD has recruited and selected four new members for the STIF Advisory Committee, who may each serve up to four two-year terms.

NOW, THEREFORE, BE IT RESOLVED, that the LTD Board of Directors appoints the following member(s) to the STIF Advisory Committee for the term set forth below:

<u>New Committee Members</u>	<u>Term Ending</u>
Brenda Kosydar	8/30/26
Mary McCoy	8/30/26
Joshua Myatt	8/30/26
Kari Turner	8/30/26
Gino Grimaldi	8/30/26
Pete Knox	8/30/26

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 21 DAY OF August, 2024.

Board President, Gino Grimaldi



Lane Transit District Agenda Item Summary (AIS)

Presented By: Sarah Brightman, Procurement
Supervisor and Wendi Frisbie,
Chief Administrative Officer

Title: Procurement Policy

Action: Adoption of Resolution No. 2024-08-21-023 Adopting the LTD Procurement Policy and Delegating Certain Authority

Background: The LTD Board of Directors is the LTD Contract Review Board and, as such: (a) adopts changes to the LTD Procurement Policy from time-to-time; and (b) delegates certain contracting authority to the Chief Executive Officer or authorized designee.

The changes to the Procurement Policy are to align with statutory and administrative rule changes at the state level, as well as updated FTA requirements for federal funded and uniform grant rule guidance.

Further, the following changes regarding delegated authority are recommended for adoption:

- 1) Authorizing the Chief Executive Officer to execute contract amendments that do not exceed \$250,000 or twenty percent (20%) of the initial contract, whichever is less. Previously, the contract amendment authority was limited to ten percent (10%) of the initial contract.

Clarifying the definition of “Real Property Agreements” which must be presented to the Board for approval. This now excludes easements (such as standard utility easements).

Procurement Policy Revisions 2024

- Updated requirements and process of contracting to align with 2023 legislative changes to the Oregon Administrative Rules and Oregon Revised Statutes applicable to LTD
- Revised and updated signature authority outline to align with LTD reorganization and thresholds for spend responsibility
- Housekeeping and maintaining internal controls where other LTD procedures or policies have been put in place (i.e., public surplus and material handling procedures) allowing that to be changed or removed from this document, eliminating duplicative or potential conflicting instructions

Attachments:

- 1) Final Proposed Policy



Lane Transit District Agenda Item Summary (AIS)

2) Draft Policy with Redlines

I certify that my Department Chief has reviewed and approved this AIS:

PROPOSED MOTION:

I move to adopt LTD Resolution no. 2024-08-21-023 Adopting the LTD Procurement Policy and Delegating Certain Authority.

LANE TRANSIT DISTRICT PROCUREMENT POLICY

Adopted by the LTD Board of Directors, acting as the Local Contract Review Board, on August 21, 2024, during its Regular Meeting of the Board of Directors and previously amended per the dates below.

5/14/2014
6/22/2017
9/16/2020
9/15/2021

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SECTION 1 – LEGAL AUTHORITY

On June 18, 1985, Lane Transit District's Board of Directors adopted Ordinance 30 creating a Local Contract Review Board for Lane Transit District ("LTD"). This local contract review board is known as the LTD Contract Review Board (CRB).

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The CRB may, from time to time, delegate its powers and responsibilities consistent with the Oregon Public Contracting Code, the Oregon Administrative Rules (the "Model Rules"), the LTD Procurement Policy, and, where federal funds are or may be utilized, the FTA Circular 4220.1F, as may be amended. LTD's Chief Executive Officer (CEO) or their designee are designated as LTD's "Contracting Agency" for purposes of contracting powers and duties assigned to the District as a "Contracting Agency" under the State of Oregon Public Contracting Code, Model Rules, or Federal law or rules, as applicable. Except as otherwise provided in this Policy, the powers and duties of the LTD Contract Review Board shall be exercised and performed by the LTD Board of Directors and all powers and duties given or assigned to the Contracting Agencies by the Public Contracting Code, or Federal law or rules as applicable, shall be exercised or performed by the CEO or their designee.

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LTD is the recipient of federal funds, and as such, whether a third-party or direct recipient grantee, all LTD federally funded procurement activities shall comply with FTA Circular 4220.1F and 2 CFR Part 200, as may be amended; and when applicable under direct award FAR Part 31 and 2 CFR Part 200. Where Oregon Law or the Model Rules have stricter requirements, LTD shall adhere to the Oregon requirements. Those requirements appear in bold in this Policy.

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Except as otherwise provided herein, the CRB has adopted the Oregon Model Rules, Division 46, 47, 48 and 49, adopted by the Attorney General under Oregon Revised Statute ("ORS") 279A, 279B, and 279C as they now exist, and as they may be amended in the future, are hereby adopted as LTD's Public Contracting Rules.

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On August 21, 2024, the LTD Board of Directors, acting as the Local Contract Review Board (CRB) for LTD, adopted this Procurement Policy and latest revisions as follows.

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Deleted: Meeting of the Board of Directors. On August 16, 2023, the LTD Board of Directors, acting as the LTD/CRB/CRB, has approved updates and revisions to this Procurement Policy on [list all dates here], during its Regular Meeting of the Board of Directors.

SECTION 2 – APPLICATION

2.1. Application. This Procurement Policy applies to all public contracts made by or on behalf of Lane Transit District, unless an exception applies.

2.2. Exceptions. This Policy, requiring public contracts to be awarded through the Competitive Procurement process, does not apply to the following types of contracts or expenditures:

- a. Contracts between LTD and other public contracting agencies or the federal government;
- b. Intergovernmental Agreements authorized by Oregon Revised Statutes Chapter 190;
- c. Contracts for insurance as provided for under ORS 414.115 through 414.145;
- d. Grants;
- e. Reimbursements and authorized employee travel vouchers or per diem advances;
- f. Dues, memberships, or registrations where authorized;
- g. Fees for approved conferences, seminars, and trainings; or for the accommodations and travel thereof

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- h. Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which LTD is or may become interested;
- i. Acquisitions or disposals of real property or an interest in real property, including facility rentals or leases;
- j. Sole-source expenditures when rates are set by law or ordinance for purposes of source selection (i.e. utilities);
- k. Personal Services Contracts where allowed by ORS and LTD Policy (see Section 9 below);
- l. Contracts for employee benefit plans as provided in ORS 243.105 (1), 243.125 (4), 243.221, 243.275, 243.291, 243.303, and 243.565; or
- m. Any other public contracting of a public body specifically exempted from the code by another provision of law (ORS 279A.025) or contracts that do not meet the definition of a public contract. (ORS 279A.010 (1)(z)).

Deleted: <#>Disposals of Personal Property;¶

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Contracts for employee benefit plans as provided in ORS 243.860 to 243.886;

Deleted: <#>Facility rentals or leases; or¶

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2.3. **Changes in Law.** Except as explicitly provided otherwise, the terms of this Policy shall be subject to any and all changes in applicable law, including but not limited to changes to rules and regulations that subsequently may be prescribed by any federal, state or local governmental authority having competent jurisdiction. Any reference to a provision of federal, state or local shall include a reference to any applicable successor provision or law.

SECTION 3 – DEFINITIONS

For purposes of this Policy, the following definitions apply:

- 3.1 **Addendum or Addenda:** A document from LTD that sets forth an addition or deletion to, a modification in, or an explanation of a Solicitation Document.
- 3.2 **Bid:** A written, competitive Offer submitted in response to an Invitation for Bid, binding on the Offeror, in which price and conformance to specification will be the award criteria.
- 3.3 **Bidder:** An Offeror that submits a Bid in response to an Invitation for Bid.
- 3.4 **Board of Directors:** The Board of Directors of LTD.
- 3.5 **CEO:** The Chief Executive Officer of Lane Transit District.
- 3.6 **Closing Date:** The date and time announced by LTD as the deadline for the receipt of an Offer (at least five days after last date of advertisement of the Solicitation Document).
- 3.7 **Competitive Procurement:** The solicitation of competitive Offers through the issuance of a Solicitation Document.
- 3.8 **Contract Period:** The total term of the contract agreement. The period of contract performance for rolling stock and replacement parts shall not exceed five (5) years, inclusive of options, as defined in FTA C 4220.1F. The length of all other contracts shall be based upon sound business judgment, including consideration of issues such as the nature of the item being purchased, the need to afford the contractor a reasonable opportunity to recapture any start-up costs, the need to afford competing vendors the fair and open opportunity to do business with LTD. Relative benefit to LTD and best interest for the public tax dollars use of a longer or shorter contract term must be considered. All contracts must specify a contract period of performance, either in the form of delivery schedules for contract deliverables such as commodities, or a specific end date for service contracts.

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3.9 **Contractor:** The person or entity awarded the Public Contract in response to a solicitation by LTD.

3.10 **CRB:** [The Board of Directors acting in their capacity as the local contract review board.](#)

3.11 **Date of Solicitation:** The date when the ~~the~~ Solicitation Document is ~~first posted and available publicly.~~

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3.12 **Grant:** An agreement under which a Contracting Agency receives moneys, property, or other assistance, including but not limited to federal, state and local assistance that is characterized as a grant by law or regulation, loans, loan guarantees, credit enhancements, gifts, bequests, commodities, or other assets, from a grantor for the purpose of supporting or stimulating a program or activity of the Contracting Agency and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions; or an agreement under which a Contracting Agency provides moneys, property, or other assistance, including but not limited to federal, state and local assistance that is characterized as a grant by law or regulations, loans, loan guarantees, credit enhancements, gifts, bequests, commodities, or other assets, to a recipient for the purpose of supporting or stimulating a program or activity of the recipient and in which no substantial involvement by the Contracting Agency is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions. Grant does not include a Public Contract for a Public Improvement, for Public Works, or for emergency work, minor alterations, or ordinary repair or maintenance necessary to preserve a Public Improvement, when under the Public Contract a Contracting Agency pays, in consideration for contract performance intended to realize or to support the realization of the purposes for which grant funds were provided to the Contracting Agency.

3.13 **Invitation for Bid or IFB:** All documents issued by LTD used for soliciting Bids from prospective Bidders and used to explain offering procedures and requirements.

3.14 **Lowest Responsible Bidder:** The lowest priced, responsive, responsible Bidder who has substantially complied with all prescribed public bidding procedures and requirements and who has not been debarred, suspended or otherwise excluded by any agency or department of the federal government, or debarred or disqualified by LTD under Oregon law.

3.15 **LTD:** Lane Transit District.

3.16 **Non-Standard Procurement:** Any procurement other than an Invitation to Bid, Request for Proposals or Request for Qualifications solicited using full and open competition. Micro-purchases [\(Section 7.4\)](#), small purchases [\(Section 7.5\)](#), [intermediate level procurement of construction services \(Section 7.6\)](#), [Direct Negotiation of Personal Services \(Section 9.2\(a\)\)](#) and [Informal Solicitation of Personal Services \(Section 9.2\(b\)\)](#) are excluded from the definition of "non-standard procurement."

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3.17 **Offer:** A Bid, Proposal, or other written response to a Solicitation Document as applicable.

3.18 **Offeror:** A Bidder, Proposer, or other Person, as applicable, who submits an Offer.

3.19 **Person:** An individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity that has legal capacity to enter into a Contract.

3.20 **Personal Services:** Services where the skill, ability, resources, knowledge or expertise of an independent contractor are of paramount importance. Personal Service contracts include, but are not limited to, the following:

a. Contracts for services as an artist in the performing or fine arts.

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- b. Contracts for services where the primary purpose is to provide transit-related expertise in a professional capacity or as a consultant.
 - c. Contracts for services where the primary purpose is to provide procurement-related expertise in a professional capacity or as a consultant.
 - d. Contracts for services that are specialized, creative, or research oriented.
- 3.21 **Proposal:** A written, competitive Offer submitted in response to a Request for Proposal, binding on the Proposer, in which price, conformance to specification, and other listed factors will be part of the award criteria.
- 3.22 **Proposer:** An Offeror who submits a Proposal in response to a Request for Proposal.
- 3.23 **Public Contract or Contract:** A sale or other disposal, or a purchase, lease, rental, or other acquisition, by LTD of personal property, services, including Personal Services, Public Improvement, Public Works, minor alterations, or ordinary repair or maintenance necessary to preserve a Public Improvement. Public Contract does not include grants.
- 3.24 **Public Improvement:** A project for construction, reconstruction, or major renovation on real property by or for LTD. However, Public Improvement does not include either:
- a. Projects for which no funds of LTD are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or
 - b. Any emergency work, minor alteration, ordinary repair, or maintenance necessary in order to preserve a Public Improvement.
- 3.25 **Public Works: Has the meaning set forth in ORS 279C.800(6).**
- 3.26 **Receipt of Offer:** Occurs when an Offer and any associated documentation is actually received by LTD at the delivery point and/or by the person designated in the Solicitation Document.
- 3.27 **Request for Proposal or RFP:** All documents issued by LTD used for soliciting Proposals from prospective Proposers and explaining offering procedures and requirements.
- 3.28 **Responsive Offer (also Responsive Bid or Responsive Proposal):** An Offer that is in substantial compliance with applicable solicitation procedures, these rules, and all requirements and criteria set forth in the Solicitation Document.
- 3.29 **Responsible Offeror (also Responsible Bidder or Responsible Proposer):** An Offeror who meets the standards set forth in Section 16.3.
- 3.30 **Signature:** Any mark, word, or symbol attached to or logically associated with a document and executed or adopted by a Person with the intent to be bound.
- 3.31 **Signed:** A written document that contains a signature.
- 3.32 **Solicitation Document:** An Invitation for Bid, Request for Proposal, or other document issued to invite Offers from prospective Offerors pursuant to the Rules.
- 3.33 **Submittal Period:** The span of time between the date of the Solicitation Document and Closing Date.
- 3.34 **Written or Writing:** Conventional paper documents, whether handwritten, typewritten, or printed, in contrast to spoken words. It also includes electronic transmission when required by applicable law or permitted by a Solicitation Document or Contract.

Deleted: <#>President: The presiding officer of LTD/CRB and who is the same person who serves as President of the LTD Board of Directors.¶

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SECTION 4 – DELEGATED SIGNATURE AND PURCHASE AUTHORITY

- 4.1 Delegated Contracting Authority. Refer to LTD Resolution No. 2024-08-21-23, A Resolution

Adopting the LTD Procurement Policy and Delegating Certain Authority, which includes delegation to authorize the CEO, or written designee, to execute contracts on behalf of the Board of Directors.

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- Deleted: listed signature authorities; however, any contract of \$250,000 or greater must have prior Board of Directors' approval as required by Policy before executing:

4.2 Purchasing and Signature Authority for Employees. The following positions have the authority to: (a) authorize a purchase ("Purchase Authority"); and (b) sign a contract document ("Signature Authority") as set forth below.

<u>Employee Title¹</u>	<u>Purchasing Authority</u>	<u>Signature Authority</u>
<u>CEO</u>	<u>< \$250,000²</u>	<u>\$250,000+</u>
<u>CAO or CFO</u>	<u>\$75,000</u>	<u>< \$250,000</u>
<u>Division Chiefs</u>	<u>\$75,000</u>	<u>none</u>
<u>Authorized P-Card Holders</u>	<u>Up to designated P-Card Limit Assigned</u>	<u>none</u>
<u>Any position not listed above</u>	<u>none</u>	<u>None</u>

- Deleted: <#>All procurement requests and all final Contracts over \$25075,000, shalland all final Contracts, regardless of amount, MUST be signed by the GM/CEOCEO (or written designee); and the CAO or Director of Procurement (or written designee shall sign or approve all purchase and contract requests up to \$249,999.99). ¶
- <#>The LTD CFO or Finance Designee(Director or Controller) must approve all purchase requests that are expending grant funds or expending capital budget resources. LTD Division Chiefs may approve expenditure requests, within their operational or general budget, per the approved annual budget, up to \$75k 75,000 without Finance approval.¶
- <#>GM/CEOCEO: exceedingUp to \$25049,000 or higher999 (or written designee)¶
- <#>CAO/CFO: Up to \$249,999.99 (or written designee)¶
- <#>Division Chiefs: Up to \$75,000 (purchase requests/orders)¶
- <#>CAO/CFODirector of Procurement: Up to \$249,999.99 50,000 (or written designee)¶
- <#>Authorized P-Card Holders: Up to designated P-Card limit assigned¶
- <#>All Others: \$0¶

4.3 Requirements for Purchases Using Grant Funds or Capital Budget Resources. The CFO (or written designee) must approve all purchase requests expending grant funds or capital budget resources.

4.4 Other Limits on Purchasing Authority. Each Chief is in charge of their operating budget (excerpted from the annual adopted, or amended, budget) and all purchases must be within their operating budget. The purchase authorization levels summary above, in Section 4.2, defines the highest dollar amount of purchases that employees are allowed to authorize without the additional authorization of a higher-level supervisor. These authorizations apply to all purchases regardless of how the purchase is made (i.e. check, credit, contract, purchase order, etc.)

SECTION 5 –WRITTEN STANDARDS OF CONDUCT

- 5.1. Written Standards of Conduct. Refer to LTD's Employee Handbook (2023) as amended, for Our Code of Ethics and Conflicts of Interest. Also refer to Board of Directors Bylaws, Article VI: Code of Ethics and Conflicts of Interest Policy (2021) and Board of Directors Ethics and Conflict of Interest Policy from Board of Directors Governance Policy Manual as revised (2022).
- 5.2. Organizational Conflict of Interest. Engaging in practices that result in organizational conflicts of interest are prohibited.
 - a. An organizational conflict of interest occurs when any of the following circumstances arise:
 - i. Lack of Impartiality or Impaired Objectivity. When the contractor is unable, or potentially unable, to provide impartial and objective assistance or advice to the

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¹ The CEO, CAO, or CFO may delegate, in writing, their authority herein.
² Except for routine annual procurements as defined in the resolution referenced in Section 4.1.

- ii. Unequal Access to Information. The contractor has an unfair competitive advantage through obtaining access to nonpublic information during the performance of an earlier contract.
 - iii. Biased Ground Rules. During the conduct of an earlier procurement, the contractor has established the ground rules for a future procurement by developing specifications, evaluation factors, or similar documents.
- b. A Conflict of Interest Disclosure Form shall be included in every formal solicitation. For small purchases, a Conflict of Interest Disclosure Form shall be sent to prospective contractors at the time LTD requests an informal bid or quote from the prospective contractor(s). For micro-purchases, the Procurement staff member for this threshold shall attest that no organizational conflict of interest exists when approving the purchase.

SECTION 6 – INDEPENDENT COST ESTIMATE

- 6.1. Independent Cost Estimate Required. Concurrent with the submission of a Request for New Proposal, and before issuing a solicitation, an Independent Cost Estimate (ICE) must be submitted to the Procurement Department. The ICE is an estimate of what the item or service “should cost.” Available resources for completion of an ICE include: (1) the use of published price lists; (2) historical pricing information from similar contracts previously awarded; (3) comparable purchases by other agencies; (4) engineering estimates; and (5) independent third-party estimates (e.g., an A/E construction cost estimate).
- 6.2. Application. An independent cost estimate shall be required for all procurement actions above the micro-purchase level, including contract modifications.

SECTION 7 – PROCUREMENT METHODS (FULL AND OPEN COMPETITION)

- 7.1 Full and Open Competition. Except as provided herein, or as otherwise permitted by law, LTD shall use procurement procedures that provide full and open competition. Compliance with the solicitation procedures described herein and in FTA Circular 4220.1F, shall fulfill the requirement for “full and open competition.” Notwithstanding any exceptions to competitive procurement allowed by law or this Policy, LTD may nevertheless award a Contract using the competitive procurement process as set forth herein.
- a. **Conflict Between Federal and State Law. There exists a conflict in the threshold levels for micro, small, intermediate and formal procurements between State and Federal law. LTD adopts, for all procurements regardless of funding source except as otherwise expressly set forth herein, the threshold levels set forth in the FTA Circular 4220.1F, and as stated herein, except where Oregon law establishes lower threshold levels than federal law. Where Oregon requirements are more stringent than the requirements in FTA Circular 4220.1F, Oregon law controls.**
- 7.2 Restrictions on Competition. “Full and open competition” means that there is no unfair competitive advantage to any potential contractor. Some of the situations considered to be restrictive of competition include, but are not limited to, the following:
- a. Unreasonable requirements placed on firms in order for them to qualify to do business.
 - b. Unnecessary or excessive experience, excessive bonding, insurance, warranty, or similar requirements which affect an otherwise qualified firm’s ability to compete. Such requirements must also, however, be established in a manner consistent with protection of LTD’s interests.

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- c. Noncompetitive pricing practices between firms or between affiliated companies.
- d. Specifying only a “brand name” product, without specifying that equivalent products will be accepted and providing salient characteristics or other descriptive information sufficient to allow bidders to identify and propose such equivalent products. See Section 12.3, Brand Name or Equal requirements.
- e. The use of specification requirements and evaluation criteria which unnecessarily favor an incumbent contractor.
- f. Specifying in-State or local geographical preferences, or evaluating bids or proposals in light of in-State or local geographic preferences is prohibited by the FTA as restrictive of competition. However, these preferences may be permitted or even required for non-federally funded procurements. **Exceptions to the prohibition against in-State or local geographical preferences for federally funded contracts include:**
 - i. **Architectural Engineering (A&E) Services. Geographic location may be a selection criterion if an appropriate number of qualified firms are eligible to compete for the contract in view of the nature and size of the project.**
 - ii. **Licensing. Oregon may enforce its licensing requirements, provided that those Oregon requirements do not conflict with Federal law.**
 - iii. **Major Disaster or Emergency Relief. Certain federally funded contracts for disaster or emergency relief, in accordance with FTA Circular 4220.1F.**
 - iv. **Construction Jobs. A local, geographical or economic hiring preference may be implemented relating to the use of labor for federal funded construction projects, including pre-hire agreements, in accordance with Section 25019 of the Infrastructure Investment and Jobs Act of 2021, provided that it does not conflict with Oregon and/or local laws, policies, and procedures.**

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g. Any arbitrary action in the procurement process.

7.3 Unsolicited Proposals. LTD may ~~not, accept or engage in~~ unsolicited proposals.

7.4 Micro-Purchases. LTD may acquire property and services valued at \$10,000 or less without obtaining competitive quotations or proposals.

- a. Written Determination. The staff person acquiring property or services through a micro-purchase must make a written determination, in advance of the purchase, that the purchase price is fair and reasonable. That determination must include a description of how they came to that determination. This written determination shall be provided to the Procurement Supervisor/Manager within two (2) business days of making the micro-purchase.
- b. No Artificial Division. A procurement may not be artificially divided or reduced merely to come within the micro-purchase limit.
- c. Construction Contracts Exceeding \$2,000. Davis-Bacon prevailing wage requirements apply to construction contracts exceeding \$2,000.

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Deleted: in accordance with the FTA Circular 4220.1F. To satisfy the requirement for full and open competition, LTD must take the following actions before entering into a contract resulting from an unsolicited proposal:¶
 Publicize receipt of the unsolicited proposal;¶
 Publicize an adequate description of the property or services offered without improperly disclosing proprietary information or disclosing the originality of thought or innovativeness of the property or services sought;¶
 Publicize LTD’s interest in acquiring the property or services described in the proposal;¶
 Provide an adequate opportunity for interested parties to comment or submit competing proposals;¶
 Publicize LTD’s intention to award a contract based on the unsolicited proposal or another proposal submitted in response to the publication; and¶
 An unsolicited proposal may only be accepted after written approval by the Director of Procurement and GM/CEO/CEO, subject to the contracting authority limits set forth in Section 4.

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7.5 Small Purchases (Other Than Construction Contracts). For all contracts other than construction contracts, LTD may acquire property and services valued at more than the micro-purchase threshold (currently \$10,000) but less than the small purchase threshold (currently at \$250,000) without obtaining competitive quotations or proposals, provided such Contracts are awarded in accordance with the Small Purchases procedures set forth herein and, in the FTA Circular

4220.1F.

- a. Independent Cost Estimate (ICE). An ICE is required. See Section 6, above, for requirements.
- b. Obtaining Quotes. LTD must find that the awarding of a Contract using these Small Purchase procedures will not encourage favoritism or diminish competition, and will result in substantial cost savings to LTD. In making this determination, LTD shall comply with the following:
 - i. **Reasonable efforts are made to obtain at least three (3) quotes prior to awarding a Contract. If three quotes are not available, fewer will suffice if a written record is made of the effort to obtain quotes. A written record is made of all sources of the quotes received. (ORS 279B.070).**
 - ii. A written documentation that the price is reasonable will be placed in the file. That determination must include a description of how the purchaser came to that determination.
 - iii. LTD shall not award Contracts totaling in excess of \$250,000 to any one Contractor during one fiscal year pursuant to this Section.

7.6 Intermediate Level Procurement of Construction Services. Public improvement contracts estimated by LTD not to exceed \$100,000 may be awarded in accordance with this Section.

- a. Independent Cost Estimate (ICE). An ICE is required. See Section 6, above, for requirements.
- b. Selection Criteria. The selection criteria may be limited to price or some combination of price, experience, specific expertise, availability, project understanding, contractor capacity, responsibility, and similar factors.
- c. Request for Quotes. LTD shall utilize written requests for quotes whenever reasonably practicable. Written requests for quotes shall include the selection criteria to be utilized in selecting a contractor and, if the criteria are not of equal value, their relative value or ranking. When requesting quotations orally, prior to requesting the price quote, LTD shall state any additional selection criteria and, if the criteria are not of equal value, their relative value. For Public Works Contracts, oral quotations may be utilized only in the event that written copies of prevailing wage rates are not required by the Bureau of Labor and Industries.
- d. Number of Quotes; Records Required. LTD shall seek at least three competitive quotes, and keep a written record of the sources and amounts of the quotes received. If three quotes are not reasonably available, LTD shall make a written record of the effort to obtain those quotes.
- e. Award. If awarded, LTD shall award the Contract to the prospective contractor whose quote will best serve the interests of LTD, considering the announced selection criteria. If the award is not made to the Offeror offering the lowest price, LTD shall make a written record of the basis for award. (OAR 137-049-0160).

7.7 Sealed Bids (Formal Advertising). Sealed bidding is the preferred procurement method in which bids are publicly solicited and a firm fixed price contract is awarded to the responsible bidder whose bid, conforming to all the materials terms and conditions of the invitation for bids is lowest in price. LTD shall comply with the requirements for Sealed Bids stated in the FTA Circular 4220.1F, Oregon law, and as otherwise stated herein.

- a. When Appropriate. Sealed bid procurements should be used when the following

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circumstances are present:

- i. Precise Specifications. A complete, adequate, precise and realistic specification or purchase description is available.
- ii. Adequate Sources. Two or more responsible bidders are willing and able to compete effectively for the business.
- iii. Fixed Price Contract. The procurement generally lends itself to a firm fixed price contract.
- iv. Price Determinative. The successful bidder can be selected on the basis of price and those price-related factors listed in the solicitation including, but not limited to, transportation costs, life cycle costs, and discounts expected to be taken. Apart from responsibility determinations discussed in Section 16.3, contractor selection may not be determined on the basis of other factors whose costs cannot be measured at the time of award.
- v. Discussions Unnecessary. Discussions with one or more bidders after bids have been submitted are expected to be unnecessary as award of the contract will be made based on price and price-related factors alone.

b. Procurement Procedures. The following procedures apply to sealed bid procurements:

- i. Publicity. The Invitation for Bids is publicly advertised. **See Section 13 for Oregon requirements on public advertisement.**
- ii. Adequate Sources. Bids are solicited from an adequate number of known suppliers.
- iii. Adequate Specifications. The Invitation for Bids, including any specifications and pertinent attachments, describes the property or services sought in sufficient detail that a prospective bidder will be able to submit a proper bid.
- iv. Sufficient Time. Bidders are allowed sufficient time to prepare bids before the date of bid opening. **A “sufficient time to prepare bids before the date of bid opening” means no less than the following under Oregon law:**
 - 1. **Solicitations for Goods and Services: The interval between the first date of public notice of the Solicitation Document and Closing shall not be less than fourteen (14) days for an Invitation to Bid and thirty (30) days for a Request for Proposals, unless LTD determines that a shorter interval is in the public’s interest, and that a shorter interval will not substantially affect competition. However, in no event shall the interval between the first date of public notice of the Solicitation Document and closing be less than seven (7) days. LTD shall document the specific reasons for the shorter public notice period in the Procurement file. (OAR 137-047-0300(3)(c), ORS 279B.055 (4)(f)).**
 - 2. **Solicitations for Construction Services: The scheduled Closing shall not be less than five days after the date of the last publication of the advertisement. (OAR 137-049-0210(2)(d)(D))**
- v. Public Opening. All bids are publicly opened at the time and place described in the Invitation for Bids.
- vi. Fixed Price Contract. A firm fixed price contract is usually awarded in writing to the lowest responsive and responsible bidder, but a fixed price incentive contract

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or inclusion of an economic price adjustment provision can sometimes be appropriate. When specified in the bidding documents, factors such as transportation costs and life cycle costs affect the determination of the lowest bid; payment discounts are used to determine the low bid only when prior experience indicates that such discounts are typically taken.

- vii. Rejection of Bids. Any or all bids may be rejected if there is a sound, documented business reason.

7.8 Competitive Proposals (Request for Proposals). The use of competitive or “best value” requests for proposals is a generally accepted procurement method when the nature of the procurement does not lend itself to sealed bidding and LTD expects that more than one source will be willing and able to submit an offer or proposal. LTD shall comply with the requirements for Competitive Proposals stated in FTA Circular 4220.1F, Oregon law, and as otherwise stated herein.

a. When Appropriate. Competitive proposals should be used when any of the following circumstances are present:

- i. Type of Specifications. The property or services to be acquired are described in a performance of functional specification; or if described in detailed technical specifications, other circumstances such as the need for discussions or the importance of basing the contract award on factors other than price alone are present.
- ii. Uncertain Number of Sources. Uncertainty about whether more than one bid will be submitted in response to an invitation for bids and LTD lacks authority or flexibility under Oregon or local law to negotiate the contact price if it receives only a single bid.
- iii. Price Alone Not Determinative. Due to the nature of the procurement, contract award need not be based exclusively on price or price-related factors.
- iv. Discussions Expected. Separate discussions with individual offeror(s) are expected to be necessary after they have submitted their proposals.

b. Procurement Procedures. The following procedures apply to procurements by competitive proposals:

- i. Publicity. The Request for Proposals is publicly advertised. **See Section 13 for Oregon requirements on public advertisement.**
- ii. Evaluation Factors. All evaluation factors and their relative importance are specified in the solicitation. For procurement of Goods and Services, numerical or percentage ratings or weights need not be disclosed. **See Section 12 for Oregon requirements on solicitation document and evaluation factors.**
- iii. Adequate Sources. Proposals are solicited from an adequate number of known suppliers.
- iv. Evaluation Method. A specific method is established and used to conduct technical evaluations of the proposals received and to determine the most qualified offeror. **See Section 16 for Oregon requirements on evaluation of Requests for Proposals.**
- v. Price and Other Factors. An award is made to the responsible offeror whose proposal is most advantageous to LTD with price and other factors considered.
- vi. Best Value. LTD may award the contract to the offeror whose proposal provides

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the greatest value to LTD. To do so, LTD's solicitation must inform potential offerors that the award will be made on a "best value" basis and identify what factors will form the basis for award. The evaluation factors for a specific procurement should reflect the subject matter and the elements that are important to LTD. Those evaluation factors may include, but need not be limited to, technical design, technical approach, length of delivery schedules, quality of proposed personnel, past performance, and management plan. **See Section 16 for Oregon requirements on evaluation of Requests for Proposals.**

7.9 **Architectural Engineering (A&E) Services and Other Services.** LTD shall select consultants to provide architectural, engineering, photogrammetric mapping, transportation planning, land surveying services, or related services on the basis of the consultant's qualifications for the type of professional service required. LTD may solicit or use pricing policies and proposals or other pricing information, including the number of hours proposed for the service required, expenses, hourly rates and overhead to determine consultant compensation only after LTD has selection a candidate pursuant to this Section.

a. **Screening and Selection Procedures.** LTD's screening and selection procedures under this Section, regardless of the estimated cost of the architectural, engineering, photogrammetric mapping, transportation planning or land surveying services for a project, may include:

- i. **Specialized experience, capabilities and technical competence, which the prospective consultant may demonstrate with the prospective consultant's proposed approach and methodology to meet the project requirements;**
- ii. **Resources committed to perform the services and the proportion of the time that the prospective consultant's staff would spend to perform services for the contracting agency, including time for specialized services, within the applicable time limits;**
- iii. **Record of past performance, including but not limited to price and cost data from previous projects, quality of work, ability to meet schedules, cost control and contract administration;**
- iv. **Ownership status and employment practices regarding disadvantaged business enterprises, minority-owned businesses, woman-owned businesses, businesses that service-disabled veterans own, emerging small businesses or historically underutilized businesses;**
- v. **Availability to the project locale;**
- vi. **Familiarity with the project locale; and**
- vii. **Proposed project management techniques. (ORS 279C.110 (3)).**

b. **Pricing Information.** Notwithstanding the requirement in subsection (a) of this Section that LTD may not solicit or use pricing policies, proposals or other pricing information until after LTD has selected a consultant, a local contracting agency may use pricing policies, proposals or other pricing information as part of LTD's screening and selection of prospective consultants if LTD:

- i. **States in solicitation documents for the procurement:**
 - 1. **That LTD will screen and select prospective consultants as provided in this subsection;**

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2. How LTD will rank proposals from prospective consultants, with a specific focus on:
 - a. Which factors LTD will consider in evaluating proposals, including pricing policies, proposals or other pricing information, if LTD will use pricing policies, proposals or other pricing information in the evaluation; and
 - b. The relative weight LTD will give each factor, disclosing at a minimum the number of available points for each factor, the percentage each factor comprises in the total evaluation score and any other weighting criteria LTD intends to use;
 3. An estimate of the cost of professional services LTD requires for the procurement; and
 4. A scope of work that is sufficiently detailed to enable a prospective consultant to prepare a responsive proposal.
- ii. Evaluates each prospective consultant on the basis of the prospective consultant's qualifications to perform the professional services LTD requires for the procurement. LTD may use the criteria set forth in subsection (a) of this Section to conduct the evaluation.
 - iii. Announces the evaluation scores and rank for each prospective consultant after completing the evaluation described in paragraph (ii) of this subsection. LTD may determine that as many as three of the top-ranked prospective consultants are qualified to perform the professional services LTD requires for the procurement and may request a pricing proposal for the scope of work stated in paragraph (i)(4) of this subsection from each of the top-ranked consultants. The pricing proposal:
 1. Must consist of:
 - a. A schedule of hourly rates that the prospective consultant will charge for the work of each individual or each labor classification that will perform the professional services LTD requires for the procurement, in the form of an offer that is irrevocable for not less than 90 days after the date of the proposal; and
 - b. A reasonable estimate of hours that the prospective consultant will require to perform the professional services LTD requires for the procurement; and
 2. May include, at LTD's request, additional pricing information that is limited to:
 - a. A description of each task that the prospective consultant understands as comprising the professional services;
 - b. A list of each individual or labor classification that will perform each task, together with the hourly rate that applies to the individual or labor classification; and
 - c. A list of expenses, including travel expenses, that the prospective consultant expects to incur in connection with providing the professional services.

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- iv. Permits a prospective consultant identified as qualified under paragraph (iii) of this subsection to withdraw from consideration for the procurement if the prospective consultant does not wish to provide a price proposal.
 - v. Completes the evaluation and selects a consultant from among the top-ranked prospective consultants that have not withdrawn as provided under paragraph (iv) of this subsection, giving not more than 15 percent of the weight in the evaluation to each prospective consultant's price proposal.
- c. Most Qualified. Negotiations are first conducted with only the most qualified offeror. Only after failing to agree on a fair and reasonable price may negotiations be conducted with the next most qualified offeror. Then, if necessary, negotiations with successive offerors in descending order may be conducted until contract award can be made to the offeror whose price LTD believes is fair and reasonable.

SECTION 8 – PROCUREMENT METHODS (OTHER THAN FULL AND OPEN COMPETITION)

8.1 Other Than Full and Open Competition. Only under those circumstances set forth in the FTA Circular 4220.1F, Oregon law, and as otherwise stated herein, may LTD conduct procurements without providing for full and open competition.

8.2 **Sole Source.** LTD may, without following the Competitive Procurement requirements and without competition, award contracts for goods or services if the CEO and the Director of Procurement (or designee(s)) have determined, in writing, that the goods or services are only available from one source, subject to the limits of their delegated signature authority under Section 4.2. (ORS 279B.075 (1))

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a. **Written Findings.** The determination must be based on written findings that may include:

- i. That the efficient utilization of existing goods requires acquiring compatible goods or services;
- ii. That the goods or services required to exchange software or data with other public or private agencies are available from only one source;
- iii. That the goods or services are for use in a pilot or an experimental project; or
- iv. Other findings that support the conclusion that the goods or services are available from only one source. (ORS 279B.075 (2))

1. This includes proprietary software where only one vendor has the ability to manufacture, distribute, and sell their software program. Proper documentation must be included with the request, including but limited to the Proprietary Software Form and written findings attesting to the justification for a sole source selection under Oregon law.

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b. **Negotiation.** To the extent reasonably practical, LTD shall negotiate with the Sole Source to obtain contract terms advantageous to LTD. (ORS 279B.075 (3))

c. Exercise of Options. See Section 24, regarding Exercise of Options.

d. Cost Analysis Required. See Section 11.4, regarding Cost Analysis.

8.3 Single Bid or Single Proposal. Upon receiving a single bid or single proposal in response to a solicitation, the Procurement Supervisor/Manager should make a written determination of whether the competition was adequate. This determination should include a review of the

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specifications for undue restrictiveness and might include a survey of potential sources that chose not to submit a bid or proposal.

8.4 **Emergency Contracts.** The CEO or the CRB may make or authorize others to make emergency procurements of goods or services in an emergency. LTD shall document the nature of the emergency and describe the source selection methods used for the procurement.

a. For an emergency procurement of construction services that are not public improvements, LTD shall ensure competition for a contract for the emergency work that is reasonable and appropriate under the emergency circumstances. In conducting the procurement, LTD shall set a solicitation time period that LTD determines to be reasonable under the emergency circumstances and may issue written or oral requests for offers or make direct appointments without competition in cases of extreme necessity. (ORS 279B.080).

8.5 Less Than Full and Open Competition – When Prohibited. Less than full and open competition is not justified based on:

- a. Failure to Plan. LTD's lack of advance planning; or
- b. Limited Availability of Federal Assistance. Concerns about the amount of Federal assistance available to support the procurement (for example, the expiration of Federal assistance previously available for award).

8.6 Procurement Procedures (Less Than Full and Open Competition). When less than full and open competition is available, LTD shall:

- a. Potential Sources. Solicit offers from as many potential sources as is practicable under the circumstances.
- b. Sole Source Justification. If the item is only available from only one source, the Contract Manager shall complete and submit to Procurement a "Sole Source Justification" Form as soon as they become aware of the potential sole source procurement. See Section 24, regarding Evaluation of Options.
- c. Cost Analysis. The Contract Manager shall prepare a cost analysis verifying the proposed cost data, the projections of the data, and the evaluation of the costs and profits. The Contract Manager shall submit the Cost Analysis to the Procurement Supervisor/Manager for review and approval. See Section 11.4 regarding Cost or Price Analysis.
- d. Pre-award Review. If federal funds are or may be involved, the Procurement Supervisor/Manager shall submit the proposed procurement to FTA for pre-award review only if the FTA so requests.

SECTION 9 – PERSONAL SERVICES CONTRACT SELECTION PROCEDURES

Pursuant to ORS 279A.055 and 279A.065 (6), the Board of Directors, as the CRB, may: (a) designate certain contracts as Personal Services contracts; and (b) adopt rules of procedure for selection of such Personal Services contracts, in lieu of the Oregon Model Rules for public contracting, set forth in the Oregon Administrative Rules (OAR) Chapter 137, Division 046 to 049.

This Section 9 constitutes LTD's procedures for the screening and selection of Personal Services contracts.

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- Deleted: <#>Board Approval. Board approval is required for all contracts procured using less than full and open competition (including Sole Source Contracts) regardless of the contract value.¶
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9.1 **Definitions.** The following terms have the meanings set forth herein. Any term not defined herein shall have the definition set forth under the Oregon Public Contracting Code (ORS Ch. 279A- C) or the Oregon Model Rules (OAR 137-046 to 049).

- a. **Proposal.** An offer to provide Personal Services whether formal or informal as designated below.
- b. **Personal Services.** Services where the skill, ability, resources, knowledge or expertise of an independent contractor are of paramount importance. Personal Service contracts include, but are not limited to, the following:
 - i. Contracts for services performed in a professional capacity or as a consultant including but not limited to services of an accountant; actuary; auditor; attorney; banker; insurance agent; information technology consultant; lobbyist, or marketing specialist.
 - ii. Contracts for services as an artist in the performing or fine arts.
 - iii. Contracts for services where the primary purpose is to provide transit-related expertise in a professional capacity or as a consultant.
 - iv. Contracts for services where the primary purpose is to provide procurement-related expertise in a professional capacity or as a consultant.
 - v. Contracts for services that are specialized, creative, or research oriented.
- c. **Professional Services.** As used herein, Personal Services does not include Professional Services, as defined in ORS 279C.100 to .125, which means, “architectural, engineering, photogrammetric mapping, transportation planning or land surveying services,” or Related Services. Professional Services and Related Services are subject to the requirements of ORS Ch. 279C and OAR Chapter 137, Division 048.

9.2 **Method of Procurement.** Based on the estimated total cost of a Personal Services Contract (PSC), the following methods of procuring Personal Services shall be used, unless an exemption applies, pursuant to Section 9.4:

- a. **Direct Negotiation – Personal Services Contracts of \$25,000 or Less.** When a nonexempt Personal Services contract is estimated to be \$25,000 or less, a Personal Services contractor may be selected by direct selection or award, so long as the quality of service offered by the Personal Services contractor is sufficient for LTD’s particular needs under the circumstances, the cost to LTD is fair and reasonable under the circumstances, and the award is in all other respects in LTD’s best interests.
- b. **Informal Solicitation – Personal Services Contracts Over \$25,000 But Not Over \$250,000.** When a nonexempt Personal Services contract is estimated to be more than \$25,000 but not more than \$250,000, informal Proposals, or price quotes, may be solicited. Informal Proposals, or price quotes, shall be solicited from a sufficient number of qualified prospective proposers to ensure no fewer than three (3) qualified proposers submit Proposals or price quotes. If three quotes or Proposals are not reasonably available, fewer will suffice, and the efforts made to solicit Proposals, or price quotes, shall be documented in LTD’s files.
- c. **Formal Solicitation – Personal Services Contracts greater than \$250,000.** When a nonexempt Personal Services contract is estimated to exceed \$250,000, LTD shall

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award the nonexempt Personal Services contract by competitive sealed bidding under ORS 279B.055 or by competitive sealed proposals under ORS 279B.060 and the applicable Model Rules.

9.3 **Prequalification of Prospective Proposers.** A pool of prospective proposers may be established for a particular type of Personal Services contract by soliciting statements of qualification from individuals or firms that may be qualified to perform those particular Personal Services pursuant to ORS 279B.120 and corresponding statutes and administrative rules.

9.4 **Exemptions.** Procuring a Personal Services contract under one of the exemptions set forth herein is a non-standard procurement that requires written approval of the CEO and the Director of Procurement (or designee(s)) to enter into an agreement. In accordance with the levels of contracting authority requirements set forth in LTD Resolution No. 2024-08-21-23, Personal Services contracts entered into pursuant to an exemption under this Section and estimated to exceed \$250,000 shall be presented to the CRB for approval.

- a. **Sole Source.** If only one individual or firm is qualified and available to perform a Personal Services contract, a contract may be awarded to that individual or firm without competition. The requirements of ORS 279B.075 do not apply.
- b. **Unique or Specialized Knowledge or Expertise.** A Personal Services contract may be awarded without competition if the contractor has unique or specialized knowledge or expertise required by LTD, and soliciting informal or formal proposals from others would not be in LTD's best interests.
- c. **Emergency.** A Personal Services contract may be awarded without competition if prompt execution of a contract is necessary in an Emergency, as that term is defined in ORS 279A.010 (1)(f).

9.5 **Protests.** For purposes of this Section 9, the following protest requirements shall apply.

- a. **Purpose.** An Affected Person may protest the award of a Personal Services contract, or a notice of intent to award a Personal Services contract, whichever comes first. Before seeking judicial review of the award of a Personal Services contract, an Affected Person must file a Written protest with LTD and exhaust all administrative remedies.
- b. **Delivery.** Unless otherwise specified, an Affected Person must deliver a Written protest to LTD within seven (7) Days after award of a Personal Services contract, or issuance of the notice of intent to award a Personal Services contract, whichever comes first.
- c. **Content of Protest.** The Written protest must include those requirements set forth in OAR 137-047-0740 and any other requirements set forth in this Policy.
- d. **Contract Review Authority Response.** LTD shall not consider an Affected Person's protest submitted after the timeline established for submitting such protest.
- e. **Judicial Review.** An Affected Person may seek judicial review of LTD's decision relating to a protest of the award of a Personal Services contract only after the Affected Person has exhausted all administrative remedies set forth in this Procurement Policy and in accordance with the requirements of Oregon law.

9.6 **Federal Funds.** Notwithstanding any provision herein, LTD shall comply with applicable requirements in FTA Circular 4220.1F for Personal Services contracts funded with federal funds in accordance with applicable law.

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9.7 **Termination of Personal Service Contracts for General Counsel.** LTD's General Counsel is retained in accordance with LTD's Personal Services Contract Selection Procedures. In accordance with **Board of Directors Governance Policy Manual, Section 100.10.8**, General Counsel represents LTD as a public entity and reports directly to the Board. Accordingly, General Counsel's services may be terminated only in accordance with Board Policy 100.10.8, as amended.

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SECTION 10 – JOINT AND COOPERATIVE PROCUREMENTS

10.1 Joint Procurements. The term "joint procurement" means a method of contracting in which two or more purchasers agree from the outset to use a single solicitation document and enter into a single contract with a contractor for delivery of property or services in a fixed quantity, even if expressed as a total minimum and total maximum. LTD shall conduct any joint procurement in compliance with this Section.

a. **Federal Requirements.** When obtaining goods or services through a joint procurement, LTD must ensure compliance with all applicable FTA and other federal requirements.

b. **State or Local Government Purchasing Schedules or Purchasing Contracts.** LTD may, and is encouraged to do by FTA, use State or Local Government Purchasing Schedules, in accordance with the FTA Circular 4220.1F.

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i. **Use of a State or Local Purchasing Schedule is a "joint cooperative procurement" under Oregon law. A joint cooperative procurement is valid only if:**

1. **The administering contracting agency's solicitation and award process for the original contract is an open and impartial competitive process and uses source selection methods substantially equivalent to those specified under ORS 279B.055, 279B.060, or 279B.085 or uses a competitive bidding process substantially equivalent to the competitive bidding process in ORS Chapter 279C;**

2. **The administering contracting agency's solicitation and the original contract or price agreement identifies the cooperative procurement group or each participating purchasing contracting agency and specifies the estimated contract requirements; and**

3. **No material change is made in the terms, conditions, or prices of the contract between the contractor and LTD from the terms, conditions, and prices of the original contract between the contractor and the administering contracting agency. (ORS 279A.210)**

ii. **Also see Section 10.3(d) regarding requirements for interstate cooperative procurements, which applies when one or more of the participating governmental bodies are located outside of Oregon.**

10.2 Federal Excess and Surplus Property. The Common Grant Rule for governmental recipients encourages recipients to use Federal excess and surplus property managed by GSA, when feasible and economical, rather than procuring new property. The GSA Federal Property Management Regulations, 41 CFR Parts 101-42 through 101-46, 101-48, and 101-49 govern the eligibility of recipients and subrecipients, as well as others, to acquire supplies and services through GSA's personal property utilization and disposal programs.

a. **Limited Use of Federal Supply Schedules.** Federal laws authorize State and Local Governments (including institutions of higher education) to use Federal Supply

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Schedules to acquire information technology (IT) and to purchase products and services to facilitate recovery from a major disaster. In both circumstances, GSA defines the term “State and Local Government” broadly to include many FTA governmental recipients and others as follows: The States of the United States, counties, municipalities, cities, towns, townships, tribal governments, public authorities (including public or Indian housing agencies under the United States Housing Act of 1937), school districts, colleges, and other institutions of higher education, council of governments (incorporated or not), regional or interstate government entities, or any agency or instrumentality of the preceding entities (including any local educational agency or institution of higher education), and including legislative and judicial departments.

The use of Federal supply schedules is permitted, only in accordance with the FTA Circular 4220.1F, as may be amended. When using GSA schedules to acquire property or services, LTD must ensure all federal requirements, required clauses, and certifications are properly followed and included, whether in the master intergovernmental contract or in LTD’s purchase document.

- i. Information Technology. Section 211 of the E-Government Act of 2002, 40 U.S.C. Section 502(c)(1), authorizes “State and local governments,” within limits established by law, to acquire IT of various types through GSA’s Cooperative Purchasing Program, Federal Supply Schedule 70.
 - ii. Major Disaster or Emergency Recovery. Since February 1, 2007, Section 833 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, amended 40 U.S.C. Section 502(d), to authorize State and local government entities to use any GSA Federal Supply Schedule to acquire property and services in advance of a major disaster declared by the President of the United States, as well as in the aftermath of an emergency event. The State or local government is then responsible for ensuring that the property or services acquired will be used for recovery.
 - iii. Local Preparedness Acquisition. Section 2 of the Local Preparedness Acquisition Act, Pub. L. 110-248, June 26, 2008, amended 40 U.S.C. Section 502(c) by adding paragraph (2) authorizing “State and local governments”, within limits established by law, to acquire law enforcement, security and certain related items of various types through GSA’s Cooperative Purchasing Program Federal Supply Schedule 84 or any amended or later version of that Federal supply classification group.
- b. **Use of a Federal Supply Schedule is an “interstate cooperative procurement” under Oregon law. An interstate cooperative procurement is only valid if:**
- i. **The administering contracting agency’s solicitation and award process for the original contract is an open and impartial competitive process and uses source selection methods substantially equivalent to those specified under ORS 279B.055, 279B.060, or 279B.085 or uses a competitive bidding process substantially equivalent to the competitive bidding process in ORS Chapter 279C;**
 - ii. **The administering contracting agency’s solicitation and the original contract or price agreement identifies the cooperative procurement group or each participating purchasing contracting agency and specifies the estimated contract requirements; and**
 - iii. **The administering contracting agency permits the contractor to extend the**

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use of the terms, conditions, and prices of the original contract to LTD.

iv. In addition to the above, the following requirements apply:

1. LTD, or the cooperative procurement group of which LTD is a member, must be listed in the solicitation of the administering contracting agency as a party that may establish contracts or price agreements under the terms, conditions, and prices of the original contract, and the solicitation must be advertised in Oregon; or
2. LTD, or the cooperative procurement group of which LTD is a member, shall advertise a notice of intent to establish a contract or price agreement through an interstate cooperative procurement.

c. Notice of Intent. The Notice of Intent must include:

- i. A description of the procurement;
- ii. An estimated amount of the procurement;
- iii. The name of the administering contracting agency; and
- iv. A time, place and date by which comments must be submitted to LTD regarding the intent to establish a contract or price agreement through an interstate cooperative procurement.

d. Public Notice. Public notice of the intent to establish a contract or price agreement through an interstate cooperative procurement must be given in the same manner as provided in ORS 279B.055 (4)(b) and (c). Unless otherwise specified in Oregon's Model Rules, LTD shall give public notice at least seven (7) days before the deadline for submission of comments regarding the intent to establish a contract or price agreement through an interstate cooperative procurement.

- i. If LTD is required to provide notice of intent to establish a contract or price agreement through an interstate cooperative procurement:
 1. LTD shall provide vendors who would otherwise be prospective bidders or proposers on the contract or price agreement, if the procurement were competitively procured under ORS Chapter 279B, an opportunity to comment on the intent to establish a contract or price agreement through an interstate cooperative procurement.
 2. Vendors must submit comments within seven (7) days after the notice of intent is published.
 3. If LTD receives comments, before LTD may establish a contract or price agreement through the interstate cooperative procurement, LTD shall make a written determination that establishing a contract or price agreement through an interstate cooperative procurement is in the best interest of LTD. LTD shall provide a copy of the written determination to any vendor that submitted comments.

10.3 Existing Contracts. LTD may find it advantageous to use existing contract rights. "Existing contract" means a contract that, when formed, was intended to be limited to the original parties thereto, and does not include State or local government purchasing schedules (discussed above). LTD may only use existing contract rights consistent with the FTA Circular 4220.1F, Oregon law, and as is set forth in this Section and Section 24.

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- a. Exercise of Options. LTD may use contract options held by another FTA recipient with the following limitations:
 - i. Consistency with Underlying Contract. LTD must ensure that the terms and conditions of the option it seeks to exercise are substantially similar to the terms and conditions of the option as stated in the original contract at the time it was awarded.
 - ii. Price. LTD may not exercise an option unless it has determined that the option price is better than prices available in the market, or that when it intends to exercise the option, the option is more advantageous.
 - iii. Awards Treated as Sole Source Procurements. FTA assistance may be used to support a sole source award only if that award can be justified under FTA's third-party contract standards for sole source awards. The following actions constitute sole source awards:
 - 1. Failure to Evaluate Options Before Awarding the Underlying Contract. If a contract has one or more options and those options were not evaluated as part of the original contract award, exercising those options after contract award will result in a sole source award.
 - 2. Negotiating a Lower Option Price. Exercising an option after LTD has negotiated a lower or higher price will also result in a sole source award unless that price can be reasonably determined from the terms of the original contract, or that price results from Federal actions that can be reliably measured, such as changes in Federal prevailing labor rates, for example.
- b. Assignment of Contract Rights. This is also referred to as "piggybacking." LTD may use contractual rights obtained through assignment after first determining that the original contract price remains fair and reasonable, and the original contract provisions are adequate for compliance with all Federal requirements.
 - i. **Use of another agency's existing contract is a "permissive cooperative procurement" under Oregon law. A permissive cooperative procurement is only valid if:**
 - 1. **The administering contracting agency's solicitation and award process for the original contract is an open and impartial competitive process and uses source selection methods substantially equivalent to those specified under ORS 279B.055 or 279B.060;**
 - 2. **The administering contracting agency's solicitation and the original contract allow other agencies to establish contracts or price agreements under the terms, conditions and prices of the original contract;**
 - 3. **The contractor agrees to extend the terms, conditions and prices of the original contract to LTD; and**
 - 4. **No material change is made in the terms, conditions or prices of the contract or price agreement between the contractor and LTD from the terms, conditions and prices of the original contract between the contractor and the administering contracting agency.**
 - ii. **Public Notice.** LTD shall provide public notice of intent to establish a

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contract or price agreement through a permissive cooperative procurement if the estimated amount of the procurement exceeds \$250,000. Public notice of the intent to establish a contract or price agreement through an interstate cooperative procurement must be given in the same manner as provided in ORS 279B.055 (4)(b) and (c). Unless otherwise specified in Oregon’s Model Rules, LTD shall give public notice at least seven (7) days before the deadline for submission of comments regarding the intent to establish a contract or price agreement through an interstate cooperative procurement.

1. If LTD is required to provide notice of intent to establish a contract or price agreement through an interstate cooperative procurement:
 - a. LTD shall provide vendors who would otherwise be prospective bidders or proposers on the contract or price agreement, if the procurement were competitively procured under ORS Chapter 279B, an opportunity to comment on the intent to establish a contract or price agreement through an interstate cooperative procurement.
 - b. Vendors must submit comments within seven (7) days after the notice of intent is published.
 - c. If LTD receives comments, before LTD may establish a contract or price agreement through the interstate cooperative procurement, LTD shall make a written determination that establishing a contract or price agreement through an interstate cooperative procurement is in the best interest of LTD. LTD shall provide a copy of the written determination to any vendor that submitted comments.
2. Notice of Intent. The Notice of Intent must include:
 - a. A description of the procurement;
 - b. An estimated amount of the procurement;
 - c. The name of the administering contracting agency; and
 - d. A time, place and date by which comments must be submitted to LTD regarding the intent to establish a contract or price agreement through an interstate cooperative procurement. (ORS 279A.215 (2)(b))

SECTION 11 – NECESSITY, LEASE VERSUS PURCHASING

- 11.1 Unnecessary Reserves. LTD will limit the acquisition of property and services to the amount it needs to support its transit system.
- 11.2 Acquisition for Assignment Purposes. LTD may only contract for its current and reasonably expected public transportation needs and may not add quantities or options to third party contracts solely to permit assignment to another party at a later date. These limits are not intended to preclude joint procurements entered into in accordance with applicable law and rules.
- 11.3 Economic Purchasing. Procurement activity will be reviewed by the Procurement Supervisor/Manager at least annually to determine if certain classes of purchases should be consolidated or broken out to obtain more economic pricing. Analysis will also be made of lease versus purchase alternatives or any other appropriate methodology to determine the most

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economical approach.

- 11.4 Cost or Price Analysis. A Cost or Price Analysis must be made for every formal procurement, including Contract modifications, as outlined in FTA Circular 4220.1F, as amended. The Contract Manager shall be responsible for completing the Cost or Price Analysis and providing it to the Procurement Supervisor/Manager for review and approval prior to any Contract award or modification. See Section 7.4 for Price Analysis requirements for Micro-Purchases and Sections 7.5 for Price Analysis requirements for Small Purchases.
- a. Price Analysis. If competition was adequate, a price analysis is used to determine the reasonableness of the proposed contract price. Common reasons supporting a price analysis of fair and reasonable pricing include but are not limited to:
 - i. Catalog or market prices offered in substantial quantities to the general public;
 - ii. Regulated prices (for example, for many utilities purchases); or
 - iii. A comparison with recent prices for similar goods and services.
 - b. Cost Analysis. A cost analysis must be performed when a price analysis will not provide sufficient information to determine the reasonableness of the contract cost.
 - i. Applicability. The Contract Manager must perform a cost analysis when:
 - 1. The Offeror is required to submit the elements (i.e., labor hours, overhead, materials, etc.) of the estimated cost (such as professional consulting and A&E contracts); or
 - 2. When adequate price competition is lacking, including sole source procurements (which include contract modifications and change orders), unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or on the basis of prices set by law or regulation.
 - ii. Profit. Profit is to be negotiated as a separate element of the price for each contract in which there is no price competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
 - iii. Federal Cost Principles. Costs or prices based on estimated costs for contracts will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with federal cost principles contained in Part 31 of the Federal Acquisition Regulations.
 - iv. LTD can accomplish a cost analysis by comparison of proposed prices received in response to a Solicitation Document, by comparison of prior Contract prices for same or similar products or services, by comparison with competitive published price lists, and by comparison of proposed prices with independent cost estimates.

SECTION 12 – SOLICITATIONS

All Solicitation Documents shall satisfy the requirements set forth in this Section 12.

12.1 Clear Descriptions/Nonrestrictive Specifications. All Solicitation Documents shall include a clear

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and accurate description of the technical requirements for the material(s), product(s), or service(s) to be procured. The description may include a statement of the qualitative nature of the property or services to be acquired. When practicable, requirements should be described in terms of functions to be performed or level of performance required, including the range of acceptable characteristics or minimum acceptable standards. In competitive procurements, the description may not contain features that unduly restrict competition. Except as set forth in Section 12.3 below, specifications shall not expressly or implicitly require any product by any brand name or mark, nor the product of any particular manufacturer or seller unless the products so identified are followed by the terms "or equal specifications." Notwithstanding the foregoing, nothing herein shall prohibit LTD from specifying one or more comparable products as examples of quality, performance, functionality, or other characteristics of the product needed by LTD.

- 12.2 Quality Requirements/Preference for Performance Specifications. Detailed product specifications should be avoided if at all possible. A description may include a statement of the qualitative nature of the material(s), product(s), or service(s) to be procured and, when necessary, describe minimum essential characteristics and standards to which the property or services must conform if it is to satisfy LTD's intended use.
- 12.3 Brand Name or Equal. When it is impractical or uneconomical to write a clear and accurate description of the technical requirements of the property or services to be acquired, a "brand name or equal" description may be used to define the performance or other salient characteristics of a specific type of property. The salient characteristics of the named brand must be identified in the Solicitation Documents. Any brand name or equal specification must comply with the requirements of ORS 279B.215.
- 12.4 Preferences. LTD shall state in all Solicitation Documents what preferences apply to the solicitation, if any. See Sections 7 2 (f) and 16.1 (a) for the application of geographic preferences.
- 12.5 Time for Acceptance. LTD shall state in all Solicitation Documents that Offers are "Firm Offers," irrevocable and binding on the Offeror not less than ninety (90) days from the Closing Date, unless otherwise specified in the Solicitation Document.
- 12.6 Solicitation Documents, Terms and Conditions. In addition to the requirements set forth in this Section 12, the Procurement Supervisor/Manager may include any other special terms and conditions applicable to the procurement and the contracts to be awarded so long as those terms and conditions are consistent with the requirements of this Section 12, the FTA Circular 4220.1F, and Oregon law.
- 12.7 **Solicitation Documents for Goods and Services. As used in this Section 12.7, "bids" shall be read to include "proposals" and "invitation to bid" shall be read to include "request for proposals." The Solicitation Documents must:**
 - a. **Specify a time and date by which the bids must be received and a place at which the bids must be submitted. LTD may receive bids by electronic means or direct or permit a bidder to submit bids by electronic means.**
 - b. **Specify the name and title of the person designated to receive bids and the person LTD designates as the contact person for the procurement, if different.**
 - c. **Describe the procurement. In the description, LTD shall identify the scope of work included within the procurement, outline the contractor's anticipated duties and set expectations for the contractor's performance. Unless LTD for good cause specifies otherwise, the scope of work shall require the contractor to meet the highest standards prevalent in the industry or business most closely involved in providing the appropriate goods or services.**

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- d. Specify a time, date and place for prequalification applications, if any, to be filed and the classes of work, if any, for which bidders must be prequalified in accordance with ORS 279B.120.
- e. State that LTD may cancel the procurement or reject any or all bids in accordance with ORS 279B.100;
- f. Require the contractor or subcontractor to possess an asbestos abatement license, if required under ORS 468A.710;
- g. Include all contractual terms and conditions applicable to the procurement, including those terms required under federal or Oregon law. See Section 12.10 for required contract terms. The contract terms and conditions shall specify clear consequences for a contractor's failure to perform the scope of work identified in the invitation to bid or the contractor's failure to meet established performance standards. (ORS 279B.055, 279B.060)

12.8 Solicitation Documents for Architectural & Engineering Services (Professional Services). LTD shall include the following in each Request for Proposals, whether or not the Request for Proposals is preceded by a Request for Qualifications:

- a. General background information, including a description of the project and the specific professional services sought for the project, the estimated project cost, the estimated time period during which the project is to be completed, the estimated time period in which the specific professional services sought will be performed;
- b. The RFP evaluation process and the criteria which will be used to select the most qualified proposer, including the weights, points, or other classifications applicable to each criterion. If LTD does not indicate the applicable number of points, weights, or other classifications, then each criterion is of equal value;
- c. Conditions or limitations, if any, that may constrain or prohibit the selected Consultant's ability to provide additional services related to the project, including but not limited to construction services;
- d. Whether interviews are possible and if so, the weight, points, or other classifications applicable to the potential interview;
- e. The date and time Proposals are due, and the delivery location for Proposals;
- f. Reservation of the right to seek clarifications of each Proposal;
- g. Reservation of the right to negotiate a final Contract that is in the best interest of LTD;
- h. Reservation of the right to reject any or all Proposals and reservation of the right to cancel the RFP at any time if doing either would be in the public interest as determined by LTD;
- i. A statement that Proposers responding to the RFP do so solely at their expense, and LTD is not responsible for any Proposer expenses associated with the RFP;
- j. A statement directing Proposers to LTD's protest procedures;
- k. Special contract requirements, including federal requirements when federal funds are involved;
- l. A statement whether or not LTD will hold a pre-Proposal meeting and if a pre-

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Proposal meeting will be held, the location of the meeting and whether attendance is mandatory

- m. A request for any information LTD deems reasonably necessary to permit LTD to evaluate, rank and select the most qualified Proposer to perform the professional services described in the RFP; and
- n. A sample form of Contract. (OAR 137-048-0220 (4)).

12.9 **Solicitation Documents for Construction Services.** LTD shall, at a minimum, include in the Solicitation Documents:

- a. A designation for or description of the public improvement project;
- b. The office where the specifications for the project may be reviewed;
- c. The date that prequalification applications must be filed and the class of work for which bidders must be prequalified if prequalification is a requirement;
- d. The date and time after which bids will be received, which must be at least five (5) days after the date of the last publication of the advertisement, and may, in the sole discretion of LTD, direct or permit bidders to submit and the contracting agency to receive bids by electronic means;
- e. The name and title of the person designated to receive bids;
- f. The date on which and the time and place at which LTD will publicly open the bids;
- g. A statement that, if the contract is for a public works project subject to the state prevailing rates of wage under ORS 279C.800 to 279C.970, the federal prevailing rates of wage under the Davis-Bacon Act (40 U.S.C. § 3141 et seq.), LTD will not receive or consider a bid unless the bid contains a statement by the bidder that the bidder will comply with ORS 279C.838 or 279C.840 or 40 U.S.C. 3141 et seq.;
- h. A statement that each bid must identify whether the bidder is a resident bidder, as defined in ORS 279A.120;
- i. A statement that LTD may reject a bid that does not comply with the prescribed public contracting procedures and requirements and that LTD may reject for good cause all bids after finding that doing so is in the public interest;
- j. Information addressing whether a contractor or subcontractor must be licensed under ORS 468A.720; and
- k. A statement that LTD may not receive or consider a bid for a public improvement contract unless the bidder is licensed by the Construction Contractors Board or the State Landscape Contractors Board (ORS 279C.365).

12.10 **Sample Contracts.** A sample contract, approved by the Procurement Supervisor/Manager shall be included with all formal solicitations, in accordance with Oregon law. For all federally funded projects, LTD shall require as part of the terms and conditions of all Contracts, all applicable provisions of the FTA Master Agreement, as amended, and all applicable provisions of the FTA Circular 4220.1F, as amended.

- a. Liquidated Damages Provision. LTD may include a liquidated damages provision in its contract documents if LTD reasonably expects to suffer damages through delayed contract completion, or if weight requirements are exceeded, and the extent or amount of such damages are uncertain and would be difficult or impossible to determine. The rate and measurement standards must be calculated to reasonably reflect LTD's costs

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should the standards not be met, and must be specified in the Solicitation Documents and Contract. The procurement file should include a record of any calculation and rationale for the amount of damages established. Any liquidated damages recovered must be credited to the project account involved unless FTA permits otherwise.

SECTION 13 – PUBLIC NOTICE, ADVERTISING REQUIREMENTS

- 13.1 Public Notice Required. LTD shall provide public notice of every formal Solicitation Document in accordance with this Section.
- 13.2 **Public Notice of Solicitation Documents. The CRB authorizes the advertisement of formal Solicitation Documents via LTD’s Electronic Procurement System, in lieu of advertisement in a newspaper or trade journal. However, advertisements for Public Improvement contracts with an expected contract price of \$125,000 or more shall also be advertised in at least one trade journal or newspaper of statewide circulation in accordance with Oregon law. Notwithstanding the foregoing, the Procurement Supervisor/Manager and/or Contract Manager may elect to also provide notice of the Solicitation by:**
 - a. Mailing notice of availability of Solicitation Documents to any prospective Offers that have expressed an interest in LTD’s procurements;
 - b. Placing notice on LTD’s web site; or
 - c. Providing formal notice in a newspaper of general circulation in the area where the contract is to be performed or in a trade journal of statewide circulation. (OAR 137-047-0300 (2), OAR 137-048-0220(2), OAR 137-049-0210 (2)).
- 13.3 **Content of Advertisement for Goods and Services. All advertisements for Offers shall set forth:**
 - a. Where, when, how, and for how long the Solicitation Document may be obtained;
 - b. A general description of the Goods or Services to be acquired;
 - c. The interval between the first date of public notice of the Solicitation Document and Closing shall not be less than fourteen (14) days for an Invitation to Bid and thirty (30) days for a Request for Proposals, unless LTD determines that a shorter interval is in the public’s interest, and that a shorter interval will not substantially affect competition. However, in no event shall the interval between the first date of public notice of the Solicitation Document and Closing be less than seven (7) days. LTD shall document the specific reasons for the shorter public notice period in the Procurement file. (OAR 137-047-0300(3)(c), ORS 279B.055 (4)(f).
 - d. The date that persons must file applications for prequalification if prequalification is a requirement and the class of Goods or Services is one for which persons must be prequalified.
 - e. The office where Contract terms, conditions and Specifications may be reviewed;
 - f. The name, title and address of the individual authorized by LTD to receive Offers;
 - g. The scheduled Opening; and
 - h. Any other information LTD deems appropriate. (OAR 137-047-0300(3)).
- 13.4 **Content of Advertisement for Architectural & Engineering Services (Professional Services).**

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- a. LTD shall publish the advertisement within a reasonable time before the deadline for the Proposal submission or response to the RFQ or RFP, but in any event no fewer than fourteen (14) calendar days before the closing date set forth in the RFQ or RFP.
- b. LTD shall include a brief description of the following items in the advertisement:
 - i. The Project;
 - ii. A description of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services LTD seeks;
 - iii. How and where Consultants may obtain a copy of the RFQ or RFP; and
 - iv. The deadline for submitting a Proposal or response to the RFQ or RFP. (OAR 137-048-0220 (2)).

13.5 Content of Advertisement for Construction Contracts.

- a. All advertisements for Offers shall set forth:
 - i. The Public Improvement project;
 - ii. The office where Contract terms, conditions and Specifications may be reviewed;
 - iii. The date that Persons must file applications for prequalification under ORS 279C.340, if prequalification is a requirement, and the class or classes of Work for which persons must be prequalified;
 - iv. The scheduled Closing, which shall not be less than five days after the date of the last publication of the advertisement;
 - v. The name, title and address of the LTD person authorized to receive Offers;
 - vi. The scheduled Opening; and
 - vii. If applicable, that the Contract is for a Public Work subject to ORS 279C.800 to 279C.970 or the Davis-Bacon Act (40 U.S.C. § 3141 to 3148) (OAR 137-049-0210 (2)(d)).

SECTION 14 – PREQUALIFICATION

- 14.1 Prequalification. LTD may prequalify prospective bidders or proposers to submit bids or proposals to provide goods or services. LTD may determine the method of submitting prequalification applications, the information required in order to be prequalified and the forms to be used for submitting prequalification information for each procurement requiring prequalification.
- 14.2 LTD Response. Upon receipt of a prequalification application, LTD shall investigate the prospective bidder or proposer as necessary to determine whether the prospective bidder or proposer is qualified. The determination shall be made in less than 30 days, if practicable. LTD shall notify the prospective bidder or proposer whether the bidder or proposer is qualified based on the standards of responsibility listed in ORS 279B.110 (2), the type and nature of contractors that the prospective bidder is qualified to compete for and the time period for which the prequalification is valid. If LTD does not prequalify a prospective bidder or proposer as to any contracts covered by the prequalification process, the notice must specify which of the standards of responsibility listed in ORS

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279B.110 (2) the prospective bidder failed to meet. Unless the reasons are specified, the prospective bidder or proposer shall be deemed to have been prequalified in accordance with this Section. (See Section 16.3 for Standards of Responsibility).

- 14.3 **Revocation of Prequalification.** If LTD subsequently discovers that a prospective bidder or proposer that prequalified under Sections 14.1 and 14.2, above, is no longer qualified, LTD may revoke the prequalification upon reasonable notice to the prospective bidder or proposer, except that a revocation is invalid as to any contract for which an advertisement for bids or proposals has already been issued. (ORS 279B.120, 279B.125).

SECTION 15 – BID OR PROPOSAL SECURITY

- 15.1 **Goods and Services.** LTD may require bid or proposal security if LTD determines that bid/proposal security is reasonably necessary or prudent to protect the interests of LTD. LTD shall return the bid/proposal security to all bidders/proposers upon the execution of the contract. LTD shall retain the bid/proposal security if a bidder who is awarded a contract fails to promptly and properly execute the contract. For purposes of this Section, prompt and proper execution of the contract includes all action by a bidder/proposer that is necessary to form a contract in accordance with the invitation to bid/request for proposals, including posting performance security and submitting proof of insurance when the invitation to bid/request for proposals requires the submission. (ORS 279B.055, 279B.060). Notwithstanding the above, see Section 7.2 (b) regarding unnecessary bonding as a prohibited restriction on competition by the FTA.

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- 15.2 **Construction Services.** For public improvement contracts with a value, estimated by LTD, of more than \$100,000, LTD shall require a bidder to submit or post a surety bond, irrevocable letter of credit issued by an insured institution as defined in ORS 706.008, cashier's check or certified check for all bids as bid security. (ORS 279C.365 (5)). Under FTA Circular 4220.1F, the bid guarantee is equivalent to five percent (5%) of the bid price. Any exception to this bid security requirement must be approved by the FTA.

SECTION 16 – EVALUATION AND CONTRACT AWARD

- 16.1 **Preferences.** LTD shall apply the following preferences in accordance with FTA Circular 4220.1F and Oregon law.
- a. **Geographic Preferences.** Although mandated under Oregon law, there is a prohibition against geographic preferences under federal law. Refer to Section 7.2 (f)(iv) for the application of geographic preferences when construction related.
 - b. **Preference for Recycled Materials.** Notwithstanding provisions of law requiring LTD to award a contract to the lowest responsible bidder or best proposer or provider of a quotation and subsection (b)(i), below, LTD shall give preference to the procurement of goods manufactured from recycled materials, if the goods are for any public use.
 - i. LTD shall give preference to goods that are certified to be made from recycled materials if:
 - 1. The recycled product is available;
 - 2. The recycled product meets applicable standards;
 - 3. The recycled product can be substituted for a comparable nonrecycled product; and

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- 4. The recycled product's costs do not exceed the costs of nonrecycled products by more than five percent (5%), or a higher percentage if a written determination is made by the CRB. (ORS 279A.125).

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16.2 **Responsiveness.** LTD shall only award a contract to a responsible, responsive bidder or proposer. "Responsive" means having the characteristic of substantial compliance in all material respects with applicable solicitation requirements. (OAR 137-046-0110 (33)). The Procurement Supervisor/Manager shall ensure that a responsiveness determination is made and in the contract file before a contractor is selected.

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16.3 **Responsibility.** LTD shall only award a contract to a responsible, responsive bidder or proposer. "Responsibility" is defined in the FTA Circular 4220.1F and **supplemented by Oregon law, and Oregon Administrative Rules.** The Director of Procurement (or designee) shall ensure the applicable Responsibility Determination Form is completed prior to contract award and is in the procurement file.

SECTION 17 – PERFORMANCE BOND AND PAYMENT BOND REQUIREMENTS

17.1 **Construction Services. Performance bond; payment bond; waiver of bonds.** Except as provided in ORS 279C.390, a successful bidder for a public improvement contract shall promptly execute and deliver to the contracting agency the following bonds:

- a. **Performance Bond.** A performance bond in an amount equal to the full contract price conditioned on the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. The performance bond must be solely for the protection of LTD. LTD may permit the successful bidder to submit a cashier's check or certified check in lieu of all or a portion of the required performance bond. (ORS 279C.380).
- b. **Payment Bond.** A payment bond in an amount equal to the full contract price, solely for the protection of claimants under ORS 279C.600 and ORS 279C.380.
- c. **Surety.** Each performance bond and each payment bond must be executed solely by a surety company or companies holding a certificate of authority to transact surety business in the State of Oregon. The bonds may not constitute the surety obligation of an individual or individuals. The performance and payment bonds must be payable to LTD, as specified in the Solicitation Documents, and shall be in a form approved by LTD. (ORS 279C.380).
- d. **Exceptions.** Pursuant to ORS 279C, the CRB may exempt certain contracts, or classes of contracts, from a portion of the requirement that good and sufficient bonds be furnished to ensure payment of obligations incurred in the performance, but only so long as the exemption is consistent with the FTA's minimum bonding requirements, as is set forth in the FTA Circular 4220.1F.

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SECTION 18 – DOCUMENTATION OF AWARD

18.1 **Basis of Award.** Following award of a Contract, LTD shall make a record showing the basis for determining the successful Offeror as part of the procurement file.

18.2 **Contents of Award Record.** LTD's record shall consist of the following:

- a. Offers received by LTD.
- b. If in response to an IFB, the completed Bid tabulation sheet and written justification for any rejection of lower Bids.

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- c. If in response to an RFP, the completed evaluation of Proposals and written justification for any rejection of higher scoring Proposals.
- d. If applicable, written documentation of any discussions, negotiations, best and final Offers, or other procedures LTD used to select a Proposer to which LTD awarded a Contract.

SECTION 19 – INVENTORY AND DISPOSITION OF PERSONAL PROPERTY

The purpose of this Policy is to establish a consistent and compliant program for the appropriate and efficient inventory and disposition of all Personal Property procured by the Lane Transit District (“LTD” or “District”). Both State and Federal requirements and best practices have been incorporated into this policy and must be followed, as appropriate. This Policy is administered by LTD’s Procurement Department.

This Policy covers both purchased and leased Personal Property. It does not apply to the disposition of Real Property.

- 19.1 Definitions. The following terms have the meanings set forth herein. Any term not defined herein shall have the definition set forth under the Federal Transit Administration (“FTA”) Circular 5010.E or Oregon Revised Statutes (“ORS”) Ch. 267 and ORS Ch. 279A – 279C
- a. Equipment. “Equipment” means an article of nonexpendable, tangible District-owned property (including information technology systems) meeting the following requirements: (a) has a useful life of more than one-year; and (b) per-unit acquisition cost of \$5,000.00 or more. “Equipment” includes rolling stock, computing devices, information technology systems, and all other such property used in the provision of public transit service.
 - b. Federal Interest. “Federal Interest” means the dollar amount that is the product of: (1) the federal share of total project costs, and (2) the current fair market value of the property, improvements, or both, to the extent the costs of acquiring or improving the property were included as project costs.
 - c. Fair Market Value. “Fair market value” means the most probable price that property would bring in a competitive and open market.
 - d. Federally-Funded Personal Property. “Federally-Funded Personal Property” means any Personal Property that was acquired with Federal assistance.
 - e. Locally-Funded Personal Property. “Locally-Funded Personal Property” means any Personal Property that was acquired without Federal assistance.
 - f. Personal Property. “Personal Property” means property other than Real Property. It may be tangible if it has a physical existence, or intangible, if it does not have a physical existence. “Personal Property” under this policy includes Equipment, Supplies, Capital Assets, Fixed Assets, and Project Property (as those terms are defined by FTA) and does not include Real Property.
 - g. Real Property. “Real Property” is land and anything permanently affixed to the land, such as buildings, fences, and those things attached to the buildings that, if removed, would deface the structure or integrity of the building, such as plumbing, heating fixtures, etc.
 - h. Rolling Stock. “Rolling Stock” describes Equipment that is used to transport passengers and includes buses, vans, cars, locomotives, trolley cars, ferryboats, light rails, streetcars, other rail vehicles and vehicles used for guideways and incline planes.
 - i. Supplies. “Supplies” mean all tangible Personal Property, other than Equipment, with a unit value of less than \$5,000.

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- j. Useful Life. "Useful Life", for purposes of this policy, means the minimum acceptable period a capital asset purchased with FTA funds should be used in service. Capital assets purchased with FTA funds may frequently be used beyond their minimum useful lives, without being considered part of LTD's state of good repair backlog.

19.2 Asset Tags and Inventory

- a. Applicability. Regardless of the source of funding, all new Equipment, Capital Assets, Fixed Assets, and Project Property (all Personal Property other than Supplies, including but not limited to computer equipment, printers, photocopiers, smartphones, tablets, laptops, cameras, maintenance equipment, and vehicle components) shall be tagged and inventoried upon receipt to LTD. Asset tagging shall be sufficiently permanent to survive in the event of theft or loss. Tagged assets shall be inventoried on existing Fixed Assets inventory lists for tracking, periodic inventory reconciliation, and eventual disposition purposes.
- b. Responsibility. Asset tagging and inventory listings shall be the responsibility of the LTD department initiating centralized orders for the Equipment, Capital Assets, Fixed Assets, or Project Property.
- c. Required Information. Inventory records³ shall include the following information:
 - i. Asset Tag Number
 - ii. A description of the Asset
 - 1. Manufacturers make and model,
 - 2. Year of manufacture,
 - 3. Fuel Type
 - iii. The identification number or serial number;
 - iv. The entity or individual that holds title to the asset;
 - v. The source of funding (the FAIN number under which it was procured);
 - vi. ODOT Rail and Public Transit Division Vehicle Category (Attachment A)
 - vii. The acquisition date;
 - viii. The cost of the asset;
 - ix. The percentage of state/federal participation in the cost;
 - x. The location;
 - xi. The use and condition
 - xii. The seating capacity
 - xiii. The number of ADA stations;
 - xiv. The in-service date;
 - xv. The useful life; and
 - xvi. The disposition data, including the date of disposal and sale price, or, where applicable, method used to determine its fair market value.

³ Reference FTA C 5010.1E, page IV-33n(1) Management of Federally Assisted Property

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- d. Updates. Inventory listings shall be updated when any change in this information occurs.
- e. Reconciliation. Physical inventory reconciliation shall be performed at least once every two years, with any differences investigated and the cause for the differences determined/documented.

19.3 Disposition of Federally-Funded Personal Property⁴

- a. Generally. The procedures related to the disposition of Federally-Funded Personal Property depend on whether the property has reached the end of its Useful Life.
- b. How to Determine Useful Life. The Useful Life for some Personal Property is defined by FTA. Where the FTA has not defined a Useful Life, LTD must “make the case” to FTA in its grant application by identifying a Useful Life period for all Equipment, Capital Assets, Fixed Assets, and Project Property with an acquisition value greater than \$5,000, if the property is being procured with federal funds. LTD must identify the method used to determine an asset’s minimum Useful Life.
 - i. Acceptable methods to determine Useful Life include but are not limited to:
 1. Generally accepted accounting principles;
 2. Independent evaluation;
 3. Manufacturer’s estimated useful life;
 4. Internal Revenue Service guidelines;
 5. Industry standards;
 6. LTD experience;
 7. LTD’s independent auditor who needs to provide his or her concurrence that the Useful Life assigned to the property is reasonable for depreciation purposes; and
 8. Proven useful life developed at a federal test facility.
 - ii. Rolling Stock. FTA has determined the Useful Life for Rolling Stock based on the type of vehicle and size. For example, large, heavy-duty transit buses (approximately 35’ – 40’ or larger including articulated buses) have a Useful Life of at least 12 years of service, or an accumulation of at least 500,000 miles, whichever comes first. For Useful Life of other vehicles, see FTA Circular 5010.E, Ch. IV. For all Rolling Stock, the minimum Useful Life is calculated based on the date the vehicle is placed in revenue service and continues until it is removed from service.
- c. Disposition of Federally-Funded Personal Property after End of Useful Life.
 - i. Personal Property with a Value of \$5,000 or More. This Section 19.3(c)(i) provides all options for disposal of Federally-Funded Personal Property with a per-unit, or aggregate, fair market value of more than \$5,000. Applicable property shall not be disposed of in any other manner, except in accordance with the requirements stated herein:
 1. Procurement Approval. Procurement, in coordination with Finance, shall review, approve in advance, and coordinate any sales, disposals or

⁴ Reference: ~~Federal Transit Administration Circular 5010.1E, Chapter IV, rev. July 16, 2018~~

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transfers of Federally-Funded Personal Property which require FTA approval, reimbursement, and/or application of proceeds to other capital projects.⁵

2. Disposal Options. After the Useful Life of Federally-Funded Personal Property is reached, or the property is no longer needed for the original Award, Federally-Funded Personal Property with a current market value exceeding \$5,000 per unit, or with a total aggregate fair market value of more than \$5,000, may be:
 - a. Retained by LTD and used for public transportation purposes; or
 - b. Sold; with the first \$5,000 of sales proceeds retained by LTD, and the remaining amount of sales proceeds retained by LTD and repaid to FTA in proportion to LTD's percentage of participation in the cost of the original purchase, as calculated in accordance with 49 U.S.C. § 5334(h) (4) (B).

ii. Personal Property with a Value of less than \$5,000. Federally-Funded Personal Property which has reached the end of its Useful Life and which has a fair market value of less than \$5,000.00 may be disposed of by the following means, and without FTA approval, providing the nature and justification for the disposition is recorded in the corresponding inventory record:

1. Retain and use for a different transit-related purpose within LTD;
2. Sell through auction or other competitive process (where anticipated proceeds reasonably exceed the costs for processing); *
3. Recycled (for scrap or other re-purposing); *
4. Donated to a non-profit organization (where there is still some monetary value, but only small after processing costs are deducted); *or
5. Disposed of as waste (this should be considered the last alternative, and used only in cases where there is no value to the equipment and donation or recycling resources are not available).

**The best choice among these options shall be used after analyzing the overall loss and gain associated with disposal. A cost analysis shall be conducted, subtracting the anticipated costs for administrative, processing, and other disposal fees from the expected sale proceeds or the fair market value of the equipment.*

d. Disposition of Federally-Funded Personal Property before End of Useful Life. This Section provides all options for disposal of Federally-Funded Personal Property, regardless of value, before the end of its Useful Life. Applicable property shall not be disposed of in any other manner, except in accordance with the requirements stated herein:

- i. Procurement Approval. Any disposition of Federally-Funded Personal Property before the end of its Useful Life requires prior FTA approval. Therefore, any disposition of Federally-Funded Personal Property before the end of its Useful Life requires review and approval in advance from Procurement.
- ii. Disposal Options. Federally-Funded Personal Property before the end of its

⁵ FTA C 5010.1E, page IV-42

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Useful Life, and only with prior FTA approval, may be disposed of as follows:

1. Rolling Stock that has not yet reached the end of its Useful Life may be transferred to another FTA recipient if LTD has acquired FTA approval and Board resolutions from both parties.⁶
 2. Under certain circumstances, Federally-Funded Personal Property no longer needed, which has not reached the end of its Useful Life may also be transferred to another public agency, for non-public transportation use, with prior FTA approval.
 3. With prior FTA approval, Equipment (e.g. vehicles) may be disposed of before the end of its minimum Useful Life and LTD may transfer the remaining federal interest to replacement Equipment of like kind.
- iii. Casualty, Fire, Natural Disaster, and Misused Property. LTD has obligations to the FTA in the event Federally-Funded Personal Property is damaged or destroyed before the end of its minimum Useful Life. In the event insurance proceeds are received due to the damage or destruction, LTD may have payment obligations to the FTA. In the event this Section 19.3(d)(iii) is applicable, see the requirements of FTA Circular 5010.1E, Ch. IV and work with LTD's Procurement.

19.4 Disposition of Locally-Funded Personal Property⁷

- a. Oregon Public Contracting Rules Apply. The Oregon Public Contracting Code (ORS Ch. 279A – 279C) and Oregon Administrative Rules OAR Ch. 137, Division 046 – 049 apply to the "sale or other disposal" of Locally-Funded Personal Property. LTD may sell, transfer, or dispose of Locally-Funded Personal Property in accordance with the requirements, stated above, and as set forth in this Section 19.4.
- b. Procurement Approval. Any disposition of Locally-Funded Personal Property must be approved in advance by Procurement. The department seeking to dispose, transfer, or sell such property must make a determination that the proposed method of disposal: (a) complies with the requirements of the Oregon Public Contracting Code; and (b) is in the best interest of the District. Factors to consider in determining the method of disposal include, but are not limited to: costs of sale, administrative costs, processing fees, disposal fees, and public benefits to the District.
- c. Transfer to Other Government Entities. LTD may sell or transfer Locally-Funded Personal Property to another government entity, unless specifically prohibited by a particular State grant which funded the procurement of that property, and providing the property is used for public purpose or benefit and not for resale to a private purchaser. For any such transfer, the parties must enter into a written agreement to effect such transfer. The transfer must be approved in advance by Procurement and is subject to the delegated authority threshold established by the LTD Board of Directors.
- d. Sale. LTD may sell Locally-Funded Personal Property by auction, bids, liquidation sale, fixed price sale, trade-in or other competitive process. Proceeds from the sale must be used for public purpose or benefit.
- e. Disposal as Waste or Other Means. LTD may dispose of Locally-Funded Personal Property for which the costs of sale are likely to exceed sale proceeds. Such property may be disposed of by recycling, donation, or designation as waste. District employees

⁶ FTA C 5010.1E, page IV-43 Transfer of Rolling Stock-Recipient to Recipient

⁷ Reference: Oregon Revised Statutes, Sections ORS Ch. 267 and ORS Ch. 279A-279C

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making such a disposal shall make a record of the estimated value of the item and the manner of disposal.

- f. Restriction on Transfer to District Employees. LTD employees shall not compete for the purchase of publicly sold Personal Property. Further, Oregon Government Ethics Law (ORS Ch. 244) prohibits employees from using their office to obtain financial gain for the employee, a relative, or a member of the employee's household. Receipt of surplus LTD Personal Property by an LTD employee, relative, or member of the employee's household violates ORS 244.040 and is prohibited.

19.5 Other Mandates

- a. Disposition of Vehicles. LTD vehicles to be disposed of in any manner must also be properly documented as required by the State of Oregon Department of Motor Vehicles.⁸
- b. Communication regarding Disposition. LTD vehicles and asset-tagged Personal Property to be disposed of, removed from service, transferred in any manner, even if to long-term storage, must notify LTD's Risk Generalist, in advance of any such transfer, to perform a risk management review and adjust insurance coverage as appropriate.

19.6 Acquisition and Disposition of Real Property

- a. Federally Funded Projects. For Federally-funded projects see FTA C 5010.1E, pages IV-1- 20, as well as Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as may be amended.
- b. Locally Funded Projects. For locally-funded projects see ORS Chapter 35 — Eminent Domain; Public Acquisition of Property as may be amended.

SECTION 20 – PROTEST PROCEDURES

In addition to those requirements set forth in the Oregon Public Contracting Code, the Model Rules, and the FTA Circular 4220.1F, the following procedures shall apply for any protests.

20.1 Solicitation Protests. The following requirements shall apply to a solicitation protest.

- a. Protest Submission. A protest of the Solicitation Documents must be marked as follows:

 Solicitation Document Protest
 Offeror's Name or Other Identification

Any such protest must be addressed to the Procurement Supervisor/Manager and must be received by LTD by the time identified in the Solicitation Documents.

- b. Protest to Procurement. LTD shall not consider a prospective Offeror's solicitation protest submitted after the timeline established for submitting such protest. In accordance with Oregon law and rules, the LTD Procurement Office shall, reasonably and promptly, issue a written disposition of the protest. If the Procurement Office upholds the protest, in whole or in part, LTD may in its sole discretion issue an Addendum reflecting its disposition or cancel the procurement.
- c. Protest to the Procurement Supervisor/Manager. A prospective Offeror may appeal the

⁸ Where applicable, also reference ODOT Rail and Public Transit Capital Program's Process for Disposal, updated 6/2018, as may be amended; see Management of Grant-Funded Capital Assets Plan (DOC-X-AST-002)

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Procurement Office's written determination to the Procurement Supervisor/Manager. The protester must submit the written determination and this, must be received by the Supervisor/Manager within forty-eight (48) hours of the prospective Offeror's receipt of the Office's written disposition. In accordance with Oregon laws and rules, the Procurement Supervisor/Manager shall, reasonably promptly, issue a written disposition of the protest. If the Procurement Supervisor/Manager upholds the protest, in whole or in part, LTD may in its sole discretion issue an Addendum reflecting its disposition or cancel the procurement.

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20.2 Protests of Contract Award. The following requirements shall apply to a protest of the contract award.

a. Protest Submission. A protest of the Contract Award must be marked as follows:

Protest of Contract Award
Offer Number or Other Identification

Any such protest must be addressed to the Director of Procurement and must be received by LTD by the time identified in the Solicitation Documents.

b. Protest to Procurement Supervisor/Manager. LTD shall not consider an Offeror's selection protest submitted after the timeline established for submitting such protest. In accordance with Oregon law and rules, the LTD Procurement Supervisor/Manager shall, reasonably promptly, issue a written disposition of the protest. If the Procurement Supervisor/Manager upholds the protest, in whole or in part, LTD may in its sole discretion either award the contract to the successful protestor or cancel the procurement or solicitation.

c. Protest to Director of Procurement. An Offeror may appeal the Procurement Supervisor/Manager's written determination to the Director of Procurement. The Director of Procurement must receive written determination within five (5) days of the Offeror's receipt of the Procurement Supervisor/Manager's written disposition. LTD shall not consider an Offeror's protest submitted after the time established herein. In accordance with Oregon law and rules, the Director of Procurement shall, reasonably promptly, issue a written disposition of the protest. If the Director of Procurement upholds the protest, in whole or in part, LTD may in its sole discretion either award the contract to the successful protestor or cancel the procurement or solicitation.

d. Protest to CEO. An Offeror may appeal the Director of Procurement's written determination to the CEO. Any protest of the Director of Procurement's written determination must be received by LTD's CEO within five (5) days of the Offeror's receipt of the Director of Procurement's written disposition. LTD shall not consider the protest submitted after the time established herein. In accordance with Oregon law and rules, the CEO shall, reasonably promptly, issue a written disposition of the protest. If the CEO upholds the protest, in whole or in part, LTD may in its sole discretion either award the contract to the successful protestor or cancel the procurement or solicitation.

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20.3 Notice to FTA. In all instances involving FTA funds, the LTD Procurement Supervisor/Manager shall notify the FTA regarding any received protest and shall keep the FTA involved regarding the status of such protest.

20.4 Protest with the FTA. An adversely affected or aggrieved Offeror must exhaust all administrative

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remedies with LTD before pursuing any protest with the FTA for federally funded projects.

SECTION 21 – CLAIMS REVIEW BOARD

LTD may provide contractors the option to appeal decisions of an LTD Project Manager to the LTD Claims Review Board.

- 21.1 Composition of Claims Review Board. The Claims Review Board shall be comprised of the following individuals: Finance Committee President, CEO, and Legal Counsel.
- 21.2 Procedure. The procedures and timelines regarding a contractor’s appeal to the Claims Review Board shall be set forth and governed by the contract. The Claims Review Board shall adopt any procedure not set forth in the contract at the time of the appeal.

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SECTION 22 – CONTRACT TYPES AND CONTRACT PAYMENTS

22.1 Contract Types. The Solicitation Documents must state the type of contract that will be awarded.

- a. Typical Contract Types. Contract types may include, but are not limited to, the following:
 - i. Firm Fixed Price. A firm fixed price contract includes a price that remains fixed irrespective of the contractor’s cost experience in performing the contract. A firm fixed price contract may include an economic price adjustment provision, incentives, or both.
 - ii. Cost Reimbursement. A cost-reimbursement contract provides for payment of the contractor’s allowable incurred costs, to the extent prescribed in the contract. Allowable costs may include incentives if LTD believes they can prove helpful. Cost-reimbursement contracts are suitable for use only when uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to use any type of fixed price contract.
 - iii. Revenue Contracts. A revenue contract is a contract in which LTD or a subcontractor provides access to public transportation assets for the primary purpose of either producing revenues in connection with an activity related to public transportation, or creating business opportunities with the use of FTA assisted property. LTD has broad latitude in determining the extent and type of competition appropriate for a particular revenue contract, so long as all applicable rules and regulations are adhered to (including FTA Incidental Use guidance⁹). Nevertheless, to ensure fair and equal access to FTA assisted property and to maximize revenue derived from such property, LTD shall conduct its revenue contracting as follows:
 - 1. Limited Contract Opportunities. If there are several potential competitors for a limited opportunity (such as advertising space on the side of a bus), then LTD shall use a competitive process to permit interested parties an equal chance to obtain that limited opportunity. **See Section 8 for Oregon requirements on procurement methods (other than full and open competition).**
 - 2. Open Contract Opportunities. If, however, one party seeks access to a public transportation asset (such as a utility that might seek cable access in a subway system), and LTD is willing and able to provide contracts or licenses to other parties similarly situated (since there is room for a

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⁹ FTA C 5010.1E, Chapter IV *Management of the Award*

substantial number of such cables without interfering with transit operations), then competition would not be necessary because the opportunity to obtain contracts or licenses is open to all similar parties. **See Section 7 for Oregon requirements on procurement methods (full and open competition).**

- b. Prohibited or Restricted Contract Types. The following contract types are restricted or prohibited:
 - i. Cost Plus a Percentage of Cost – Prohibited
 - ii. Percentage of Construction Cost – Prohibited
 - iii. Time and Materials – Restricted. The use of these contracts is permissible only:
 - 1. After determining that no other contract type is suitable; and
 - 2. If the contract specifies a ceiling price that the contractor may not exceed at its own risk.

22.2 Contract Payment Provisions. If LTD intends to use FTA assistance, or expects to be reimbursed with FTA assistance, or dedicates its local share funds to support contract costs it has financed, the payment provisions must be structured in accordance with FTA Circular 4220.1F and the provisions set forth in this Section.

- a. Advance Payments. LTD may not use FTA assistance to make payments to a third-party contractor before the contractor has incurred the costs for which payments would be attributable unless an exception applies.
- b. Progress Payments. Progress payments are payments for contract work that has not been completed in full. LTD may use FTA assistance to support progress payments provided LTD obtains adequate security for those payments and has sufficient written documentation to substantiate the work for which payment is requested.
 - i. Adequate Security for Progress Payments. Adequate security for progress payments may include taking title, obtaining a letter of credit, or taking equivalent measures to protect LTD's financial interest in the progress payment.
 - ii. Adequate Documentation. Sufficient documentation is required to demonstrate completion of the amount of work for which progress payments are made.
 - iii. Percentage of Completion Method. Any progress payments for construction contracts shall be made on a percentage of completion method. LTD may not make progress payments for other than construction contracts based on this percentage method.
- c. Retainage. **On Public Improvement Contracts, LTD may retain amounts from progress payments pursuant to ORS 279C.550 to 279C.570 and the corresponding Oregon Administrative Rules. Further, LTD may accept surety bonds in lieu of retainage in accordance with HB 4006 (2024) and must do so if the contractor requests it.**

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SECTION 23 – CONTRACT ADMINISTRATION

23.1 Contract Files. LTD must establish files containing the records of all procurement and contract actions. Contract files should be organized as to allow a file reviewer to reconstruct and understand the history of the procurement and Contract in the absence of the Contract Administrator. All personnel who deal with the Contractor should maintain records of contract

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activity, particularly those project personnel who are involved in monitoring the Contractor's performance. Maintenance of records will include notations of any problems or unusual occurrences, so that it is possible to recreate the circumstances surrounding any area of controversy or dispute that might arise. Different staff will be involved in any particular procurement (maintenance, QA, engineers, inspectors, financial, DBE office, legal, etc.) and each may have their own individual files relating to the contract, reflecting their involvement with the administration of the contract, but it is important for the procurement office to maintain the "official" contract file. The "official" file would include all official correspondence relating to the administration of the contract so as to verify the contractor's adherence to the terms of the contract and demonstrate that the agency is following good administrative practice and sound business judgment in settling all contractual and administrative issues arising during contract performance.

a. Above Micro-Purchase Threshold. For all contracts above the micro-purchase level, the Procurement Supervisor/Manager will ensure that the contract administration file includes the following:

- i. The executed contract and notice of award;
- ii. Performance and payment bonds, bond-related documentation, and correspondence with any sureties;
- iii. Contract-required insurance documentation;
- iv. Post-award (pre-performance) correspondence from or to the contractor or other Governmental agencies;
- v. Notice to proceed;
- vi. Approvals or disapprovals of contract submittals required by the contract and requests for waivers or deviations from contractual requirements;
- vii. Modifications/changes to the contract including the rationale for the change, change orders issued, and documentation reflecting any time and or increases to or decreases from the contract price as a result of those modifications;
- viii. Documentation regarding settlement of claims and disputes including, as appropriate, results of audit and legal reviews of the claims and approval by the proper authority (i.e., FTA, board of directors, executive director) of the settlement amount;
- ix. Documentation regarding stop work and suspension of work orders and termination actions (convenience as well as default); and
- x. Documentation relating to contract close-out.

b. Micro-Purchases. For micro-purchases, the buyer will ensure that the file contains a receiving report with a signature of the person inspecting and accepting the items delivered. The signature will certify that the items ordered meet the purchase order requirements with respect to quantities ordered/delivered and are of satisfactory quality.

23.2 Monitoring of Contracts. Inspection of goods and services shall be performed routinely during the life of the Contract by the Contract Manager, or his/her designees, to ensure conformance with the specifications of the Contract. The reviews and inspections shall be performed as often as is reasonably necessary during the life of the Contract to ensure conformance. Records of such inspections shall be part of the contract file. Inspections and tests shall not unduly delay the work.

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- 23.3 Contract Administration Functions. Every type of contract will have different contract administration actions and the documentation required to support that administration will differ as well. Supply contracts have different specific administrative actions than construction contracts do, just as fixed-price contracts are administered differently than cost-reimbursement contracts. The Procurement Supervisor/Manager will delegate certain contract administration functions to the Contract Manager. The delegation must be in writing and must inform the Contract Manager what their duties are for that specific contract. When applicable, a delegation of authority document will be executed.
- 23.4 Written Procurement History. A record shall be maintained detailing the history of a procurement. At a minimum, the records shall include:
- The rationale for the method of procurement;
 - Selection of contract type;
 - Reasons for Contractor selection or rejections; and
 - The basis for the contract price.

SECTION 24 – EVALUATING CONTRACT OPTIONS

- 24.1 Contract Options. An option is a unilateral right in a contract by which, for a specified time, the buyer may elect to purchase additional equipment, supplies, or services called for by the contract, or may elect to extend the term of the contract. The use of options must comply with the requirements of this Section.
- Only Those Goods or Services Required. The use of options must be limited to quantities of goods or services that are reasonably anticipated to be required by LTD during the term of the contract. Options may not be included solely with the intent of assigning them to another entity in the future; however, contracts may include a provision allowing assignment to other agencies in the event of a change in LTD’s anticipated requirements, in accordance with FTA regulations and guidance.
 - Evaluate Options Pre-Contract Award. The option quantities or periods MUST be defined in the solicitation, contained in the offer upon which a contract is awarded; and evaluated as part of the initial award process (i.e., the options MUST be evaluated in combination with bid prices for the base quantity to determine the low bidder).
 - If an Option is Not Evaluated; Sole Source. When an option has not been evaluated to determine the low bidder for award of the contract, exercise of the option will be considered a sole source procurement and must be justified as such. See Section 9.4 (a), regarding Sole Source Procurements.
 - Exercising an Option. The exercise of an option must be in accordance with the terms and conditions of the option as stated in the initial contract, and an option may not be exercised unless it is determined that the option price is better than prices available in the market or that the option is the more advantageous offer at the time the option is exercised, cost and other factors considered. If sequential options (e.g., a series of one-year extensions) exist, the failure to timely and properly exercise any option will void all subsequent options.
- 24.2 **Piggybacking.** LTD may exercise option contracts of other public agencies (“piggybacking”) in accordance with FTA regulations and guidance. **See Section 10.3 regarding Existing Contracts.**

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SECTION 25 – CONTRACT MODIFICATION

This [Section 25](#) shall be read broadly to include any change to a Contract, which shall include, but is not limited to: Contract Amendment, Change Order, Extra Work, Field Orders or any other changes in the Contract Documents.

25.1 Contract Modification Process. Before an amendment or change order (change notice) to a contract or purchase order can be approved, the following steps must occur.

- a. Identify the Need for the Change. The Contract Manager shall identify the need for change, in writing. The Contract Manager shall determine that the change is desired or required and that it falls within the original scope of the project (as stated in the Solicitation Documents). If the change is beyond the scope of the contract, it must be analyzed as a sole source award. See Section 8.2, regarding Sole Source Awards. Unforeseen conditions that occur in a construction project that must be remedied to proceed with construction are allowable.
- b. Perform Independent Cost Estimate. The Contract Manager must make an independent estimate of the cost of the change. This cost estimate shall be in writing. Refer to Section 6 regarding requirements for an Independent Cost Estimate.
- c. Verify Change is Permitted by Law. The Contract Manager, in consultation with the Procurement Supervisor/Manager as necessary, shall verify the proposed change is permitted (without additional competition) in accordance with FTA Circular 4220.1F, Oregon law, and this Policy.
- d. Contracts Authorized by Board. For contracts authorized by the [CRB](#), individual or cumulate contract amendments cannot exceed [twenty percent \(20%\)](#) of the initial contract [or \\$250,000, whichever is less](#), without seeking additional approval from the Board.
- e. Submission to Contractor / Consultant. Once the steps outlined in (a)-(d) are completed, the request for a proposal for the change must go to the Contractor or Consultant on the project, consistent with the terms of the contract, and giving a description of the change in whatever terms are needed to allow the Contractor/Consultant to respond.
- f. Contractor's/Consultant's Proposal. The Contractor's/Consultant's responding proposal should contain supporting documentation for costs of materials or for any subcontractor work proposed. It should also contain pertinent drawings or other supplemental information needed to identify the work.
- g. Review of Contractor's/Consultant's Proposal. The Contract Manager shall review the Contractor's/Consultant's Proposal and perform a Cost or Price Analysis. Refer to Section 9 regarding requirements for a Cost or Price Analysis. This complete packet makes up the change order request package, which will be submitted to the Procurement Supervisor/Manager for review and approval.

25.2 Cost Restrictions. The cost of the change, modification, change order, or constructive change must be allowable, allocable, within the scope of the FTA grant or cooperative agreement, and reasonable for completion of project scope.

SECTION 26 – ELECTRONIC COMMERCE SYSTEM

26.1 **Annual Notice of Intent to Advertise on Electronic System. At least annually, LTD shall advertise its Notice of Intent to Advertise procurements on its electronic procurement system. The Notice shall be published weekly, for not less than four (4) consecutive**

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weeks, in at least one newspaper of general circulation for the Eugene/Springfield area. The Notice shall also be posted on LTD's website for not less than four (4) consecutive weeks. The Notice shall invite prospective contractors to request input into LTD's electronic procurement system, so that the prospective contractor receives notice of LTD's procurements that are posted on such system. LTD may indicate in the Notice that any contractors already receiving electronic notice of LTD's procurements will continue to do so and need not respond to the Notice of Intent to Advertise.

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LANE TRANSIT DISTRICT PROCUREMENT POLICY

Adopted by the LTD Board of Directors, acting as the Local Contract Review Board, on August 21, 2024, during its Regular Meeting of the Board of Directors and previously amended per the dates below.

*5/14/2014
6/22/2017
9/16/2020
9/15/2021*

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SECTION 1 – LEGAL AUTHORITY

On June 18, 1985, Lane Transit District’s Board of Directors adopted Ordinance 30 creating a Local Contract Review Board for Lane Transit District (“LTD”). This local contract review board is known as the LTD Contract Review Board (CRB).

The CRB may, from time to time, delegate its powers and responsibilities consistent with the Oregon Public Contracting Code, the Oregon Administrative Rules (the “Model Rules”), the LTD Procurement Policy, and, where federal funds are or may be utilized, the FTA Circular 4220.1F, as may be amended. LTD’s Chief Executive Officer (CEO) or their designee are designated as LTD’s “Contracting Agency” for purposes of contracting powers and duties assigned to the District as a “Contracting Agency” under the State of Oregon Public Contracting Code, Model Rules, or Federal law or rules, as applicable. Except as otherwise provided in this Policy, the powers and duties of the LTD Contract Review Board shall be exercised and performed by the LTD Board of Directors and all powers and duties given or assigned to the Contracting Agencies by the Public Contracting Code, or Federal law or rules as applicable, shall be exercised or performed by the CEO or their designee.

LTD is the recipient of federal funds, and as such, whether a third-party or direct recipient grantee, all LTD federally funded procurement activities shall comply with FTA Circular 4220.1F and 2 CFR Part 200, as may be amended; and when applicable under direct award FAR Part 31 and 2 CFR Part 200. Where Oregon Law or the Model Rules have stricter requirements, LTD shall adhere to the Oregon requirements. Those requirements appear in **bold** in this Policy.

Except as otherwise provided herein, the CRB has adopted the Oregon Model Rules, Division 46, 47, 48 and 49, adopted by the Attorney General under Oregon Revised Statute (“ORS”) 279A, 279B, and 279C as they now exist, and as they may be amended in the future, are hereby adopted as LTD’s Public Contracting Rules.

On August 21, 2024, the LTD Board of Directors, acting as the Local Contract Review Board (CRB) for LTD, adopted this Procurement Policy and latest revisions as follows.

SECTION 2 – APPLICATION

- 2.1. Application. This Procurement Policy applies to all public contracts made by or on behalf of Lane Transit District, unless an exception applies.
- 2.2. **Exceptions. This Policy, requiring public contracts to be awarded through the Competitive Procurement process, does not apply to the following types of contracts or expenditures:**
 - a. **Contracts between LTD and other public contracting agencies or the federal government;**
 - b. **Intergovernmental Agreements authorized by Oregon Revised Statutes Chapter 190;**
 - c. **Contracts for insurance as provided for under ORS 414.115 through 414.145;**
 - d. **Grants;**
 - e. **Reimbursements and authorized employee travel vouchers or per diem advances;**
 - f. **Dues, memberships, or registrations where authorized;**
 - g. **Fees for approved conferences, seminars, and trainings; or for the accommodations and travel thereof**

- h. **Contracts for professional or expert witnesses or consultants to provide services or testimony relating to existing or potential litigation or legal matters in which LTD is or may become interested;**
 - i. **Acquisitions or disposals of real property or an interest in real property, including facility rentals or leases;**
 - j. **Sole-source expenditures when rates are set by law or ordinance for purposes of source selection (i.e. utilities);**
 - k. **Personal Services Contracts where allowed by ORS and LTD Policy (see Section 9 below);**
 - l. **Contracts for employee benefit plans as provided in ORS 243.105 (1), 243.125 (4), 243.221, 243.275, 243.291, 243.303, and 243.565; or**
 - m. **Any other public contracting of a public body specifically exempted from the code by another provision of law (ORS 279A.025) or contracts that do not meet the definition of a public contract. (ORS 279A.010 (1)(z)).**
- 2.3. **Changes in Law. Except as explicitly provided otherwise, the terms of this Policy shall be subject to any and all changes in applicable law, including but not limited to changes to rules and regulations that subsequently may be prescribed by any federal, state or local governmental authority having competent jurisdiction. Any reference to a provision of federal, state or local shall include a reference to any applicable successor provision or law.**

SECTION 3 – DEFINITIONS

For purposes of this Policy, the following definitions apply:

- 3.1 **Addendum or Addenda:** A document from LTD that sets forth an addition or deletion to, a modification in, or an explanation of a Solicitation Document.
- 3.2 **Bid:** A written, competitive Offer submitted in response to an Invitation for Bid, binding on the Offeror, in which price and conformance to specification will be the award criteria.
- 3.3 **Bidder:** An Offeror that submits a Bid in response to an Invitation for Bid.
- 3.4 **Board of Directors:** The Board of Directors of LTD.
- 3.5 **CEO:** The Chief Executive Officer of Lane Transit District.
- 3.6 **Closing Date:** The date and time announced by LTD as the deadline for the receipt of an Offer (at least five days after last date of advertisement of the Solicitation Document).
- 3.7 **Competitive Procurement:** The solicitation of competitive Offers through the issuance of a Solicitation Document.
- 3.8 **Contract Period:** The total term of the contract agreement. The period of contract performance for rolling stock and replacement parts shall not exceed five (5) years, inclusive of options, as defined in FTA C 4220.1F. The length of all other contracts shall be based upon sound business judgment, including consideration of issues such as the nature of the item being purchased, the need to afford the contractor a reasonable opportunity to recapture any start-up costs, the need to afford competing vendors the fair and open opportunity to do business with LTD. Relative benefit to LTD and best interest for the public tax dollars use of a longer or shorter contract term must be considered. All contracts must specify a contract period of performance, either in the form of delivery schedules for contract deliverables such as commodities, or a specific end date for service contracts.

- 3.9 **Contractor:** The person or entity awarded the Public Contract in response to a solicitation by LTD.
- 3.10 **CRB:** The Board of Directors acting in their capacity as the local contract review board.
- 3.11 **Date of Solicitation:** The date when the the Solicitation Document is first posted and available publicly.
- 3.12 **Grant:** An agreement under which a Contracting Agency receives moneys, property, or other assistance, including but not limited to federal, state and local assistance that is characterized as a grant by law or regulation, loans, loan guarantees, credit enhancements, gifts, bequests, commodities, or other assets, from a grantor for the purpose of supporting or stimulating a program or activity of the Contracting Agency and in which no substantial involvement by the grantor is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions; or an agreement under which a Contracting Agency provides moneys, property, or other assistance, including but not limited to federal, state and local assistance that is characterized as a grant by law or regulations, loans, loan guarantees, credit enhancements, gifts, bequests, commodities, or other assets, to a recipient for the purpose of supporting or stimulating a program or activity of the recipient and in which no substantial involvement by the Contracting Agency is anticipated in the program or activity other than involvement associated with monitoring compliance with the grant conditions. Grant does not include a Public Contract for a Public Improvement, for Public Works, or for emergency work, minor alterations, or ordinary repair or maintenance necessary to preserve a Public Improvement, when under the Public Contract a Contracting Agency pays, in consideration for contract performance intended to realize or to support the realization of the purposes for which grant funds were provided to the Contracting Agency.
- 3.13 **Invitation for Bid or IFB:** All documents issued by LTD used for soliciting Bids from prospective Bidders and used to explain offering procedures and requirements.
- 3.14 **Lowest Responsible Bidder:** The lowest priced, responsive, responsible Bidder who has substantially complied with all prescribed public bidding procedures and requirements and who has not been debarred, suspended or otherwise excluded by any agency or department of the federal government, or debarred or disqualified by LTD under Oregon law.
- 3.15 **LTD:** Lane Transit District.
- 3.16 **Non-Standard Procurement:** Any procurement other than an Invitation to Bid, Request for Proposals or Request for Qualifications solicited using full and open competition. Micro-purchases (Section 7.4), small purchases (Section 7.5), intermediate level procurement of construction services (Section 7.6), Direct Negotiation of Personal Services (Section 9.2(a)) and Informal Solicitation of Personal Services (Section 9.2(b)) are excluded from the definition of “non-standard procurement.”
- 3.17 **Offer:** A Bid, Proposal, or other written response to a Solicitation Document as applicable.
- 3.18 **Offeror:** A Bidder, Proposer, or other Person, as applicable, who submits an Offer.
- 3.19 **Person:** An individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation, or any other legal or commercial entity that has legal capacity to enter into a Contract.
- 3.20 **Personal Services:** Services where the skill, ability, resources, knowledge or expertise of an independent contractor are of paramount importance. Personal Service contracts include, but are not limited to, the following:
- a. Contracts for services as an artist in the performing or fine arts.

- b. Contracts for services where the primary purpose is to provide transit-related expertise in a professional capacity or as a consultant.
 - c. Contracts for services where the primary purpose is to provide procurement-related expertise in a professional capacity or as a consultant.
 - d. Contracts for services that are specialized, creative, or research oriented.
- 3.21 **Proposal:** A written, competitive Offer submitted in response to a Request for Proposal, binding on the Proposer, in which price, conformance to specification, and other listed factors will be part of the award criteria.
- 3.22 **Proposer:** An Offeror who submits a Proposal in response to a Request for Proposal.
- 3.23 **Public Contract or Contract:** A sale or other disposal, or a purchase, lease, rental, or other acquisition, by LTD of personal property, services, including Personal Services, Public Improvement, Public Works, minor alterations, or ordinary repair or maintenance necessary to preserve a Public Improvement. Public Contract does not include grants.
- 3.24 **Public Improvement:** A project for construction, reconstruction, or major renovation on real property by or for LTD. However, Public Improvement does not include either:
- a. Projects for which no funds of LTD are directly or indirectly used, except for participation that is incidental or related primarily to project design or inspection; or
 - b. Any emergency work, minor alteration, ordinary repair, or maintenance necessary in order to preserve a Public Improvement.
- 3.25 **Public Works: Has the meaning set forth in ORS 279C.800(6).**
- 3.26 **Receipt of Offer:** Occurs when an Offer and any associated documentation is actually received by LTD at the delivery point and/or by the person designated in the Solicitation Document.
- 3.27 **Request for Proposal or RFP:** All documents issued by LTD used for soliciting Proposals from prospective Proposers and explaining offering procedures and requirements.
- 3.28 **Responsive Offer (also Responsive Bid or Responsive Proposal):** An Offer that is in substantial compliance with applicable solicitation procedures, these rules, and all requirements and criteria set forth in the Solicitation Document.
- 3.29 **Responsible Offeror (also Responsible Bidder or Responsible Proposer):** An Offeror who meets the standards set forth in Section 16.3.
- 3.30 **Signature:** Any mark, word, or symbol attached to or logically associated with a document and executed or adopted by a Person with the intent to be bound.
- 3.31 **Signed:** A written document that contains a signature.
- 3.32 **Solicitation Document:** An Invitation for Bid, Request for Proposal, or other document issued to invite Offers from prospective Offerors pursuant to the Rules.
- 3.33 **Submission Period:** The span of time between the date of the Solicitation Document and Closing Date.
- 3.34 **Written or Writing:** Conventional paper documents, whether handwritten, typewritten, or printed, in contrast to spoken words. It also includes electronic transmission when required by applicable law or permitted by a Solicitation Document or Contract.

SECTION 4 – DELEGATED SIGNATURE AND PURCHASE AUTHORITY

- 4.1 Delegated Contracting Authority. Refer to LTD Resolution No. 2024-08-21-023, A Resolution

Adopting the LTD Procurement Policy and Delegating Certain Authority, which includes delegation to authorize the CEO, or written designee, to execute contracts on behalf of the Board of Directors.

- 4.2 Purchasing and Signature Authority for Employees. The following positions have the authority to: (a) authorize a purchase (“Purchase Authority”); and (b) sign a contract document (“Signature Authority”) as set forth below.

Employee Title¹	Purchasing Authority	Signature Authority
CEO	< \$250,000 ²	\$250,000+
CAO or CFO	\$75,000	< \$250,000
Division Chiefs	\$75,000	none
Authorized P-Card Holders	Up to designated P-Card Limit Assigned	none
Any position not listed above	none	None

- 4.3 Requirements for Purchases Using Grant Funds or Capital Budget Resources. The CFO (or written designee) must approve all purchase requests expending grant funds or capital budget resources.
- 4.4 Other Limits on Purchasing Authority. Each Chief is in charge of their operating budget (excerpted from the annual adopted, or amended, budget) and all purchases must be within their operating budget. The purchase authorization levels summary above, in Section 4.2, defines the highest dollar amount of purchases that employees are allowed to authorize without the additional authorization of a higher-level supervisor. These authorizations apply to all purchases regardless of how the purchase is made (i.e. check, credit, contract, purchase order, etc.)

SECTION 5 –WRITTEN STANDARDS OF CONDUCT

- 5.1. Written Standards of Conduct. Refer to LTD’s Employee Handbook (2023) as amended, for Our Code of Ethics and Conflicts of Interest. Also refer to Board of Directors Bylaws, Article VI: Code of Ethics and Conflicts of Interest Policy (2021) and Board of Directors Ethics and Conflict of Interest Policy from Board of Directors Governance Policy Manual as revised (2022).
- 5.2. Organizational Conflict of Interest. Engaging in practices that result in organizational conflicts of interest are prohibited.
- a. An organizational conflict of interest occurs when any of the following circumstances arise:
- i. Lack of Impartiality or Impaired Objectivity. When the contractor is unable, or potentially unable, to provide impartial and objective assistance or advice to the recipient due to other activities, relationships, contracts, or circumstances.
 - ii. Unequal Access to Information. The contractor has an unfair competitive advantage through obtaining access to nonpublic information during the

¹ The CEO, CAO, or CFO may delegate, in writing, their authority herein.

² Except for routine annual procurements as defined in the resolution referenced in Section 4.1.

- performance of an earlier contract.
- iii. Biased Ground Rules. During the conduct of an earlier procurement, the contractor has established the ground rules for a future procurement by developing specifications, evaluation factors, or similar documents.
- b. A Conflict of Interest Disclosure Form shall be included in every formal solicitation. For small purchases, a Conflict of Interest Disclosure Form shall be sent to prospective contractors at the time LTD requests an informal bid or quote from the prospective contractor(s). For micro-purchases, the Procurement staff member for this threshold shall attest that no organizational conflict of interest exists when approving the purchase.

SECTION 6 – INDEPENDENT COST ESTIMATE

- 6.1. Independent Cost Estimate Required. Concurrent with the submission of a Request for New Proposal, and before issuing a solicitation, an Independent Cost Estimate (ICE) must be submitted to the Procurement Department. The ICE is an estimate of what the item or service “should cost.” Available resources for completion of an ICE include: (1) the use of published price lists; (2) historical pricing information from similar contracts previously awarded; (3) comparable purchases by other agencies; (4) engineering estimates; and (5) independent third-party estimates (e.g., an A/E construction cost estimate).
- 6.2. Application. An independent cost estimate shall be required for all procurement actions above the micro-purchase level, including contract modifications.

SECTION 7 – PROCUREMENT METHODS (FULL AND OPEN COMPETITION)

- 7.1 Full and Open Competition. Except as provided herein, or as otherwise permitted by law, LTD shall use procurement procedures that provide full and open competition. Compliance with the solicitation procedures described herein and in FTA Circular 4220.1F, shall fulfill the requirement for “full and open competition.” Notwithstanding any exceptions to competitive procurement allowed by law or this Policy, LTD may nevertheless award a Contract using the competitive procurement process as set forth herein.
 - a. **Conflict Between Federal and State Law. There exists a conflict in the threshold levels for micro, small, intermediate and formal procurements between State and Federal law. LTD adopts, for all procurements regardless of funding source except as otherwise expressly set forth herein, the threshold levels set forth in the FTA Circular 4220.1F, and as stated herein, except where Oregon law establishes lower threshold levels than federal law. Where Oregon requirements are more stringent than the requirements in FTA Circular 4220.1F, Oregon law controls.**
- 7.2 Restrictions on Competition. “Full and open competition” means that there is no unfair competitive advantage to any potential contractor. Some of the situations considered to be restrictive of competition include, but are not limited to, the following:
 - a. Unreasonable requirements placed on firms in order for them to qualify to do business.
 - b. Unnecessary or excessive experience, excessive bonding, insurance, warranty, or similar requirements which affect an otherwise qualified firm’s ability to compete. Such requirements must also, however, be established in a manner consistent with protection of LTD’s interests.
 - c. Noncompetitive pricing practices between firms or between affiliated companies.
 - d. Specifying only a “brand name” product, without specifying that equivalent products will be accepted and providing salient characteristics or other descriptive information

sufficient to allow bidders to identify and propose such equivalent products. See Section 12.3, Brand Name or Equal requirements.

- e. The use of specification requirements and evaluation criteria which unnecessarily favor an incumbent contractor.
- f. Specifying in-State or local geographical preferences or evaluating bids or proposals in light of in-State or local geographic preferences is prohibited by the FTA as restrictive of competition. However, these preferences may be permitted or even required for non-federally funded procurements. **Exceptions to the prohibition against in-State or local geographical preferences for federally funded contracts include:**
 - i. **Architectural Engineering (A&E) Services. Geographic location may be a selection criterion if an appropriate number of qualified firms are eligible to compete for the contract in view of the nature and size of the project.**
 - ii. **Licensing. Oregon may enforce its licensing requirements, provided that those Oregon requirements do not conflict with Federal law.**
 - iii. **Major Disaster or Emergency Relief. Certain federally funded contracts for disaster or emergency relief, in accordance with FTA Circular 4220.1F.**
 - iv. **Construction Jobs. A local, geographical or economic hiring preference may be implemented relating to the use of labor for federal funded construction projects, including pre-hire agreements, in accordance with Section 25019 of the Infrastructure Investment and Jobs Act of 2021, provided that it does not conflict with Oregon and/or local laws, policies, and procedures.**
- g. Any arbitrary action in the procurement process.

7.3 Unsolicited Proposals. LTD may not accept or engage in unsolicited proposals.

7.4 Micro-Purchases. LTD may acquire property and services valued at \$10,000 or less without obtaining competitive quotations or proposals.

- a. Written Determination. The staff person acquiring property or services through a micro-purchase must make a written determination, in advance of the purchase, that the purchase price is fair and reasonable. That determination must include a description of how they came to that determination. This written determination shall be provided to the Procurement Supervisor/Manager within two (2) business days of making the micro-purchase.
- b. No Artificial Division. A procurement may not be artificially divided or reduced merely to come within the micro-purchase limit.
- c. Construction Contracts Exceeding \$2,000. Davis-Bacon prevailing wage requirements apply to construction contracts exceeding \$2,000.

7.5 Small Purchases (Other Than Construction Contracts). For all contracts other than construction contracts, LTD may acquire property and services valued at more than the micro-purchase threshold (currently \$10,000) but less than the small purchase threshold (currently at \$250,000) without obtaining competitive quotations or proposals, provided such Contracts are awarded in accordance with the Small Purchases procedures set forth herein and, in the FTA Circular 4220.1F.

- a. Independent Cost Estimate (ICE). An ICE is required. See Section 6, above, for requirements.

- b. Obtaining Quotes. LTD must find that the awarding of a Contract using these Small Purchase procedures will not encourage favoritism or diminish competition, and will result in substantial cost savings to LTD. In making this determination, LTD shall comply with the following:
 - i. **Reasonable efforts are made to obtain at least three (3) quotes prior to awarding a Contract. If three quotes are not available, fewer will suffice if a written record is made of the effort to obtain quotes. A written record is made of all sources of the quotes received. (ORS 279B.070).**
 - ii. A written documentation that the price is reasonable will be placed in the file. That determination must include a description of how the purchaser came to that determination.
 - iii. LTD shall not award Contracts totaling in excess of \$250,000 to any one Contractor during one fiscal year pursuant to this Section.

7.6 Intermediate Level Procurement of Construction Services. Public improvement contracts estimated by LTD not to exceed \$100,000 may be awarded in accordance with this Section.

- a. Independent Cost Estimate (ICE). An ICE is required. See Section 6, above, for requirements.
- b. Selection Criteria. The selection criteria may be limited to price or some combination of price, experience, specific expertise, availability, project understanding, contractor capacity, responsibility, and similar factors.
- c. Request for Quotes. LTD shall utilize written requests for quotes whenever reasonably practicable. Written requests for quotes shall include the selection criteria to be utilized in selecting a contractor and, if the criteria are not of equal value, their relative value or ranking. When requesting quotations orally, prior to requesting the price quote, LTD shall state any additional selection criteria and, if the criteria are not of equal value, their relative value. For Public Works Contracts, oral quotations may be utilized only in the event that written copies of prevailing wage rates are not required by the Bureau of Labor and Industries.
- d. Number of Quotes; Records Required. LTD shall seek at least three competitive quotes, and keep a written record of the sources and amounts of the quotes received. If three quotes are not reasonably available, LTD shall make a written record of the effort to obtain those quotes.
- e. Award. If awarded, LTD shall award the Contract to the prospective contractor whose quote will best serve the interests of LTD, considering the announced selection criteria. If the award is not made to the Offeror offering the lowest price, LTD shall make a written record of the basis for award. (OAR 137-049-0160).

7.7 Sealed Bids (Formal Advertising). Sealed bidding is the preferred procurement method in which bids are publicly solicited and a firm fixed price contract is awarded to the responsible bidder whose bid, conforming to all the materials terms and conditions of the invitation for bids is lowest in price. LTD shall comply with the requirements for Sealed Bids stated in the FTA Circular 4220.1F, Oregon law, and as otherwise stated herein.

- a. When Appropriate. Sealed bid procurements should be used when the following circumstances are present:
 - i. Precise Specifications. A complete, adequate, precise and realistic specification or purchase description is available.

- ii. Adequate Sources. Two or more responsible bidders are willing and able to compete effectively for the business.
 - iii. Fixed Price Contract. The procurement generally lends itself to a firm fixed price contract.
 - iv. Price Determinative. The successful bidder can be selected on the basis of price and those price-related factors listed in the solicitation including, but not limited to, transportation costs, life cycle costs, and discounts expected to be taken. Apart from responsibility determinations discussed in Section 16.3, contractor selection may not be determined on the basis of other factors whose costs cannot be measured at the time of award.
 - v. Discussions Unnecessary. Discussions with one or more bidders after bids have been submitted are expected to be unnecessary as award of the contract will be made based on price and price-related factors alone.
- b. Procurement Procedures. The following procedures apply to sealed bid procurements:
- i. Publicity. The Invitation for Bids is publicly advertised. **See Section 13 for Oregon requirements on public advertisement.**
 - ii. Adequate Sources. Bids are solicited from an adequate number of known suppliers.
 - iii. Adequate Specifications. The Invitation for Bids, including any specifications and pertinent attachments, describes the property or services sought in sufficient detail that a prospective bidder will be able to submit a proper bid.
 - iv. Sufficient Time. Bidders are allowed sufficient time to prepare bids before the date of bid opening. **A “sufficient time to prepare bids before the date of bid opening” means no less than the following under Oregon law:**
 - 1. **Solicitations for Goods and Services: The interval between the first date of public notice of the Solicitation Document and Closing shall not be less than fourteen (14) days for an Invitation to Bid and thirty (30) days for a Request for Proposals, unless LTD determines that a shorter interval is in the public’s interest, and that a shorter interval will not substantially affect competition. However, in no event shall the interval between the first date of public notice of the Solicitation Document and closing be less than seven (7) days. LTD shall document the specific reasons for the shorter public notice period in the Procurement file. (OAR 137-047-0300(3)(c), ORS 279B.055 (4)(f)).**
 - 2. **Solicitations for Construction Services: The scheduled Closing shall not be less than five days after the date of the last publication of the advertisement. (OAR 137-049-0210(2)(d)(D))**
 - v. Public Opening. All bids are publicly opened at the time and place described in the Invitation for Bids.
 - vi. Fixed Price Contract. A firm fixed price contract is usually awarded in writing to the lowest responsive and responsible bidder, but a fixed price incentive contract or inclusion of an economic price adjustment provision can sometimes be appropriate. When specified in the bidding documents, factors such as transportation costs and life cycle costs affect the determination of the lowest bid; payment discounts are used to determine the low bid only when prior experience

indicates that such discounts are typically taken.

- vii. Rejection of Bids. Any or all bids may be rejected if there is a sound, documented business reason.

7.8 Competitive Proposals (Request for Proposals). The use of competitive or “best value” requests for proposals is a generally accepted procurement method when the nature of the procurement does not lend itself to sealed bidding and LTD expects that more than one source will be willing and able to submit an offer or proposal. LTD shall comply with the requirements for Competitive Proposals stated in FTA Circular 4220.1F, Oregon law, and as otherwise stated herein.

- a. When Appropriate. Competitive proposals should be used when any of the following circumstances are present:
 - i. Type of Specifications. The property or services to be acquired are described in a performance of functional specification; or if described in detailed technical specifications, other circumstances such as the need for discussions or the importance of basing the contract award on factors other than price alone are present.
 - ii. Uncertain Number of Sources. Uncertainty about whether more than one bid will be submitted in response to an invitation for bids and LTD lacks authority or flexibility under Oregon or local law to negotiate the contract price if it receives only a single bid.
 - iii. Price Alone Not Determinative. Due to the nature of the procurement, contract award need not be based exclusively on price or price-related factors.
 - iv. Discussions Expected. Separate discussions with individual offeror(s) are expected to be necessary after they have submitted their proposals.
- b. Procurement Procedures. The following procedures apply to procurements by competitive proposals:
 - i. Publicity. The Request for Proposals is publicly advertised. **See Section 13 for Oregon requirements on public advertisement.**
 - ii. Evaluation Factors. All evaluation factors and their relative importance are specified in the solicitation. For procurement of Goods and Services, numerical or percentage ratings or weights need not be disclosed. **See Section 12 for Oregon requirements on solicitation document and evaluation factors.**
 - iii. Adequate Sources. Proposals are solicited from an adequate number of known suppliers.
 - iv. Evaluation Method. A specific method is established and used to conduct technical evaluations of the proposals received and to determine the most qualified offeror. **See Section 16 for Oregon requirements on evaluation of Requests for Proposals.**
 - v. Price and Other Factors. An award is made to the responsible offeror whose proposal is most advantageous to LTD with price and other factors considered.
 - vi. Best Value. LTD may award the contract to the offeror whose proposal provides the greatest value to LTD. To do so, LTD’s solicitation must inform potential offerors that the award will be made on a “best value” basis and identify what factors will form the basis for award. The evaluation factors for a specific procurement should reflect the subject matter and the elements that are important

to LTD. Those evaluation factors may include, but need not be limited to, technical design, technical approach, length of delivery schedules, quality of proposed personnel, past performance, and management plan. **See Section 16 for Oregon requirements on evaluation of Requests for Proposals.**

7.9 Architectural Engineering (A&E) Services and Other Services. LTD shall select consultants to provide architectural, engineering, photogrammetric mapping, transportation planning, land surveying services, or related services on the basis of the consultant's qualifications for the type of professional service required. LTD may solicit or use pricing policies and proposals or other pricing information, including the number of hours proposed for the service required, expenses, hourly rates and overhead to determine consultant compensation only after LTD has selection a candidate pursuant to this Section.

a. **Screening and Selection Procedures.** LTD's screening and selection procedures under this Section, regardless of the estimated cost of the architectural, engineering, photogrammetric mapping, transportation planning or land surveying services for a project, may include:

- i. **Specialized experience, capabilities and technical competence, which the prospective consultant may demonstrate with the prospective consultant's proposed approach and methodology to meet the project requirements;**
- ii. **Resources committed to perform the services and the proportion of the time that the prospective consultant's staff would spend to perform services for the contracting agency, including time for specialized services, within the applicable time limits;**
- iii. **Record of past performance, including but not limited to price and cost data from previous projects, quality of work, ability to meet schedules, cost control and contract administration;**
- iv. **Ownership status and employment practices regarding disadvantaged business enterprises, minority-owned businesses, woman-owned businesses, businesses that service-disabled veterans own, emerging small businesses or historically underutilized businesses;**
- v. **Availability to the project locale;**
- vi. **Familiarity with the project locale; and**
- vii. **Proposed project management techniques. (ORS 279C.110 (3)).**

b. **Pricing Information.** Notwithstanding the requirement in subsection (a) of this Section that LTD may not solicit or use pricing policies, proposals or other pricing information until after LTD has selected a consultant, a local contracting agency may use pricing policies, proposals or other pricing information as part of LTD's screening and selection of prospective consultants if LTD:

i. **States in solicitation documents for the procurement:**

1. **That LTD will screen and select prospective consultants as provided in this subsection;**
2. **How LTD will rank proposals from prospective consultants, with a specific focus on:**

a. **Which factors LTD will consider in evaluating proposals,**

- including pricing policies, proposals or other pricing information, if LTD will use pricing policies, proposals or other pricing information in the evaluation; and
- b. The relative weight LTD will give each factor, disclosing at a minimum the number of available points for each factor, the percentage each factor comprises in the total evaluation score and any other weighting criteria LTD intends to use;
3. An estimate of the cost of professional services LTD requires for the procurement; and
 4. A scope of work that is sufficiently detailed to enable a prospective consultant to prepare a responsive proposal.
- ii. Evaluates each prospective consultant on the basis of the prospective consultant's qualifications to perform the professional services LTD requires for the procurement. LTD may use the criteria set forth in subsection (a) of this Section to conduct the evaluation.
 - iii. Announces the evaluation scores and rank for each prospective consultant after completing the evaluation described in paragraph (ii) of this subsection. LTD may determine that as many as three of the top-ranked prospective consultants are qualified to perform the professional services LTD requires for the procurement and may request a pricing proposal for the scope of work stated in paragraph (i)(4) of this subsection from each of the top-ranked consultants. The pricing proposal:
 1. Must consist of:
 - a. A schedule of hourly rates that the prospective consultant will charge for the work of each individual or each labor classification that will perform the professional services LTD requires for the procurement, in the form of an offer that is irrevocable for not less than 90 days after the date of the proposal; and
 - b. A reasonable estimate of hours that the prospective consultant will require to perform the professional services LTD requires for the procurement; and
 2. May include, at LTD's request, additional pricing information that is limited to:
 - a. A description of each task that the prospective consultant understands as comprising the professional services;
 - b. A list of each individual or labor classification that will perform each task, together with the hourly rate that applies to the individual or labor classification; and
 - c. A list of expenses, including travel expenses, that the prospective consultant expects to incur in connection with providing the professional services.
 - iv. Permits a prospective consultant identified as qualified under paragraph (iii) of this subsection to withdraw from consideration for the procurement if the prospective consultant does not wish to provide a price proposal.

- v. **Completes the evaluation and selects a consultant from among the top-ranked prospective consultants that have not withdrawn as provided under paragraph (iv) of this subsection, giving not more than 15 percent of the weight in the evaluation to each prospective consultant's price proposal.**
- c. Most Qualified. Negotiations are first conducted with only the most qualified offeror. Only after failing to agree on a fair and reasonable price may negotiations be conducted with the next most qualified offeror. Then, if necessary, negotiations with successive offerors in descending order may be conducted until contract award can be made to the offeror whose price LTD believes is fair and reasonable.

SECTION 8 – PROCUREMENT METHODS (OTHER THAN FULL AND OPEN COMPETITION)

8.1 Other Than Full and Open Competition. Only under those circumstances set forth in the FTA Circular 4220.1F, Oregon law, and as otherwise stated herein, may LTD conduct procurements without providing for full and open competition.

8.2 **Sole Source.** LTD may, without following the Competitive Procurement requirements and without competition, award contracts for goods or services if the CEO and the Director of Procurement (or designee(s)) have determined, in writing, that the goods or services are only available from one source, subject to the limits of their delegated signature authority under Section 4.2. (ORS 279B.075 (1))

a. **Written Findings.** The determination must be based on written findings that may include:

- i. **That the efficient utilization of existing goods requires acquiring compatible goods or services;**
- ii. **That the goods or services required to exchange software or data with other public or private agencies are available from only one source;**
- iii. **That the goods or services are for use in a pilot or an experimental project; or**
- iv. **Other findings that support the conclusion that the goods or services are available from only one source. (ORS 279B.075 (2))**

1. This includes proprietary software where only one vendor has the ability to manufacture, distribute, and sell their software program. Proper documentation must be included with the request, including but limited to the Proprietary Software Form and written findings attesting to the justification for a sole source selection under Oregon law.

b. **Negotiation.** To the extent reasonably practical, LTD shall negotiate with the Sole Source to obtain contract terms advantageous to LTD. (ORS 279B.075 (3))

c. Exercise of Options. See Section 24, regarding Exercise of Options.

d. Cost Analysis Required. See Section 11.4, regarding Cost Analysis.

8.3 Single Bid or Single Proposal. Upon receiving a single bid or single proposal in response to a solicitation, the Procurement Supervisor/Manager should make a written determination of whether the competition was adequate. This determination should include a review of the specifications for undue restrictiveness and might include a survey of potential sources that chose not to submit a bid or proposal.

8.4 **Emergency Contracts.** The CEO or the CRB may make or authorize others to make

emergency procurements of goods or services in an emergency. LTD shall document the nature of the emergency and describe the source selection methods used for the procurement.

- a. **For an emergency procurement of construction services that are not public improvements, LTD shall ensure competition for a contract for the emergency work that is reasonable and appropriate under the emergency circumstances. In conducting the procurement, LTD shall set a solicitation time period that LTD determines to be reasonable under the emergency circumstances and may issue written or oral requests for offers or make direct appointments without competition in cases of extreme necessity. (ORS 279B.080).**

8.5 **Less Than Full and Open Competition – When Prohibited.** Less than full and open competition is not justified based on:

- a. Failure to Plan. LTD’s lack of advance planning; or
- b. Limited Availability of Federal Assistance. Concerns about the amount of Federal assistance available to support the procurement (for example, the expiration of Federal assistance previously available for award).

8.6 **Procurement Procedures (Less Than Full and Open Competition).** When less than full and open competition is available, LTD shall:

- a. Potential Sources. Solicit offers from as many potential sources as is practicable under the circumstances.
- b. Sole Source Justification. If the item is only available from only one source, the Contract Manager shall complete and submit to Procurement a “Sole Source Justification” Form as soon as they become aware of the potential sole source procurement. See Section 24, regarding Evaluation of Options.
- c. Cost Analysis. The Contract Manager shall prepare a cost analysis verifying the proposed cost data, the projections of the data, and the evaluation of the costs and profits. The Contract Manager shall submit the Cost Analysis to the Procurement Supervisor/Manager for review and approval. See Section 11.4 regarding Cost or Price Analysis.
- d. Pre-award Review. If federal funds are or may be involved, the Procurement Supervisor/Manager shall submit the proposed procurement to FTA for pre-award review only if the FTA so requests.

SECTION 9 – PERSONAL SERVICES CONTRACT SELECTION PROCEDURES

Pursuant to ORS 279A.055 and 279A.065 (6), the Board of Directors, as the CRB, may: (a) designate certain contracts as Personal Services contracts; and (b) adopt rules of procedure for selection of such Personal Services contracts in lieu of the Oregon Model Rules for public contracting set forth in the Oregon Administrative Rules (OAR) Chapter 137, Division 046 to 049.

This Section 9 constitutes LTD’s procedures for the screening and selection of Personal Services contracts.

9.1 **Definitions. The following terms have the meanings set forth herein. Any term not defined herein shall have the definition set forth under the Oregon Public Contracting Code (ORS Ch. 279A- C) or the Oregon Model Rules (OAR 137-046 to 049).**

- a. **Proposal**. An offer to provide Personal Services whether formal or informal as designated below.
- b. **Personal Services**. Services where the skill, ability, resources, knowledge or expertise of an independent contractor are of paramount importance. Personal Service contracts include, but are not limited to, the following:
 - i. Contracts for services performed in a professional capacity or as a consultant including but not limited to services of an accountant; actuary; auditor; attorney; banker; insurance agent; information technology consultant; lobbyist, or marketing specialist.
 - ii. Contracts for services as an artist in the performing or fine arts.
 - iii. Contracts for services where the primary purpose is to provide transit-related expertise in a professional capacity or as a consultant.
 - iv. Contracts for services where the primary purpose is to provide procurement-related expertise in a professional capacity or as a consultant.
 - v. Contracts for services that are specialized, creative, or research oriented.
- c. **Professional Services**. As used herein, Personal Services does not include Professional Services, as defined in ORS 279C.100 to .125, which means, “architectural, engineering, photogrammetric mapping, transportation planning or land surveying services,” or Related Services. Professional Services and Related Services are subject to the requirements of ORS Ch. 279C and OAR Chapter 137, Division 048.

9.2 **Method of Procurement**. Based on the estimated total cost of a Personal Services Contract (PSC), the following methods of procuring Personal Services shall be used, unless an exemption applies, pursuant to Section 9.4:

- a. **Direct Negotiation – Personal Services Contracts of \$25,000 or Less**. When a nonexempt Personal Services contract is estimated to be \$25,000 or less, a Personal Services contractor may be selected by direct selection or award, so long as the quality of service offered by the Personal Services contractor is sufficient for LTD’s particular needs under the circumstances, the cost to LTD is fair and reasonable under the circumstances, and the award is in all other respects in LTD’s best interests.
- b. **Informal Solicitation – Personal Services Contracts Over \$25,000 But Not Over \$250,000**. When a nonexempt Personal Services contract is estimated to be more than \$25,000 but not more than \$250,000, informal Proposals or price quotes, may be solicited. Informal Proposals or price quotes shall be solicited from a sufficient number of qualified prospective proposers to ensure no fewer than three (3) qualified proposers submit Proposals or price quotes. If three quotes or Proposals are not reasonably available, fewer will suffice, and the efforts made to solicit Proposals or price quotes shall be documented in LTD’s files.
- c. **Formal Solicitation – Personal Services Contracts greater than \$250,000**. When a nonexempt Personal Services contract is estimated to exceed \$250,000, LTD shall award the nonexempt Personal Services contract by competitive sealed bidding under ORS 279B.055 or by competitive sealed proposals under ORS 279B.060 and the applicable Model Rules.

- 9.3 **Prequalification of Prospective Proposers.** A pool of prospective proposers may be established for a particular type of Personal Services contract by soliciting statements of qualification from individuals or firms that may be qualified to perform those particular Personal Services pursuant to ORS 279B.120 and corresponding statutes and administrative rules.
- 9.4 **Exemptions.** Procuring a Personal Services contract under one of the exemptions set forth herein is a non-standard procurement that requires written approval of the CEO and the Director of Procurement (or designee(s)) to enter into an agreement. In accordance with the levels of contracting authority requirements set forth in LTD Resolution No. 2024-08-21-023, Personal Services contracts entered into pursuant to an exemption under this Section and estimated to exceed \$250,000 shall be presented to the CRB for approval.
- a. **Sole Source.** If only one individual or firm is qualified and available to perform a Personal Services contract, a contract may be awarded to that individual or firm without competition. The requirements of ORS 279B.075 do not apply.
 - b. **Unique or Specialized Knowledge or Expertise.** A Personal Services contract may be awarded without competition if the contractor has unique or specialized knowledge or expertise required by LTD, and soliciting informal or formal proposals from others would not be in LTD's best interests.
 - c. **Emergency.** A Personal Services contract may be awarded without competition if prompt execution of a contract is necessary in an Emergency, as that term is defined in ORS 279A.010 (1)(f).
- 9.5 **Protests.** For purposes of this Section 9, the following protest requirements shall apply.
- a. **Purpose.** An Affected Person may protest the award of a Personal Services contract, or a notice of intent to award a Personal Services contract, whichever comes first. Before seeking judicial review of the award of a Personal Services contract, an Affected Person must file a Written protest with LTD and exhaust all administrative remedies.
 - b. **Delivery.** Unless otherwise specified, an Affected Person must deliver a Written protest to LTD within seven (7) Days after award of a Personal Services contract, or issuance of the notice of intent to award a Personal Services contract, whichever comes first.
 - c. **Content of Protest.** The Written protest must include those requirements set forth in OAR 137-047-0740 and any other requirements set forth in this Policy.
 - d. **Contract Review Authority Response.** LTD shall not consider an Affected Person's protest submitted after the timeline established for submitting such protest.
 - e. **Judicial Review.** An Affected Person may seek judicial review of LTD's decision relating to a protest of the award of a Personal Services contract only after the Affected Person has exhausted all administrative remedies set forth in this Procurement Policy and in accordance with the requirements of Oregon law.
- 9.6 **Federal Funds.** Notwithstanding any provision herein, LTD shall comply with applicable requirements in FTA Circular 4220.1F for Personal Services contracts funded with federal funds in accordance with applicable law.
- 9.7 **Termination of Personal Service Contracts for General Counsel.** LTD's General Counsel is retained in accordance with LTD's Personal Services Contract Selection Procedures. In accordance with Board of Directors Governance Policy Manual, Section 100.10.8,

General Counsel represents LTD as a public entity and reports directly to the Board. Accordingly, General Counsel’s services may be terminated only in accordance with Board Policy 100.10.8, as amended.

SECTION 10 – JOINT AND COOPERATIVE PROCUREMENTS

10.1 Joint Procurements. The term “joint procurement” means a method of contracting in which two or more purchasers agree from the outset to use a single solicitation document and enter into a single contract with a contractor for delivery of property or services in a fixed quantity, even if expressed as a total minimum and total maximum. LTD shall conduct any joint procurement in compliance with this Section.

a. Federal Requirements. When obtaining goods or services through a joint procurement, LTD must ensure compliance with all applicable FTA and other federal requirements.

b. State or Local Government Purchasing Schedules or Purchasing Contracts. LTD may, and is encouraged to do by FTA, use State or Local Government Purchasing Schedules, in accordance with the FTA Circular 4220.1F.

i. **Use of a State or Local Purchasing Schedule is a “joint cooperative procurement” under Oregon law. A joint cooperative procurement is valid only if:**

1. **The administering contracting agency’s solicitation and award process for the original contract is an open and impartial competitive process and uses source selection methods substantially equivalent to those specified under ORS 279B.055, 279B.060, or 279B.085 or uses a competitive bidding process substantially equivalent to the competitive bidding process in ORS Chapter 279C;**

2. **The administering contracting agency’s solicitation and the original contract or price agreement identifies the cooperative procurement group or each participating purchasing contracting agency and specifies the estimated contract requirements; and**

3. **No material change is made in the terms, conditions, or prices of the contract between the contractor and LTD from the terms, conditions, and prices of the original contract between the contractor and the administering contracting agency. (ORS 279A.210)**

ii. **Also see Section 10.3(d) regarding requirements for interstate cooperative procurements, which applies when one or more of the participating governmental bodies are located outside of Oregon.**

10.2 Federal Excess and Surplus Property. The Common Grant Rule for governmental recipients encourages recipients to use Federal excess and surplus property managed by GSA, when feasible and economical, rather than procuring new property. The GSA Federal Property Management Regulations, 41 CFR Parts 101-42 through 101-46, 101-48, and 101-49 govern the eligibility of recipients and subrecipients, as well as others, to acquire supplies and services through GSA’s personal property utilization and disposal programs.

a. **Limited Use of Federal Supply Schedules.** Federal laws authorize State and Local Governments (including institutions of higher education) to use Federal Supply Schedules to acquire information technology (IT) and to purchase products and services to facilitate recovery from a major disaster. In both circumstances, GSA defines the term “State and Local Government” broadly to include many FTA governmental recipients and

others as follows: The States of the United States, counties, municipalities, cities, towns, townships, tribal governments, public authorities (including public or Indian housing agencies under the United States Housing Act of 1937), school districts, colleges, and other institutions of higher education, council of governments (incorporated or not), regional or interstate government entities, or any agency or instrumentality of the preceding entities (including any local educational agency or institution of higher education), and including legislative and judicial departments.

The use of Federal supply schedules is permitted, only in accordance with the FTA Circular 4220.1F, as may be amended. When using GSA schedules to acquire property or services, LTD must ensure all federal requirements, required clauses, and certifications are properly followed and included, whether in the master intergovernmental contract or in LTD's purchase document.

- i. Information Technology. Section 211 of the E-Government Act of 2002, 40 U.S.C. Section 502(c)(1), authorizes "State and local governments," within limits established by law, to acquire IT of various types through GSA's Cooperative Purchasing Program, Federal Supply Schedule 70.
 - ii. Major Disaster or Emergency Recovery. Since February 1, 2007, Section 833 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109-364, amended 40 U.S.C. Section 502(d), to authorize State and local government entities to use any GSA Federal Supply Schedule to acquire property and services in advance of a major disaster declared by the President of the United States, as well as in the aftermath of an emergency event. The State or local government is then responsible for ensuring that the property or services acquired will be used for recovery.
 - iii. Local Preparedness Acquisition. Section 2 of the Local Preparedness Acquisition Act, Pub. L. 110-248, June 26, 2008, amended 40 U.S.C. Section 502(c) by adding paragraph (2) authorizing "State and local governments", within limits established by law, to acquire law enforcement, security and certain related items of various types through GSA's Cooperative Purchasing Program Federal Supply Schedule 84 or any amended or later version of that Federal supply classification group.
- b. **Use of a Federal Supply Schedule is an "interstate cooperative procurement" under Oregon law. An interstate cooperative procurement is only valid if:**
- i. **The administering contracting agency's solicitation and award process for the original contract is an open and impartial competitive process and uses source selection methods substantially equivalent to those specified under ORS 279B.055, 279B.060, or 279B.085 or uses a competitive bidding process substantially equivalent to the competitive bidding process in ORS Chapter 279C;**
 - ii. **The administering contracting agency's solicitation and the original contract or price agreement identifies the cooperative procurement group or each participating purchasing contracting agency and specifies the estimated contract requirements; and**
 - iii. **The administering contracting agency permits the contractor to extend the use of the terms, conditions, and prices of the original contract to LTD.**
 - iv. **In addition to the above, the following requirements apply:**

1. LTD, or the cooperative procurement group of which LTD is a member, must be listed in the solicitation of the administering contracting agency as a party that may establish contracts or price agreements under the terms, conditions, and prices of the original contract, and the solicitation must be advertised in Oregon; or
 2. LTD, or the cooperative procurement group of which LTD is a member, shall advertise a notice of intent to establish a contract or price agreement through an interstate cooperative procurement.
- c. **Notice of Intent.** The Notice of Intent must include:
- i. A description of the procurement;
 - ii. An estimated amount of the procurement;
 - iii. The name of the administering contracting agency; and
 - iv. A time, place and date by which comments must be submitted to LTD regarding the intent to establish a contract or price agreement through an interstate cooperative procurement.
- d. **Public Notice.** Public notice of the intent to establish a contract or price agreement through an interstate cooperative procurement must be given in the same manner as provided in ORS 279B.055 (4)(b) and (c). Unless otherwise specified in Oregon’s Model Rules, LTD shall give public notice at least seven (7) days before the deadline for submission of comments regarding the intent to establish a contract or price agreement through an interstate cooperative procurement.
- i. If LTD is required to provide notice of intent to establish a contract or price agreement through an interstate cooperative procurement:
 1. LTD shall provide vendors who would otherwise be prospective bidders or proposers on the contract or price agreement, if the procurement were competitively procured under ORS Chapter 279B, an opportunity to comment on the intent to establish a contract or price agreement through an interstate cooperative procurement.
 2. Vendors must submit comments within seven (7) days after the notice of intent is published.
 3. If LTD receives comments, before LTD may establish a contract or price agreement through the interstate cooperative procurement, LTD shall make a written determination that establishing a contract or price agreement through an interstate cooperative procurement is in the best interest of LTD. LTD shall provide a copy of the written determination to any vendor that submitted comments.

10.3 Existing Contracts. LTD may find it advantageous to use existing contract rights. “Existing contract” means a contract that, when formed, was intended to be limited to the original parties thereto, and does not include State or local government purchasing schedules (discussed above). LTD may only use existing contract rights consistent with the FTA Circular 4220.1F, Oregon law, and as is set forth in this Section and Section 24.

- a. Exercise of Options. LTD may use contract options held by another FTA recipient with the following limitations:

- i. Consistency with Underlying Contract. LTD must ensure that the terms and conditions of the option it seeks to exercise are substantially similar to the terms and conditions of the option as stated in the original contract at the time it was awarded.
 - ii. Price. LTD may not exercise an option unless it has determined that the option price is better than prices available in the market, or that when it intends to exercise the option, the option is more advantageous.
 - iii. Awards Treated as Sole Source Procurements. FTA assistance may be used to support a sole source award only if that award can be justified under FTA's third-party contract standards for sole source awards. The following actions constitute sole source awards:
 - 1. Failure to Evaluate Options Before Awarding the Underlying Contract. If a contract has one or more options and those options were not evaluated as part of the original contract award, exercising those options after contract award will result in a sole source award.
 - 2. Negotiating a Lower Option Price. Exercising an option after LTD has negotiated a lower or higher price will also result in a sole source award unless that price can be reasonably determined from the terms of the original contract, or that price results from Federal actions that can be reliably measured, such as changes in Federal prevailing labor rates, for example.
- b. Assignment of Contract Rights. This is also referred to as "piggybacking." LTD may use contractual rights obtained through assignment after first determining that the original contract price remains fair and reasonable, and the original contract provisions are adequate for compliance with all Federal requirements.
- i. **Use of another agency's existing contract is a "permissive cooperative procurement" under Oregon law. A permissive cooperative procurement is only valid if:**
 - 1. **The administering contracting agency's solicitation and award process for the original contract is an open and impartial competitive process and uses source selection methods substantially equivalent to those specified under ORS 279B.055 or 279B.060;**
 - 2. **The administering contracting agency's solicitation and the original contract allow other agencies to establish contracts or price agreements under the terms, conditions and prices of the original contract;**
 - 3. **The contractor agrees to extend the terms, conditions and prices of the original contract to LTD; and**
 - 4. **No material change is made in the terms, conditions or prices of the contract or price agreement between the contractor and LTD from the terms, conditions and prices of the original contract between the contractor and the administering contracting agency.**
 - ii. **Public Notice.** LTD shall provide public notice of intent to establish a contract or price agreement through a permissive cooperative procurement if the estimated amount of the procurement exceeds \$250,000. Public notice of the intent to establish a contract or price agreement through an interstate

cooperative procurement must be given in the same manner as provided in ORS 279B.055 (4)(b) and (c). Unless otherwise specified in Oregon’s Model Rules, LTD shall give public notice at least seven (7) days before the deadline for submission of comments regarding the intent to establish a contract or price agreement through an interstate cooperative procurement.

- 1. If LTD is required to provide notice of intent to establish a contract or price agreement through an interstate cooperative procurement:
 - a. LTD shall provide vendors who would otherwise be prospective bidders or proposers on the contract or price agreement, if the procurement were competitively procured under ORS Chapter 279B, an opportunity to comment on the intent to establish a contract or price agreement through an interstate cooperative procurement.**
 - b. Vendors must submit comments within seven (7) days after the notice of intent is published.**
 - c. If LTD receives comments, before LTD may establish a contract or price agreement through the interstate cooperative procurement, LTD shall make a written determination that establishing a contract or price agreement through an interstate cooperative procurement is in the best interest of LTD. LTD shall provide a copy of the written determination to any vendor that submitted comments.****
- 2. Notice of Intent. The Notice of Intent must include:
 - a. A description of the procurement;**
 - b. An estimated amount of the procurement;**
 - c. The name of the administering contracting agency; and**
 - d. A time, place and date by which comments must be submitted to LTD regarding the intent to establish a contract or price agreement through an interstate cooperative procurement. (ORS 279A.215 (2)(b)).****

SECTION 11 – NECESSITY, LEASE VERSUS PURCHASING

- 11.1 Unnecessary Reserves.** LTD will limit the acquisition of property and services to the amount it needs to support its transit system.
- 11.2 Acquisition for Assignment Purposes.** LTD may only contract for its current and reasonably expected public transportation needs and may not add quantities or options to third party contracts solely to permit assignment to another party at a later date. These limits are not intended to preclude joint procurements entered into in accordance with applicable law and rules.
- 11.3 Economic Purchasing.** Procurement activity will be reviewed by the Procurement Supervisor/Manager at least annually to determine if certain classes of purchases should be consolidated or broken out to obtain more economic pricing. Analysis will also be made of lease versus purchase alternatives or any other appropriate methodology to determine the most economical approach.
- 11.4 Cost or Price Analysis.** A Cost or Price Analysis must be made for every formal procurement, including Contract modifications, as outlined in FTA Circular 4220.1F, as amended. The Contract

Manager shall be responsible for completing the Cost or Price Analysis and providing it to the Procurement Supervisor/Manager for review and approval prior to any Contract award or modification. See Section 7.4 for Price Analysis requirements for Micro-Purchases and Sections 7.5 for Price Analysis requirements for Small Purchases.

- a. Price Analysis. If competition was adequate, a price analysis is used to determine the reasonableness of the proposed contract price. Common reasons supporting a price analysis of fair and reasonable pricing include but are not limited to:
 - i. Catalog or market prices offered in substantial quantities to the general public;
 - ii. Regulated prices (for example, for many utilities purchases); or
 - iii. A comparison with recent prices for similar goods and services.
- b. Cost Analysis. A cost analysis must be performed when a price analysis will not provide sufficient information to determine the reasonableness of the contract cost.
 - i. Applicability. The Contract Manager must perform a cost analysis when:
 1. The Offeror is required to submit the elements (i.e., labor hours, overhead, materials, etc.) of the estimated cost (such as professional consulting and A&E contracts); or
 2. When adequate price competition is lacking, including sole source procurements (which include contract modifications and change orders), unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or on the basis of prices set by law or regulation.
 - ii. Profit. Profit is to be negotiated as a separate element of the price for each contract in which there is no price competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
 - iii. Federal Cost Principles. Costs or prices based on estimated costs for contracts will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with federal cost principles contained in Part 31 of the Federal Acquisition Regulations.
 - iv. LTD can accomplish a cost analysis by comparison of proposed prices received in response to a Solicitation Document, by comparison of prior Contract prices for same or similar products or services, by comparison with competitive published price lists, and by comparison of proposed prices with independent cost estimates.

SECTION 12 – SOLICITATIONS

All Solicitation Documents shall satisfy the requirements set forth in this Section 12.

- 12.1 Clear Descriptions/Nonrestrictive Specifications. All Solicitation Documents shall include a clear and accurate description of the technical requirements for the material(s), product(s), or service(s) to be procured. The description may include a statement of the qualitative nature of the property or services to be acquired. When practicable, requirements should be described in terms of functions to be performed or level of performance required, including the range of

acceptable characteristics or minimum acceptable standards. In competitive procurements, the description may not contain features that unduly restrict competition. Except as set forth in Section 12.3 below, specifications shall not expressly or implicitly require any product by any brand name or mark, nor the product of any particular manufacturer or seller unless the products so identified are followed by the terms “or equal specifications.” Notwithstanding the foregoing, nothing herein shall prohibit LTD from specifying one or more comparable products as examples of quality, performance, functionality, or other characteristics of the product needed by LTD.

- 12.2 Quality Requirements/Preference for Performance Specifications. Detailed product specifications should be avoided if at all possible. A description may include a statement of the qualitative nature of the material(s), product(s), or service(s) to be procured and, when necessary, describe minimum essential characteristics and standards to which the property or services must conform if it is to satisfy LTD’s intended use.
- 12.3 Brand Name or Equal. When it is impractical or uneconomical to write a clear and accurate description of the technical requirements of the property or services to be acquired, a “brand name or equal” description may be used to define the performance or other salient characteristics of a specific type of property. The salient characteristics of the named brand must be identified in the Solicitation Documents. **Any brand name or equal specification must comply with the requirements of ORS 279B.215.**
- 12.4 Preferences. LTD shall state in all Solicitation Documents what preferences apply to the solicitation, if any. See Sections 7.2 (f) and 16.1 (a) for the application of geographic preferences.
- 12.5 Time for Acceptance. LTD shall state in all Solicitation Documents that Offers are “Firm Offers,” irrevocable and binding on the Offeror not less than ninety (90) days from the Closing Date, unless otherwise specified in the Solicitation Document.
- 12.6 Solicitation Documents, Terms and Conditions. In addition to the requirements set forth in this Section 12, the Procurement Supervisor/Manager may include any other special terms and conditions applicable to the procurement and the contracts to be awarded so long as those terms and conditions are consistent with the requirements of this Section 12, the FTA Circular 4220.1F, and Oregon law.
- 12.7 **Solicitation Documents for Goods and Services. As used in this Section 12.7, “bids” shall be read to include “proposals” and “invitation to bid” shall be read to include “request for proposals.” The Solicitation Documents must:**
 - a. **Specify a time and date by which the bids must be received and a place at which the bids must be submitted. LTD may receive bids by electronic means or direct or permit a bidder to submit bids by electronic means.**
 - b. **Specify the name and title of the person designated to receive bids and the person LTD designates as the contact person for the procurement, if different.**
 - c. **Describe the procurement. In the description, LTD shall identify the scope of work included within the procurement, outline the contractor’s anticipated duties and set expectations for the contractor’s performance. Unless LTD for good cause specifies otherwise, the scope of work shall require the contractor to meet the highest standards prevalent in the industry or business most closely involved in providing the appropriate goods or services.**
 - d. **Specify a time, date and place for prequalification applications, if any, to be filed and the classes of work, if any, for which bidders must be prequalified in accordance with ORS 279B.120.**
 - e. **State that LTD may cancel the procurement or reject any or all bids in accordance**

with ORS 279B.100;

- f. **Require the contractor or subcontractor to possess an asbestos abatement license, if required under ORS 468A.710;**
- g. **Include all contractual terms and conditions applicable to the procurement, including those terms required under federal or Oregon law. See Section 12.10 for required contract terms. The contract terms and conditions shall specify clear consequences for a contractor's failure to perform the scope of work identified in the invitation to bid or the contractor's failure to meet established performance standards. (ORS 279B.055, 279B.060)**

12.8 Solicitation Documents for Architectural & Engineering Services (Professional Services). LTD shall include the following in each Request for Proposals, whether or not the Request for Proposals is preceded by a Request for Qualifications:

- a. **General background information, including a description of the project and the specific professional services sought for the project, the estimated project cost, the estimated time period during which the project is to be completed, the estimated time period in which the specific professional services sought will be performed;**
- b. **The RFP evaluation process and the criteria which will be used to select the most qualified proposer, including the weights, points, or other classifications applicable to each criterion. If LTD does not indicate the applicable number of points, weights, or other classifications, then each criterion is of equal value;**
- c. **Conditions or limitations, if any, that may constrain or prohibit the selected Consultant's ability to provide additional services related to the project, including but not limited to construction services;**
- d. **Whether interviews are possible and if so, the weight, points, or other classifications applicable to the potential interview;**
- e. **The date and time Proposals are due, and the delivery location for Proposals;**
- f. **Reservation of the right to seek clarifications of each Proposal;**
- g. **Reservation of the right to negotiate a final Contract that is in the best interest of LTD;**
- h. **Reservation of the right to reject any or all Proposals and reservation of the right to cancel the RFP at any time if doing either would be in the public interest as determined by LTD;**
- i. **A statement that Proposers responding to the RFP do so solely at their expense, and LTD is not responsible for any Proposer expenses associated with the RFP;**
- j. **A statement directing Proposers to LTD's protest procedures;**
- k. **Special contract requirements, including federal requirements when federal funds are involved;**
- l. **A statement whether or not LTD will hold a pre-Proposal meeting and if a pre-Proposal meeting will be held, the location of the meeting and whether attendance is mandatory**
- m. **A request for any information LTD deems reasonably necessary to permit LTD to evaluate, rank and select the most qualified Proposer to perform the professional**

services described in the RFP; and

n. **A sample form of Contract. (OAR 137-048-0220 (4)).**

12.9 Solicitation Documents for Construction Services. LTD shall, at a minimum, include in the Solicitation Documents:

- a. **A designation for or description of the public improvement project;**
- b. **The office where the specifications for the project may be reviewed;**
- c. **The date that prequalification applications must be filed and the class of work for which bidders must be prequalified if prequalification is a requirement;**
- d. **The date and time after which bids will be received, which must be at least five (5) days after the date of the last publication of the advertisement, and may, in the sole discretion of LTD, direct or permit bidders to submit and the contracting agency to receive bids by electronic means;**
- e. **The name and title of the person designated to receive bids;**
- f. **The date on which and the time and place at which LTD will publicly open the bids;**
- g. **A statement that, if the contract is for a public works project subject to the state prevailing rates of wage under ORS 279C.800 to 279C.970, the federal prevailing rates of wage under the Davis-Bacon Act (40 U.S.C. § 3141 et seq.), LTD will not receive or consider a bid unless the bid contains a statement by the bidder that the bidder will comply with ORS 279C.838 or 279C.840 or 40 U.S.C. 3141 et seq.;**
- h. **A statement that each bid must identify whether the bidder is a resident bidder, as defined in ORS 279A.120;**
- i. **A statement that LTD may reject a bid that does not comply with the prescribed public contracting procedures and requirements and that LTD may reject for good cause all bids after finding that doing so is in the public interest;**
- j. **Information addressing whether a contractor or subcontractor must be licensed under ORS 468A.720; and**
- k. **A statement that LTD may not receive or consider a bid for a public improvement contract unless the bidder is licensed by the Construction Contractors Board or the State Landscape Contractors Board (ORS 279C.365).**

12.10 Sample Contracts. A sample contract, approved by the Procurement Supervisor/Manager shall be included with all formal solicitations, in accordance with Oregon law. For all federally funded projects, LTD shall require as part of the terms and conditions of all Contracts, all applicable provisions of the FTA Master Agreement, as amended, and all applicable provisions of the FTA Circular 4220.1F, as amended.

- a. **Liquidated Damages Provision. LTD may include a liquidated damages provision in its contract documents if LTD reasonably expects to suffer damages through delayed contract completion, or if weight requirements are exceeded, and the extent or amount of such damages are uncertain and would be difficult or impossible to determine. The rate and measurement standards must be calculated to reasonably reflect LTD's costs should the standards not be met, and must be specified in the Solicitation Documents and Contract. The procurement file should include a record of any calculation and rationale for the amount of damages established. Any liquidated damages recovered must be credited to the project account involved unless FTA permits otherwise.**

SECTION 13 – PUBLIC NOTICE, ADVERTISING REQUIREMENTS

- 13.1 Public Notice Required. LTD shall provide public notice of every formal Solicitation Document in accordance with this Section.
- 13.2 **Public Notice of Solicitation Documents. The CRB authorizes the advertisement of formal Solicitation Documents via LTD’s Electronic Procurement System, in lieu of advertisement in a newspaper or trade journal. However, advertisements for Public Improvement contracts with an expected contract price of \$125,000 or more shall also be advertised in at least one trade journal or newspaper of statewide circulation in accordance with Oregon law. Notwithstanding the foregoing, the Procurement Supervisor/Manager and/or Contract Manager may elect to also provide notice of the Solicitation by:**
- a. **Mailing notice of availability of Solicitation Documents to any prospective Offers that have expressed an interest in LTD’s procurements;**
 - b. **Placing notice on LTD’s web site; or**
 - c. **Providing formal notice in a newspaper of general circulation in the area where the contract is to be performed or in a trade journal of statewide circulation. (OAR 137-047-0300 (2), OAR 137-048-0220(2), OAR 137-049-0210 (2)).**
- 13.3 **Content of Advertisement for Goods and Services. All advertisements for Offers shall set forth:**
- a. **Where, when, how, and for how long the Solicitation Document may be obtained;**
 - b. **A general description of the Goods or Services to be acquired;**
 - c. **The interval between the first date of public notice of the Solicitation Document and Closing shall not be less than fourteen (14) days for an Invitation to Bid and thirty (30) days for a Request for Proposals, unless LTD determines that a shorter interval is in the public’s interest, and that a shorter interval will not substantially affect competition. However, in no event shall the interval between the first date of public notice of the Solicitation Document and Closing be less than seven (7) days. LTD shall document the specific reasons for the shorter public notice period in the Procurement file. (OAR 137-047-0300(3)(c), ORS 279B.055 (4)(f).**
 - d. **The date that persons must file applications for prequalification if prequalification is a requirement and the class of Goods or Services is one for which persons must be prequalified.**
 - e. **The office where Contract terms, conditions and Specifications may be reviewed;**
 - f. **The name, title and address of the individual authorized by LTD to receive Offers;**
 - g. **The scheduled Opening; and**
 - h. **Any other information LTD deems appropriate. (OAR 137-047-0300(3)).**
- 13.4 **Content of Advertisement for Architectural & Engineering Services (Professional Services).**
- a. **LTD shall publish the advertisement within a reasonable time before the deadline for the Proposal submission or response to the RFQ or RFP, but in any event no fewer than fourteen (14) calendar days before the closing date set forth in the RFQ or RFP.**
 - b. **LTD shall include a brief description of the following items in the advertisement:**

- i. The Project;
- ii. A description of the Architectural, Engineering, Photogrammetric Mapping, Transportation Planning or Land Surveying Services or Related Services LTD seeks;
- iii. How and where Consultants may obtain a copy of the RFQ or RFP; and
- iv. The deadline for submitting a Proposal or response to the RFQ or RFP. (OAR 137-048-0220 (2)).

13.5 Content of Advertisement for Construction Contracts.

- a. All advertisements for Offers shall set forth:
 - i. The Public Improvement project;
 - ii. The office where Contract terms, conditions and Specifications may be reviewed;
 - iii. The date that Persons must file applications for prequalification under ORS 279C.340, if prequalification is a requirement, and the class or classes of Work for which persons must be prequalified;
 - iv. The scheduled Closing, which shall not be less than five days after the date of the last publication of the advertisement;
 - v. The name, title and address of the LTD person authorized to receive Offers;
 - vi. The scheduled Opening; and
 - vii. If applicable, that the Contract is for a Public Work subject to ORS 279C.800 to 279C.970 or the Davis-Bacon Act (40 U.S.C. § 3141 to 3148) (OAR 137-049-0210 (2)(d)).

SECTION 14 – PREQUALIFICATION

- 14.1 Prequalification.** LTD may prequalify prospective bidders or proposers to submit bids or proposals to provide goods or services. LTD may determine the method of submitting prequalification applications, the information required in order to be prequalified and the forms to be used for submitting prequalification information for each procurement requiring prequalification.
- 14.2 LTD Response.** Upon receipt of a prequalification application, LTD shall investigate the prospective bidder or proposer as necessary to determine whether the prospective bidder or proposer is qualified. The determination shall be made in less than 30 days, if practicable. LTD shall notify the prospective bidder or proposer whether the bidder or proposer is qualified based on the standards of responsibility listed in ORS 279B.110 (2), the type and nature of contractors that the prospective bidder is qualified to compete for and the time period for which the prequalification is valid. If LTD does not prequalify a prospective bidder or proposer as to any contracts covered by the prequalification process, the notice must specify which of the standards of responsibility listed in ORS 279B.110 (2) the prospective bidder failed to meet. Unless the reasons are specified, the prospective bidder or proposer shall be deemed to have been prequalified in accordance with this Section. (See Section 16.3 for Standards of Responsibility).
- 14.3 Revocation of Prequalification.** If LTD subsequently discovers that a prospective bidder or proposer that prequalified under Sections 14.1 and 14.2, above, is no longer qualified, LTD may revoke the prequalification upon reasonable notice to the prospective bidder or

proposer, except that a revocation is invalid as to any contract for which an advertisement for bids or proposals has already been issued. (ORS 279B.120, 279B.125).

SECTION 15 – BID OR PROPOSAL SECURITY

- 15.1 Goods and Services.** LTD may require bid or proposal security if LTD determines that bid/proposal security is reasonably necessary or prudent to protect the interests of LTD. LTD shall return the bid/proposal security to all bidders/proposers upon the execution of the contract. LTD shall retain the bid/proposal security if a bidder who is awarded a contract fails to promptly and properly execute the contract. For purposes of this Section, prompt and proper execution of the contract includes all action by a bidder/proposer that is necessary to form a contract in accordance with the invitation to bid/request for proposals, including posting performance security and submitting proof of insurance when the invitation to bid/request for proposals requires the submission. (ORS 279B.055, 279B.060). Notwithstanding the above, see Section 7.2 (b) regarding unnecessary bonding as a prohibited restriction on competition by the FTA.
- 15.2 Construction Services.** For public improvement contracts with a value, estimated by LTD, of more than \$100,000, LTD shall require a bidder to submit or post a surety bond, irrevocable letter of credit issued by an insured institution as defined in ORS 706.008, cashier's check or certified check for all bids as bid security. (ORS 279C.365 (5)). Under FTA Circular 4220.1F, the bid guarantee is equivalent to five percent (5%) of the bid price. Any exception to this bid security requirement must be approved by the FTA.

SECTION 16 – EVALUATION AND CONTRACT AWARD

- 16.1 Preferences.** LTD shall apply the following preferences in accordance with FTA Circular 4220.1F and Oregon law.
- a. Geographic Preferences.** Although mandated under Oregon law, there is a prohibition against geographic preferences under federal law. Refer to Section 7.2 (f)(iv) for the application of geographic preferences when construction related.
 - b. Preference for Recycled Materials.** Notwithstanding provisions of law requiring LTD to award a contract to the lowest responsible bidder or best proposer or provider of a quotation and subsection (b)(i), below, LTD shall give preference to the procurement of goods manufactured from recycled materials, if the goods are for any public use.
 - i. LTD shall give preference to goods that are certified to be made from recycled materials if:**
 - 1. The recycled product is available;**
 - 2. The recycled product meets applicable standards;**
 - 3. The recycled product can be substituted for a comparable nonrecycled product; and**
 - 4. The recycled product's costs do not exceed the costs of nonrecycled products by more than five percent (5%), or a higher percentage if a written determination is made by the CRB. (ORS 279A.125).**
- 16.2 Responsiveness.** LTD shall only award a contract to a responsible, responsive bidder or proposer. **“Responsive” means having the characteristic of substantial compliance in all material respects with applicable solicitation requirements. (OAR 137-046-0110 (33)).** The

Procurement Supervisor/Manager shall ensure that a responsiveness determination is made and in the contract file before a contractor is selected.

- 16.3 **Responsibility.** LTD shall only award a contract to a responsible, responsive bidder or proposer. "Responsibility" is defined in the FTA Circular 4220.1F and **supplemented by Oregon law, and Oregon Administrative Rules.** The Director of Procurement (or designee) shall ensure the applicable Responsibility Determination Form is completed prior to contract award and is in the procurement file.

SECTION 17 – PERFORMANCE BOND AND PAYMENT BOND REQUIREMENTS

- 17.1 **Construction Services. Performance bond; payment bond; waiver of bonds. Except as provided in ORS 279C.390, a successful bidder for a public improvement contract shall promptly execute and deliver to the contracting agency the following bonds:**
- a. **Performance Bond. A performance bond in an amount equal to the full contract price conditioned on the faithful performance of the contract in accordance with the plans, specifications and conditions of the contract. The performance bond must be solely for the protection of LTD. LTD may permit the successful bidder to submit a cashier's check or certified check in lieu of all or a portion of the required performance bond. (ORS 279C.380).**
 - b. **Payment Bond. A payment bond in an amount equal to the full contract price, solely for the protection of claimants under ORS 279C.600 and ORS 279C.380.**
 - c. **Surety. Each performance bond and each payment bond must be executed solely by a surety company or companies holding a certificate of authority to transact surety business in the State of Oregon. The bonds may not constitute the surety obligation of an individual or individuals. The performance and payment bonds must be payable to LTD, as specified in the Solicitation Documents, and shall be in a form approved by LTD. (ORS 279C.380).**
 - d. **Exceptions. Pursuant to ORS 279C, the CRB may exempt certain contracts, or classes of contracts, from a portion of the requirement that good and sufficient bonds be furnished to ensure payment of obligations incurred in the performance, but only so long as the exemption is consistent with the FTA's minimum bonding requirements, as is set forth in the FTA Circular 4220.1F.**

SECTION 18 – DOCUMENTATION OF AWARD

- 18.1 **Basis of Award.** Following award of a Contract, LTD shall make a record showing the basis for determining the successful Offeror as part of the procurement file.
- 18.2 **Contents of Award Record.** LTD's record shall consist of the following:
- a. Offers received by LTD.
 - b. If in response to an IFB, the completed Bid tabulation sheet and written justification for any rejection of lower Bids.
 - c. If in response to an RFP, the completed evaluation of Proposals and written justification for any rejection of higher scoring Proposals.
 - d. If applicable, written documentation of any discussions, negotiations, best and final Offers, or other procedures LTD used to select a Proposer to which LTD awarded a

Contract.

SECTION 19 – INVENTORY AND DISPOSITION OF PERSONAL PROPERTY

The purpose of this Policy is to establish a consistent and compliant program for the appropriate and efficient inventory and disposition of all Personal Property procured by the Lane Transit District (“LTD” or “District”). Both State and Federal requirements and best practices have been incorporated into this policy and must be followed, as appropriate. This Policy is administered by LTD’s Procurement Department.

This Policy covers both purchased and leased Personal Property. It does not apply to the disposition of Real Property.

- 19.1 Definitions. The following terms have the meanings set forth herein. Any term not defined herein shall have the definition set forth under the Federal Transit Administration (“FTA”) Circular 5010.E or Oregon Revised Statutes (“ORS”) Ch. 267 and ORS Ch. 279A – 279C
- a. Equipment. “Equipment” means an article of nonexpendable, tangible District-owned property (including information technology systems) meeting the following requirements: (a) has a useful life of more than one-year; and (b) per-unit acquisition cost of \$5,000.00 or more. “Equipment” includes rolling stock, computing devices, information technology systems, and all other such property used in the provision of public transit service.
 - b. Federal Interest. “Federal Interest” means the dollar amount that is the product of: (1) the federal share of total project costs, and (2) the current fair market value of the property, improvements, or both, to the extent the costs of acquiring or improving the property were included as project costs.
 - c. Fair Market Value. “Fair market value” means the most probable price that property would bring in a competitive and open market.
 - d. Federally-Funded Personal Property. “Federally-Funded Personal Property” means any Personal Property that was acquired with Federal assistance.
 - e. Locally-Funded Personal Property. “Locally-Funded Personal Property” means any Personal Property that was acquired without Federal assistance.
 - f. Personal Property. “Personal Property” means property other than Real Property. It may be tangible if it has a physical existence, or intangible, if it does not have a physical existence. “Personal Property” under this policy includes Equipment, Supplies, Capital Assets, Fixed Assets, and Project Property (as those terms are defined by FTA) and does not include Real Property.
 - g. Real Property. “Real Property” is land and anything permanently affixed to the land, such as buildings, fences, and those things attached to the buildings that, if removed, would deface the structure or integrity of the building, such as plumbing, heating fixtures, etc.
 - h. Rolling Stock. “Rolling Stock” describes Equipment that is used to transport passengers and includes buses, vans, cars, locomotives, trolley cars, ferryboats, light rails, streetcars, other rail vehicles and vehicles used for guideways and incline planes.
 - i. Supplies. “Supplies” mean all tangible Personal Property, other than Equipment, with a unit value of less than \$5,000.
 - j. Useful Life. “Useful Life”, for purposes of this policy, means the minimum acceptable period a capital asset purchased with FTA funds should be used in service. Capital assets purchased with FTA funds may frequently be used beyond their minimum useful lives, without being considered part of LTD’s state of good repair backlog.

19.2 Asset Tags and Inventory

- a. Applicability. Regardless of the source of funding, all new Equipment, Capital Assets, Fixed Assets, and Project Property (all Personal Property other than Supplies, including but not limited to computer equipment, printers, photocopiers, smartphones, tablets, laptops, cameras, maintenance equipment, and vehicle components) shall be tagged and inventoried upon receipt to LTD. Asset tagging shall be sufficiently permanent to survive in the event of theft or loss. Tagged assets shall be inventoried on existing Fixed Assets inventory lists for tracking, periodic inventory reconciliation, and eventual disposition purposes.
- b. Responsibility. Asset tagging and inventory listings shall be the responsibility of the LTD department initiating centralized orders for the Equipment, Capital Assets, Fixed Assets, or Project Property.
- c. Required Information. Inventory records³ shall include the following information:
 - i. Asset Tag Number
 - ii. A description of the Asset
 1. Manufacturers make and model,
 2. Year of manufacture,
 3. Fuel Type
 - iii. The identification number or serial number;
 - iv. The entity or individual that holds title to the asset;
 - v. The source of funding (the FAIN number under which it was procured);
 - vi. ODOT Rail and Public Transit Division Vehicle Category (Attachment A)
 - vii. The acquisition date;
 - viii. The cost of the asset;
 - ix. The percentage of state/federal participation in the cost;
 - x. The location;
 - xi. The use and condition
 - xii. The seating capacity
 - xiii. The number of ADA stations;
 - xiv. The in-service date;
 - xv. The useful life; and
 - xvi. The disposition data, including the date of disposal and sale price, or, where applicable, method used to determine its fair market value.
- d. Updates. Inventory listings shall be updated when any change in this information occurs.
- e. Reconciliation. Physical inventory reconciliation shall be performed at least once every two years, with any differences investigated and the cause for the differences

³ Reference FTA C 5010.1E, page IV-33n(1) Management of Federally Assisted Property

determined/documentated.

19.3 Disposition of Federally-Funded Personal Property⁴

- a. Generally. The procedures related to the disposition of Federally-Funded Personal Property depend on whether the property has reached the end of its Useful Life.
- b. How to Determine Useful Life. The Useful Life for some Personal Property is defined by FTA. Where the FTA has not defined a Useful Life, LTD must “make the case” to FTA in its grant application by identifying a Useful Life period for all Equipment, Capital Assets, Fixed Assets, and Project Property with an acquisition value greater than \$5,000, if the property is being procured with federal funds. LTD must identify the method used to determine an asset’s minimum Useful Life.
 - i. Acceptable methods to determine Useful Life include but are not limited to:
 1. Generally accepted accounting principles;
 2. Independent evaluation;
 3. Manufacturer’s estimated useful life;
 4. Internal Revenue Service guidelines;
 5. Industry standards;
 6. LTD experience;
 7. LTD’s independent auditor who needs to provide his or her concurrence that the Useful Life assigned to the property is reasonable for depreciation purposes; and
 8. Proven useful life developed at a federal test facility.
 - ii. Rolling Stock. FTA has determined the Useful Life for Rolling Stock based on the type of vehicle and size. For example, large, heavy-duty transit buses (approximately 35’ – 40’ or larger including articulated buses) have a Useful Life of at least 12 years of service, or an accumulation of at least 500,000 miles, whichever comes first. For Useful Life of other vehicles, see FTA Circular 5010.E, Ch. IV. For all Rolling Stock, the minimum Useful Life is calculated based on the date the vehicle is placed in revenue service and continues until it is removed from service.
- c. Disposition of Federally-Funded Personal Property after End of Useful Life.
 - i. Personal Property with a Value of \$5,000 or More. This Section 19.3(c)(i) provides all options for disposal of Federally-Funded Personal Property with a per-unit, or aggregate, fair market value of more than \$5,000. Applicable property shall not be disposed of in any other manner, except in accordance with the requirements stated herein:
 1. Procurement Approval. Procurement, in coordination with Finance, shall review, approve in advance, and coordinate any sales, disposals or transfers of Federally-Funded Personal Property which require FTA approval, reimbursement, and/or application of proceeds to other capital projects.⁵

⁴ Reference: Federal Transit Administration Circular 5010.1E, Chapter IV, rev. July 16, 2018

⁵ FTA C 5010.1E, page IV-42

2. Disposal Options. After the Useful Life of Federally-Funded Personal Property is reached, or the property is no longer needed for the original Award, Federally-Funded Personal Property with a current market value exceeding \$5,000 per unit, or with a total aggregate fair market value of more than \$5,000, may be:
 - a. Retained by LTD and used for public transportation purposes; or
 - b. Sold; with the first \$5,000 of sales proceeds retained by LTD, and the remaining amount of sales proceeds retained by LTD and repaid to FTA in proportion to LTD's percentage of participation in the cost of the original purchase, as calculated in accordance with 49 U.S.C. § 5334(h) (4) (B).
- ii. Personal Property with a Value of less than \$5,000. Federally-Funded Personal Property which has reached the end of its Useful Life and which has a fair market value of less than \$5,000.00 may be disposed of by the following means, and without FTA approval, providing the nature and justification for the disposition is recorded in the corresponding inventory record:
 1. Retain and use for a different transit-related purpose within LTD;
 2. Sell through auction or other competitive process (where anticipated proceeds reasonably exceed the costs for processing); *
 3. Recycled (for scrap or other re-purposing); *
 4. Donated to a non-profit organization (where there is still some monetary value, but only small after processing costs are deducted); *or
 5. Disposed of as waste (this should be considered the last alternative, and used only in cases where there is no value to the equipment and donation or recycling resources are not available).

**The best choice among these options shall be used after analyzing the overall loss and gain associated with disposal. A cost analysis shall be conducted, subtracting the anticipated costs for administrative, processing, and other disposal fees from the expected sale proceeds or the fair market value of the equipment.*
- d. Disposition of Federally-Funded Personal Property before End of Useful Life. This Section provides all options for disposal of Federally-Funded Personal Property, regardless of value, before the end of its Useful Life. Applicable property shall not be disposed of in any other manner, except in accordance with the requirements stated herein:
 - i. Procurement Approval. Any disposition of Federally-Funded Personal Property before the end of its Useful Life requires prior FTA approval. Therefore, any disposition of Federally-Funded Personal Property before the end of its Useful Life requires review and approval in advance from Procurement.
 - ii. Disposal Options. Federally-Funded Personal Property before the end of its Useful Life, and only with prior FTA approval, may be disposed of as follows:
 1. Rolling Stock that has not yet reached the end of its Useful Life may be transferred to another FTA recipient if LTD has acquired FTA approval

and Board resolutions from both parties.⁶

2. Under certain circumstances, Federally-Funded Personal Property no longer needed, which has not reached the end of its Useful Life may also be transferred to another public agency, for non-public transportation use, with prior FTA approval.
 3. With prior FTA approval, Equipment (e.g. vehicles) may be disposed of before the end of its minimum Useful Life and LTD may transfer the remaining federal interest to replacement Equipment of like kind.
- iii. Casualty, Fire, Natural Disaster, and Misused Property. LTD has obligations to the FTA in the event Federally-Funded Personal Property is damaged or destroyed before the end of its minimum Useful Life. In the event insurance proceeds are received due to the damage or destruction, LTD may have payment obligations to the FTA. In the event this Section 19.3(d)(iii) is applicable, see the requirements of FTA Circular 5010.1E, Ch. IV and work with LTD's Procurement.

19.4 Disposition of Locally-Funded Personal Property⁷

- a. Oregon Public Contracting Rules Apply. The Oregon Public Contracting Code (ORS Ch. 279A – 279C) and Oregon Administrative Rules OAR Ch. 137, Division 046 – 049 apply to the “sale or other disposal” of Locally-Funded Personal Property. LTD may sell, transfer, or dispose of Locally-Funded Personal Property in accordance with the requirements, stated above, and as set forth in this Section 19.4.
- b. Procurement Approval. Any disposition of Locally-Funded Personal Property must be approved in advance by Procurement. The department seeking to dispose, transfer, or sell such property must make a determination that the proposed method of disposal: (a) complies with the requirements of the Oregon Public Contracting Code; and (b) is in the best interest of the District. Factors to consider in determining the method of disposal include, but are not limited to: costs of sale, administrative costs, processing fees, disposal fees, and public benefits to the District.
- c. Transfer to Other Government Entities. LTD may sell or transfer Locally-Funded Personal Property to another government entity, unless specifically prohibited by a particular State grant which funded the procurement of that property, and providing the property is used for public purpose or benefit and not for resale to a private purchaser. For any such transfer, the parties must enter into a written agreement to effect such transfer. The transfer must be approved in advance by Procurement and is subject to the delegated authority threshold established by the LTD Board of Directors.
- d. Sale. LTD may sell Locally-Funded Personal Property by auction, bids, liquidation sale, fixed price sale, trade-in or other competitive process. Proceeds from the sale must be used for public purpose or benefit.
- e. Disposal as Waste or Other Means. LTD may dispose of Locally-Funded Personal Property for which the costs of sale are likely to exceed sale proceeds. Such property may be disposed of by recycling, donation, or designation as waste. District employees making such a disposal shall make a record of the estimated value of the item and the manner of disposal.
- f. Restriction on Transfer to District Employees. LTD employees shall not compete for the

⁶ FTA C 5010.1E, page IV-43 Transfer of Rolling Stock-Recipient to Recipient

⁷ Reference: Oregon Revised Statutes, Sections ORS Ch. 267 and ORS Ch. 279A-279C

purchase of publicly sold Personal Property. Further, Oregon Government Ethics Law (ORS Ch. 244) prohibits employees from using their office to obtain financial gain for the employee, a relative, or a member of the employee’s household. Receipt of surplus LTD Personal Property by an LTD employee, relative, or member of the employee’s household violates ORS 244.040 and is prohibited.

19.5 Other Mandates

- a. Disposition of Vehicles. LTD vehicles to be disposed of in any manner must also be properly documented as required by the State of Oregon Department of Motor Vehicles.⁸
- b. Communication regarding Disposition. LTD vehicles and asset-tagged Personal Property to be disposed of, removed from service, transferred in any manner, even if to long-term storage, must notify LTD’s Risk Generalist, in advance of any such transfer, to perform a risk management review and adjust insurance coverage as appropriate.

19.6 Acquisition and Disposition of Real Property

- a. Federally Funded Projects. For Federally-funded projects see FTA C 5010.1E, pages IV-1- 20, as well as Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as may be amended.
- b. Locally Funded Projects. For locally-funded projects see ORS Chapter 35 — Eminent Domain; Public Acquisition of Property as may be amended.

SECTION 20 – PROTEST PROCEDURES

In addition to those requirements set forth in the Oregon Public Contracting Code, the Model Rules, and the FTA Circular 4220.1F, the following procedures shall apply for any protests.

20.1 Solicitation Protests. The following requirements shall apply to a solicitation protest.

- a. Protest Submission. A protest of the Solicitation Documents must be marked as follows:

Solicitation Document Protest
Offeror’s Name or Other Identification

Any such protest must be addressed to the Procurement Supervisor/Manager and must be received by LTD by the time identified in the Solicitation Documents.

- b. Protest to Procurement. LTD shall not consider a prospective Offeror’s solicitation protest submitted after the timeline established for submitting such protest. In accordance with Oregon law and rules, the LTD Procurement Office shall, reasonably and promptly, issue a written disposition of the protest. If the Procurement Office upholds the protest, in whole or in part, LTD may in its sole discretion issue an Addendum reflecting its disposition or cancel the procurement.
- c. Protest to the Procurement Supervisor/Manager. A prospective Offeror may appeal the Procurement Office’s written determination to the Procurement Supervisor/Manager. The protester must submit the written determination and this must be received by the Supervisor/Manager within forty-eight (48) hours of the prospective Offeror’s receipt of

⁸ Where applicable, also reference ODOT Rail and Public Transit Capital Program’s Process for Disposal, updated 6/2018, as may be amended; see Management of Grant-Funded Capital Assets Plan (DOC-X-AST-002)

the Office's written disposition. In accordance with Oregon laws and rules, the Procurement Supervisor/Manager shall, reasonably promptly, issue a written disposition of the protest. If the Procurement Supervisor/Manager upholds the protest, in whole or in part, LTD may in its sole discretion issue an Addendum reflecting its disposition or cancel the procurement.

20.2 Protests of Contract Award. The following requirements shall apply to a protest of the contract award.

a. Protest Submission. A protest of the Contract Award must be marked as follows:

Protest of Contract Award
Offer Number or Other Identification

Any such protest must be addressed to the Director of Procurement and must be received by LTD by the time identified in the Solicitation Documents.

b. Protest to Procurement Supervisor/Manager. LTD shall not consider an Offeror's selection protest submitted after the timeline established for submitting such protest. In accordance with Oregon law and rules, the LTD Procurement Supervisor/Manager shall, reasonably promptly, issue a written disposition of the protest. If the Procurement Supervisor/Manager upholds the protest, in whole or in part, LTD may in its sole discretion either award the contract to the successful protestor or cancel the procurement or solicitation.

c. Protest to Director of Procurement. An Offeror may appeal the Procurement Supervisor/Manager's written determination to the Director of Procurement. The Director of Procurement must receive written determination within five (5) days of the Offeror's receipt of the Procurement Supervisor/Manager's written disposition. LTD shall not consider an Offeror's protest submitted after the time established herein. In accordance with Oregon law and rules, the Director of Procurement shall, reasonably promptly, issue a written disposition of the protest. If the Director of Procurement upholds the protest, in whole or in part, LTD may in its sole discretion either award the contract to the successful protestor or cancel the procurement or solicitation.

d. Protest to CEO. An Offeror may appeal the Director of Procurement's written determination to the CEO. Any protest of the Director of Procurement's written determination must be received by LTD's CEO within five (5) days of the Offeror's receipt of the Director of Procurement's written disposition. LTD shall not consider the protest submitted after the time established herein. In accordance with Oregon law and rules, the CEO shall, reasonably promptly, issue a written disposition of the protest. If the CEO upholds the protest, in whole or in part, LTD may in its sole discretion either award the contract to the successful protestor or cancel the procurement or solicitation.

20.3 Notice to FTA. In all instances involving FTA funds, the LTD Procurement Supervisor/Manager shall notify the FTA regarding any received protest and shall keep the FTA involved regarding the status of such protest.

20.4 Protest with the FTA. An adversely affected or aggrieved Offeror must exhaust all administrative remedies with LTD before pursuing any protest with the FTA for federally funded projects.

[SECTION 21 – CLAIMS REVIEW BOARD](#)

LTD may provide contractors the option to appeal decisions of an LTD Project Manager to the LTD Claims Review Board.

21.1 Composition of Claims Review Board. The Claims Review Board shall be comprised of the following individuals: Finance Committee President, CEO, and Legal Counsel.

21.2 Procedure. The procedures and timelines regarding a contractor's appeal to the Claims Review Board shall be set forth and governed by the contract. The Claims Review Board shall adopt any procedure not set forth in the contract at the time of the appeal.

SECTION 22 – CONTRACT TYPES AND CONTRACT PAYMENTS

22.1 Contract Types. The Solicitation Documents must state the type of contract that will be awarded.

- a. Typical Contract Types. Contract types may include, but are not limited to, the following:
- i. Firm Fixed Price. A firm fixed price contract includes a price that remains fixed irrespective of the contractor's cost experience in performing the contract. A firm fixed price contract may include an economic price adjustment provision, incentives, or both.
 - ii. Cost Reimbursement. A cost-reimbursement contract provides for payment of the contractor's allowable incurred costs, to the extent prescribed in the contract. Allowable costs may include incentives if LTD believes they can prove helpful. Cost-reimbursement contracts are suitable for use only when uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to use any type of fixed price contract.
 - iii. Revenue Contracts. A revenue contract is a contract in which LTD or a subcontractor provides access to public transportation assets for the primary purpose of either producing revenues in connection with an activity related to public transportation, or creating business opportunities with the use of FTA assisted property. LTD has broad latitude in determining the extent and type of competition appropriate for a particular revenue contract, so long as all applicable rules and regulations are adhered to (including FTA Incidental Use guidance⁹). Nevertheless, to ensure fair and equal access to FTA assisted property and to maximize revenue derived from such property, LTD shall conduct its revenue contracting as follows:
 1. Limited Contract Opportunities. If there are several potential competitors for a limited opportunity (such as advertising space on the side of a bus), then LTD shall use a competitive process to permit interested parties an equal chance to obtain that limited opportunity. **See Section 8 for Oregon requirements on procurement methods (other than full and open competition).**
 2. Open Contract Opportunities. If, however, one party seeks access to a public transportation asset (such as a utility that might seek cable access in a subway system), and LTD is willing and able to provide contracts or licenses to other parties similarly situated (since there is room for a substantial number of such cables without interfering with transit operations), then competition would not be necessary because the opportunity to obtain contracts or licenses is open to all similar parties.

⁹ FTA C 5010.1E, Chapter IV *Management of the Award*

See Section 7 for Oregon requirements on procurement methods (full and open competition).

- b. Prohibited or Restricted Contract Types. The following contract types are restricted or prohibited:
 - i. Cost Plus a Percentage of Cost – Prohibited
 - ii. Percentage of Construction Cost – Prohibited
 - iii. Time and Materials – Restricted. The use of these contracts is permissible only:
 - 1. After determining that no other contract type is suitable; and
 - 2. If the contract specifies a ceiling price that the contractor may not exceed at its own risk.

22.2 **Contract Payment Provisions.** If LTD intends to use FTA assistance, or expects to be reimbursed with FTA assistance, or dedicates its local share funds to support contract costs it has financed, the payment provisions must be structured in accordance with FTA Circular 4220.1F and the provisions set forth in this Section.

- a. Advance Payments. LTD may not use FTA assistance to make payments to a third-party contractor before the contractor has incurred the costs for which payments would be attributable unless an exception applies.
- b. Progress Payments. Progress payments are payments for contract work that has not been completed in full. LTD may use FTA assistance to support progress payments provided LTD obtains adequate security for those payments and has sufficient written documentation to substantiate the work for which payment is requested.
 - i. **Adequate Security for Progress Payments.** Adequate security for progress payments may include taking title, obtaining a letter of credit, or taking equivalent measures to protect LTD’s financial interest in the progress payment.
 - ii. **Adequate Documentation.** Sufficient documentation is required to demonstrate completion of the amount of work for which progress payments are made.
 - iii. **Percentage of Completion Method.** Any progress payments for construction contracts shall be made on a percentage of completion method. LTD may not make progress payments for other than construction contracts based on this percentage method.
- c. **Retainage. On Public Improvement Contracts, LTD may retain amounts from progress payments pursuant to ORS 279C.550 to 279C.570 and the corresponding Oregon Administrative Rules. Further, LTD may accept surety bonds in lieu of retainage in accordance with HB 4006 (2024) and must do so if the contractor requests it.**

SECTION 23 – CONTRACT ADMINISTRATION

23.1 **Contract Files.** LTD must establish files containing the records of all procurement and contract actions. Contract files should be organized as to allow a file reviewer to reconstruct and understand the history of the procurement and Contract in the absence of the Contract Administrator. All personnel who deal with the Contractor should maintain records of contract activity, particularly those project personnel who are involved in monitoring the Contractor’s performance. Maintenance of records will include notations of any problems or unusual occurrences, so that it is possible to recreate the circumstances surrounding any area of

controversy or dispute that might arise. Different staff will be involved in any particular procurement (maintenance, QA, engineers, inspectors, financial, DBE office, legal, etc.) and each may have their own individual files relating to the contract, reflecting their involvement with the administration of the contract, but it is important for the procurement office to maintain the "official" contract file. The "official" file would include all official correspondence relating to the administration of the contract so as to verify the contractor's adherence to the terms of the contract and demonstrate that the agency is following good administrative practice and sound business judgment in settling all contractual and administrative issues arising during contract performance.

a. Above Micro-Purchase Threshold. For all contracts above the micro-purchase level, the Procurement Supervisor/Manager will ensure that the contract administration file includes the following:

- i. The executed contract and notice of award;
- ii. Performance and payment bonds, bond-related documentation, and correspondence with any sureties;
- iii. Contract-required insurance documentation;
- iv. Post-award (pre-performance) correspondence from or to the contractor or other Governmental agencies;
- v. Notice to proceed;
- vi. Approvals or disapprovals of contract submittals required by the contract and requests for waivers or deviations from contractual requirements;
- vii. Modifications/changes to the contract including the rationale for the change, change orders issued, and documentation reflecting any time and or increases to or decreases from the contract price as a result of those modifications;
- viii. Documentation regarding settlement of claims and disputes including, as appropriate, results of audit and legal reviews of the claims and approval by the proper authority (i.e., FTA, board of directors, executive director) of the settlement amount;
- ix. Documentation regarding stop work and suspension of work orders and termination actions (convenience as well as default); and
- x. Documentation relating to contract close-out.

b. Micro-Purchases. For micro-purchases, the buyer will ensure that the file contains a receiving report with a signature of the person inspecting and accepting the items delivered. The signature will certify that the items ordered meet the purchase order requirements with respect to quantities ordered/delivered and are of satisfactory quality.

23.2 **Monitoring of Contracts.** Inspection of goods and services shall be performed routinely during the life of the Contract by the Contract Manager, or his/her designees, to ensure conformance with the specifications of the Contract. The reviews and inspections shall be performed as often as is reasonably necessary during the life of the Contract to ensure conformance. Records of such inspections shall be part of the contract file. Inspections and tests shall not unduly delay the work.

23.3 **Contract Administration Functions.** Every type of contract will have different contract administration actions and the documentation required to support that administration will differ as well. Supply contracts have different specific administrative actions than construction

contracts do, just as fixed-price contracts are administered differently than cost-reimbursement contracts. The Procurement Supervisor/Manager will delegate certain contract administration functions to the Contract Manager. The delegation must be in writing and must inform the Contract Manager what their duties are for that specific contract. When applicable, a delegation of authority document will be executed.

- 23.4 Written Procurement History. A record shall be maintained detailing the history of a procurement. At a minimum, the records shall include:
- a. The rationale for the method of procurement;
 - b. Selection of contract type;
 - c. Reasons for Contractor selection or rejections; and
 - d. The basis for the contract price.

SECTION 24 – EVALUATING CONTRACT OPTIONS

- 24.1 Contract Options. An option is a unilateral right in a contract by which, for a specified time, the buyer may elect to purchase additional equipment, supplies, or services called for by the contract, or may elect to extend the term of the contract. The use of options must comply with the requirements of this Section.
- a. Only Those Goods or Services Required. The use of options must be limited to quantities of goods or services that are reasonably anticipated to be required by LTD during the term of the contract. Options may not be included solely with the intent of assigning them to another entity in the future; however, contracts may include a provision allowing assignment to other agencies in the event of a change in LTD’s anticipated requirements, in accordance with FTA regulations and guidance.
 - b. Evaluate Options Pre-Contract Award. The option quantities or periods MUST be defined in the solicitation, contained in the offer upon which a contract is awarded; and evaluated as part of the initial award process (i.e., the options MUST be evaluated in combination with bid prices for the base quantity to determine the low bidder).
 - c. If an Option is Not Evaluated; Sole Source. When an option has not been evaluated to determine the low bidder for award of the contract, exercise of the option will be considered a sole source procurement and must be justified as such. See Section 9.4 (a), regarding Sole Source Procurements.
 - d. Exercising an Option. The exercise of an option must be in accordance with the terms and conditions of the option as stated in the initial contract, and an option may not be exercised unless it is determined that the option price is better than prices available in the market or that the option is the more advantageous offer at the time the option is exercised, cost and other factors considered. If sequential options (e.g., a series of one-year extensions) exist, the failure to timely and properly exercise any option will void all subsequent options.
- 24.2 **Piggybacking.** LTD may exercise option contracts of other public agencies (“piggybacking”) in accordance with FTA regulations and guidance. **See Section 10.3 regarding Existing Contracts.**

SECTION 25 – CONTRACT MODIFICATION

This Section 25 shall be read broadly to include any change to a Contract, which shall include, but is not limited to: Contract Amendment, Change Order, Extra Work, Field Orders or any other changes in the

Contract Documents.

- 25.1 Contract Modification Process. Before an amendment or change order (change notice) to a contract or purchase order can be approved, the following steps must occur.
- a. Identify the Need for the Change. The Contract Manager shall identify the need for change, in writing. The Contract Manager shall determine that the change is desired or required and that it falls within the original scope of the project (as stated in the Solicitation Documents). If the change is beyond the scope of the contract, it must be analyzed as a sole source award. See Section 8.2, regarding Sole Source Awards. Unforeseen conditions that occur in a construction project that must be remedied to proceed with construction are allowable.
 - b. Perform Independent Cost Estimate. The Contract Manager must make an independent estimate of the cost of the change. This cost estimate shall be in writing. Refer to Section 6 regarding requirements for an Independent Cost Estimate.
 - c. Verify Change is Permitted by Law. The Contract Manager, in consultation with the Procurement Supervisor/Manager as necessary, shall verify the proposed change is permitted (without additional competition) in accordance with FTA Circular 4220.1F, Oregon law, and this Policy.
 - d. Contracts Authorized by Board. For contracts authorized by the CRB, individual or cumulate contract amendments cannot exceed twenty percent (20%) of the initial contract or \$250,000, whichever is less, without seeking additional approval from the Board.
 - e. Submission to Contractor / Consultant. Once the steps outlined in (a)-(d) are completed, the request for a proposal for the change must go to the Contractor or Consultant on the project, consistent with the terms of the contract, and giving a description of the change in whatever terms are needed to allow the Contractor/Consultant to respond.
 - f. Contractor's/Consultant's Proposal. The Contractor's/Consultant's responding proposal should contain supporting documentation for costs of materials or for any subcontractor work proposed. It should also contain pertinent drawings or other supplemental information needed to identify the work.
 - g. Review of Contractor's/Consultant's Proposal. The Contract Manager shall review the Contractor's/Consultant's Proposal and perform a Cost or Price Analysis. Refer to Section 9 regarding requirements for a Cost or Price Analysis. This complete packet makes up the change order request package, which will be submitted to the Procurement Supervisor/Manager for review and approval.
- 25.2 Cost Restrictions. The cost of the change, modification, change order, or constructive change must be allowable, allocable, within the scope of the FTA grant or cooperative agreement, and reasonable for completion of project scope.

SECTION 26 – ELECTRONIC COMMERCE SYSTEM

- 26.1 Annual Notice of Intent to Advertise on Electronic System. At least annually, LTD shall advertise its Notice of Intent to Advertise procurements on its electronic procurement system. The Notice shall be published weekly, for not less than four (4) consecutive weeks, in at least one newspaper of general circulation for the Eugene/Springfield area. The Notice shall also be posted on LTD's website for not less than four (4) consecutive weeks. The Notice shall invite prospective contractors to request input into LTD's electronic procurement system, so that the prospective contractor receives notice of**

LTD's procurements that are posted on such system. LTD may indicate in the Notice that any contractors already receiving electronic notice of LTD's procurements will continue to do so and need not respond to the Notice of Intent to Advertise.



LTD RESOLUTION NO. 2024-08-21-023

**ADOPTING THE LTD PROCUREMENT POLICY AND
DELEGATING CERTAIN AUTHORITY**

WHEREAS, the Lane Transit District (“LTD”) Board of Directors acts as the LTD Contract Review Board and may adopt rules by Resolution;

WHEREAS, the LTD Contract Review Board previously adopted the Oregon Model Rules, Section 137, Divisions 46, 47, 48, and 49, adopted by the Attorney General under Oregon Revised Statutes (“ORS”) 279A, 279B, and 279C, as they may be amended from time to time, as LTD’s Public Contracting Rules except as expressly provided otherwise in LTD’s Procurement Policy;

WHEREAS, the LTD Contract Review Board previously adopted the LTD Procurement Policy, as amended, on 5/14/2014, 6/22/2017, 9/16/2020, 9/15/2021; and

WHEREAS, the Local Contract Review Board wishes to adopt an amended version of the LTD Procurement Policy as well as delegate some of its authority while continuing to maintain adequate financial controls.

NOW, THEREFORE, BE IT RESOLVED by the LTD Board of Directors, acting as the LTD Contract Review Board:

1. LTD Procurement Policy. The LTD Procurement Policy, as presented, is hereby adopted. LTD hereby adopts the Oregon Model Rules, as they may be amended from time to time, as LTD’s Public Contracting Rules except as expressly provided otherwise in LTD’s Procurement Policy.
2. Levels of Contracting Authority. The LTD Contract Review Board hereby delegates to the Chief Executive Officer the authority and responsibility to approve, negotiate and execute procurements and contracts which do not exceed \$250,000.
3. Contract Amendments and Change Orders. For those contracts authorized by the LTD Board of Directors, the LTD Contract Review Board hereby delegates to the Chief Executive Officer the authority and responsibility to approve and execute contract amendments and change orders. Individual or cumulative contract amendments and change orders cannot exceed \$250,000 or twenty percent (20%) of the initial contract, whichever is less, without further approval of the LTD Board of Directors.
4. Routine Annual Procurements. The LTD Contract Review Board hereby delegates to the Chief Executive Officer the authority and responsibility to approve, negotiate, and execute routine annual procurements and contracts, regardless of amount, for operational goods and services including but not limited to diesel, fuel, gasoline, engine oil and lubricants, tires, bus batteries, bus and facilities parts, printing, proprietary software, and facilities maintenance.
5. Contract Documents. The LTD Contract Review Board hereby delegates to the Chief Executive Officer, the authority and responsibility to approve and execute all contract documents including purchase orders, blanket purchase orders, contracts, contract amendments, and change orders after any necessary authorization by the Board of Directors.
6. Sole Source. The LTD Contract Review Board hereby delegates to the Chief Executive Officer the authority and responsibility to approve all sole source contracts that do not exceed \$250,000, provided all other legal requirements for such procurement have been met.
7. Delegated Authority Report. A report regarding the Chief Executive Officer’s delegated authority, pursuant to Sections 2 – 4, shall be presented to the Board of Directors at its monthly meeting in a format satisfactory to the Board. The report shall include: (a) all

contracts that exceed \$10,000 but do not exceed \$250,000; and (b) all contract amendments within the Chief Executive Officer's delegated authority, pursuant to Section 3.

8. Intergovernmental Agreements. Subject to the limits set forth in Sections 2 and 3, Intergovernmental Agreements shall be presented to the Board of Directors prior to entering into. "Intergovernmental Agreements" shall include any contract between governmental entities that is not a Real Property Agreement.
9. Real Property Agreements. Real Property Agreements shall be presented to the Board of Directors prior to entering into. "Real Property Agreements" shall include:
 - a. Agreements for the sale or purchase of real property; and
 - b. Lease agreements that exceed the limits set forth in Sections 2 and 3, or that have a lease term of ten (10) years or more.
10. Budget and Policies. All authority delegated herein shall be exercised consistent with the adopted LTD budget and established policies and approved projects of LTD.
11. Delegation. The Chief Executive Officer may delegate in writing any of the authorities granted under this Resolution; provided, however, any such authority delegated to staff shall not exceed the authority delegated herein to the Chief Executive Officer.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 21st DAY OF AUGUST, 2024.

Gino Grimaldi, Board President



Lane Transit District Agenda Item Summary (AIS)

Presented By: Dave Roth, Director of Planning **Title:** 2024 Title VI Program Report

Action: Adoption of Resolution No. 2024-08-21-023 Approving the 2024 Title VI Compliance Report

Agenda Item Summary:

As a direct recipient of federal financial assistance from the Federal Transit Administration (FTA), Lane Transit District (LTD) is required to develop a Title VI Program every three years. The purpose of the Title VI Program is to ensure compliance with Title VI requirements.

Signed into law in 1964, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. The intent of Title VI is to remove barriers and conditions that prevent minority, low income, Limited English Proficiency (LEP), and other disadvantaged groups and persons from receiving access, participation and benefits from federally assisted programs, services, and activities. Title VI effectively promotes fairness and equity in federally assisted programs and activities and is based on the fundamental principle that all human beings are created equal. Title VI is rooted in the constitutional guarantee that all human beings are entitled to equal protection of the laws and specifically addresses involvement of impacted persons in the decision-making process.

Attachments: 2024 LTD Title VI Program Report Memo

I certify that my Department Chief has reviewed and approved this AIS:

PROPOSED MOTION:

I move to adopt LTD Resolution No. 2024-08-21-024 Approving the 2024 LTD Title VI Program Report.



Lane Transit District
P. O. Box 7070
Springfield, Oregon 97475
541- 682-6100
Fax: 541- 682-6111

October 1, 2024

MEMORANDUM

TO: Karin Vosgueritchian, Area Civil Rights Officer
Federal Transit Administration, Region 10

FROM: Heather Lindsay, Service Planner

RE: **Compliance with Federal Transit Administration (FTA)
Circular 4702.1B (Title VI)**

LTD is a regional transit agency organized in 1970 under the laws of the state of Oregon to provide transit service in Lane County, Oregon. LTD serves the Eugene and Springfield metropolitan areas, as well as the neighboring communities of Coburg, Junction City, Veneta, Cottage Grove, Creswell, Lowell, Pleasant Hill, and portions of the county's unincorporated areas. A board of directors, with members appointed by the Governor, governs LTD. Within the metropolitan area, LTD directly operates fixed-route and bus rapid transit (BRT) service and contracts for Americans with Disabilities (ADA) paratransit service (currently Medical Transportation Management, MTM). LTD also contracts with other operators, such as South Lane Wheels, River Cities Taxi, and Pacific Crest Bus Lines to provide transportation services in designated communities outside of the fixed route service area within Lane County. The population of the service area is approximately 300,000.

LTD operates a network of 32 fixed routes including the EmX the bus rapid transit line throughout the service area. Service is provided weekdays from 6:00 a.m. to 12:30 a.m. Saturday service is operated from 7:00 a.m. to 11:30 p.m. Sunday service operates between 8:00 a.m. and 9:30 p.m. LTD's ADA complementary paratransit service, known as RideSource, operates during the same days and hours of service as the fixed routes in the metropolitan area.

LTD operates 5 active vanpools that travel between our service district and Salem & Corvallis.

The basic adult fare for fixed-route bus service in the metropolitan area is \$1.75. A reduced fare of \$0.85 is offered during all operating hours to youth ages 6-18, eligible persons with disabilities, and persons with a Medicare card. All K-12 students in Lane County can get their free LTD Student Transit Pass from their school, using either the Umo Mobility smartphone app or tap card. This pass allows students in public, private, charter, and home schools to ride LTD buses for free. All Section 5307-funded fixed-route services are included in the half fare program. Honored Riders, defined as persons age 65 or older, are not charged fare for fixed route service in the metropolitan area. A number of group pass options are available, including group rates for transit passes for enrolled students at both the University of Oregon and Lane Community College. The RideSource fare is \$3.50 per one-way trip.

LTD operates a fleet of 109 FTA-funded buses for regular fixed-route and BRT service. Its bus fleet consists of standard and low-floor 40-foot transit coaches and 60-foot articulated buses,

including 18 BRT vehicles. The current peak requirement is 51 vehicles for regular fixed route service and 13 vehicles for BRT service. LTD also has a fleet of 57 cutaway buses and modified mini-vans that are operated by MTM, the RideSource contractor. Fourteen of the vans were directly funded by FTA. Most of the other paratransit vehicles were funded through the Oregon Department of Transportation. Fifteen of the vans were directly funded by FTA. The other paratransit vehicles were funded through a combination of funding from the State Transportation Improvement Fund, the Oregon Department of Transportation and General Funds.

LTD operates fixed route service from the Glenwood maintenance and administration facility on 17th Avenue in Glenwood. RideSource operates from a separate facility on Garfield Street in Eugene. Fixed-route service is oriented around a transit center in downtown Eugene with a companion facility in downtown Springfield. LTD also has nine transit centers throughout the metropolitan area and 21 park-and-ride locations.

PART I: GENERAL REPORTING REQUIREMENTS

I. Annual Title VI Certification and Assurance

The FTA Civil Rights Certification and Assurance is attached (Appendix A). The DOT Title VI Assurance is on file at FTA. See Appendix A for Lane Transit District Board of Directors approval of the 2024 Title VI Compliance Plan Memo.

II. Title VI Complaint Procedures

Lane Transit District (LTD) has procedures in place to investigate and track Title VI complaints, including a Title VI policy, directions detailing how to file a complaint, an explanation of how the complaint will be investigated, and an LTD complaint form. (Appendix B).

III. Title VI Investigations, Complaints, and Lawsuits

Please see (Appendix C) for Title VI Investigations and Complaints. All complaints were either inconclusive or resolved. No complaints from subrecipients.

IV. Provide Meaningful Access to Limited English Proficiency (LEP) Persons

Introduction:

The vision of Lane Transit District (LTD) is in all that we do, we are committed to creating a more connected, sustainable, and equitable community. LTD believes its services should be accessible to all potential users. It is with this belief that LTD has prepared this program to meet the requirements set forth in Title VI of the Civil Rights Act of 1964 concerning access to services for people with limited English language proficiency (LEP). As a recipient of federal financial assistance, LTD must adhere to the LEP standards set forth. Under Executive Order 13166: Improving Access to Services for Persons with

Limited English Proficiency, LTD is federally mandated to examine the services it provides and to develop and implement a system by which LEP persons can have meaningful access to the benefits, services, information, and other important portions of its programs and activities. LEP includes persons who are unable to communicate effectively in English because their primary language is not English and they have not developed fluency in the English language.

This plan has been developed utilizing the U.S. Department of Transportation's (DOT) LEP Guidance Handbook. The DOT provides guidance to transit agencies receiving federal funding based upon the determination of need, using a Four Factor Analysis. This Analysis includes the following criteria:

1. The number or proportion of LEP persons eligible to be served, or likely to be encountered by a LTD program, activity, or service.
2. The frequency with which LEP persons come in contact with LTD programs, activities, or services.
3. The nature and importance of programs, activities, or services provided by LTD to the LEP population.
4. The resources available to LTD and overall cost to provide LEP assistance.

Lane Transit District's plan outlines the identification process for LEP communities, the ways in which assistance can be provided, staff training that may be required, and how to notify LEP persons that assistance is available regarding LTD activities.

Four Factor Analysis:

FACTOR 1: THE NUMBER OR PROPORTION OF LEP ELIGIBLE PEOPLE TO BE SERVED OR LIKELY TO BE ENCOUNTERED BY AN LTD PROGRAM, ACTIVITY, OR SERVICE.

LTD Experience with LEP Persons

LTD staff interaction with customers of Limited English Proficiency varies depending on the department/function of the employee. LTD interacts with the public at large in a multitude of ways including but not limited to transit service, fare media sales outlets, administrative duties, and public meetings and events. LTD personnel who come in direct contact with customers were asked how often they served a LEP customer. According to this survey, the most frequent contact occurs while customers are in transit.

Census Data

Data from the U.S. Census Bureau describe the English language proficiency of people based on the language they speak at home. Residents of Lane County were asked if they spoke a language other than English and to indicate their ability to speak English as either "very well" or less than "very well."

Table A compares trends over time and geography of the percent of the population five years and older that were reported to speak English less than "very well." The most recent data are from the American Community Survey (ACS) 2012-2016 5-year, 2015-2019 5-year, and 2018-2022 5-year estimates.

Table A. Population that speaks English less than “very well” (5 years or older).

Percent of Population 5 years or older	ACS	ACS	ACS
<i>Speak English less than very well</i>	2012-2016	2015-2019	2018-2022
United States	8.7%	8.4%	8.2%
Oregon	6.1%	5.6%	5.3%
Lane Co.	2.9%	2.5%	2.3%
Eugene Urbanized Area	3.6%	3.0%	2.7%

Source: American Community Survey

This table shows, for example, that nationally 8.2 percent of the population in 2018-2022 reported an ability to speak English less than “very well;” the percentage in Oregon is 5.3 percent.

Within Lane County, 2.3 percent of the population reported less than “very well” English speaking ability. Within the boundaries of the Eugene Urbanized area (approximately the boundaries of the Central lane Metropolitan Planning Organization, which includes the cities of Eugene, Springfield, and Coburg, and which comprises a large part of the Lane Transit District), a comparable 2.7 percent of respondents reported the same level of English proficiency.

People who speak English as a second language come from a variety of lingual backgrounds. The 2018-2022 ACS shows that Spanish, with 16,838 people (4.60 percent), is the only language within the LTD service area that exceeds the Safe Harbor threshold of 1,000 people or 5 percent of the total population. Other prevalent languages include Chinese with 2,102 people (0.57 percent), German with 2,176 people (0.59 percent), French, Haitian, or Cajun with 2,145 people (0.59 percent), and Korean with 1,064 people (0.29 percent). Table B shows the languages as a percent of the population in Lane County.

Table B. Language Spoken at Home (5 years and older). C16001

Language	Estimate	Percent of Population	Speak English Less than "very well"	Percent LEP
Total:	366,441			
Speak Only English	334,906	91.39%		
Spanish	16,838	4.60%	5,296	1.45%
French, Haitian, or Cajun	2,145	0.59%	796	0.22%
German or Other West Germanic Languages	2,176	0.59%	126	0.03%
Russian, Polish, or Other Slavic Languages	1,043	0.28%	188	0.05%
Other Indo-European Languages	2,939	0.80%	1025	0.28%
Korean	1,064	0.29%	371	0.10%
Chinese (Incl. Mandarin, Cantonese)	2,102	0.57%	922	0.25%
Vietnamese	488	0.13%	189	0.05%
Tagalog (Incl. Filipino)	1,001	0.27%	163	0.04%
Other Asian and Pacific Island Languages	699	0.19%	132	0.04%
Arabic	386	0.11%	59	0.02%
Other and Unspecified Languages	654	0.18%	550	0.15%
Source: American Community Survey 2018-2022 Table C16001				

Table C summarizes the trends in the percent of the population (five years and older) within the Eugene Urbanized Area that speaks Spanish and other languages in the home. This table shows a decreasing proportion of the population who speaks Spanish and speak English less than very well in the home since 2012. Other languages also are decreasing in frequency who speak English less than well. The data suggest that Spanish speakers speak English "very well" at comparable rates with those who speak Other Languages. For the 2018-2022 period, of the 5.67 percent of Spanish speakers report speaking English "very well" at 4.11 percent compared to 4.40 percent of the population who speak other languages report speaking English "very well" at 3.27 percent. Overall, the percent of non-English speakers who speak English less than "very well" has started to increase marginally.

Table C. Language ability over time within the Eugene Urbanized area (5 years and older).

	ACS	ACS	ACS
Eugene Urbanized Area	2012-2016	2015-2019	2018-2022
Population 5 or older	242,238	251,070	264,506
Speak only English	89.60%	90.00%	89.91%
Speak Spanish	5.90%	5.60%	5.67%
<i>Speak English Very Well</i>	3.90%	3.90%	4.11%
<i>Speak English Less Than "Very Well"</i>	2.00%	1.60%	1.56%
Speak Other Languages	4.40%	3.00%	4.40%
<i>Speak English Very Well</i>	3.50%	1.30%	3.27%
<i>Speak English Less Than "Very Well"</i>	1.80%	1.20%	1.13%

FACTOR 2: THE FREQUENCY WITH WHICH LEP PERSONS COME IN CONTACT WITH LTD PROGRAMS, ACTIVITIES OR SERVICES.

ACS 2018-2022 data sets for workers aged 16 years and older provide data for travel to work in Lane County. Within ACS data, the mode of transportation by language proficiency was surveyed; Table D below displays the results. The data indicate that LEP by itself is not a deciding factor in the decision to use transit: those who speak English very well have a higher use of transit (9.62 percent) than those who speak English less than very well (2.18 percent).

Those who speak languages other than English at home, no matter with what their proficiency, chose transit less than those in the English-only speaking population (9.62 percent). The data also shows an increase in Work at home (12.37 percent).

Table D. LEP populations by mode used as means of transportation to work within the Lane County (workers 16 years and over).

Mode	ALL	English	Other language proficiency	
			Very well	Less than Very Well
SOV	67.88%	91.96%	5.68%	2.36%
HOV	9.26%	84.78%	9.56%	5.65%
Transit	2.07%	88.19%	9.62%	2.18%
Walk	4.22%	85.18%	12.26%	2.56%
Bike, Motorcycle, etc.	4.19%	87.42%	10.56%	2.01%
Work at home	12.37%	92.38%	6.34%	1.28%

Source: ACS 2018-2022 Table B08113

ACS 2018-2022 data sets for workers aged 16 years and older provide data for travel to work in Eugene Urbanized Area. Table E shows that LEP by itself is not a deciding factor in the decision to use transit: those who speak English very well have a higher use of transit (8.62 percent) than those who speak English less than very well (0.00 percent).

Those who speak languages other than English at home, no matter with what their proficiency, chose transit less than those in the English-only speaking population (9.62 percent). The data also shows an increase in Work at home (14.87 percent).

In addition, in August 2014, LTD conducted a sample survey of LTD bus operators and administrative personnel to find out how frequently they come into contact with an LEP customer and which languages other than English they encounter most. Eighty-two (82) of 85 employees surveyed indicated that they assist LEP customers at least once per week. Seventy-five (75) of 85 indicated that, other than English, Spanish was the language most encountered.

LTD primarily serves Spanish speaking customers with Limited English Proficiency. LTD staff encounter persons who cannot speak any English frequently to rarely depending on the department/function. LTD personnel who come in direct contact with customers were asked how often they served a LEP customer. The survey showed that:

- LTD Administrative personnel serve LEP customers once a week on average.
- Most LTD Administrative personnel assist LEP customers at the Customer Service Center or over the phone.
- LEP Customer assistance is primarily in regards to fare questions, how to ride, or trip planning.

Table E. Mode use by LEP populations traveling to work within Eugene Urbanized Area (workers 16 years and older).

Mode	ALL	English	Other language proficiency	
			Very well	Less than Very Well
SOV	65.68%	90.17%	7.30%	2.53%
HOV	8.55%	87.43%	8.26%	4.31%
Transit	1.38%	91.38%	8.62%	0.00%
Walk	5.10%	86.79%	9.01%	4.20%
Bike, Motorcycle, etc.	4.41%	96.04%	3.41%	0.55%
Work at home	14.87%	93.07%	5.74%	1.19%

Source: ACS 2018-2022 Table B08113

FACTOR 3: THE NATURE AND IMPORTANCE OF PROGRAMS, ACTIVITIES OR SERVICES PROVIDED BY LTD TO THE LEP POPULATION.

LTD provides a wide array of transportation service from the regular fixed-route system to carpool opportunities. Making these services accessible to LEP persons provides choices when it comes to transportation. It is likely that LTD will interact with LEP customers frequently throughout the system through various services and programs. Translating information to a language that is comprehensible will allow LEP customers to take advantage of the services LTD provides.

LTD provides a paratransit RideSource system, which serves customers who are unable to utilize typical fixed-route service. These customers are frequently elderly or disabled citizens, of which some may be LEP customers. This service is vital for customers who are not able to use traditional service.

Tables A through E indicate that minorities in general tend to utilize transit and walking at a higher rate than other modes in traveling to their work places. LTD thus provides an important service to this population.

FACTOR 4: THE RESOURCES AVAILABLE TO LTD AND OVERALL COST TO PROVIDE LEP ASSISTANCE.

LTD is committed to assuring that resources are used to reduce the barriers that limit access to its information and service by LEP persons. LTD will continue to expend a reasonable portion of budgetary dollars to meet its customers' language assistance needs.

LTD assessed its available resources that could be used to provide language assistance and opportunities for improvement. This included identifying bilingual staff, reviewing existing contract for professional translation services, determining which documents should be translated, bilingual staff at the Customer Service Center, and recruitment for bilingual/bicultural employees. LTD will continue to concentrate on the Spanish speaking population as it has the highest rate of home use other than English. However, the results above indicate that LTD must continue to be open to the need to provide language assistance to non-Spanish speakers as the need may arise.

Printed Materials

LTD maintains a list of "Vital Documents." These documents are considered mission critical and will be translated and made available as part of the annual process of updating. Documents not included on this list will be translated upon request. LTD is moving toward translating all materials not just mission critical.

1. *Rider's Guide* route and schedule book
2. Station information outlining routes, schedules, and other specific rider information.
3. Riding rules posters and Title VI notice to beneficiaries.
4. Summaries of key project documents, such as the environmental assessment for the West Eugene EmX project.

5. Paid advertising related to public hearings on service and fares.
6. Annual route review materials posted at stops and stations.
7. Consent and Complaint forms.
8. Written notices of rights.
9. Mission critical signage system wide-all signage that has a potential impact on the ability of customers to utilize LTD's service.

Additional documents and services are available on the LTD website. The website can be translated using Google Translate services by selecting a language from the available drop-down list menu. This service is available on every page of the LTD website.

LTD chooses to translate mission critical signage system-wide and is moving toward translating all material. All signage that has a potential impact on the ability of customers to utilize LTD's service are translated into Spanish. Mission critical signage includes but is not limited to Bus Stop Information posts that contain route schedule information at high usage stations, service changes and disruptions, and LTD contact information.

LTD's FY 2023 - 2024 budget increased from \$3,500 to \$10,000 for voice and printed translation services, we are translating all materials not just mission critical. We are also translating k-12 materials in Chinese and Japanese as well.

Google Translate

LTD recommends www.spanishdict.com, www.translate.google.com, and www.spanishcentral.com/translate/audio to provide translation services to Bus Operators and employees who may require assistance in person or over the phone. All LTD customer service representatives, Dispatch, and secretarial staff have access to this service.

Title VI Notice

Title VI information and documentation is available at www.ltd.org and upon request. Any person who believes he or she has been aggrieved by an unlawful discriminatory practice under Title VI may file a complaint with LTD. Any such complaint must be in writing and filed with LTD within 180 days following the date of the alleged discriminatory occurrence. For information on how to file a complaint, contact LTD by any of the methods provided below. Title VI Complaint Forms and instructions for their completion are available on the LTD website, LTD Title VI Policy Statement page.

Public Outreach

LTD conducts public outreach programs within the community concerning proposed service changes. At this time, LTD provides opportunities for language translation, as well as distribution of service change documents in Spanish language translations both on the LTD website and at outreach events. When events with community members that may require translation occur, LTD hires and provides translation services at no additional cost to community members. LTD includes materials in Spanish at all public outreach efforts dealing with service and has bilingual staff available at workshops/forums.

LTD customer research routinely includes opportunities for community input from all citizens. LTD conducts an annual route review that includes on-board surveys and opportunities for customer input on certain routes and service changes.

Employee Resources

LTD has developed instructional opportunities for all employees. Each new class of drivers receives Spanish instructional training in a lecture, video, and situation-based classroom. Basic Transit Spanish classes are open to all LTD employees during new driver training. This occurs approximately four times per year. The class is guided using *Basic Spanish for Transit Employees*, developed by Regional Transit District, Roaring Fork Transportation Authority, and Colorado Mountain College. The class focuses on transit scenarios including trip planning, system use, and fare questions and is taught by LTD employees who have proven Spanish fluency.

All new LTD bus operators are given an Operator Manual during training. This Manual contains an LEP section that highlights operating procedures for assisting LEP customers. This includes explanation of Google translate and other resources available to drivers from LTD.

After analyzing the four factors, LTD developed the following plan for providing language assistance to LEP persons.

LTD Language Assistance Plan

Goals and Objectives

1. Comply with federal regulations¹ to “Improve Access to Services for Persons with Limited English Proficiency” by providing meaningful access to the benefits, services, information, and other important portions of Lane Transit District’s programs and activities for individuals with Limited English Proficiency.
 - a. Translate “vital documents” into Spanish and, if necessary, replace text with pictograms or universal icons.
 - b. Notify Spanish speaking population of the availability of free translation and interpretation, upon request, for non-vital but important documents.
 - c. Identify service changes affecting areas with high concentrations of LEP individuals and develop mitigation strategies.
2. Develop programs and materials to educate both community leaders who serve Spanish speaking LEP populations, and LEP community members about LTD’s services and programs.
 - a. Contact LEP partners to determine culturally appropriate travel-training materials and contact methods for members of their specific communities.

¹ Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency

- b. Using input from community leaders, develop and provide customer orientation to familiarize transit coordinators at Community centers and LEP customers with all LTD services and programs.
 - c. Design new pictograms with community input to replace text in signage where possible.
3. Educate LTD staff regarding LEP programs and policies.
 - a. Work with the Operator Training Department to improve operator training programs related to transporting and communicating with LEP customers.
 - b. Develop standards to certify LTD staff as qualified interpreters and translators.
 - c. Write policy stating *approved individuals whose competency has been established must perform all interpretation and written translation.*

General Strategy

- This program will utilize existing networks² within the Spanish speaking community to contact, engage, and educate community leaders serving Spanish speaking LEP populations and LEP community members about LTD's services and programs.
- Utilize LTD's internal task force to ensure LTD's LEP program and services appropriately meet the needs of Spanish speaking LEP populations and LTD's frontline personnel.
- Create a "one stop shop" within LTD to handle all communications for the Spanish speaking LEP community.

Primary Target Audience

New immigrants whose primary language is Spanish and who read at least some Spanish. Members of this group vary in age, education, and income; however, they tend to live in urban or suburban settings, have access to LTD services, have low incomes, and be transit dependent. Ridership patterns include men and women commuting to work and school, men and women taking children to school and medical appointments, youth riding to school and jobs, and elders going to medical appointments and social activities.

Secondary Target Audience

Recent immigrants from rural areas of Mexico, Central America, and South America. This group is noteworthy because they comprise much of the recent Latino population growth.

Stakeholders

- Internal: LTD management, LEP Task force, LTD staff needing to communicate with the Spanish speaking LEP community regarding legal, service, and ridership issues
- External: Spanish speaking LEP communities; Community-based organizations (CBOs) serving Spanish speaking LEP populations; Lane Community College; state,

² Community based organizations (CBOs), churches, social clubs, business organizations and State, County and city social service agencies.

county, and city governments serving Spanish speaking LEP populations; and Hispanic business groups.

Program Elements

1. Outreach – External stakeholders
 - a. CBOs serving Spanish speaking LEP populations
 - b. Urban Spanish speaking LEP communities:
 - c. Rural Spanish speaking LEP communities
 - d. Hispanic business associations
 - e. State, county, and city governments
 - f. A bilingual LTD staff person at public hearings, open houses, and other service outreach activities
2. Outreach – Internal stakeholders
 - a. Employee training
 - b. Service and scheduling
 - c. Board and Leadership Council
 - d. Capital projects
3. Media – Paid and earned
 - a. Include Spanish when promoting LTD services
4. Training – LTD Employees and Contracted Personnel (Public Safety, Transit hosts etc.)
 - a. Employee training (initial focus on front-line staff: operators, Customer Service, reception)
 - b. Provide staff with a description of language assistance service offered by LTD.
 - c. Offer basic, functional Spanish classes for employees
 - d. Provide staff with specific procedures to be followed when encountering an LEP person, including how to handle a potential Title VI/LEP complaint.
5. Translation Service
 - a. Contract for written translation services
 - b. Contract for oral translation services
 - c. Contract for web translation service or link to translation services
6. Recruit and hire bilingual/bicultural
 - a. Attend job fairs targeting the Latino/Hispanic population
 - b. Place job announcements encouraging bilingual individuals to apply in local newspapers, on LTD's website, through e-mail notifications, and any other medium used to attract potential employees

Monitoring and Updating the LEP Plan

This plan is designed to be flexible. As such, it is important to consider if new documents, services, and technologies need to be made available for LEP persons from monitoring changes in demographics and types of services. LTD will update the LEP as required by U.S. DOT. At a minimum, the plan will be reviewed and updated every three years using

five-year American Community Survey estimates or when it is clear that higher concentrations of LEP individuals are present in the LTD service area.

Dissemination of the Limited English Proficiency Plan

LTD will post the LEP Plan on its website at www.ltd.org. Copies of the Plan will be provided to any person or agency requesting a copy. LEP persons may obtain copies/translations of the plan upon request. Any questions or comments regarding this Plan should be directed to:

Marketing Director
Lane Transit District
PO Box 7070
Eugene, OR 97401
LTD@ltd.org
Phone: 541-687-5555
Fax: 541-682-6111

Please see Appendix M for *LEP Survey*, *LEP Vital Documents*, *LEP Work plan*, *LEP Survey results*, and *LEP Memo*.

V. Notify Beneficiaries of Protection under Title VI

The LTD website, the *Rider's Guide* (Appendix L, Page 2), on-board posters, and information kiosks at both transit hubs contain the following statement or something similar:

LTD operates its programs without regard to race, color, religion, sex, sexual orientation, national origin, marital status, age, or disability in accordance with Title VI of the Civil Rights Act, ORS Chapter 659 A, or other applicable law. See Section II, Title VI Complaint Procedures (Appendix B), which describes how the public can request further information on nondiscrimination obligations and how to file a Title VI complaint against LTD. These documents are available in both English and Spanish.

VI. Additional Information upon Request

LTD will provide the FTA with additional information to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI.

VII. Summary of Public Outreach

The Hispanic/Latino community continues to grow in the LTD service area. LTD policy includes publishing all major marketing materials in both English and Spanish. LTD's

Rider's Guide includes a System Map and timetables and is available on our website and Customer Service Center in Downtown Eugene. LTD also places advertisements and announcements in several Eugene/Springfield newspapers. The *Rider's Guide* information pages are printed in both English and Spanish (Appendix L). Other methods used to disseminate information include the following: public hearings, public notices, community workshops/forums, newspaper advertisements, presentations, newsletters, posters in the buses, an on-board newsletter, LTD's website, etc. LTD directly targets service information and other information materials to the UO and University student housing, and frequently advertises in the student newspaper. Some LTD employees speak Spanish and several LTD Customer Service Center staff are bilingual.

LTD also provides additional bus riding information/presentations in Spanish upon request. Occasionally bilingual materials are produced for special events involving non-English speaking persons. LTD also utilizes an interpreter for persons with hearing loss when requested or when appropriate at public hearings or other District-related activities and meetings. Spanish ads have been placed as part of project-specific public hearing outreach. Targeted postcard and newsletter mailings are often produced in both English and Spanish as part of LTD outreach efforts. If the minority population in the area were to increase to a more significant level, LTD would respond to customer needs and provide additional multilingual materials.

For 2021-2023, LTD focused its outreach efforts on rider appreciation, community members, and students. The goal was to be inclusive and informative.

Student outreach examples: Staff hosted multiple in-person tabling events at schools to promote the free Student Transit Pass. In addition, all materials were translated in 4 languages which includes posters, flyers and social media images.

Community outreach examples: Staff has been working with Centro Latino and tabled at many of their food pantry events to promote riding the bus, a variety of surveys, and the Student Transit Pass. In August of 23, LTD held a Ride, Read, and Rock the Block party at the downtown station. This event was promoted on the English and Spanish radio stations, at low-income housing developments, various food pantry's around town, a social media, and partner agencies. LTD participated in the Springfield Block Party/Latino festival and hosted a Mariachi band and Salsa dance lessons at the Springfield Station. Staff tabled at a variety of community events including Huerta-Chavez Celebration, Herencia Hispana en Willamette High School, Dia de los Muertos Celebration, Eugene Pride Festival, Disability Pride Festival, Juneteenth, Willamalane's Children Festival, and more.

Rider Appreciation examples: Each quarter, LTD staff hosts a table at the Eugene and Springfield Station. For winter time, we offered hot chocolate and coffee in approved carry-on cups, summertime was hand fans and bottled water, etc. during the summer-time, we also had a varied musician of all different genres perform on Friday afternoons at the downtown station.

Please see *Lane Transit District Service Evaluation Process* in Appendix D and *Fare Changes* in Appendix E for more LTD outreach examples.

Some of LTD's communication channels for its fare changes notification include:

- Legal notices are published in general circulation newspapers, including *The Register-Guard*, the *Eugene Weekly*, and the *Springfield Times*.
- Press releases are sent to all area television, radio, and newspaper outlets.
- Articles are published in LTD's on-board newsletter, *Bus Talk*.
- Posters are placed inside the buses and at LTD's main transit stations.
- Presentations are made to the District's Accessible Transportation Committee.
- Notices are sent via electronic newsletters, website posting, and LTD's *Facebook* fan page.
- E-mail notices are sent to District Group Bus Pass Program employee transportation coordinators.
- Mailings are sent to a list of Title VI organizations (Appendix D).

For any service change the following communication is initiated in both English and Spanish.

- Update website and place information on home page
- LTD Bus Talk Newsletter
- Multiple social media posts (Facebook, LinkedIn, Twitter, and Instagram)
- Push notification through our fare payment app
- News article in local community newsletters
- Signage at Eugene and Springfield Station
- Signage inside buses

The 2018-2022 American Community Survey data indicate that Chinese and Asian populations that speak English less than "very well" have decreased. There was discussion about printing marketing materials in Chinese, Korean, or another Asian language. However, according to input from the UO, the City of Eugene, Lane County, and Asian community members, English is considered to be the most common, universal language among the Asian population in the Eugene-Springfield area.

As stated above, besides the Hispanic community, the other minority communities specifically targeted for information are the UO and occasionally student housing.

LTD's policy regarding outlining the District's responsibility to limited English proficiency (LEP) persons can be found in Section IV. Provide Meaningful Access to Limited English Proficient Persons.

Minority Representation on Decision-Making Bodies

	Total	Composition		
		Minority	Male	Female
Lane Transit District Board of Directors (two vacant positions)	7	1	2	4
Lane Transit District Budget Committee (seven Board members and seven non-Board members) (two vacant positions)	14	2	5	7
Executive Team Lane Transit District	11	1	7	4
Lane Transit District Leadership Council	4	1	2	2
Lane Transit District Pension Trust Committee	6	0	2	4
Lane Transit District Contract Committee (one vacant position)	3	0	0	2
Lane Transit District Strategic Planning Committee (two vacant positions)	15	4	6	7
Lane Transit District Comprehensive and Accessible Transportation Committee (three board members)	9	1	3	6
Lane Transit District State Transportation Improvement Fund Advisory Committee (one vacant position)	15	1	8	6

- The LTD Board of Directors is composed of 7 members and is appointed by the governor of Oregon and confirmed by the state Senate.
- The LTD Budget Committee is composed of the 7-member LTD Board of Directors and 7 community members with expertise in budget areas.
- The agency's Executive Team consists of eleven LTD employees including the CEO, CAO, CPO, and CDO, and the seven Directors that oversee the departments of LTD. Other than the CEO, this is the agency's final internal decision-making body.
- The agency's Leadership Team makes decisions that are operational in nature and will usually have cross-department impact. It is comprised of the four Chief positions.
- The Lane Transit District Pension Trust Committee provides guidance related to LTD's pension plans.
- The Board Contract Committee is composed of three Board members and the Committee's function is to review District contracts of \$150,000 and over and advise the Board of Directors regarding reviewed contracts.

- The Strategic Planning Committee (SPC) is composed of two Board members and several key partners, including the Oregon Department of Transportation, Eugene City Council, Springfield City Council, and Lane County Board of commissioners, in addition to a several other local stakeholders. The role of SPC is to provide the LTD Board of Directors with independent advice on strategic planning issues related to advancing the goals of the Long-Range Transit Plan, including but not limited to, developing the Frequent Transit Network, making better connections, reducing trip and waiting times, bridging the first and last mile, creating safer ways to access service, and optimizing solutions for urban and rural areas.
- The Lane Transit District Comprehensive and Accessible Transportation Committee advises and assists the Board in considering the impacts of potential, proposed, or actual service changes on individuals who are transit-dependent, especially those who are older adults or people with disabilities. The CATC is composed of members representing diversity within typically transit-dependent populations, including but not limited to, older adults, people with disabilities, and low-income individuals.
- The Special Transportation Fund (STF) The Special Transportation Fund Committee is a state-mandated advisory committee that advises the LTD Board of Directors in carrying out the purposes of the Special Transportation Fund (the “STF”) for the elderly and people with disabilities in Lane County.
- The State Transportation Improvement Fund (STIF) Advisory Committee is composed of two non-voting ex-officio Board members and 11 local stakeholders, as mandated by state law. The role of the STIF committee is to advise and assist the District in carrying out the purposes of the State Transportation Improvement Fund and prioritize Projects to be funded by STIF moneys received by the District. The Committee may also advise the District regarding the opportunities to coordinate STIF funded Projects with other local or regional transportation programs and services to improve transportation service delivery and reduce gaps in service.

It is the policy of Lane Transit District to select members for decision-making bodies without discrimination as to race, color, religion, national origin, sex, age, or disability. The District actively encourages minorities and females to participate on such boards, councils, and committees. Special efforts have been made on some of the committees to gain minority representation to include persons with disabilities, such as the Accessible Transportation Committee, Special Transportation Committee, Strategic Planning Committee, State Transportation Improvement Fund, and the LTD Board of Directors.

The Special Transportation Fund Committee is a state-mandated advisory committee that advises the LTD Board of Directors in carrying out the purposes of the Special Transportation Fund (the “STF”) for the elderly and people with disabilities Special Transportation Operating (the “STO”) Grants Program.

VIII. Federal Grant Assistance and Applications Pending

Current Active Federal Grant

Project Number	Funding Type	Funding Year	Description
OR-2019-023-01	LU 5310	FY19/20	<i>Bus Purchase -</i> This grant provides funding for an additional five replacement ADA Accessible less than 30ft buses with security surveillance systems. The new total of vehicles being purchased under this grant will be ten, five from the original agreement and five being added under Amendment 1.
OR-2021-026-00	5310	FY20	<i>Mobility for All (Technology Innovation) –</i> This grant provides funding (Discretionary ID #D2020-MFAP-013) for the LTD Technology Innovation Project which is intended to eliminate barriers to transportation in an effort to improve health outcomes and decrease health disparities experienced by disadvantaged communities.
OR-2022-022-00	CRRSAA 5310	FY20/21	<i>Bus Purchase -</i> This grant will fund the purchase of approximately five (5) ADA accessible, less than 30-foot replacement buses, including security surveillance systems. The vehicles will be used for purchased services from non-profit agencies for transportation services for the elderly and persons with disabilities who are otherwise unable to utilize LTD's regular fixed-route service.
OR-2022-026-00	ARPA 5310	FY 21/22	<i>Bus Purchase -</i> This grant will fund the purchase of approximately five (5) ADA accessible, less than 30-foot replacement buses, including security surveillance systems. The vehicles will be used for purchased services from non-profit agencies for transportation services for the elderly and persons with disabilities who are otherwise unable to utilize LTD's regular fixed-route service. The vehicles will provide additional capacity so riders can safely social distance.
OR-2022-032-00	CRRSAA 5310	FY 21/22	<i>Bus Purchase -</i> CRRSAA funds to assist in the purchase of approximately five (5) ADA accessible, less than 30-foot replacement buses, including security surveillance systems. The vehicles will be used for purchased services from non-profit agencies for transportation services for the elderly and persons

			with disabilities who are otherwise unable to utilize LTD's regular fixed-route service.
OR-2022-050-00	5307	FY 18	This grant will fund security improvements at locations vulnerable to terrorist attacks, vandalism, and other criminal activity. Improvements will focus on the hardening of LTD physical assets and will achieve the highest practical level of safety and security for all modes of transit to facilitate the protection of passengers, employees, revenues and property.
OR-2022-049-00	5307	FY19	LTD utilizes bus wash systems to maintain the fleet in a clean and professional state. On the Glenwood Campus, the bus wash building construction was completed in 1988 with the current bus wash equipment installed in 2005. The components of the current bus wash system have reached the end of their useful life. The new system will improve efficiency, reduce water usage and provide employees with a reliable system. In addition, this project has already received FTA concurrence relative to NEPA requirements.
OR-2023-038-00	5307	FY19/20 and FY 21	The Operation Command Control Center expansion at Lane Transit District's Glenwood campus will renovate a facility constructed in 1989 to provide more productive and efficient service. The renovations will include, but not be limited to new heating, ventilation and air conditioning systems to mitigate the spread of contamination; creating a separate training room to facilitate distancing; and upgrading the shower/locker room/wellness center to effectively protect LTD employees.
OR-2023-038-00	5307	FY19/20 and FY 21	The Petroleum Fuel System Improvements Project will upgrade and replace the petroleum fuel system at Lane Transit District's Glenwood facility to maintain good working condition of this asset. The current system has met its useful life

OR-2024-002-00	5307	FY 19	The Eugene Station Modernization project will renovate a facility constructed in 1996. The improvements will include exterior/interior improvements to provide more comfortable and efficient service. Interior building improvements include redesign of the Customer Service Center (CSC) kitchenette and cash room, the CSC elevator proximity card, CSC real time displays, CSC public restroom upgrades, operations lounge updates, and energy efficient lighting fixtures. Exterior improvements include additional parking for district vehicles and employees, updated signage, crosswalks, wayfinding updates, real time signage, dynamic displays.
OR-2022-043-00	5307	FY18	This grant will fund the purchase of major vehicle system component replacement parts in order to maintain the hybrid fleet in a state of good repair.
OR-2022-057-00	5339 (b)	FY21	This FY 2021 Section 5339 (b) competitive (Discretionary ID# FTA-2021-008-TPM-BUS) grant will fund the purchase of approximately five replacement on-route charged 40-foot ADA accessible battery electric buses with security surveillance systems and AVL equipment. The project also includes travel for bus build inspection including pre and post audits, and onsite vehicle inspections, project management, technical assistance, and chargers.
OR-2024-003-00	5337	FY22/23	This project includes the acquisition of four 60-foot articulated diesel buses for the EmX route. The buses will replace vehicles that have exceeded their useful life and will include security surveillance systems and AVL equipment. This project is also supported with STIF Discretionary funds.
OR-2022-042-00	5307	FY 17/18	The grant will fund the replacement/upgrades of various LTD systems.
OR-2022-047-00	5307	FY 19	The grant will fund the replacement of LTD's financial management system.
OR-2018-025-00	5307	FY 17	The Moving Ahead System planning study will evaluate and assess current / future land uses, environmental concerns, and community needs to facilitate improved connectivity of neighborhoods to jobs, schools, shopping, recreation and other activities.
OR-2018-035-00	FHWA Transfer - 5307	FY 17	This grant will provide funding for the Main St/McVay Locally Preferred Transit Solution planning activities.

OR-2020-039-00	FHWA Transfer - 5307	FY 19	FY 19 FHWA STP XFER 5307 Safe Routes to School Mobility Management Project
OR-2020-056-00	TAP Xfer 5307	FY 19	FY 2019 TAP Funds Transferred to Sec 5307 for the Mobility Management-Safe Routes to School; FY 2019 CMAQ Funds Transferred to Sec 5307 for the Mobility Management-Bicycle and Pedestrian Education
OR-2020-057-00	STBG Xfer 5307	FY 19	FY 2019 STBG Transferred To Sec 5307 for Transportation Demand Management
OR-2020-025-00	5307-CARES	FY 20	CARES Act - FY 2020 Section 5307 for Operating Assistance and Preventive Maintenance for Lane Transit District.
OR-2022-019-00	5307-ARPA	FY 21	ARP Act - FY 2021 Section 5307 - Operating Assistance, Preventive Maintenance, and Security for Lane Transit District

Current Federal Grants In Progress

Project Number	Funding Type	Funding Year	Description
1738-2024-1	5310	FY 22&23	Bus Purchase - This grant includes grant funding for the ADA accessible, less than 30 foot replacement buses, including security surveillance systems. The vehicles will be used for purchased services from non-profit agencies for transportation services for the elderly and persons with disabilities who are otherwise unable to utilize LTDs regular fixed-route service. LTD will own and complete preventative maintenance on the vehicles.
1738-2020-5	XFER5307	FY 19&21	The FTN Safety and Amenity Improvements project will directly improve the safety at and near transit stops and stations. These improvement activities will enhance existing areas along LTD's most frequent corridors; thereby providing safe accessibility to transit.
1738-2023-3	STBG/XFER 5307	FY 23	The FTN Safety and Amenity Improvements project will directly improve the safety at and near transit stops and stations. These improvement activities will enhance existing areas along LTD's most frequent corridors; thereby providing safe accessibility to transit.
1738-2024-2	5307	FY 21	This project includes funds for the preliminary engineering and design, final design, and construction for the Glenwood Roof Replacement

			project, located at Lane Transit Districts (LTD) Glenwood Administration Plaza campus (3500 East 17th Avenue Eugene, OR).
1738-2024-3	5339(a)	FY 21	To secure funding to procure approximately two (2) 40-ft Diesel replacement vehicles to replace vehicles that have met or exceeded their useful life. New buses that will allow us to continue our current level of service with lower emissions, more modern features, and more safe and reliable transportation. Citizens and riders in the Eugene/Springfield metropolitan areas of Lane County. his application includes \$771,753 in FY 2021 Section 5339(a) funds sub-allocated to Lane Transit District from the Eugene, OR UZA for the purchase of approximately two (2) 40-ft Diesel Replacement Vehicles.
1738-2024-4	5339(b)	FY 21	To secure funding to procure approximately two (2) 40-ft Diesel replacement vehicles to replace vehicles that have met or exceeded their useful life. New buses that will allow us to continue our current level of service with lower emissions, more modern features, and more safe and reliable transportation. Citizens and riders in the Eugene/Springfield metropolitan areas of Lane County. his application includes \$771,753 in FY 2021 Section 5339(a) funds sub-allocated to Lane Transit District from the Eugene, OR UZA for the purchase of approximately two (2) 40-ft Diesel Replacement Vehicles.
1738-2022-12	5339(a)	FY 22	To secure funding to procure approximately two (2) 40-ft Diesel replacement vehicles to replace vehicles that have met or exceeded their useful life. New buses that will allow us to continue our current level of service with lower emissions, more modern features, and more safe and reliable transportation. Citizens and riders in the Eugene/Springfield metropolitan areas of Lane County. his application includes \$771,753 in FY 2021 Section 5339(a) funds sub-allocated to Lane Transit District from the Eugene, OR UZA for the purchase of approximately two (2) 40-ft Diesel Replacement Vehicles.
1738-2023-4	5307	FY21	To secure funding to procure approximately two (2) 40-ft Diesel replacement vehicles to replace vehicles that have met or exceeded their useful life. New buses that will allow us to continue our current level of service with lower emissions, more modern features, and more safe and reliable transportation. Citizens and riders in the Eugene/Springfield metropolitan areas of Lane County. his application includes \$771,753 in FY 2021 Section 5339(a)

			funds sub-allocated to Lane Transit District from the Eugene, OR UZA for the purchase of approximately two (2) 40-ft Diesel Replacement Vehicles.
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All Subrecipients shall comply with all federal, state, and local laws, regulations, executive orders, and ordinances applicable to the Agreement or to the implementation of the Project. Without limiting the generality of the foregoing, Subrecipient expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulations. Subrecipients are to submit reports to LTD's Finance Department for reimbursement, and disbursement conditions include that they are compliant with Title VI.

IX. Analysis of Construction Projects

The Santa Clara Transit Station (SCTS) project constructed a transit station and park-and-ride located on 3 acres on the northeast corner of River Road and Green Lane to replace the current River Road Station which was 0.5 mile south at River Road/Randy Papé Beltline. The SCTS project constructed: 6 bus bays; platform shelters; a park-and-ride with approximately 55 parking spaces and a charging station for electric vehicles; secure bicycle parking; a passenger drop-off/pick-up area with approximately 5 spaces; a driver relief building; and other associated features such as lighting, landscaping and a station sign. A new local road was built along the east edge of the property running north from Green Lane and terminating at the northern site boundary. The project also included a new traffic signal at the River Road/Green Lane intersection and sidewalks and on-street parking along Green Lane and the new local connector street.

There was a need for a new transit station because the existing River Road Station suffered from congestion-related egress challenges, which results in access, safety and congestion issues for transit users and other travelers in the area, as well as operational inefficiencies for the transit services. Future projects on the adjacent Randy Papé Beltline and its on- and off-ramps will exacerbate these issues.

The purpose of this project was to improve access, enhance safety and address congestion issues as well as improve operational inefficiencies of transit services by constructing a new transit station and relocating transit services.

Santa Clara Transit Station (SCTS) - Construction of the SCTS was scheduled for spring 2020 and was operational in February 2021. This project used a combination of local, state and federal funds.

A Documented Categorical Exclusion (DCE) was conducted for this project in compliance with NEPA and other state and federal regulations. An environmental justice analysis was conducted as part of the DCE.

The DCE was submitted to FTA on June 25, 2019 and LTD received a confirmation on the DCE from FTA on November 20, 2019.

The DCE document, appendices and figures, and confirmation letter are included in separate attachments and may be seen in Appendix F.

X. Public Participation

On the third Wednesday of each month, a portion of LTD's regularly scheduled Board meeting is set aside for audience participation. This is in addition to public testimony heard at the public hearings that are customarily held in February and March of each year. Input is received through telephone calls, e-mails, feedback forms, in-person testimony, the LTD Facebook Fan page, etc. Staff and Board members attend business and civic groups, regularly scheduled neighborhood association meetings, as well as events such as the student pass, Huerta-Chavez Celebration, and Herencia Hispana en Willamette High School. The public is encouraged to fill out feedback forms or to talk with the staff at these functions. In addition, mailings also are sent to a list of Title VI organizations, e-mail notices are sent to District Group Bus Pass Program employee transportation coordinators, and presentations are made to the District's Accessible Transportation Committee.

During 2023 and 2024, a Community Steering Council was put together to build a Community Outreach Framework document (Appendix D) which is a foundational guide for how LTD will conduct community engagement around its projects, policies, and programs. The intent of the guide is to help improve interactions with communities in the region in pursuit of better transportation outcomes. A tailored approach to engagement can draw on many different strategies and related tactics, each appropriate in various situations. The framework establishes four overarching strategies that LTD will utilize: 1) Working to build trust, 2) Engaging in collaborative, honest, and transparent conversations, 3) Communicating clearly what people need to hear, and 4) Focusing on riders. The Framework identifies several tactics that LTD can utilize to support and operationalize each of these strategies. Like many other public sector agencies, LTD has limited resources and cannot do everything or be everywhere all at once. Thus, the prioritization of strategies and tactics is critical to maximize their effectiveness. The framework proposes that LTD will prioritize the following: engaging government stakeholders, getting out ahead of the story, being present with riders, and engaging potential opposition.

Please see Appendix D for customer input, Annual Route Review Process, Title VI Mailing List, and LTD Community Outreach Framework Draft.

PART II: PROGRAM-SPECIFIC REQUIREMENTS AND GUIDELINES

I. Demographic and Service Profile Maps, Overlays, and Charts

Please see demographic and service profile maps, LTD's System Map, overlays (Appendix G), and chart in Table I.

II. Service Standards and Policies

Please refer to Lane Transit District's Service Policy (Appendix H) and FY 2023-2024 Service Summary (Table II).

A. Vehicle Load

The assignment of a larger vehicle or tripper service may be considered if it meets the following criteria during a bid period:

- Customer loads consistently exceed 1.75 times the seated capacity of the vehicle; or
- Customers are consistently not accommodated on a trip due to full customer loads and the next scheduled trip is more than 30 minutes away; or
- Customers must consistently stand longer than 20 minutes on an individual trip.

Any proposal to add service to meet observed passenger loads must be balanced against total available fleet and operational resources, and evaluated against the goal of maintaining the balance between frequency and coverage resources established in the Service Allocation section in the Fixed Route Service Policy.

This load standard does not apply to limited service. In addition, LTD policy requires all bus operators to immediately report overloads via radio to the Transit Operations Department when an overload occurs. Records of these overloads are kept on file at LTD. LTD has few bus overload problems; many overloads that do occur are on routes to either the University of Oregon, Lane Community College, or on the two main routes between Eugene and Springfield. The LTD Customer Services and Planning and Transit Operations departments monitor these trips to determine service additions according to the adopted criteria. Bus operator reports and field checks are the most effective means for monitoring vehicle overloads.

B. Vehicle Headway

Based on budgetary considerations and resources, LTD will seek to adequately meet average customer loads and typical traffic congestion, and will include sufficient recovery time on each route to compensate for variations in running time and to provide for bus operator restroom breaks.

Minority and non-minority areas are subject to the same vehicle headway policies outlined in the Lane Transit District Service Policy (Appendix H). Frequency of transit service to minority areas either meets or exceeds LTD's headway policies. (Refer to Table 3 for frequency of service by route type.) Major corridors in minority tract areas typically have transit service every 30 minutes during daytime and non-peak hours, with some hourly service on weekends.

C. On-Time Performance

On-time performance is defined as departing a timepoint between 0 and 4 minutes after the scheduled time. The service reliability standard is that 90% of the buses at significant

timepoints on all routes will be on time. Timepoints will be determined based on ridership, transfer activity, or layover locations. The ideal spacing for timepoints on routes over 60 minutes in length or on rural routes is ten minutes apart or as infrastructure allows. LTD currently has a goal of maintaining 90% on-time performance.

Please see Appendix I for an example of LTD's April 2024 on-time performance.

D. Distribution of Transit Amenities

Refer to the Lane Transit District Service Policy (Appendix H) for criteria for transit amenity distribution. Transit amenities include bus stops, bus boarding pads, shelters, benches, bus information units, and major and minor transit stations.

LTD applies the same criteria for transit amenity distribution system-wide. Most of the minority areas receive frequent transit service. Therefore, most of the amenities, such as shelters, bus stops, pads, and transit stations, are located (and considered a priority to locate) in these areas. See Appendix G for maps. These figures show the Metro Area Minority and LEP Census Tracts with bus stops that have shelters and benches.

There are 1,177 active bus stops in the LTD service area. Bus stops are located virtually every two blocks in the urban area and may be spaced farther apart in the non-urban areas. Concrete boarding pads make most bus stops (87 percent) accessible to customers in mobility devices. Bus stop information units (timetables) also are placed at 408 (35 percent) high-use boarding locations in the system. Most inbound bus stops along the major corridors have information units, and all non-urban routes contain at least one information unit. Criteria for placement of information units include high-use boardings, staff input, and type of service. Currently there are 278 (24 percent) bus shelters in the LTD service area, which are typically found at most high-use boarding locations. LTD also has 587 (50 percent) bus stops with benches at high-use boarding locations. Shelters and benches also are placed at boarding locations with high usage by elderly customers and customers who are mobility impaired.

Major and minor transit stations are located throughout the system at high-use boarding areas, major trip generators, and transfer locations. (Refer to the LTD System Map in Appendix G for facility locations.) The Eugene Station, Springfield Station, and the University of Oregon (UO) Stations are the primary transit stations serving LTD bus riders, and they are located in minority census tract areas. The Eugene Station and the UO are the top destinations in the LTD service area. Criteria for transit station placement are the same for non-minority and minority areas.

Most routes serving minority and low-income areas meet or exceed LTD service standards. Routes that do not meet productivity standards are reviewed annually to determine if service adjustments can be made to improve ridership. Minority areas are subject to the same District route performance criteria and system service standards as non-minority areas. LTD works with various neighborhood groups when significant service changes are proposed.

Please see the census tract maps, (Appendix G), and chart in Table I.

E. Service Availability

Core Routes. Core routes operate primarily on arterial streets, major collectors, and corridors identified on the Frequent Transit Network (FTN) developed in the 2014 Long Range Transit Plan.

Express Routes. Express routes have limited stops and serve the parts of the network with the highest peak demand ridership.

Community Routes. Community routes are designed to provide transit in areas where land use, density, development patterns, or demographic characteristics are not conducive to high ridership transit.

College Routes. College routes are designed to provide transit primarily to university students traveling to the University of Oregon (UO) or Lane Community College (LCC). These routes are characterized by fluctuating frequency to meet demand and line up with class schedules and one-way service to meet demand.

Limited or Rural Routes. Limited routes operate very infrequently within the metro area and rural routes operate mostly (but not exclusively) outside the Eugene-Springfield urban growth boundary. They provide basic “insurance against isolation” for communities within the LTD service boundary that might otherwise not receive service.

BRT/EmX. BRT/EmX lines run primarily in dedicated bus-only lanes with some segments of mixed traffic.

Contracted. LTD may provide service under contract to other entities only if the provision of these services does not interfere with LTD's ability to meet regularly scheduled and budgeted service obligations and fits within the scope of the agency's regular operation in terms of route structure, fares, and span of service. Contracted service will be provided in the form of additional trips on existing routes. Requests for deviations on existing routes for contracted service will not be considered unless the request meets the standards for Route Deviations and does not require the use of additional resources. Contracted services will be provided on a full cost recovery basis, or at the discretion of the General Manager; e.g., in 2011 route 79x UO/Kinsrow and route 82 Lane Community College (LCC)/Pearl.)

Route scheduling will take into consideration the following factors:

1. Striving for the spans and frequencies expressed above.
2. Maintaining consistency and clarity of timetables for customers through the use of clock face headways whenever possible (e.g. frequency intervals of 15, 30, or 60 minutes).
3. In scheduling transfers, the efficient operation of the more frequent route shall be a higher priority than ensuring timed transfers.
4. The scheduled running time for routes will adequately meet average customer loads and typical traffic congestion, and will include sufficient recovery time on each route to compensate for variations in running time and to provide for bus operator restroom breaks.

Whenever possible, routes will be structured as two-way line routes between terminal points. Line routes reduce travel time and are easier for the public to understand. Terminal points at both ends of a route will be located at major activity centers where possible to ensure ridership in both directions of operation. Routes will remain on the most direct path possible, using arterials and collector streets to provide the shortest practical travel time between the terminal points.

Loops at the end of routes may be used in limited cases where there is no practical layover or turnaround point at the end of a line or when it is the most practical way to provide neighborhood coverage.

New streets will not be considered for bus routes unless the street and the associated intersections and traffic controls allow for the safe operation of the bus. LTD's Safety Committee is consulted whenever a new street is considered for service.

Deviations from a route's shortest path may be considered to serve a major trip generator or serve an area with a high population of older adults, people with disabilities, or people experiencing poverty. Decisions on route deviations will be based on weighing the benefits of the deviation against the amount of impact to through riders using a specific formula. Appendix C provides the methodology for calculating deviations.

Refer to Table II and Table III for a summary of route performance characteristics, such as ridership, productivity, and frequency. Refer to the Lane Transit District Service Policy (Appendix H) for policy and criteria regarding vehicle load, headway, transit access, amenity distribution, and service provision.

F. System-Wide Service Policies

1. Vehicle Assignment

The Planning & Development and Fleet Maintenance Departments determine vehicle assignments. LTD currently has 109 active vehicles and two different types of vehicles: 40-foot, and 60-foot vehicles with the following series in the active fleet: 1000, 1100, 1400, 6100, 6200, 9100, 15100, 16200, 19100, 19200, 20100, 20200, and 22000 series. (Refer to Table IV for the FY 2022-2023 fleet description.) We have 29 electric 40-foot vehicles that were just recently added (20200 and 22100 series). Currently the 60-foot articulated buses are only on selected trips of eight routes (11, 12, 51, 52, 79x, 81, 82, and 98) and assigned to our 900 BRT/EmX route. A vehicle is assigned to a particular route based upon vehicle criteria listed below.

Vehicles assigned to routes serving minority census tract areas are subject to the same vehicle assignment criteria as bus routes serving the non-minority areas.

- a. Routes and schedules with high ridership typically require high-rider-capacity vehicles. The 60-foot 1000-series, 1400-series, 6100-series, 9100-series,

15100-series, 19100-series, and 20100-series buses are assigned to these routes, such as routes serving the UO and LCC.

- b. All vehicles must have a functioning wheelchair lift/ramp. If a lift/ramp is not functioning, a replacement vehicle with an operating lift/ramp will be reassigned to the schedule.

Other less significant criteria used for assigning vehicles include the following:

- a. The Fleet Services Department may request certain vehicles to be placed into service to rotate mileage on "spare" vehicles.
- b. Occasionally bus operators may request a specific bus because of physical limitations. Vehicle assignment may be changed to accommodate a bus operator.
- c. Vehicle assignment also may depend on weekday vs. weekend service. For example, high weekday ridership routes typically do not have capacity problems on Saturdays.
- d. The entire fleet is equipped with air conditioning and all are low-floor vehicles.

G. Transit Security

In 2003 the LTD Board of Directors passed an ordinance (Ordinance 36) regulating passenger behavior while on District property, including buses. This ordinance was updated in 2014 to reflect changes in laws and regulations. In March 2009, Lane Transit District Resolution No. 2008-008 Contested Case Hearing Procedures was adopted by the LTD Board of Directors in a Special Meeting. This provided procedures for reviewing and/or appealing a Notice of Exclusion.

In 2008 a full-time security manager was hired to oversee all District security issues. Enforcement of Ordinance 36 was originally accomplished by Operations supervisors; but by 2000, it was evident that more training was needed or the District needed to hire a full-time security patrol. A new contracted security patrol was hired in spring 2000 when the new Eugene Station was opened. Security personnel patrolled LTD facilities during most hours of operation.

Along with the opening of the Eugene Station and eventually the Springfield Station in 2007, significant security enhancements were made to include digital video surveillance and access control for all LTD facilities.

In January 2008 the Emergency Preparedness and Security Plan was developed and adopted by the Board of Directors. This plan incorporated FTA and American Public Transit Association (APTA) guidelines and recommendations. This plan was subsequently updated in 2014 and 2017. This plan requires all employees and contract employees to be trained on the procedures, system safety, security, and emergency preparedness plans.

Procedures implemented included the use of Crime Prevention through Environmental Design (CPTED) principles during the design of facilities, signage, video surveillance, employee background checks, access control, identification badges, protection of information and assets, emergency supplies, and reporting security incidents and concerns. The Transit Watch Program, which is a program that encourages riders to be the eyes and ears of the agency, was implemented using signage at LTD's transit stations and on the buses.

In 2008 the District's bus rapid transit system (BRT) was implemented. EmX is patrolled daily by security officers. These security officers began fare enforcement aboard EmX in August 2009. In 2011 a second EmX line began operation, and security is doing fare inspections on that line as well.

In 2016 by an action of the LTD Board, contracted security personnel were replaced by District Public Safety Officers. These Officers as employees of the District, are deeply vetted and highly qualified to provide public safety and system security services to the District's passengers, employees, and assets. Public Safety Officers provide general patrol services and also patrol the fixed route and EmX BRT lines, educating and enabling customers, and in some cases conducting enforcement of District ordinances and State Laws.

Training of District Public Safety Officers includes First aid/CPR/AED, cultural awareness, Defensive Tactics, ADA, crisis intervention, Department of Public Safety Standards and Training (DPSST) required courses, DEI awareness and public relations, among other related topics.

III. Evaluation of Service and Fare Changes

A. Service

Service changes and facility improvements are implemented according to the criteria included in the LTD Service Policy (Appendix H).

Please see LTD's Annual Route Review Description (Appendix D) for LTD's service evaluation process and 2022, 2023, and 2024 service change summaries.

Service between the Eugene Station and the University of Oregon has been enhanced with the introduction of the District's first bus rapid transit service, which began in January 2007. The EmX Green Line provides 10-minute weekday frequency and serves two primary campus stops, along with providing connections at both the Eugene Station and the Springfield Station. A second line was added in January 2011, which serves the Gateway area and Sacred Heart Medical Center at Riverbend. A third line was added in September 2017 that extended the first line out West 11th to the Commerce area.

All minority and non-minority and LEP census tracts are identified. Please see the census tract maps and overlays (Appendix G). Also refer to Table A and Table B, which highlights the 2018 - 2022 American Community Survey for minority and LEP populations by census tracts. The structure of LTD bus routes is organized so that all routes operating in a similar

neighborhood are aggregated into a sector using number groupings. For example, all routes numbered in the 20s operate in South Eugene, all routes numbered in the 30s operate in West Eugene, and all routes numbered in the 70s serve the UO, etc. (see Table II). Please see (Appendix D) for Routes Color Coded. Where appropriate, service levels are measured and analyzed by sector.

Table A

Inventory of LTD Bus Service to Minority Census Tracts	
Minority Tract	Route(s) in Service
10.01	41, 93, 95
12.02	98
13.02	98
19.02	11, 17, 18, 91
19.04	11, 91
20.02	13, 17, 18, 91
21.03	EmX, 12
22.01	66, 67, 96
22.03	66, 67, 96
22.04	12, 66, 67, 96, EmX
23.01	51, 52, 55
25.01	40, 41, 95
25.04	36, 41, 93, EmX
26	40, 41, 95
27	41, 51, 52, 55, 95
28	51, 52, 55, 66, 67
29.02	66, 67, 96
31.03	12, 13, 66, 67, 91, 96, 79x
31.04	1, 12, 13, 66, 67, 91, 96, 98, EmX, 79x
32.01	13, 17, 91, EmX, 79X
33.01	13, 17, 18, 91, EMX
33.02	11, 13, 17, 18, 85, 91, EmX
34	11, 13, 17, 18, 91
35	11, 17, 18, 85, 91, 98, EmX
37	1, 12, 13, 24, 27, 28, 40, 66, 67, 73, 78, 81, 91, 95, 96, 98, EmX, 79X
38.02	12, 13, 24, 27, 28, 36, 40, 66, 67, 73, 78, 81, 82, 91, 92, 95, 96, 98, EmX, 79X
40	1, 12, 13, 40, 51, 52, 55, 66, 67, 91, 95, 96, EmX, 79X
42	40, 41, 51, 52, 55, 95, EmX
43	36, 40, 41, 55, 78, 93, 95, EmX
44.03	33, 36, 41, 55, 78, 95, EmX

44.06	36, 78, 93, EmX
44.07	36, 78, 93, EmX
45.01	1, 12, 13, 24, 27, 28, 33, 36, 40, 41, 51, 52, 55, 66, 67, 78, 81, 82, 91, 92, 95, 96, 98, EmX
45.02	33, 40, 41, 51, 52, 55, 95, EmX
46	33, 36, 78
48	24, 27, 28, 33, 36, 73, 78, 81, 82, 92
9.03	93

Quarter mile buffer used to identify tracts with access to transit route

Table B

Inventory of LTD Bus Service to LEP Census Tracts	
LEP Tract	Route(s) in Service
10.01	41, 93, 95
13.02	98
21.04	12, 91, 79X, EmX
22.03	66, 67, 96
24.03	52, 95
30	1, 12, 13, 66, 67, 91, 96, 79X
31.04	1, 12, 13, 27, 66, 67, 91, 96, 98, 79X, EmX
34	11, 13, 17, 18, 91
40	1, 12, 13, 40, 51, 52, 55, 66, 67, 91, 95, 96, 79X, EmX
41	40, 51, 52, 55, 66, 67
43	36, 40, 41, 55, 78, 93, 95, EmX
44.03	33, 36, 41, 55, 78, 95, EmX
45.02	33, 40, 41, 51, 52, 55, 95, EmX
47	24, 27, 28, 33, 36, 73, 78, 81, 82, 92

Quarter mile buffer used to identify tracts with access to transit route/Census tracts above the county rate of LEP included

B. Service Changes

In 2021-2022, the focus has been restoring service back to Pre-COVID levels. Changes listed below are for Fall bid 2021 and were minor service changes. Changes for Winter and Summer see Appendix D.

- Route 28 Hilyard weekday, the following trips were added: 8:00 a.m., and 3:00 p.m.

- Route 36 W 18th weekday, the 3:00 p.m. departure was changed to 3:15 p.m. A 2:45 p.m. trip was added as well as a 3:40 p.m. trip starting at Churchill High School.
- Route 41 Barger/Commerce weekday, the following trips that were added during the height of the pandemic to comply with load capacity restrictions will be removed: 11:45 a.m., 12:45 p.m., 1:15 p.m., 1:45 p.m. and 3:15 p.m.
- Route 51 Santa Clara weekday, Saturday, and Sunday, timepoints throughout the route were adjusted to better align with the new Santa Clara Station.
- Route 52 Irving weekday, Saturday, and Sunday, timepoints throughout the route were adjusted to better align with the new Santa Clara Station.
- Route 55 North Park weekday, a 5:15 p.m. trip was added.
- Route 66 VRC/Coburg weekday, the following trips were added: 3:20 p.m., 4:20 p.m., and 5:20 p.m. There were various timepoint changes made from 3:00 p.m. to 6:00 p.m.
- Route 67 Coburg/VRC weekday, the following trips were added: 3:20 p.m., 4:20 p.m., and 5:20 p.m. There were various timepoint changes made from 3:00 p.m. to 6:00 p.m.
- Route 79x UO/Kinsrow weekday, the following trips were added: 7:30 a.m. and 8:00 a.m.
- Route 81 LCC/Hilyard weekday, and Saturday, timepoint adjustments were made. Service was added starting at 7:30 a.m. every hour with the last departure at 4:30 p.m.
- Route 82 LCC/Pearl weekday, service has been restored with limited trips. First trip departs Eugene Station at 7:00 a.m. and the last departure is at 5:50 p.m.
- Route 85 LCC/Springfield weekday, service has been restored with limited trips. Hourly service will start at 7:40 a.m. with the last departure from Springfield Station being at 4:40 p.m.
- Route 92 Lowell/LCC Saturday, the 5:30 p.m. trip will now leave at 5:35 p.m. from Eugene Station.
- Route 95 Junction City weekday, a 2:30 p.m. trip has been added leaving from Eugene Station.
- No Service until Further Notice on Routes 27, 73, and 78.

In 2022-2023, the focus has been restoring service back to Pre-COVID levels. Changes listed below are for Fall bid 2022 and were minor service changes. Changes for Summer see Appendix D. For Winter bid 2023 we did a Title VI analysis. The changes for Winter were minor, but we did a Title VI analysis to see what our service looked like. Please see (Appendix J) for LTD's Title VI report. LTD's report was submitted to FTA on January 05, 2023, for review; service began on February 5th, 2023.

- Route 17 5th/Hayden Bridge weekday, Saturday, and Sunday, routing change and timepoint changes on all trips.

- Route 18 Mohawk weekday, Saturday, and Sunday, routing change and timepoint changes on all trips.
- Route 51 Santa Clara weekday, Saturday, and Sunday, routing change on Outbound and timepoint changes on all trips.
- Route 52 Irving weekday, Saturday, and Sunday, routing change on Outbound and timepoint changes on all trips.
- Route 66 VRC/Coburg weekday, Saturday, and Sunday, Weekday timepoint changes on trips 6:30 a.m. through 11:00 a.m. and 4:20 p.m. through 6:00 p.m. Saturday timepoint changes on trips 12:30 p.m. through 3:30 p.m. Sunday timepoint changes on trips 8:00 a.m. through 6:30 p.m.
- Route 67 Coburg/VRC weekday, Saturday, and Sunday, Weekday timepoint changes on trips 10:00 a.m. through 10:30 p.m. Saturday timepoint changes on trips 7:30 a.m. through 10:30 a.m. Sunday timepoint changes on trips 7:30 a.m. through 8:30 p.m.
- Route 79x UO/Kinsrow weekday, the following trip was added: 10:00 a.m.
- Route 81 LCC/Hilyard weekday, timepoint changes on trips 6:30 a.m. through 8:30 p.m.
- Route 82 LCC/Pearl weekday, timepoint changes on trips 7:00 a.m. through 5:50 p.m.
- No Service until Further Notice on Routes 27, 73, and 78.

In 2023-2024, the focus has been restoring service back to Pre-COVID levels. Changes listed below are for Fall bid 2023 and were minor service changes. Changes for Winter and Summer see Appendix D.

- Route 79x UO/Kinsrow weekday, service will resume September 18th with addition of 4 new trips in the evening at 7:00 p.m., 8:00 p.m., 9:00 p.m., and 10:00 p.m.
- Route 81 LCC/Hilyard weekday, and Saturday, timepoint changes on some weekday trips. Saturday service will resume starting September 16th
- Route 82 LCC/Pearl weekday, reduced summer service will end with the start of the fall service changes on September 10th.
- No Service until Further Notice on Routes 27, 73, and 78.

In 2024, the focus has been restoring service back to Pre-COVID levels. Changes listed below are for Fall bid 2024 and were minor service changes.

- EmX weekday, increase to 10-minute service for most of the day.
- Route 1 Campbell center weekday, add a trip at 5:30 p.m.
- Route 11 Thurston weekday, Saturday, and Sunday, weekday trips were added for 10:00 p.m. and 11:00 p.m. Timepoints were adjusted for most trips on Weekdays, Saturdays, and Sundays.
- Route 12 Gateway weekday, trips were added for 7:00 a.m., 9:00 a.m., and 6:00 p.m. Timepoints were adjusted on weekdays.
- Route 13 Centennial weekday, Saturday, and Sunday, timepoints were adjusted.

- Route 17 5th/Hayden Bridge weekday, Saturday, and Sunday, timepoints were adjusted. Three weekday trips were added.
- Route 18 Mohawk weekday, and Sunday, six weekday trips were added and timepoints were adjusted.
- Route 24 Donald weekday, Saturday, and Sunday, five trips were added on weekdays. Timepoints were adjusted.
- Route 28 Hilyard weekday, Saturday, and Sunday, six trips were added on weekdays. Timepoints were adjusted.
- Route 36 W 18th weekday, Saturday, and Sunday, two trips were added on weekdays. Timepoints were adjusted.
- Route 40 Echo Hollow weekday, Saturday, and Sunday six trips were added on weekdays. Timepoints were adjusted.
- Route 41 Barger/Commerce weekday, Saturday, and Sunday, timepoints were adjusted.
- Route 51 Santa Clara weekday, Saturday, and Sunday, timepoints were adjusted.
- Route 52 Irving weekday, Saturday, and Sunday, timepoints were adjusted.
- Route 55 North Park weekday, timepoints were adjusted.
- Route 66 VRC/Coburg weekday, and Sunday, two trips were added on weekdays. Timepoints were adjusted. The Pearl street deviation on Sundays was removed on trips 8:30 a.m. to 3:30 p.m.
- Route 67 Coburg/VRC weekday, two trips were added on weekdays. Timepoints were adjusted. The Pearl street deviation on weekdays was removed on trips 5:00 p.m. to 5:30 p.m.
- Route 79x UO/Kinsrow weekday, ASUO contracted trips from 6:30 p.m. to 10:00 p.m. were removed per ASUO request. Timepoints were adjusted.
- Route 92 Lowell/LCC weekday, and Saturday, timepoints were adjusted.
- Route 93 Veneta weekday, Saturday, and Sunday, timepoints were adjusted.
- Route 95 Junction City weekday, Saturday, and Sunday, timepoints were adjusted.
- Route 96 Coburg weekday, and Saturday, timepoints were adjusted.
- Route 98 Cottage Grove weekday, Saturday, and Sunday, timepoints were adjusted.
- No Service until Further Notice on Routes 27, 73, and 78.

Please see Appendix D for Annual Route Review (ARR) and service change summaries.

Please see LTD analysis (Appendix J) for the impact on minority and low-income areas.

C. Fare Changes

Lane Transit District's Fare Policy outlines the practice of raising one or more fares annually. This long-standing practice has allowed the District to make small, incremental increases in fares by rotating changes and providing customers with the ability to shift to more economical fare types. Please see Appendix E for fare changes for 2022-2023, pricing history, and LTD's Fare Policy. LTD discontinued fare collection and made the

system free March 19, 2020 through February 1, 2021. In July, LTD launched Umo (pronounced "you-mo") an electronic fare payment system, allowing riders the flexibility to prepay and reload fare value to a mobile device or tap card. Electronic readers are installed on all buses, except EmX, next to the farebox. Once an account is set up and fare added, riders can scan their mobile device or tap card at the electronic reader when boarding. The electronic fare payment system also allows for fare capping. Fare capping is a money-saving benefit for riders that pay fare using Stored Value with a tap card or the Umo Mobility app. Once you've paid total fares equal to the cost of a Day Pass or 1-Month Pass, no fare will be deducted for the duration of that day or calendar when you scan your tap card or Umo app. Electronic fare reduces boarding times, improves rider experience, and reduces more than 85,000 non-recyclable bus passes each year.

IV. Monitor Transit Service

Lane Transit District will, at a minimum of once every three years, measure the level and quality of service to minority areas using the sampling methodology in FTA Circular 4702.1A. In addition, LTD will evaluate and recommend service improvements once each year during the Customer Services and Planning Department's Annual Route Review. As part of the Annual Route Review, Customer Services and Planning Department staff will monitor the service to minority areas to ensure that nondiscriminatory transit service is provided.

Since 2003 all LTD buses have been equipped with automatic passenger counters. Data obtained with the counters includes route, trip, and stop level data. Table III includes route ridership data.

The annual service improvements are subject to public review and a public hearing process. See Appendix D for a copy of FY 2021-2024 service improvements. With approximately 48 organizations participating, nearly 35,500 individuals are provided group bus passes to access LTD services. The opportunity to gain feedback from this segment of the District's ridership is important and is made easier because of the contractual relationship. LTD staff meet regularly with representatives from Lane Community College and the University of Oregon. These meetings include student leadership and administration staff. LTD frequently advertises in campus newspapers to reach the broader student body. Other group pass organizations designate employee transportation coordinators who participate in quarterly meetings to learn about service changes and new services. This group is regularly tapped for feedback on fixed-route changes and comments on group pass rate changes as they come up for review. LTD's Accessible Transportation Committee is included along with internal employee and LTD Board committees. The general public is notified through newspaper ads, press releases, direct mail, etc. LTD customers are provided with the highest level of information, including bus signage, rider newsletter articles, signage at transit stations, signage at affected stops, open houses, etc.

As major service change proposals are evaluated through the public process, changes are incorporated and analysis is completed. The objective of this analysis is to determine if

disparities exist in service quality to minority and non-minority areas and if LTD has been responsive to customer service needs.

The geographic boundary of Lane Transit District encompasses the urbanized area within which lies the majority of the residences and employers of the District and within which the majority of travel occurs. The Central Lane Metropolitan Planning Organization (MPO) is responsible for regional planning in this area and collaborates with LTD on analyses.

LTD conducts service change analyses using a methodology that calculates 'people-trips.' This method allows for a comparison of changes in geography and in level of service at the same time. People-trips are intended to measure the potential to take transit trips.

People-trips are calculated by estimating the number of individuals within the service area of the route and multiplying this number by the number of trips for each day type of the route. Partial trips are counted as one half trip. To calculate the number of individuals living within the service area of a route, Census demographic information is attached to household address data provided by Lane Council of Governments (LCOG). This allows for more accurate estimates of the population in a region than proportionally splitting block groups that are not completely contained within .25 miles of a route.

Once a base line of service has been established, the change in people-trips at the route level are calculated. For instance, if a route is extended to 100 new people and makes 5 trips per weekday, there are 500 additional people-trips per weekday. Conversely, if a route serving 1,000 riders has a service cut from 5 trips per weekday to 4 trips per weekday, the data would show a loss of 1,000 people-trips each weekday. These two service changes can be compared because they are expressed in the same units.

Disproportionate impacts and disparate burdens can be calculated by comparing the change borne by low-income populations and minority populations against the regional averages for these groups respectively. The difference between the change borne and the regional average provides a way to assess whether service changes are aligned with LTD's service policy regarding equitable service distribution.

As different protected populations reside in different areas of the region, changes in service in different areas can result in some protected populations receiving new service benefits while others have existing benefits removed. The overall decision as to whether or not a disparate impact occurs is taken in the context of the entire system performance.

Summary for Winter 2023 changes (Appendix J)

Please see Appendix J for full Winter 2023 Title VI report. LTD reduced service for Winter 2023 to align service levels with available bus operations staff and current operational parameters. The changes for Winter were minor, but we did a Title VI analysis to see what our service looked like. The follow changes were proposed:

Weekday Service Hour Changes:

- EmX: Weekday service on EmX will be reduced to 15-minute frequency for most of the day between Commerce Station and Gateway Station/Riverbend. During the afternoon peak, additional trips have been added from Eugene Station to Springfield Station, providing approximately 7.5 minute frequencies on the Franklin EmX segment.

- Route 11 - Thurston: Seven trips will be eliminated and time points will be adjusted.
- Route 17 - 5th/Hayden Bridge: Two trips will be added and time points will be adjusted.
- Route 18 - Mohawk: Time points will be adjusted.
- Route 28 - Hilyard: Three trips will be removed.
- Route 36 – W. 18th: One trip will be removed.
- Route 40 – Echo Hollow: Two trips will be removed.
- Route 41 - Barger: One trip will be removed.
- Route 55 – North Park: One trip will be removed.
- Route 67 – Coburg/VRC: Time points will be adjusted.
- Route 82 - LCC/Pearl: Seven trips will be removed.
- Route 93 - Veneta: The 6:45 a.m. trip will now start at 6:46 a.m.

Discussion

LTD reduced access (as measured in people-trips) by approximately 5% total. One route will receive additional service. Nine routes will see a service reduction. Trips on routes were selected to provide minimum disruption to LTD's riders, maintain the highest level of accessibility, but also to match service level to available operations staff and capacity.

The majority of the reduction in people-trips occurs as the result of changing the frequency of EmX from every 10 minutes to every 15 minutes for most of the day. This change is mitigated by the addition of trips during the peak period to accommodate ridership between Eugene Station, University of Oregon, and Springfield Station, which is the highest ridership segment of the EmX system. Frequency on that segment will be 15 minutes for most of the day, with periods as frequent as every 7 minutes.

Additionally, reductions on Route 11 represent a high proportion of the total loss in people-trips. Route 11 is the second most frequent line in LTD's system. Though service will be reduced, Route 11 will still feature 10 to 20-minute frequencies for most of the day.

In total, minority people-trips constitute 22% of the total reduction. Low income people trips represent 46% of the reduction. Compared to their regional average, LTD's minority population and low-income population will be impacted at a rate 2% greater and 13% greater, respectively, than their populations average as a proportion of the regional population.

The proposed changes to the system provide equitable benefits to the District's minority and low-income populations, and no discrimination is noted.



RESOLUTION NO. 2024-08-21-024

APPROVING OF THE 2024 TITLE VI COMPLIANCE REPORT

WHEREAS, Section 601 of Title VI of the Civil Rights Act of 1964 states, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance;”

WHEREAS, LTD (Lane Transit District) updates the Title VI compliance plan every three years and submits it to the Federal Transit Administration (FTA) for review and approval; and,

WHEREAS, the Title VI report memorandum has been provided to the LTD Board of Directors prior to the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LTD Board of Directors passes a Resolution:

Approving the 2024 Lane Transit District Title VI Compliance Report as summarized in the October 1, 2024, Memorandum to the Federal Transportation Administration, which is attached hereto and is incorporated herein by this reference.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 21ST DAY OF AUGUST, 2024.

Gino Grimaldi, Board President



AGENDA ITEM SUMMARY

DATE OF MEETING: August 21, 2024
ITEM TITLE: JULY EMPLOYEES OF THE MONTH
PREPARED BY: Norma Driskill, Senior Administrative Specialist
DIRECTOR: Eric Evers, Director of Fleet Management
ACTION REQUESTED: None. Information Only

For July, two individuals were selected for Employee of the Month by the committee.

BACKGROUND: Kerry Cooper has been selected to receive the July 2024 Employee of the Month (EOM) award. Kerry was hired as a Journeyman Mechanic on January 2, 2008 and during that time, Employee of the Month – August 2019.

On May 30, 2024 during peak EMX rollout an operator found Bus 9102 to have an air system / suspension issue on the lot which prevented the bus from being usable. At this time we had no spare EMX buses which prevented us from having a sufficient number of buses to provide full service. Upon investigating the issue the bus was found to have a blown rear air bag. Kerry realized the importance of meeting service and promptly brought the bus into the shop and working with Pete Butler accomplished the repair in a short amount of time with a minimum amount of lost service earning a job well done passed along from Operations staff. Kerry's dedication to keeping our fleet on the road is noticed and acknowledged by everyone.

When asked to comment on Kerry's selection as EOM, Fleet Services Supervisor said:

AWARD: Kerry Cooper will attend the August Board Meeting to be introduced to the Board and receive his award.

BACKGROUND: William "Pete" Butler has been selected to receive the July 2024 Employee of the Month (EOM) award. Pete was hired as a Journeyman Mechanic on July 25, 2022.

On May 30, 2024 during peak EMX rollout an operator found Bus 9102 to have an air system / suspension issue on the lot which prevented the bus from being usable. At this time we had no spare EMX buses which prevented us from having a sufficient number of buses to provide full service. Upon investigating the issue the bus was found to have a blown rear air bag. Pete realized the importance of meeting service and promptly assisted Kerry Cooper to accomplish the repair in a short amount of time with a minimum amount of lost service earning a job well done passed along from Operations staff. Pete's dedication to keeping our fleet on the road is noticed and acknowledged by everyone along with his willingness to step forward and assist whenever and wherever needed.

When asked to comment on Pete's selection as EOM, Allen Shipp, Fleet Services Supervisor said:

AWARD: Pete will attend the August Board Meeting to be introduced to the Board and receive his award.



Lane Transit District Agenda Item Summary (AIS)

Presented By: Eric Evers, Director of Fleet Management

Title: Employee of the Month August 2024

Action: Information Only

Background:

Dean Dudek and Randy Johnson, both Journeyman Mechanics, have been selected to receive the August Employee of the Month.

Dean Dudek was hired as Journeyman Mechanic on 11/23/1998. Randy was hired as Journeyman Mechanic on 6/1/1999.

Our Fleet Mechanics often respond to buses sitting on the side of roads in all manner of situations ... dangerous and challenging. On the first day of this year's Oregon Country Fair, Dean and Randy responded to a bus on fair property that would not move. Their dedication, professionalism and patience was on full display. The bus was sitting in the only corridor for all buses going in and out of the fair, which was on a gravel road that only provided maybe a foot of gravel on each side of the bus. Moreover, this occurred at 4PM, a time that made the entire situation more difficult because there were thousands of event goers swarming through the same space. Dean and Randy spent time attempting to get the bus running again with no luck. Instead of spending more time on a repair effort, they quickly switched course and started moving (pushing) the bus down this narrow corridor, about 3/4 of a mile to a place clear of the bus route. They executed this bus push down this narrow corridor, around and through thousands of people, and within inches of other parked vehicles. Once in a clear spot, they called a tow truck and prepped the bus for tow. This was a very challenging situation with the public depending on these two men in several ways: get the bus out of the way so other buses could move in and out; ensure the safety of those moving within very close proximity; and demonstrate every one of the District's Values in a single effort: Respect, Integrity, Innovation, Equity, Safety, and Collaboration. Dean and Randy, on that day and every day, are the example of what an LTD Employee of the Month looks like. Well done!

When asked to comment on Dean and Randy's selection as EOM, [supervisor's name and title] said:

With Dean's almost 26 years with the District, and Randy's 25 years, their combined experience and teamwork were on full display that day! These two are very deserving of this recognition!"

Award: Dean Dudek and Randy Johnson will attend the August 21st Board Meeting to be introduced to the Board and receive their award.



Lane Transit District Agenda Item Summary (AIS)

Presented By: Rebecca Hay, Compliance Officer **Title:** Triennial Results

Action: Information Only

Agenda Item Summary: Fiscal Year FY2024 Triennial Review

Attachments: Fiscal Year FY2024 Triennial Review – Final Report

I certify that my Department Chief has reviewed and approved this AIS:

Lane Transit District (LTD) is in the process of completing the Federal Transit Administration (FTA) Fiscal Year 2024 Triennial Review. There are nine (9) of the twenty-three (23) areas where LTD has been reported as deficient:

1. **Legal:**
 - Failure to notify FTA of potential or pending litigation.
2. **Technical Capacity – Project Management:**
 - Statute, code, ordinance, or safety standard violation.
3. **Transit Asset Management:**
 - Participants accountable executive not designated/responsibilities not implemented.
4. **Satisfactory Continuing Control:**
 - Property Reports not submitted as required.
 - Lacking excess real property utilization inventory/plan out-of-date.
 - Inadequate procedures for identifying federally assisted buildings in special flood hazard area and for determining sufficient levels of insurance.
5. **Maintenance:**
 - Inadequate oversight of subrecipient, contractor or lessee maintenance activities.
6. **Disadvantaged Business Enterprise (DBE):**
 - Insufficient resources to administer the DBE program.
 - Semi-annual DBE reports not submitted or not submitted timely.
 - DBE Uniform Reports contain inaccuracies and/or missing required information.
 - Inadequate Implementation of race-neutral measures.
 - Unreported transit vehicle purchases.
7. **Equal Employment Opportunities (EEO):**
 - Full EEO program not prepared, maintained, and/or submitted.



Lane Transit District Agenda Item Summary (AIS)

- Deficiencies in publicizing and disseminating the EEO Policy Statement.
 - Insufficient oversight of subrecipient/contractor EEO program.
8. **Charter Bus:**
- Charter services not operated under exemption or exception.
9. **Public Transportation Agency Safety Plan (PTASP):**
- PTASP missing required elements.

LTD staff are making corrective actions on the findings and will have the proper procedures in place prior to FTA's deadline.



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION X
Alaska, Idaho, Oregon,
Washington

915 Second Avenue
Federal Bldg. Suite 3192
Seattle, WA 98174-1002
206-220-7954
206-220-7518 (fax)

July 29, 2024

Mr. Jameson Auten
Chief Executive Officer
Lane Transit District (LTD)
P.O. Box 7070
Springfield, OR 97475

Re: Fiscal Year FY2024 Triennial Review – Final Report

Dear Mr. Auten:

I am pleased to provide you with a copy of this Federal Transit Administration (FTA) report as required by 49 U.S.C. Chapter 53. The enclosed final report documents the results of the FTA's FY2024 Triennial Review of Lane Transit District (LTD) in Eugene, Oregon. Although not an audit, the Triennial Review is the FTA's assessment of LTD's compliance with Federal requirements, determined by examining a sample of award management and program implementation practices. As such, the Triennial Review is not intended as, nor does it constitute, a comprehensive and final review of compliance with program funding requirements.

Due to the Coronavirus 2019 (COVID-19) Public Health Emergency, the review was expanded to address LTD's compliance with the administrative relief and flexibilities FTA granted and the requirements of the COVID-19 relief funds received through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021, and the American Rescue Plan (ARP) Act of 2021.

The Triennial Review focused on LTD's compliance in 23 areas. Deficiencies were found in nine areas: Legal, Technical Capacity – Project Management, Transit Asset Management, Satisfactory Continuing Control, Maintenance, Disadvantaged Business Enterprise, Equal Employment Opportunity, Charter Bus, and Public Transportation Agency Safety Plan. LTD had no repeat deficiencies from the FY2020/2021 Triennial Review.

Thank you for your cooperation and assistance during this Triennial Review. If you need any technical assistance or have any questions, please do not hesitate to contact Ms. Emily Connor, Grants Management Specialist, Office of Financial Management and Program Oversight, at (206) 220-4462 or by email at Emily.Conner@dot.gov.

Sincerely,

(for) Susan K. Fletcher, P.E.
Regional Administrator

Enclosure

cc:

Matt Bussey, RLS
Kelly Shawn, RLS
Emily Conner, FTA
Stephanie Gauthier-Phillips, FTA

FINAL REPORT

**FISCAL YEAR 2024
TRIENNIAL REVIEW**

of

**Lane Transit District
(LTD)**

Eugene, Oregon

ID: 1738

Performed for:

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION
REGION 10**

Prepared By:

RLS & Associates

Desk Review/Scoping Meeting Date: MARCH 22, 2024

Site Visit Entrance Conference Date: MAY 9, 2024

Site Visit Exit Conference Date: MAY 22, 2024

Final Report Date: JULY 29, 2024

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I. Executive Summary

This report documents the Federal Transit Administration’s (FTA) Triennial Review of the Lane Transit District (LTD) of Eugene, Oregon. The FTA wants to ensure that awards are administered in accordance with the requirements of Federal public transportation law 49 U.S.C. Chapter 53. The review was performed by RLS & Associates, Inc. During the site visit, the reviewers discussed the administrative and statutory requirements and reviewed recipient documents.

Due to the Coronavirus 2019 (COVID-19) Public Health Emergency, the FTA expanded the review to address LTD’s compliance with the administrative relief and flexibilities that the FTA granted, and the requirements of the COVID-19 Relief funds received through the Coronavirus Aid, relief, and Economic Security (CARES) Act, Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) of 2021, and the American Rescue Plan (ARP) Act of 2021. The FTA also requested that LTD share if and/or how it suspended, deviated from, or significantly updated or altered its transit program due to the public health emergency.

The Fiscal Year (FY) 2024 Triennial Review focused on LTD’s compliance in 23 areas. Deficiencies related to the COVID-19 Relief funds have been clearly identified as part of the deficiency description in the respective review area. There were no repeat deficiencies from the FY 2021 Triennial Review.

Deficiencies were found in the area(s) listed below.

Review Area	Deficiency Code(s)	
	Code	Description
Legal	L1-1:	Failure to notify FTA of potential or pending litigation
Technical Capacity – Project Management	TC-PjM1-2:	Statute, code, ordinance, or safety standard violation
Transit Asset Management	TAM5-3:	TAM5-3: Participant accountable executive not designated/ responsibilities not implemented
Satisfactory Continuing Control	SCC 1-3:	Property reports not submitted as required
	SCC2-1:	Lacking excess real property utilization inventory/plan out-of-date
	SCC7-2:	Inadequate procedures for identifying federally assisted buildings in special flood hazard area and for determining sufficient levels of insurance.
Maintenance	M5-1:	Inadequate oversight of subrecipient, contractor or lessee maintenance activities
Disadvantaged Business Enterprise	DBE2-2:	Insufficient resources to administer the DBE program
	DBE4-1:	Semi-annual DBE reports not submitted or not submitted timely
	DBE5-1:	DBE Uniform Reports Contain Inaccuracies and/or Missing Require Information

Review Area	Deficiency Code(s)	
	Code	Description
	DBE8-1:	Inadequate implementation of race-neutral measures
	DBE11-1:	Unreported transit vehicle purchases
Equal Employment Opportunity	EEO1-1:	Full EEO program not prepared, maintained, and/or submitted
	EEO4-1:	Deficiencies in publicizing and disseminating the EEO Policy Statement
	EEO5-1:	Insufficient oversight of subrecipient/contractor EEO program
Charter Bus	CB1-1:	Charter service not operated under exemption or exception
PTASP	PTASP3-1:	ASP missing required elements

II. Review Background and Process

1. Background

The United States Code, Chapter 53 of Title 49 (49 U.S.C. 5307(f)(2)) requires that “At least once every 3 years, the Secretary shall review and evaluate completely the performance of a recipient in carrying out the recipient’s program, specifically referring to compliance with statutory and administrative requirements...” The FTA performs this Triennial Review in accordance with its procedures (published in FTA Order 9010.1B, April 5, 1993).

The Triennial Review includes a review of the recipient’s compliance in 23 areas. The basic requirements for each of these areas are summarized in Section IV. The FTA contracts with experienced reviewers to lead and conduct the reviews, in partnership with the staff of the regional office.

This report presents the findings from the Triennial Review of the recipient. The review concentrated on procedures and practices employed since the recipient’s previous Triennial Review in 2021; however, coverage was extended to earlier periods as needed to assess the policies in place and the management of award funds. The specific documents reviewed and referenced in this report are available at the FTA’s Region X office or the recipient’s location.

2. Process

The Triennial Review includes a pre-review assessment, a desk review and scoping meeting with the FTA regional office, and a site visit to the recipient’s location. The FTA expanded this review to address the recipient’s compliance with the administrative relief and flexibilities that the FTA granted, and the requirements of the COVID-19 relief funds received through the CARES, CRRSAA, and ARP. The FTA also requested that the recipient share if and/or how it suspended, deviated from, or significantly updated or altered its transit program due to the public health emergency.

The fiscal year (FY) 2024 process began with the regional office transmitting a notification of the review and a Recipient Information Request (RIR) to the recipient on December 19, 2023 indicating a review would be conducted. While the recipient prepared its response to the RIR, the regional office and review team conducted a desk review and scoping meeting on March 22, 2024. Regional office staff provided electronic files as necessary to the reviewers who also accessed recipient information in the FTA electronic award management systems: Transit Award Management System (TrAMS) and Oversight Tracking System (OTrak). Following the desk review and scoping meeting, the reviewers and the recipient corresponded and exchanged information and documentation in preparation for the site visit. Prior to the site visit, the reviewer sent to the recipient on April 25, 2024 an agenda package indicating the issues that would be discussed, records to be reviewed, and interviews to be conducted. The site visit to LTD occurred from May 9, 2024 (entrance conference) to May 22, 2024 (exit conference).

The site visit began with an entrance conference, at which the reviewers and regional staff discussed the purpose of the Triennial Review and the review process. The reviewers conducted additional interviews and reviewed documentation to evidence the recipient's compliance with FTA requirements.

Upon completion of the site visit, the reviewers and the FTA regional office staff provided a summary of preliminary findings to the recipient at the exit conference on May 22, 2024. Section VI of this report lists the individuals participating in the site visit.

3. Metrics

The metrics used to evaluate whether a recipient is meeting the requirements for each of the areas reviewed are:

- Not Deficient (ND): An area is considered not deficient if, during the review, nothing came to light that would indicate the requirements within the area reviewed were not met.
- Deficient (D): An area is considered deficient if any of the requirements within the area reviewed were not met.
- Not Applicable (NA): An area can be deemed not applicable if, after an initial assessment, the recipient does not conduct activities for which the requirements of the respective area would be applicable.

III. Recipient Description

1. Organization

LTD is a regional transit agency organized in 1970 under the laws of the state of Oregon to provide transit service in Lane County, Oregon. LTD serves the Eugene and Springfield metropolitan areas, as well as the neighboring communities of Coburg, Junction City, Veneta, Cottage Grove, Creswell, Lowell, Pleasant Hill, and portions of the county's unincorporated areas. A board of directors, with members appointed by the Governor, governs LTD. Within the metropolitan area, LTD directly operates fixed-route and bus rapid transit (BRT) service and contracts for Americans with Disabilities (ADA) paratransit service (currently Medical Transportation Management, MTM). LTD also contracts with other operators, such as South Lane Wheels, River Cities Taxi, and Pacific Crest Bus Lines to provide transportation services in designated communities outside of the fixed-route service area within Lane County. The population of the service area is approximately 300,000.

LTD operates a network of 32 fixed routes including the West Eugene bus rapid transit line (EmX) throughout the service area. Service is provided weekdays from 6:00 a.m. to 12:30 a.m. Saturday service is operated from 7:00 a.m. to 11:30 p.m. Sunday service operates between 8:00 a.m. and 9:30 p.m. LTD's ADA complementary paratransit service, known as RideSource, operates during the same days and hours of service as the fixed routes in the metropolitan area.

In addition to operating transit service, LTD administers the Point2Point transportation options program. This program provides programs and resources to educate and encourage the regions traveling public to use different transportation modes (public transit, bicycling, ridesharing, walking, etc.) for trips throughout the region. In addition, LTD's Point2Point operates the Lane County Vanpool program which facilitates the formation of commuter vanpools throughout Lane, Linn, Benton, Lincoln, Polk, Marion, and Yamhill counties. Finally, LTD provides a monthly subsidy to eligible vanpools that have an origin or destination within the LTD service area.

The basic adult fare for fixed-route bus service in the metropolitan area is \$1.75. A reduced fare of \$0.85 is offered during all operating hours to youth ages 6-18, eligible persons with disabilities, and persons with a Medicare card. All Section 5307-funded fixed-route services are included in the half fare program. Honored Riders, defined as persons age 65 or older, are not charged fare for fixed-route service in the metropolitan area. A number of group pass options are available, including group rates for transit passes for enrolled students at both the University of Oregon and Lane Community College. The RideSource fare is \$3.50 per one-way trip.

LTD operates a fleet of 110 FTA-funded buses for regular fixed-route and BRT service. Its bus fleet consists of standard and low-floor 40-foot transit coaches and 60-foot articulated buses, including 18 BRT vehicles. The current peak requirement is 51 vehicles for regular fixed route service and 13 vehicles for BRT service. LTD also has a fleet of 57 cutaway buses and modified mini-vans that are operated by MTM, the RideSource contractor. Fourteen of the vans were directly funded by FTA. Most of the other paratransit vehicles were funded through the Oregon Department of Transportation. Fifteen of the vans were directly funded by FTA. The other

paratransit vehicles were funded through a combination of funding from the State Transportation Improvement Fund, the Oregon Department of Transportation and General Funds.

LTD operates the fixed route service from the Glenwood maintenance and administration facility on 17th Avenue in Glenwood. RideSource operates from a separate facility on Garfield Street in Eugene. Fixed-route service is oriented around a transit center in downtown Eugene with a companion facility in downtown Springfield. LTD also has nine transit centers throughout the metropolitan area and 21 park-and-ride lots.

2. Award and Project Activity

Below is a list of LTD's open awards at the time of the review.

Award Number	Award Amount	Year Executed	Description
OR-2020-056	\$662,508	2020	FY 2019 TAP Funds Transferred to Sec 5307 for the Mobility Management-Safe Routes to School; FY 2019 CMAQ Funds Transferred to Sec 5307 for the Mobility Management-Bicycle and Pedestrian Education
OR-2022-022	\$544,938	2022	FY2020-2021 Section 5310 Large Urban Replacement ADA Vehicles (with CRRSAA 100% Federal share provision)
OR-2018-025	\$2,563,245	2018	FY 17 FHWA STP XFER 5307 MOVING AHEAD SYSTEM
OR-2022-051	\$1,187,500	2022	FY2022 Transit Infrastructure Grant - Community Project Funding for LTD Electric Bus Replacement Project
OR-95-X030	\$2,440,655	2012	11 STP - UO Station Renov/SmartTrips
OR-2022-042	\$3,750,000	2022	FY2017 / 2018 Section 5307 LTD Information Technology Software Upgrades and Replacement
OR-2022-032	\$46,240	2022	CRRSAA - FY 2021 Section 5310 Large Urban Replacement ADA Vehicles
OR-2022-026	\$46,241	2022	ARP Act - FY 2021 Section 5310 LU - Replacement ADA Vehicles
OR-2024-002	\$5,400,000	2023	FY 2019 Section 5307 - Eugene Station Modernization
OR-2023-038	\$13,480,000	2023	FY 2019, 2020, and 2021 Section 5307 - Operations Command Center Remodel and Petroleum Fuel System Improvements
OR-2022-049	\$900,000	2022	FY 2019 Section 5307 Bus Wash Replacement Project
OR-2022-047	\$1,500,000	2022	FY 2018/2019 Section 5307 LTD Financial Management System Upgrade Project
OR-2022-019	\$32,591,317	2022	ARP Act - FY 2021 Section 5307 - Operating Assistance, Preventive Maintenance, and Security for Lane Transit District
OR-2022-043	\$2,585,899	2022	FY 2018 Section 5307 Purchase Major Bus Components Replacement Parts
OR-2023-043	\$1,000,000	2023	FY 2023 Community Project Funding - Fleet Fall Protection & Crane Project
OR-2024-003	\$3,870,919	2023	FY 2022 and 2023 Section 5337 HIFG - EmX Diesel Bus Replacement
OR-2018-035	\$351,053	2018	FY 17 FHWA STP for MAIN-MCVAY LOCALLY PREFERRED TRANSIT SOLUTION
OR-2022-050	\$2,500,000	2022	FY2018 Section 5307 LTD System Security Upgrades
OR-2021-026	\$400,000	2021	FY2020 Mobility for All LTD Technology Innovation Project

Award Number	Award Amount	Year Executed	Description
OR-2021-040	\$141,579	2021	FY2021 CMAQ Transferred to Section 5307 for the Diamond Express Vehicle Replacement Project
OR-2022-057	\$6,114,596	2022	FY2021 Section 5339(b) Bus and Bus Facilities Vehicle Replacement and Electric Charging Infrastructure
OR-2020-057	\$1,003,009	2020	FY 2019 STBG Transferred To Sec 5307 for Transportation Demand Management
OR-2020-039	\$118,431	2020	FY 19 FHWA STP XFER 5307 Safe Routes to School Mobility Management Project

LTD received Supplemental Funds for operating assistance in award numbers OR-2022-019. This is the first Triennial in which LTD has received operating assistance from the FTA.

Projects Completed

In the past few years, LTD completed the following noteworthy projects:

- **Santa Clara Transit Station** – LTD initiated construction activities in May of 2020 and the station opened for revenue service on February 7, 2021. The Santa Clara Transit Station is serving as a community hub by connecting 20,000 residents to regional jobs and services utilizing various transportation modes, as well as facilitating the city’s vision for growth of this key corridor. This project utilized a combination of funding, including Section 5307 formula funds, FHWA Flex Funds (CMAQ) and local match; as well as ODOT Connect Oregon and Lottery Bond funds.
- **Charging Infrastructure** – LTD installed bus charging infrastructure in support of its transition to battery electric buses. LTD’s charging infrastructure, which was completed in April of 2023, accommodates the 30 BEB vehicles that have been acquired. This project utilized a combination of funding, including Section 5339 funds and local match; as well as Lottery Bond funds.

Ongoing Projects

LTD is currently implementing the following noteworthy projects:

- **Bus Wash Replacement Project** – This project includes the purchase and installation of a new bus wash system and a vehicle underbody wash system. LTD is also updating the bus detail area that is located in an adjacent maintenance area. The new bus wash has been installed and the bus detail area activities are ongoing and are anticipated to be completed in FFY 2025. This project is utilizing Section 5307 formula funds and local match.
- **Operation Command Center (OCC) and the Petroleum Fuel System Improvements Projects** – These infrastructure projects will improve safety and security, accessibility, and customer service. In addition, the Petroleum Fuel System Improvements Project will replace an aging petroleum and fluid dispensing system that has met its useful life. The

projects are ongoing and are anticipated to be completed in FFY 2025. This project is utilizing Section 5307 formula funds and local match.

- **Eugene Station Modernization Project** – This project will improve the buildings and exterior features of the station, enhancing both the customer and employee experience; as well as updating the station for better operation well into the future. The project is ongoing and is anticipated to be completed in FFY 2024. This project is utilizing Section 5307 formula funds and local match.
- **LTD Fleet Fall Protection & Crane Project** – This project includes the acquisition and installation of a fixed working platform that will allow maintenance staff to safely and efficiently access the top of the electric bus to work on these critical high voltage systems. The project will also include a crane hoist that will be able to access anywhere on top of the bus for removing and replacing equipment throughout the life of the bus. The project is ongoing and is anticipated to be completed in FFY 2025. This project is utilizing Community Project Funding and local match.
- **Glenwood Roof Replacement Project** – This project includes the replacement of the existing roof of the Administration building at the Glenwood Campus. The current standing metal seam roofing system, in service for over 34 years, has reached the end of its serviceable life, exhibiting signs of deterioration and leaks. LTD has recently received FTA concurrence relative to the CE and will utilize Section 5307 formula funds and local match.

Over the next 18-24 months, LTD will be completing a series of planning and community engagement efforts focused on defining LTD's role as the region's mobility manager.

These projects include:

- Mobility Management Strategy
- Community Outreach & Communications Assessment
- RideSource Operations Analysis
- Comprehensive Operations Analysis
- Strategic Business Plan
- Long Range Mobility Plan

Future Projects

LTD plans to pursue the following noteworthy projects in the next three to five years:

- **Alternative Fuels Infrastructure** – This project will improve LTD's facilities allowing the agency to fuel, service, and repair new vehicles with innovative propulsion technologies. These upgrades will allow LTD to meet its sustainability goal of becoming 100% fossil fuel free by 2035. Funding is yet to be determined.
- **EmX Franklin & Gateway Station Improvements** – EmX platforms along Franklin and at Gateway Station will be updated to increase passenger safety, comfort, and accessibility while furthering LTD's sustainability goals. Improvements might include repainting structures, installing new signage, repairs and replacement to hardscapes, and rehabilitating furniture and shelters. Funding is yet to be determined.

IV. Results of the Review

1. Legal

Basic Requirement: The recipient must promptly notify the FTA of legal matters and additionally notify the USDOT Office of Inspector General (OIG) of any instances relating to false claims under the False Claims Act or fraud. Recipients must comply with restrictions on lobbying requirements.

Finding: During this Triennial Review of LTD, one deficiency was found with the FTA requirements for Legal.

Deficiency Description: L1-1: Failure to notify FTA of potential or pending litigation. A homicide that took place on an LTD vehicle in 2022 led to a \$10 million lawsuit. LTD did not notify the FTA Chief Counsel and Regional Counsel.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must submit documentation that it has submitted the applicable information to the FTA Chief Counsel and Regional Counsel along with a process to ensure timely notification in the future.

Status: Prior to the issuance of the final report, LTD submitted satisfactory corrective action and this finding is closed.

FTA Master Agreement, Section 39(b).(1) and 39(b).(2).

If a current or prospective legal matter that may affect the Federal Government emerges, the Recipient must promptly notify the FTA Chief Counsel and FTA Regional Counsel for the Region in which the Recipient is located. The Recipient must include a similar notification requirement in its Third Party Agreements and must require each Third Party Participant to include an equivalent provision in its subagreements at every tier, for any agreement that is a “covered transaction” according to 2 C.F.R. §§ 180.220 and 1200.220. (1) The types of legal matters that require notification include, but are not limited to, a major dispute, breach, default, litigation, or naming the Federal Government as a party to litigation or a legal disagreement in any forum for any reason. (2) Matters that may affect the Federal Government include, but are not limited to, the Federal Government’s interests in the Award, the accompanying Underlying Agreement, and any Amendments thereto, or the Federal Government’s administration or enforcement of federal laws, regulations, and requirements.

2. Financial Management and Capacity

Basic Requirement: The recipient must have financial policies and procedures; an organizational structure that defines, assigns and delegates fiduciary authority; and financial management systems in place to manage, match, and charge only allowable costs to the award. The recipient must conduct required Single Audits, as required by 2 CFR part 200, and provide financial oversight of subrecipients.

Finding: During this Triennial Review of LTD, no deficiencies found with the FTA requirements for Financial Management and Capacity.

3. Technical Capacity – Award Management

Basic Requirement: The recipient must report progress of projects in awards to the FTA and close awards timely.

Finding: During this Triennial Review of LTD, no deficiencies were found with the FTA requirements for Technical Capacity – Award Management.

4. Technical Capacity – Program Management & Subrecipient Oversight

Basic Requirement: States must document and follow a public involvement process for the development of the long-range statewide transportation plan and State Transportation Improvement Program (STIP). Designated recipients of Sections 5310, 5311, and 5339 funds must develop and submit a State Management/Program Management Plan to the FTA for approval. Recipients must enter into an agreement with each subrecipient, obtain required certifications from subrecipients, report in the Federal Funding Accountability and Transparency Act Subaward Reporting System (FSRS) on subawards, and ensure subrecipients comply with the terms of the award.

Finding: During this Triennial Review of LTD, no deficiencies were found with the FTA requirements for Technical Capacity – Program Management & Subrecipient Oversight.

5. Technical Capacity – Project Management

Basic Requirement: The recipient must implement the FTA-funded projects in accordance with the award application, the FTA Master Agreement, and applicable laws and regulations using sound management practices.

Finding: During this Triennial Review of LTD, one deficiency was found with the FTA requirements for Technical Capacity – Project Management.

Deficiency Description: TC-PjM1-2: Statute, code, ordinance, or safety standard violation. There have been instances in which LTD has incurred costs on projects, specifically small ones, prior to obtaining all necessary permits and approvals. This has led to project costs not being reimbursed by FTA.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must submit procedures for obtaining all necessary permits, approvals and waivers; and ensuring projects conform to Federal, state, and local statutes, codes, ordinances, and safety standards. The recipient must submit documentation that such procedures have been implemented on all existing projects, including copies of missing permits, waivers, and/or approvals.

FTA Circular 5010.1E, Chapter II, Section 3. Roles and Responsibilities of the Management of Awards

A recipient is responsible for the day-to-day management of their Awards that provide assistance for eligible activities or projects...

a. Recipient Role. In addition to FTA’s responsibility to monitor FTA Awards and the federally assisted projects thereunder, recipients must monitor federally assisted activities to ensure compliance with applicable Federal requirements. This includes the administration and management of the Award in compliance with Federal regulations, the Grant or Cooperative Agreement, and applicable FTA circulars. A recipient is also responsible for Federal assistance that “passes through” to a subrecipient. In general, submission of the annual Certifications and Assurances stands in lieu of detailed FTA oversight before approval of an Award; however, the results of ongoing or routine FTA oversight activities also will be considered as applicable. Annual, independent, organization-wide audits, 2 CFR part 200, subpart F, “Audits”, audits of recipients, and other recurring and specialized reviews provide FTA an opportunity to verify the recipient’s Certifications and Assurances (*See Chapter V, “Oversight,”* of this circular). The recipient’s responsibilities include, but are not limited to, actions that:

(16) Obtain all necessary prior approvals and/or waivers before incurring costs or taking any requested actions; and

6. Transit Asset Management

Basic Requirement: Recipients must comply with 49 CFR part 625 to ensure public transportation providers develop and implement transit asset management (TAM) plans.

Finding: During this Triennial Review of LTD, one deficiency was found with the FTA requirements for TAM.

Deficiency Description: TAM5-3: Participant accountable executive not designated/ responsibilities not implemented. LTD currently utilizes the ODOT TAM Plan. The plan does not reflect the accurate account executive and discussions with staff indicated that the TAM plan is not being implemented.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must submit evidence that an accountable executive has been designated and that the responsibilities of the accountable executive have been implemented.

49 CFR 625.25 Transit Asset Management Plan Requirements

(A) General. (3) A provider’s Accountable Executive is ultimately responsible for ensuring that a TAM plan is developed and carried out in accordance with this part.

7. Satisfactory Continuing Control

Basic Requirement: The recipient must ensure that FTA-funded property will remain available and used for its originally authorized purpose throughout its useful life until disposition.

Finding: During this Triennial Review of LTD, deficiencies were found with the FTA requirements for Satisfactory and Continuing Control.

Deficiency Description: SCC 1-3: Property reports not submitted as required. LTD has real property, such as the Santa Clara station, that has been acquired under an award made after December 26, 2014. LTD has not filed annual real property reports to FTA as required.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must prepare and submit real property reports along with procedures for preparing and submitting such reports timely.

2 CFR 200.330 Reporting on real property

The Federal awarding agency or pass-through entity must require a non-Federal entity to submit reports at least annually on the status of real property in which the Federal government retains an interest, unless the Federal interest in the real property extends 15 years or longer. In those instances where the Federal interest attached is for a period of 15 years or more, the Federal awarding agency or pass-through entity, at its option, may require the non-Federal entity to report at various multi-year frequencies (e.g., every two years or every three years, not to exceed a five-year reporting period; or a Federal awarding agency or pass-through entity may require annual reporting for the first three years of a Federal award and thereafter require reporting every five years).

FTA Circular 5010.1E Ch. IV, Section 2. Real Property, (i) Property Management (2)-(6)(a)3a-e

(5) Reporting on Real Property. Recipients must maintain adequate records on the status of real property in which the Federal Government retains an interest. FTA requires that recipients maintain a real property inventory on file for review upon request by FTA to satisfy the requirements of 2 CFR § 200.329, which requires recipients to submit reports on an annual basis for real property in which the Federal Government retains an interest. In instances where the Federal interest in the real property will extend for a period of 15 years or more, a recipient may request FTA's permission to report at multi-year frequencies, not to exceed a five-year reporting period. A Real Property Inventory must include: property location/physical address; use and condition of the property; summary of conditions on the title; brief description of improvements, expansions, and retrofits; corresponding useful life for the assets; date placed in service; original acquisition cost; sources of funding; Federal and non-Federal participation ratios; Federal award identification number; appraised value and date; anticipated disposition or action proposed; date of disposal; and sale price of the property. If the property is excess, identify the reasons for having excess property, such as purchase to a logical boundary. This inventory is necessary in order to accurately account for assets, and determine an equitable valuation of Federal interest retained in the property. The Excess Real Property Inventory and Utilization Plan requirement applies only to Grants or Cooperative Agreements awarded before December 26, 2014. The Real Property Reporting requirement (Real Property Inventory) replaces the Excess Real Property Inventory and Utilization Plan requirement for Grants and Cooperative Agreements (and funding increments to existing Grants and Cooperative Agreements) awarded on or after December 26, 2014.

Deficiency Description: SCC2-1: Lacking excess real property utilization inventory/plan out-of-date. The River Road property is excess and LTD intends to dispose of it. However, as it is

unknown how long it will take to dispose of the real property, LTD must have an excess real property inventory and utilization plan until that disposition occurs.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must submit a written excess real property utilization plan, which includes all required elements.

FTA Circular 5010.1E, Ch. I, Section

Excess Real Property Inventory and Utilization Plan (Real Property Inventory): Excess real property inventory and utilization plan means the document that lists each real estate parcel acquired with participation of federal assistance that is no longer needed for purposes of the Grant or Cooperative Agreement, and that states how the recipient plans to use or dispose of the excess real property. The Excess Real Property Inventory and Utilization Plan requirement applies only to Grants or Cooperative Agreements awarded before December 26, 2014.

Deficiency Description: SCC7-2: Inadequate procedures for identifying federally assisted buildings in special flood hazard area and for determining sufficient levels of insurance. LTD stated in discussion that they did not have procedures for periodically determining whether or not any federally-funded real property is in a flood zone, and if so, acquiring adequate flood insurance to insure the federal interest in the property.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must develop and submit procedures to identify federally-assisted buildings that are located in a special flood hazard area. In addition, the recipient must submit, a list of those federally-assisted buildings that are located in a special flood hazard area, along with documentation of adequate insurance protection.

FTA Circular 5010.1E, Ch IV, Section 4.p. Insurance

(1) Flood Insurance. The Recipient agrees to have flood insurance as required by the Flood Disaster Protection Act of 1973, 42 U.S.C. §4012a (a), for any building located in a special flood hazard area (100-year flood zone), before receiving Federal assistance to acquire, construct, reconstruct, repair, or improve that building. Additionally, the building and its contents must be covered by flood insurance in an amount at least equal to the Federal investment (less estimated land cost) or equal to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968. Current limits are \$500,000 per building and \$500,000 for the contents of each building.

8. Maintenance

Basic Requirement: Recipients must keep federally-funded vehicles, equipment, and facilities in good operating condition. Recipients must keep Americans with Disabilities Act (ADA) accessibility features on all vehicles, equipment, and facilities in good operating order.

Finding: During this Triennial Review of Triennial Review of LTD, one deficiency was found with the FTA requirements for Maintenance.

Deficiency Description: M5-1: Inadequate oversight of subrecipient, contractor or lessee maintenance activities. LTD does not conduct adequate oversight of the paratransit contractor's maintenance of LTD vehicles.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must submit oversight procedures, along with evidence of its implementation such as, an amended subrecipient agreement, contract, or lease incorporating the requirement for a written maintenance plan that includes maintenance standards compatible with FTA requirements, performance measures for timely maintenance and/or procedures for pursuing warranty claims.

2 CFR 200.318(b)

Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

9. Procurement

Basic Requirement: The non-Federal entity must use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, and conform to applicable Federal law and the standards identified in 2 CFR Part 200. With regard to the procurement standards in 2 CFR Part 200, state recipients can use the state's overall policies and procedures, except that the state must comply with 2 CFR 200.321 (contracting with small and minority businesses (superseded by DOT's DBE regulation)), 200.322 (domestic preferences), 200.323 (procurement of recovered materials), and 200.327 (contract provisions). States also must comply with any requirement applicable to FTA recipients by reason other than a 2 CFR Part 200 procurement standard; for example, 49 U.S.C. 5325(a) requires recipients to conduct all procurement transactions in a manner that provides full and open competition, regardless of Part 200's allowance for states to use state procedures.

Finding: During this Triennial Review of LTD, no deficiencies were found with the FTA requirements for Procurement.

10. Disadvantaged Business Enterprise (DBE)

Basic Requirement: Recipients must comply with 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. Recipients also must create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts.

Finding: During this Triennial Review of LTD, deficiencies were found with the USDOT requirements for DBE.

Deficiency Description: DBE2-2: Insufficient resources to administer the DBE program. In conjunction with the four other findings made in the area of DBE, the DBELO stated there are not adequate resources to implement DBE effectively at LTD.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must submit evidence of corrective actions implemented to designate sufficient resources to the DBE program. This corrective action must be signed by the CEO.

49 CFR 26.25

You must have a DBE liaison officer, who shall have direct, independent access to your Chief Executive Officer concerning DBE program matters. The liaison officer shall be responsible for implementing all aspects of your DBE program. You must also have adequate staff to administer the program in compliance with this part.

Deficiency Description: DBE4-1: Semi-annual DBE reports not submitted or not submitted timely. Several uniform reports during the review period were submitted late, including the June 2021 report (5 months late) and June 2022 report (2 months late).

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must develop procedures to ensure the timely submission of uniform reports and demonstrate implementation.

49 CFR 26.11(a)

You must transmit the Uniform Report of DBE Awards or Commitments and Payments, found in Appendix B to this part, at the intervals stated on the form.

49 CFR Appendix B 5.

For FHWA and FTA recipients, if this report is due June 1, data should cover October 1-March 31. If this report is due December 1, data should cover April 1 - September 30.

Deficiency Description: DBE5-1: Uniform Reports Contain Inaccuracies and/or Missing Required Information. Although LTD's DBELO understands the process for completing its semi-annual uniform reports of DBE Awards and Commitments and Payments, there is admitted difficulty obtaining accurate information on federally-funded contracting opportunities to report and the reports are, by admission, inaccurate.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must develop procedures for correctly completing Uniform Reports of DBE Awards or Commitments and Payments, including obtaining and reporting procurement data on all federally assisted contracting opportunities undertaken by LTD.

49 CFR 26.37(c)

This mechanism must provide for a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments. In your reports of DBE participation to the Department, you must display both commitments and attainments.

See Also: 49 CFR Part 26 Appendix B "INSTRUCTIONS FOR COMPLETING THE UNIFORM REPORT OF DBE AWARDS/COMMITMENTS AND PAYMENTS"

Deficiency Description: DBE8-1: Inadequate implementation of race-neutral measures. Although LTD operates on a purely race-neutral DBE goal, it is nonetheless including contract goals in procurements. While this could be permissible if there was a legitimate justification, such as a projection that the goal could not be met through purely race-neutral means, this was not the case.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must submit an implementation plan, which includes coordination with the recipient's procurement office, for applying race-neutral measures and evidence that these measures have been implemented. It should include provisions that race-conscious goals are only included in procurements if there is justification for deviating from race-neutral means of attaining DBE participation, such as if LTD does not reasonably believe that it will achieve its goal through only race-neutral means in a given fiscal year.

49 CFR 26.51(a)

You must meet the maximum feasible portion of your overall goal by using race-neutral means of facilitating race-neutral DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

Deficiency Description: DBE11-1: Unreported transit vehicle purchases. Inadequate communication between the procurement department and DBELO resulted in non-reporting of transit vehicle purchases.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must submit an implemented process to ensure that future awards of FTA funded transit vehicle purchases are reported timely to the FTA Office of Civil Rights. Additionally, the recipient must report any unreported awards to transit vehicle manufacturers to the FTA Office of Civil Rights and must revise any Semiannual Uniform Reports as necessary.

49 CFR 26.49(a)(4)

FTA recipients are required to submit within 30 days of making an award, the name of the successful bidder, and the total dollar value of the contract in the manner prescribed in the grant agreement.

11. Title VI

Basic Requirement: The recipient must ensure that no person shall, on the grounds of race, color, or national origin, be excluded from participating in, or be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance without regard to whether specific projects or services are federally funded. The recipient must ensure that all transit services and related benefits are distributed in an equitable manner.

Finding: During this Triennial Review of LTD, no deficiencies were found with the FTA requirements for Title VI.

12. Americans with Disabilities Act (ADA) – General

Basic Requirement: Titles II and III of the Americans with Disabilities Act of 1990 provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service.

Finding: During this Triennial Review of LTD, no deficiencies were found with the USDOT requirements for ADA – General.

13. ADA – Complementary Paratransit

Basic Requirement: Under 49 CFR 37.121(a), each public entity operating a fixed-route system shall provide paratransit or other special service to individuals with disabilities that is comparable to the level of service provided to individuals without disabilities who use the fixed-route system. “Comparability” is determined by 49 CFR 37.123-37.133. Requirements for complementary paratransit do not apply to commuter bus, commuter rail, or intercity rail systems.

Finding: During this Triennial Review of LTD, no deficiencies were found with USDOT requirements for ADA – Complementary Paratransit.

14. Equal Employment Opportunity (EEO)

Basic Requirement: The recipient must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age or disability be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program or activity receiving Federal financial assistance under the Federal transit laws.

Finding: During this Triennial Review of LTD, deficiencies were found with the FTA requirements for EEO.

Deficiency Description: EEO1-1: Full EEO program not prepared, maintained, and/or submitted. At the time of the review, LTD had over 300 transit related employees and met the financial threshold requiring a full EEO program. However, the program did not include a utilization analysis or goals and timetables.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must develop and/or update the required EEO program. The program must include a utilization analysis and goals and timetables. The statement of policy must state that retaliation is prohibited. To submit the EEO program to FTA, the recipient must upload it to TrAMS.

FTA Circular 4704.1A Ch. 1.4 Applicability

...Any FTA applicant, recipient, subrecipient, and contractor who meet both of the following threshold requirements must implement all of the EEO program elements:

- Employs 100 or more transit-related employees, and
- Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year...

Any FTA applicant, recipient, subrecipient, and contractor who meet both of the following threshold requirements must prepare and maintain an abbreviated EEO program:

- Employs between 50-99 transit-related employees, and
- Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year, or requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year...

...These smaller agencies are not required to conduct a utilization analysis with goals and timetables or to submit the EEO program to FTA every four years. Instead, these agencies will be required to provide the EEO program to FTA if requested by the Office of Civil Rights or for any State Management Review or Triennial Review.

Deficiency Description: EEO4-1: Deficiencies in publicizing and disseminating the EEO Policy Statement. Although there are posters advertising the EEO program on LTD premises, the posters do not identify the current EEO officer. The Policy Statement also does not include that retaliation towards employees is prohibited.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must submit evidence that it publicizes and/or disseminate its EEO Policy Statement internally to employees as required under FTA Circular 4704.1A, Ch. 2.2.2 and/or in accordance with its EEO program.

FTA Circular 4704.1A Ch. 2.2.2 Dissemination

Internal Dissemination. “FTA requires each agency to state they will communicate the existence of its EEO policy and program to employees, applicants, and potential applicants by: ...Posting official EEO materials (e.g., Federal and state labor laws poster(s)) and the agency’s policy statement on bulletin boards, near time clocks, in employees’ break rooms, and in the employment/personnel office; Including the EEO policy statement in the agency’s personnel and operations manual, employee handbooks, reports, and manuals; Meeting with top management officials (e.g., bus operations, human resources, planning, marketing, etc.) at a minimum semiannually to discuss the EEO program and its implementation; ...Conducting periodic EEO training for employees and for managers; ...

Deficiency Description: EEO5-1: Insufficient oversight of subrecipient/contractor EEO program. LTD did not know if any of its contractors met the EEO threshold and therefore required EEO oversight.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must develop a process to evaluate whether contractors meet the EEO threshold, and if so, a process to oversee the contractors compliance with EEO, as applicable.

FTA Circular 4704.1A Ch. 2.2.7 Monitoring and Reporting

FTA requires that EEO programs include the following attachments: List of subrecipients or contractors the recipient is monitoring and the services they provide; proof of review of subrecipients or contractors' EEO program (e.g., letter or memo to the subrecipient) ...

15. School Bus

Basic Requirement: Recipients are prohibited from providing school bus service in competition with private school bus operators unless the service qualifies and is approved by the FTA Administrator under an allowable exemption. Federally-funded equipment or facilities cannot be used to provide exclusive school bus service.

Finding: During this Triennial Review of LTD, no deficiencies were found with the FTA requirements for School Bus.

16. Charter Bus

Basic Requirement: Recipients are prohibited from using the FTA-funded equipment and facilities to provide charter service that unfairly competes with private charter operators. Recipients may operate charter only when the service meets a specified exception defined in rule.

Finding: During this Triennial Review of LTD, one deficiency was found with the FTA requirements for Charter Bus.

Deficiency Description: CB1-1: Charter service not operated under exemption or exception. LTD operates an annual shuttle service for the Butte to Butte Race that was determined to be charter however was not performed under an exemption or exception.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must cease operating charter service that does not meet an exemption or exception. If the recipient wishes to continue to provide charter service, the recipient must submit procedures for ensuring that services are consistent with an exemption or exception allowed under the charter regulation and evidence that the procedures have been implemented.

Status: Prior to the issuance of the final report, LTD submitted satisfactory corrective action and this finding is closed.

See 49 CFR Part 604 for explanation.

17. Drug Free Workplace Act

Basic Requirement: Recipients are required to maintain a drug free workplace for all award-related employees; report any convictions occurring in the workplace timely; and have an ongoing drug free awareness program.

Finding: During this Triennial Review of LTD, no deficiencies were found with the FTA requirements for Drug-Free Workplace Act.

18. Drug and Alcohol Program

Basic Requirement: Recipients receiving Section 5307, 5309, 5311, or 5339 funds that have safety-sensitive employees must have a drug and alcohol testing program in place for such employees.

Finding: During this Triennial Review of Triennial Review of LTD, no deficiencies were found with the FTA requirements for Drug and Alcohol Program.

19. Section 5307 Program Requirements

Basic Requirement: The recipient must participate in the transportation planning process in accordance with Federal Transit Administration (FTA) requirements and the metropolitan and statewide planning regulations.

Recipients shall develop, publish, afford an opportunity for a public hearing on, and submit for approval, a program of projects (POP).

Recipients are expected to have a written, locally developed process for soliciting and considering public comment before raising a fare or carrying out a major transportation service reduction.

For fixed-route service supported with Section 5307 assistance, fares charged seniors, persons with disabilities or an individual presenting a Medicare card during off peak hours will not be more than one half the peak hour fares.

Finding: During this Triennial Review of LTD, no deficiencies were found with the FTA requirements for Section 5307 Program Requirements.

20. Section 5310 Program Requirements

Basic Requirement: Recipients must expend Section 5310 funds on eligible projects that meet the specific needs of seniors and individuals with disabilities. Projects selected for funding must be included in a locally developed, coordinated public transit-human services transportation plan.

Recipients must approve all subrecipient leases of Section 5310-funded vehicles. Leases of Section 5310-funded vehicles must include required terms and conditions. Either the recipient or subrecipient must hold the title to the leased vehicles.

Finding: During this Triennial Review of LTD, no deficiencies were found with the FTA requirements for Section 5310 Program Requirements.

21. Section 5311 Program Requirements

Basic Requirement: States must expend Section 5311 funds on eligible projects to support rural public transportation services and intercity bus transportation.

Finding: This section only applies to recipients that receive Section 5311 funds directly from FTA; therefore, the related requirements are not applicable to the Triennial Review of LTD.

22. Public Transportation Agency Safety Plan (PTASP)

Basic Requirement: Recipients must comply with the Public Transportation Agency Safety Plan (PTASP) regulation (49 CFR Part 673) to ensure public transportation providers develop and implement an Agency Safety Plan (ASP).

Finding: During this Triennial Review of LTD, one deficiency was found with the FTA requirements for PTASP Requirements.

Deficiency Description: PTASP3-1: ASP missing required elements. Safety Performance Targets did not include all required elements, including rate per increment of miles for fatalities, injuries and safety events. It is also missing Bipartisan Infrastructure Bill updates to include a Safety Risk Reduction Program to improve safety performance by reducing the number and rates of safety events, injuries, and assaults on transit workers.

Corrective Action and Schedule: Within 120 days of the Final Report, LTD must submit an updated ASP that addresses all the required elements.

49 CFR § 673.11 General Requirements

(a) A transit agency must, within one calendar year after July 19, 2019, establish a Public Transportation Agency Safety Plan that meets the requirements of this part and, at a minimum, consists of the following elements:

(1) The Public Transportation Agency Safety Plan, and subsequent updates, must be signed by the Accountable Executive and approved by the agency's Board of Directors, or an Equivalent Authority.

(2) The Public Transportation Agency Safety Plan must document the processes and activities related to Safety Management System (SMS) implementation, as required under subpart C of this part.

(3) The Public Transportation Agency Safety Plan must include performance targets based on the safety performance measures established under the National Public Transportation Safety Plan.

(4) The Public Transportation Agency Safety Plan must address all applicable requirements and standards as set forth in FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan. Compliance with the minimum safety performance standards authorized under 49 U.S.C. 5329(b)(2)(C) is not required until standards have been established through the public notice and comment process.

(5) Each transit agency must establish a process and timeline for conducting an annual review and update of the Public Transportation Agency Safety Plan.

(6) A rail transit agency must include or incorporate by reference in its Public Transportation Agency Safety Plan an emergency preparedness and response plan or procedures that addresses, at a minimum, the assignment of employee responsibilities during an emergency; and coordination with Federal, State, regional, and local officials with roles and responsibilities for emergency preparedness and response in the transit agency's service area.

23. Cybersecurity

Basic Requirement: Recipients that operate rail fixed guideway public transportation systems must certify compliance with the requirements for establishing a cybersecurity process under 49 U.S.C. § 5323(v), a new subsection added by the National Defense Authorization Act for Fiscal Year 2020, Pub. L. 116-92, § 7613 (Dec. 20, 2019).

Finding: During this Triennial Review of LTD, no deficiencies were found with the FTA requirements for Cybersecurity Requirements.

V. Summary of Findings

Review Area	Finding	Deficiency Code(s)	Corrective Action(s)	Response Due Date(s)	Date Closed
1. Legal	D	L1-1: Failure to notify FTA of potential or pending litigation	LTD must submit documentation that it has submitted the applicable information to the FTA Chief Counsel and Regional Counsel along with a process to ensure timely notification in the future.	120 days	July 29, 2024
2. Financial Management and Capacity	ND				
3. Technical Capacity – Award Management	ND				
4. Technical Capacity – Program Management and Subrecipient Oversight	ND				
5. Technical Capacity – Project Management	D	TC-PjM1-2: Statute, code, ordinance, or safety standard violation	LTD must submit procedures for obtaining all necessary permits, approvals and waivers; and ensuring projects conform to Federal, state, and local statutes, codes, ordinances, and safety standards. The recipient must submit documentation that such procedures have been implemented on all existing projects, including copies of missing permits, waivers, and/or approvals.	120 days	
6. Transit Asset Management	D	TAM5-3: Participant accountable executive not designated/ responsibilities not implemented	LTD must submit evidence that an accountable executive has been designated and that the responsibilities of the accountable executive have been implemented.	120 days	
7. Satisfactory Continuing Control	D	SCC 1-3: Property reports not submitted as required	LTD must prepare and submit real property reports along with procedures for preparing and submitting such reports timely.	120 days	
		SCC2-1: Lacking excess real property utilization inventory/plan out-of-date	LTD must submit a written excess real property utilization plan, which includes all required elements.	120 days	

Review Area	Finding	Deficiency Code(s)	Corrective Action(s)	Response Due Date(s)	Date Closed
		SCC7-2: Inadequate procedures for identifying federally assisted buildings in special flood hazard area and for determining sufficient levels of insurance.	LTD must develop and submit procedures to identify federally-assisted buildings that are located in a special flood hazard area. In addition, the recipient must submit, a list of those federally-assisted buildings that are located in a special flood hazard area, along with documentation of adequate insurance protection.	120 days	
8. Maintenance	D	M5-1: Inadequate oversight of subrecipient, contractor or lessee maintenance activities	LTD must submit oversight procedures, along with evidence of its implementation such as, an amended subrecipient agreement, contract, or lease incorporating the requirement for a written maintenance plan that includes maintenance standards compatible with FTA requirements, performance measures for timely maintenance and/or procedures for pursuing warranty claims.	120 days	
9. Procurement	ND				
10. Disadvantaged Business Enterprise	D	DBE2-2: Insufficient resources to administer the DBE program	LTD must submit evidence of corrective actions implemented to designate sufficient resources to the DBE program. This corrective action must be signed by the CEO.	120 days	
		DBE4-1: Semi-annual DBE reports not submitted or not submitted timely	LTD must develop procedures to ensure the timely submission of uniform reports and demonstrate implementation.	120 days	
		DBE5-1: DBE uniform reports contain inaccuracies and/or are missing required information	LTD must develop procedures for correctly completing Uniform Reports of DBE Awards or Commitments and Payments, including obtaining and reporting procurement data on all federally assisted contracting opportunities undertaken by LTD.	120 days	

Review Area	Finding	Deficiency Code(s)	Corrective Action(s)	Response Due Date(s)	Date Closed
		DBE8-1: Inadequate implementation of race-neutral measures	LTD must submit an implementation plan, which includes coordination with the recipient's procurement office, for applying race-neutral measures and evidence that these measures have been implemented. It should include provisions that race-conscious goals are only included in procurements if there is justification for deviating from race-neutral means of attaining DBE participation, such as if LTD does not reasonably believe that it will achieve its goal through only race-neutral means in a given fiscal year.	120 days	
		DBE11-1: Unreported transit vehicle purchases	LTD must submit an implemented process to ensure that future awards of FTA funded transit vehicle purchases are reported timely to the FTA Office of Civil Rights. Additionally, the recipient must report any unreported awards to transit vehicle manufacturers to the FTA Office of Civil Rights and must revise any Semiannual Uniform Reports as necessary.	120 days	
11. Title VI	ND				
12. Americans with Disabilities Act (ADA) – General	ND				
13. ADA – Complementary Paratransit	ND				
14. Equal Employment Opportunity	D	EEO1-1: Full EEO program not prepared, maintained, and/or submitted	LTD must develop and/or update the required EEO program. The program must include a utilization analysis and goals and timetables. The statement of policy must state that retaliation is prohibited. To submit the EEO program to FTA, the recipient must upload it to TrAMS.	120 days	

Review Area	Finding	Deficiency Code(s)	Corrective Action(s)	Response Due Date(s)	Date Closed
		EEO4-1: Deficiencies in publicizing and disseminating the EEO Policy Statement	LTD must demonstrate that it has disseminated its EEO policy, including the identification of the current EEO Officer and an alternate person to direct complaints to in the event complaints are made about the EEO Officer due to conflict of interest.	120 days	
		EEO5-1: Insufficient oversight of subrecipient/contractor EEO program	LTD must develop a process to evaluate whether contractors meet the EEO threshold, and if so, a process to oversee the contractors compliance with EEO, as applicable.	120 days	
15. School Bus	ND				
16. Charter Bus	D	CB1-1: Charter service not operated under exemption or exception	LTD must cease operating charter service that does not meet an exemption or exception. If the recipient wishes to continue to provide charter service, the recipient must submit procedures for ensuring that services are consistent with an exemption or exception allowed under the charter regulation and evidence that the procedures have been implemented.	120 days	July 29, 2024
17. Drug-Free Workplace	ND				
18. Drug and Alcohol Program	ND				
19. Section 5307 Program Requirements	ND				
20. Section 5310 Program Requirements	NA				
21. Section 5311 Program Requirements	NA				
22. Public Transportation Agency Safety Plan	D	PTASP3-1: ASP missing required elements	LTD must submit an updated ASP that addresses all the required elements.	120 days	
23. Cybersecurity	NA				

VI. Attendees

Name	Title	Phone Number	E-mail Address
Lane Transit District			
Rebecca Hay	Compliance Officer	541-682-6138	rebecca.hay@ltd.org
Jameson Auten	CEO	541.682.6105	jameson.auten@ltd.org
Aimee Reichert	Chief Performance Officer	541-682-6192	aimee.reichert@ltd.org
Joe McCormack	Chief Development Officer	(541)682-6189	joe.mccormack@ltd.org
Cosette Rees	Chief Customer Experience Officer	(541)682-6751	cosette.rees@ltd.org
Allie Brusasco	Board Administrator	541-682-6158	allie.brusasco@LTD.org
FTA			
Kristy Ziglar	Director, Office of Financial Mgmt.	(206) 220-7963	kristine.ziglar@dot.gov
RLS & Associates, Inc.			
Matt Bussey	Lead Reviewer	(617) 510-2485	mbussey@rlsandassoc.com
Kelly Shawn	Associate Reviewer	(937) 299-5007	kshawn@rlsandassoc.com



Lane Transit District Agenda Item Summary (AIS)

Presented By: Aimee Reichert

Title: Chief Performance Officer

Action: Information Only

Agenda Item Summary: The following information includes summary statuses for FY2024 tactical work plans and Key Performance Indicators (KPIs), outlined in Lane Transit District’s [2024-2026 Strategic Business Plan](#).

Tactical Work Plan Status

	Complete
	On Track
	Watch
	Off Track/Not Started

FY2024-2026 Work Plans

Increase in revenue service levels by 10% over FY2023 baseline.	
Implement communication process for public engagement.	
Develop a sustainable long-term financial model for LTD.	
Develop Internal Strengths	
Improve the perception of security of LTD services by 5%.	
Report LTD outcomes in relation to community priorities.	
Implement strategy to community accountability.	
Implement strategy for achieving Disadvantaged Business Enterprise Goal.	
Transition into the Lane County Mobility Manager by 2025. AKA Reimagine the Ride.	

Summary

7 of 9 work plans are noted as on track, indicating work tasks are being completed on time and advancing the District towards desired outcomes. 2 of 9 work plans are noted as watch, indicating there is opportunity to improve timeliness and/or redefine underlying tasks to ensure alignment with desired outcomes. Watch status is a helpful indicator for re-focusing work continuously.



Lane Transit District Agenda Item Summary (AIS)

FY2024 Quarterly Key Performance Indicators

Metric	FY24 Q1	FY24 Q2	FY24 Q3	FY24 Q4	Q1 to Q2 Change (%)	Q2 to Q3 Change (%)	Q3 to Q4 Change (%)
On-Time Performance	91.90%	91.60%	91.44%	90.76%	-0.33%	-0.17%	-0.74%
Overall Ridership	1,414,243	1,603,427	1,592,369	1,689,655	+13.38%	-0.69%	+6.11%
Maintenance Cost/Mile	2.36	2.51	2.93	2.48	+6.17%	+16.80%	-15.33%
% Fleet Transitioned to Electric	29.00%	30.00%	30.00%	33.00%	+3.45%	0.00%	+10.00%
Renewable Fuels	1.00	1.00	1.00	1.00	0.00%	0.00%	0.00%
VRH	56,342	56,686	54,348	55,793	+0.61%	-4.12%	+2.66%
Accidents/100,000 Miles	4.12	2.04	3.19	4.05	-50.49%	+56.37%	+26.96%
Active Operators	175	185	188	185	+5.71%	+1.62%	-1.60%
Bus Operator Complaints/100,000 Boardings	7.67	5.91	7.92	8.29	-22.92%	+33.95%	+4.68%

<https://www.ltd.org/Performance/> choose data exploration to view KPIs through over 3 years.

Summary

The overall trends for LTD fiscal year 2024 (July 2023 – June 2024), indicate varied performance. On-Time Performance shows a slight decline throughout the year, dropping from 91.90% in Q1 to 90.76% in Q4. This correlates to increasing proportion of new operators. Ridership shows a positive trend, increasing from 1,414,243 in Q1 to 1,689,655 in Q4. Maintenance Cost per Mile fluctuates significantly, peaking in Q3 before a notable decrease in Q4. Volatility in maintenance costs stem from underlying repair costs, particularly parts and oil. The percentage of fleet transitioned to electric vehicles is complete, while the use of renewable fuels remains constant, reflecting a positive sustainability trend. Vehicle Revenue Hours (VRH) fluctuate based on service level adjustments. Of note, Q3 to Q4 shows a 2.66% increase in overall hours, despite stable scheduled hours, which indicates increased operational efficiency. Accidents per 100,000 Miles, show significant variability, with a large decrease in Q2 followed by increases in Q3 and Q4. Bus Operator Complaints per 100,000 Boardings also fluctuate, decreasing in Q2, rising in Q3, and slightly increasing again in Q4. The number of Active Operators is net 10 for the year. These trends highlight successes in ridership growth, fleet transition, and operator additions. Maintaining on-time performance, managing accident rates, and monitoring volatility in maintenance costs are all flagged as “watch” trends.

Over the coming months LTD will review 2024-2026 tactical work plans and KPIs, to confirm work still aligns with desired outcomes. Per input from the Strategic Planning Committee, LTD will consider social impact outcomes related to education, recreational opportunities, access to various resources (i.e. library, medical services, groceries, and childcare), customer experience by demographics, and car vs. transit trip times.



Lane Transit District Agenda Item Summary (AIS)

I certify that my Department Chief has reviewed and approved this AIS:



Lane Transit District Agenda Item Summary (AIS)

Presented By: Sarah Koski

Title: Community Resource Liaison

Action: Information Only

Agenda Item Summary: Presentation on Anti-Human trafficking by LTD's Community Resource Liaison, Sarah Koski. As the front-line eyes on communities, Transit Operators have a unique opportunity to recognize suspicious situations and report those suspicions to the appropriate authorities. Training is necessary to inform and empower transit agencies in the fight against human trafficking. LTD is now in the process of preparing, researching and developing our first drafts of anti-trafficking awareness and reporting.

Attachments: Anti-Human trafficking PowerPoint presentation

I certify that my Department Chief has reviewed and approved this AIS:



Lane Transit District

Connecting our Community

Planning and Progress: Anti-Trafficking Initiatives
August 6, 2024

Lane Transit District | LTD.org

Before We Get Started



Breathe & Relax



Take Breaks



Ground Yourself

What is Trafficking?



The U.S. Department of Justice defines human trafficking as a crime that involves the exploitation of a person for labor, services, or commercial sex.

This includes two primary forms of trafficking: Labor trafficking, which is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

And sex trafficking, which is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for commercial sex induced by force, fraud, or coercion, or in which the person induced to perform such act is under 18. This age minimum is important, because it means that any minor engaged in commercial sex is considered a victim of human trafficking. Consent is not possible prior to 18 years of age.

Why Transit?



As the front line eyes on communities, transit operators have a unique opportunity to recognize suspicious situations and report those suspicions to the appropriate authorities that have an opportunity to intervene and react. Training is necessary to inform and empower transit agencies in the fight against human trafficking.

Traffickers often rely on the transportation industry in every phase of human trafficking: for recruitment, moving and controlling victims, and for delivering victims to buyers who will complete their exploitation through either commercial sex or forced labor ventures. According to the Department of Transportation Advisory Committee on Human Trafficking, transportation-related human trafficking data available in the U.S. confirms that victims are being trafficked by airplanes, buses, subways, trains, taxis, rideshares, cruise ships, and private vehicles.

Transit and Trafficking: The Intersections



Recruitment



Exploitation



Exit



Recovery

Why Care?



With modern day slavery, actual chains and locked doors are rarely used. Instead, traffickers use the invisible chains of force, fraud, or coercion to keep their victims compliant. In addition, traffickers come from all types of racial, ethnic, gender, and socio-economic backgrounds. They most likely will not match stereotypes or inaccurate media depictions of pimps. Anyone could be trafficked, but children in foster care, runaway youth, the homeless, immigrants, LGBTQ, or those with a history of abuse are particularly susceptible.

Transit and Trafficking: The Data



BUSING ON THE LOOKOUT

In a 2018 Polaris survivor survey:

42%

shared that their traffickers used local and/or long distance buses in their exploitation.

54%

named access to transportation as a barrier to leaving their trafficking situation.

26%

shared that public/mass transportation played a role in at least one exit attempt.

National Best Practices



Department of Transportation Advisory Committee on Human Trafficking National Report : Combating Human Trafficking in the Transportation Sector (2019)

- Establish comprehensive strategies and policies, implement employee training and education programs, engage in public awareness and outreach initiatives, measure and share impact, develop partnerships, and support victims and survivors.
- Train their employees by utilizing training programs that are survivor-informed, industry-specific, efficient, accessible, visually captivating, have a call to action, provide support implementation, and are supplemented with public awareness campaign tools.
- Engage in public awareness initiatives that are survivor-informed, uniformly messaged, visually captivating, have a clear call to action, accessible, free, multilingual, and meet state law posting requirements.

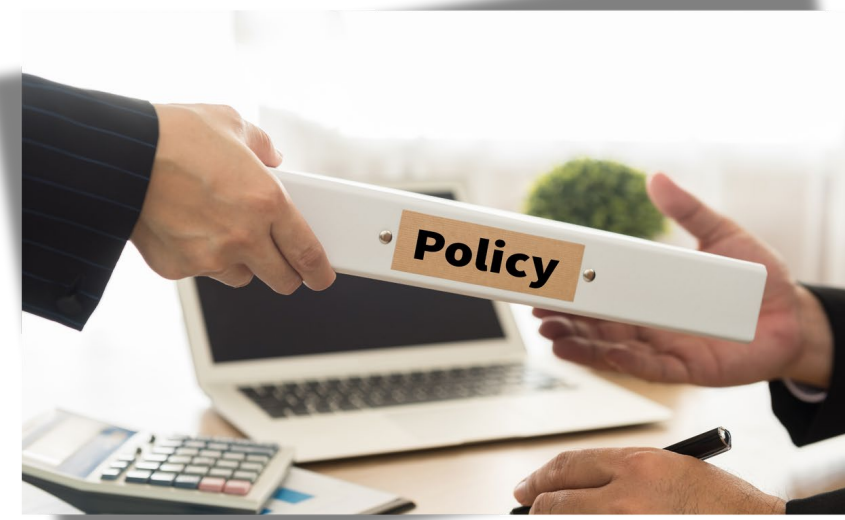
Simply Stated...



Research



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Adopt



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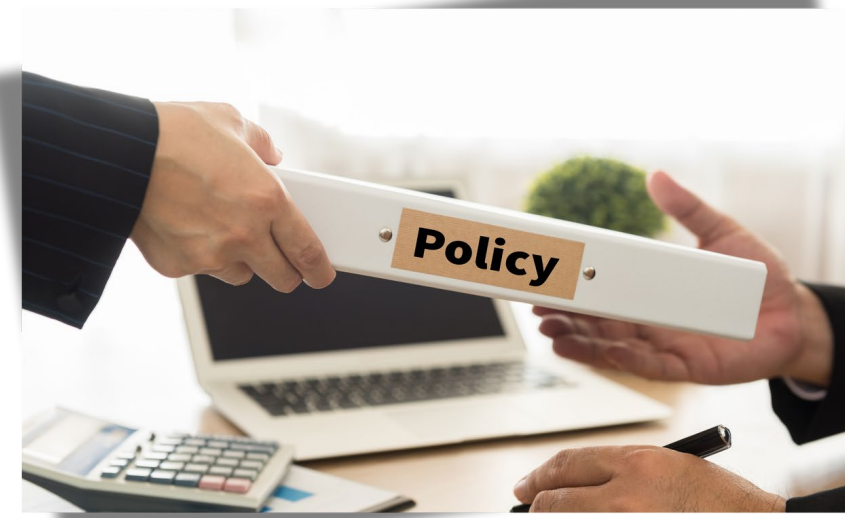
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Policy Preparation - Part 1



Research Sampling:

- APTA: <https://www.apta.com/researchtechnicalresources/safetysecurity/humantrafficking/>
- US Department of Transportation: <https://www.transportation.gov/stophumantrafficking>
- Truckers Against Trafficking: https://truckersagainstrafficking.org/wp-content/uploads/2020/06/BOTLtoolkit_transit_FINAL.pdf
- Polaris Project: <https://polarisproject.org/wp-content/uploads/2018/08/A-Roadmap-for-Systems-and-Industries-to-Prevent-and-Disrupt-Human-Trafficking.pdf>

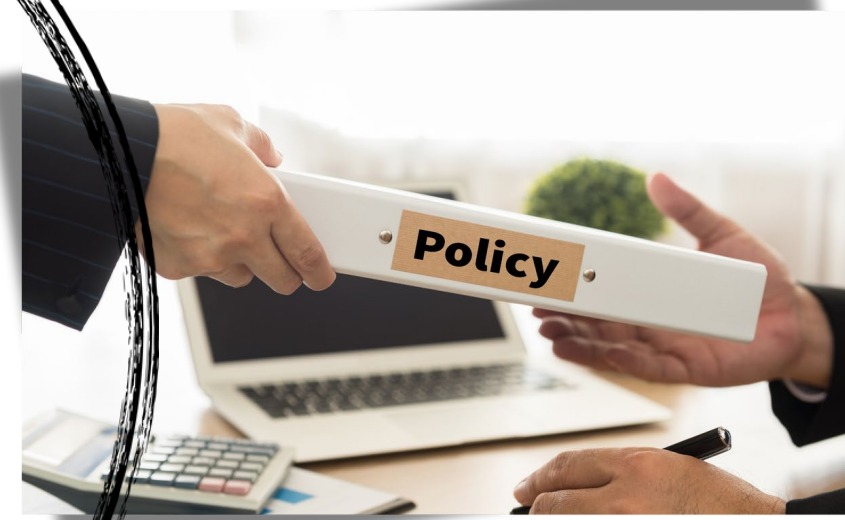
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Research



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Policy Preparation - Part 2



Connect:

- Lane County Anti-Trafficking Task Force and Lane County CSE (Commercial Sexual Exploitation of Children) Task Force
- APTA's National Vulnerable Populations and Transit Work Group Polly Hanson and Marissa Clark
- Truckers Against Trafficking National Office Jodi Godfrey and Lexi Higgons
- Local Public Safety Focus Group Eugene Police Department, Springfield Police Department, Lane County Sherriff's Office

Truckers Against Trafficking Support



**HUMAN TRAFFICKING RESPONSE
PROCEDURE TEMPLATE FOR
TRANSIT AGENCIES**

www.truckersagainstrafficking.org/bus-training

Connecting our Community



For a Brighter,
Healthier,
Stronger,
and Safer Future...

Sarah A. Koski
Community Resource Liaison
Lane Transit District
sarah.koski@ltd.org



Lane Transit District Agenda Item Summary (AIS)

Presented By: Todd R. Smith, Project Manager

Contract Title: Operation Command Center and Roofing Project

Contract No.: 2022-25

Grant No: OR-2023-038 & 1738-2024-02

This contract or amendment has an automatic pre-award authority grant.

Entering into a Contract:

Contract Amendment:

Approved by Procurement:

Action: Adoption of Resolution No. 2024-08-21-026 authorizing the Chief Executive Officer (CEO) to enter into a Contract Amendment with Fortis Construction, Inc. for the purpose of a Guaranteed Maximum Price (GMP) for construction of the Operation Command Center (OCC) Project.

Agenda Item Summary:

Contract No. 2022-25 was approved by the Board during the Regular Board Meeting on September 21, 2022. Initially, a target GMP of \$8,265,000 was established during the predesign phase to accommodate potential early procurement needs. As the project progressed through several design iterations, additional scope items were identified to align with the project's goals and budget. Three of these added scopes, which comprise the increase in cost, are recommended to be executed under this contract. These additions fall within the project budget and allow for project contingency to address unforeseen conditions that may arise during the renovation of the existing occupied building.

Glenwood Administration Roof Replacement:

During the predesign phase of the OCC project, concerns regarding the deteriorating roofing system on the administration building were identified. Further investigation confirmed the need for the Glenwood Administration Roof Replacement project, which is included in the 2023 Community Investment Plan (CIP). To achieve the best value, it is recommended to replace this roofing system simultaneously with the addition/renovation, as significant portions of the roof are in the addition/renovation and covered by the OCC project budget. However, the remaining roofing replacement costs will be covered by the Glenwood Administration Roof Replacement project budget. This increase is estimated to increase the GMP by \$1,459,427.

Dispatch/Incident Command Room Enhancements:

Increased technology and space requirements for the dispatch/incident command room are necessary to enhance the safety and security of Transit Operations now and in the future. This increase is estimated at \$427,855.

Temporary Modular Buildings:

During the design development phase, it was determined that the temporary relocation of Operations during the one-year construction period of the OCC project would require temporary



Lane Transit District Agenda Item Summary (AIS)

modular buildings. These buildings will ensure collaboration, continuity, and minimize disruptions. This increase is estimated at \$461,017.

Construction Contingency:

Unforeseen conditions will arise during the project as we're remodeling a 34+ year old building that will be occupied throughout construction. We're including a 2% contingency to allow the project to respond to these unforeseen conditions. This increase is estimated at \$210,966.

Fortis Construction publicly advertised and competitively bid the project to subcontractors in June 2024 and received multiple bids for subcontractors in each area. The bids results were in alignment with the previous cost estimate provided to LTD in April of 2024 and within the project estimated construction budget. The Glenwood Administration Roof Replacement was part of the competitive bid process and received nine (9) subcontractor bids on the roof system scope separated for each project. The proposed GMP package of bids brings savings with economy of scale, quality and cohesive construction, and best value as desired for this project.

The proposed GMP of \$10,759,265 accounts for the additional scope items and maintains a contingency for unforeseen conditions, ensuring the project remains within budget and aligned with its objectives.

Attachments: Attachment 1 - Fortis Construction GMP Proposal

I certify that my Department Chief has reviewed and approved this AIS:

Proposed Motion:

I move to adopt LTD Resolution # 2024-08-21-025 Authorizing the Chief Executive Officer to enter into a contract amendment with Fortis Construct, Inc. for the purpose of Guaranteed Maximum Price for construction of the Operation Command Center Project.

Executive Summary

Lane Transit District Operations Command Center

100% CD/GMP Estimate

Estimate No. 5
Revision No. 2
Estimate Date: July 30, 2024
Documents dated 6/14/2024

Client: LTD
Architect: Pivot Architects
Precon Manager: Jeff Butler
jeff.butler@fortisconstruction.com

Project Location: Eugene, OR 97401
Project Duration: 70 weeks
Project Size: 12,500 sf



COST

\$10,548,299

Construction Costs		\$ 843.86 /sf		\$ 10,548,299
Design Contingency	0.0%	\$ - /sf		-
Escalation	0.0%	\$ - /sf		-
Total		\$ 843.86 /sf		\$ 10,548,299

Other Project Costs: By Others

Design	
Design Fees	By Owner
Permit/Inspection Fees	
Plan Check Fees	By Owner
Building Permit Fee	By Owner
Fire Life Safety Fee	By Owner
City Business Tax	By Owner
MEP Trade Permit Fee	By Trade
Special Code Req'd Inspections	By Owner
System Development Fees	
SDC Fees, PGE Fees	By Owner
Furnishings and Equipment	
Systems Furniture	By Owner
Relocate Existing Furniture	By Owner
Exterior Building Signage	By Owner
Telecom/Data	
Phone & Active Equipment	By Owner
Security Access/CCTV System	By Owner
Voice/Data System & Cabling	By Owner

Scope Description:

Remodel and expansion of the LTD Administration Building and including temporary trailer office space for LTD staff and the replacement of existing roofing systems at the existing building. Removal of existing site berm excluded/by LTD.

Alternates

Alt 01 Wellness Ceiling Deduct	\$ (22,213.47)
Alt 02 EV Charging Stations	\$ (9,641.76)
Alt 03 PV Array - Deduct	\$ (133,541.83)

Owner Allowances

Fence, Match Existing	\$ 25,000.00
Mech Screen System, Chiller	\$ 60,000.00
Frame/Door/Hardware Package Allow	\$ 323,613.00

Lane Transit District Operations Command Center

100% CD/GMP Estimate

Date

Version

Based on Documents dated 6/14/2024

July 30, 2024

Estimate No. 5, Rev. 2

100% CD/GMP Estimate	100% CD/GMP Estimate
EST. No: 5, Rev. 2	EST. No: 5, Rev. 1
30-Jul-24	18-Jul-24
12,500 sf	12,500 sf

Description	Total	\$/sf	Total	\$/sf	Variance
01 DEMOLITION	\$ 325,917	\$26.07	\$ 325,917	\$26.07	\$0
02 SITEWORK	\$ 973,647	\$77.89	\$ 973,647	\$77.89	\$0
03 FOUNDATIONS	\$ -	\$0.00	\$ -	\$0.00	\$0
04 SUBSTRUCTURE	\$ 239,208	\$19.14	\$ 239,208	\$19.14	\$0
05 SUPERSTRUCTURE	\$ 693,340	\$55.47	\$ 693,340	\$55.47	\$0
06 EXTERIOR SKIN	\$ 338,509	\$27.08	\$ 338,509	\$27.08	\$0
07 ROOFING	\$ 1,735,627	\$138.85	\$ 1,735,627	\$138.85	\$0
08 INTERIOR CONSTRUCTION	\$ 1,601,598	\$128.13	\$ 1,613,298	\$129.06	(\$11,700)
11 PLUMBING/PROCESS PIPING	\$ 336,918	\$26.95	\$ 336,918	\$26.95	\$0
12 FIRE PROTECTION	\$ 158,076	\$12.65	\$ 158,076	\$12.65	\$0
13 MECHANICAL	\$ 1,080,495	\$86.44	\$ 1,080,495	\$86.44	\$0
14 ELECTRICAL	\$ 875,669	\$70.05	\$ 930,286	\$74.42	(\$54,617)
15 JOBSITE MANAGEMENT	\$ 918,833	\$73.51	\$ 918,833	\$73.51	\$0
16 SITE REQUIREMENTS	\$ 219,372	\$17.55	\$ 153,055	\$12.24	\$66,317
17 PRECONSTRUCTION	\$ -	\$0.00	\$ -	\$0.00	\$0
SUBTOTAL	\$ 9,497,209	\$759.78	\$ 9,497,209	\$759.78	\$0
MARKUPS					
Design Contingency	0.0% \$ -	\$0.00	0.0% \$ -	\$0.00	\$0
Escalation	0.0% \$ -	\$0.00	0.0% \$ -	\$0.00	\$0
Construction Contingency	3.0% \$ 284,916	\$22.79	3.0% \$ 284,916	\$22.79	\$0
All Risk Insurance	0.6% \$ 53,802	\$4.30	0.6% \$ 53,802	\$4.30	\$0
Liability Insurance	1.3% \$ 127,867	\$10.23	1.3% \$ 127,867	\$10.23	\$0
Sub Bond Program	1.3% \$ 129,529	\$10.36	1.3% \$ 129,529	\$10.36	\$0
Contractor Bond	0.6% \$ 60,560	\$4.84	0.6% \$ 60,560	\$4.84	\$0
Fee	3.0% \$ 299,540	\$23.96	3.0% \$ 299,540	\$23.96	\$0
Preconstruction	1.0% \$ 94,876	\$7.59	1.0% \$ 94,876	\$7.59	(\$0)
TOTAL CURRENT ESTIMATE	\$ 10,548,299	\$843.86	\$ 10,548,299	\$843.86	\$0



RESOLUTION NO. 2024-08-21-025

AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO ENTER INTO A CONTRACT AMENDMENT WITH FORTIS CONSTRUCTION, INC. FOR THE PURPOSE OF ESTABLISHING THE GUARANTEED MAXIMUM PRICE FOR CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC) SERVICES FOR THE OPERATIONS COMMAND CENTER (OCC) PROJECT

WHEREAS, Lane Transit District (“LTD”) initiated a request for proposals (RFP) #2022-25, to select and award a contractor for CM/GC construction services, pursuant to the requirements of the Oregon Public Contracting Code, Oregon Administrative Rules Ch. 137, Divisions 46-49, and LTD’s Procurement Policy, as well as any Federal Transit Administration requirements, as applicable, on June, 20, 2022, resulting in Contract #2022-25, for the OCC Project CM/GC Construction Services;

WHEREAS, Resolution No. 2022-09-21-052 authorized the Chief Executive Officer to enter into a contract with Fortis Construction, Inc. for preconstruction services of \$65,000 with an estimated target for construction of \$8,200,000, pending design and development towards the final GMP, for a Not-to-Exceed (“NTE”) amount of \$8,265,000 and with \$249,999 in amendment authority;

WHEREAS, the project progressed through several design iterations to prepare drawings and specifications package for the LTD CM/GC to bid, additional programming items were identified through this process to align with the project’s goals and budget. Three of these added alterations reflect an increase of the target GMP, from the initial concept estimate amount shown above, by more than \$249,999 and meet the requirement to seek updated authorization before proceeding. In total, this updated amount falls within the Project budget. Including a responsible project contingency to address unforeseen conditions that may arise during the renovation of the existing occupied building;

WHEREAS, OAR 137-049-0690 (5)(b) authorizes setting the GMP consistent with industry practice and project conditions and after supporting information reasonably considered necessary to its use has been developed; and as defined per ORS279C.33, (4), (a) and (b) for what comprises these costs and the total agreed amount for the work; and

WHEREAS, pursuant to LTD resolution No. 2021-09-15-048, the LTD Board of Directors is the LTD Contract Review Board and delegated to the Chief Executive Officer the authority and responsibility to approve and execute contract amendments and change orders that do not exceed \$250,000 or ten percent (10%) of the initial contract, whichever is less.

NOW, THEREFORE, BE IT RESOLVED by the LTD Board of Directors, acting as the LTD Contract Review Board, that the Chief Executive Officer, or designee, is hereby authorized to: (a) negotiate and enter into a contract amendment with Fortis Construction in an amount not to exceed \$10,548,299.00, for the GMP, and for up to the total project budget, including owner contingency of \$210,966.00, in the maximum total NTE amount of \$10,759,265.00; and (b) as needed, execute further amendments to the contract not to exceed a cumulative total of \$250,000 prescribed by LTD Policy.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 21ST DAY OF AUGUST, 2024.

Gino Grimaldi, Board President



Lane Transit District Agenda Item Summary (AIS)

Presented By: Dave Roth, Director of Mobility
Planning and Policy

Title: Community Outreach Framework

Action: Adoption of Resolution No. 2024-08-21-026 Adopting the LTD Community Engagement Framework

Agenda Item Summary:

On June 11, 2024, the LTD Strategic Planning Committee unanimously approved a motion to recommend LTD Board adoption of the Framework. Over the course of seven meetings between September of 2023 and May of 2024, the Community Steering Council (CSC), comprised of 20 individuals from a variety of backgrounds including small business owners and employers, students, transit riders and non-riders, Eugene and Springfield-area residents, and more played an essential role in shaping the LTD Community Outreach Framework final document. The CSC approved of the final Framework document at its May 21, 2024 meeting.

The CSC provided valuable feedback and used a consensus-based decision-making process to provide advisory recommendations to the project consultant team and LTD staff throughout the course of the project. Other inputs to the Framework included best practices research, background interviews, analyses of public survey and on-board rider survey results, a roundtable discussion with community-based organizations, and LTD staff feedback.

Going forward, the Framework will be a foundational guide for how LTD conducts community engagement around its projects, policies, and programs. The intent of the guide is to help improve interactions with communities in the region in pursuit of better transportation outcomes.

The Framework provides guiding principles that LTD commits to upholding, essential practices that serve as the baseline to any engagement activity, and it establishes four overarching strategies that LTD will utilize to develop a tailored approach to individual projects and programs.



Lane Transit District Agenda Item Summary (AIS)

Attachments:

- 1) Final Community Outreach Framework
- 2) Draft Resolution
- 3) Framework Presentation

I certify that my Department Chief has reviewed and approved this AIS:

PROPOSED MOTION: I move to adopt LTD Resolution No. 2024-08-21-026 Adopting the LTD Community Engagement Framework.



Lane Transit District
Community Engagement
Framework

June 2024

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EXECUTIVE SUMMARY


The Lane Transit District (LTD) Community Outreach Framework (“Framework”) is a foundational guide for how LTD will conduct community engagement around its projects, policies, and programs. The intent of the guide is to help improve interactions with communities in the region in pursuit of better transportation outcomes.

The Framework is a living document, community driven, and inherently flexible. It has been developed in large part by the LTD ad-hoc Community Steering Council (CSC). Other inputs include best practices research, background interviews, analyses of public survey and on-board rider survey results, a roundtable discussion with community-based organizations, and LTD staff feedback.

Guiding Principles

The Framework establishes the following guiding principles that LTD commits to upholding throughout the engagement process.

GUIDING PRINCIPLES FOR COMMUNITY ENGAGEMENT			
STYLE The approaches LTD uses to engage with the public	CONTENT The type of information provided to the public	PROCESS The methodology used in public engagement	INTENT The goals of public engagement
Two-Way Dialogue	Data-Driven	Feedback Loop	Meaningful
Accessible	Clarity of Purpose	Benchmarking and Continuous Improvement	Community-First Mentality
Respectful	Fiscal Transparency	Adaptable	
Active Listening	Outcome-Oriented		



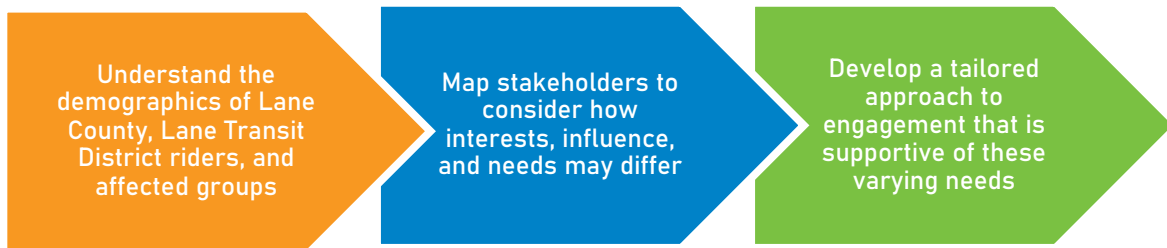
Essential Practices

The framework recommends that, at a minimum, the baseline standard of engagement conducted by LTD should include the following:

- 1) Understanding the demographics of both Lane County and Lane Transit District riders

- 2) Using a stakeholder mapping exercise to consider how the interests, influence; and needs of various stakeholders may differ, and;
- 3) Developing a tailored approach to engagement that is supportive of these varying needs.

Essential Practices



Strategies for Community Engagement

A tailored approach to engagement can draw on many different strategies and related tactics, each appropriate in various situations. The framework establishes four overarching strategies that LTD will utilize: 1) Working to build trust, 2) Engaging in collaborative, honest, and transparent conversations, 3) Communicating clearly what



people need to hear, and 4) Focusing on riders. The Framework identifies several tactics that LTD can utilize to support and operationalize each of these strategies.

Like many other public sector agencies, LTD has limited resources and cannot do everything or be everywhere all at once. Thus, the prioritization of strategies and tactics is critical to maximize their effectiveness. The framework proposes that LTD will prioritize the following: engaging government stakeholders, getting out ahead of the story, being present with riders, and engaging potential opposition.

PURPOSE AND USE OF FRAMEWORK

What is the framework?

This Community Outreach Framework (“Framework”) is a foundational guide for how LTD will conduct community engagement around its projects, policies, and programs. While there is no one-size-fits-all approach to public involvement for LTD’s work, the Framework is envisioned to better standardize LTD practices and make its engagement efforts more effective. The Framework will be shared with staff, collaborating consultants and community partners as projects are kicked-off and specific engagement plans are developed, allowing a check on the completeness and integrity of future LTD engagement efforts. The framework is intended to build community trust and confidence in LTD’s efforts to serve the community, making LTD a more effective organization for the region.

The Framework is not intended to be rigid, stifling, or restrictive. It is a resource and a guide to improve interactions with communities in the region in pursuit of better regional transportation outcomes, and flexibility will be required by both LTD and its partners to make it work effectively. The Framework is also a living document and will need to be updated and amended regularly, with both community input and LTD’s own analysis of what works well and what does not, to foster continuous improvement.

The Framework was developed in large part through the work of the Community Steering Council (CSC), an ad-hoc committee created specifically for this purpose. LTD’s hope is that the CSC will remain active in shaping how LTD interacts with the community, and that this Framework will be a successful component in how LTD resets and reinvigorates its community relationships. Moreover, the challenges facing LTD with respect to community relationships are similar to those faced by public transit agencies around the country. If successful, LTD hopes that this groundbreaking model for Lane County could also prove to be a model for the nation and beyond.

Why is this needed? Why now?

It is human nature to rely on what has worked well in the past when planning for the future. However, there comes a time when change catches up and what once worked well is no longer working. Any organization should periodically re-examine its policies and procedures, for community relations or any other service, to ensure that it is up to date and maximizes intended benefits.

However, LTD has multiple reasons to reconsider how it interacts with the community at this moment. These include the unique history of LTD with respect to delivering infrastructure, LTD's board structure, and how LTD is funded.

Infrastructure History

As a pioneer in Bus Rapid Transit (BRT), LTD was hailed and recognized both locally and nationally as an industry leader. When BRT was first introduced as the Emerald Express (EmX) in 2007, the new service was a great success and seemed a harbinger of great things to come. More lines were planned, and it seemed like LTD could be an example of how a smaller city could boost transit ridership and customer satisfaction with cost-effective infrastructure investments.

But as often happens, things did not go exactly as planned. LTD has seen limited success with new BRT routes since that time. Planning times for new routes grew rapidly as LTD sought to expand the system to areas where support for new transit initiatives was more limited. Some members of the community began to feel that LTD was pushing BRT instead of delivering on what the community actually wanted. It also created the perception, deserved or not, that LTD felt they "knew best" with respect to what the community needed. This perception helped diminish overall support for LTD, which inhibited other improvements beyond BRT due to a lack of trust. This Framework is needed to help reset the relationship and re-establish this trust.

Board Structure

LTD's Board is made up of individuals appointed by the governor, but who are not elected officials. This means that even as they are assigned to a district within the LTD region, Board members do not necessarily have direct accountability to any specific constituency. In theory if they are not serving the needs of their assigned area, or of the larger region, people can complain to the Governor who could remove and replace them. But in practice this rarely happens. This can enable perceptions in the community that the Board does not act in the community's best interest, whether intentionally or not. In fact, there is a perception that the Board has often served as a "rubber stamp" for decisions made by LTD staff. This has contributed to greater distrust of the organization.

Fortunately, this Framework can be part of the solution. The Board can help build community trust in part by playing a stronger role in major decisions for the agency, and demonstrating how those decisions directly relate to the needs of their constituents. This Framework presents an opportunity for the Board to play a larger role in community engagement, and to help LTD establish greater credibility as an organization.

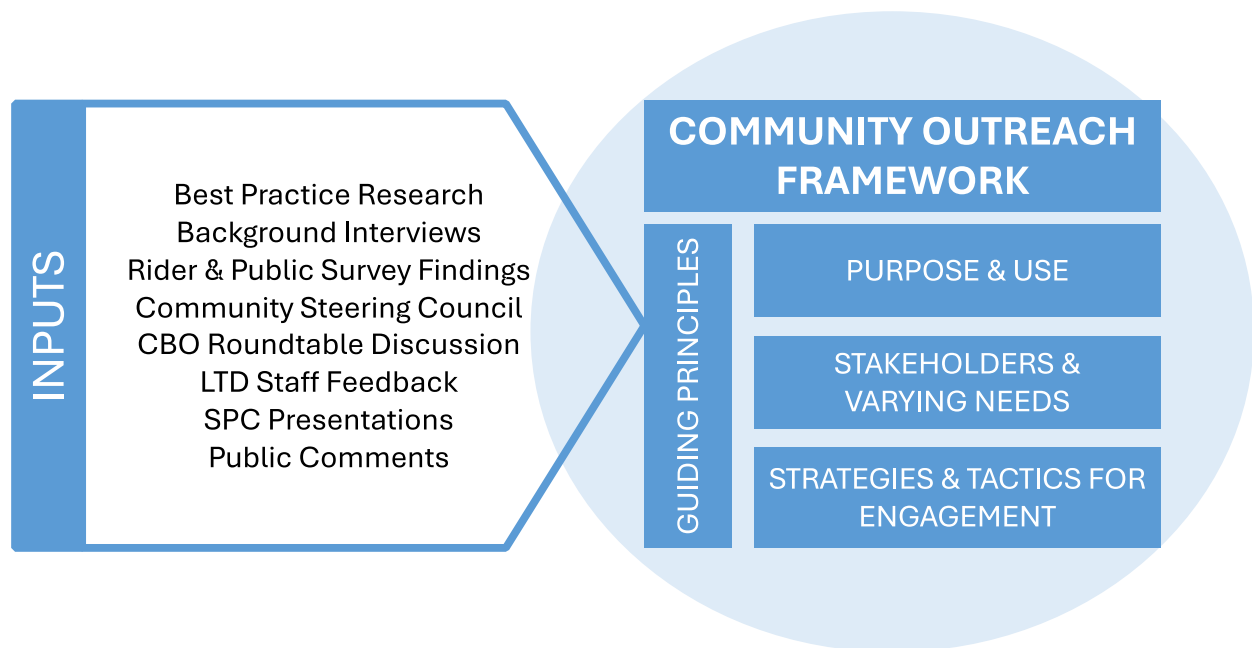
Funding

LTD's funding relies heavily on local employer payroll taxes. This has created a recurring issue because the business community feels strongly that because they fund transit, they should have a bigger say in LTD decisions. They also want to clearly understand what economic/financial return they get in exchange for their contribution. The business community represents a stakeholder that could be mobilized in favor of LTD initiatives, but only if they are brought into decision-making in a more powerful way.

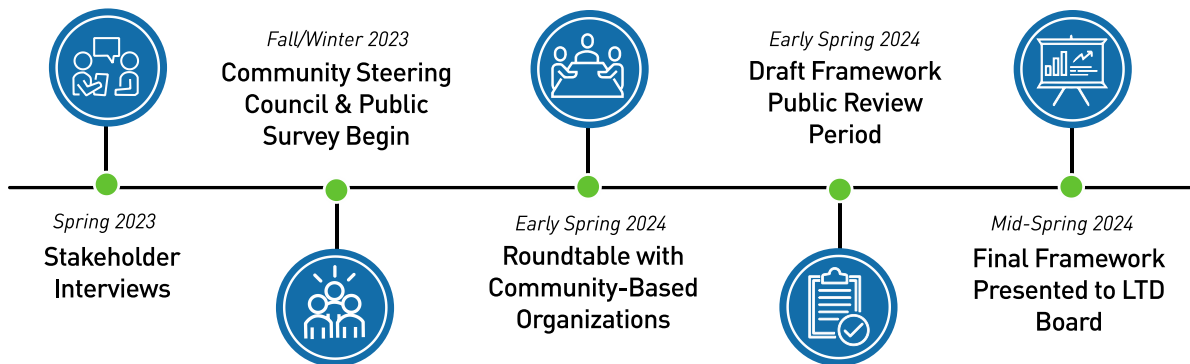
Similarly, LTD's current ridership is made up of a large portion of students (over 30 percent) and they are not necessarily a group that is hugely active in LTD's planning. The University of Oregon is a major client of LTD, and because of the student and employee passes that they purchase in bulk, they are also a significant funding source for LTD operations. Given the size of its investment, the University wants more of a say in LTD activities, especially when it comes to service planning decisions.

Fortunately, the University and the Business Community each represent stakeholders that could be mobilized in favor of LTD initiatives. This Framework has been designed in part to foster co-creation between LTD and its stakeholders.

How did we develop this?



This Framework has been developed over the course of thirteen months, beginning in March 2023.



Spring 2023

- The project team conducted research and a literature review on best and emerging practices around public engagement, and reviewed public-facing LTD communication documents.
- The team then conducted confidential interviews with a select group of external stakeholders to get additional background information that could not necessarily be found in a review of documents.

Fall/Winter 2023-2024

- The team worked to stand up a brand-new Community Steering Council (CSC), including what the purpose, structure, authority, and composition of the CSC should be. An emphasis was placed on ensuring the CSC was representative of both riders and non-riders, and that CSC members would get stipends in exchange for their participation on the CSC. LTD put out a call for applicants using an extensive marketing campaign that was open for six weeks beginning in June of 2023 and received over 70 applications. 20 individuals were eventually selected, and the CSC convened six times for two hours each between September to December of 2023, and then convened for a seventh time in May 2024.
- LTD deployed a Communication and Engagement survey to the general public between September and October 2023 (See Appendix). The survey sought input from LTD riders of all services, as well as other LTD stakeholders. The purpose of the survey was to inform the development of the Framework and help LTD understand how its constituents and customers preferred to be engaged. The survey was available digitally and in print, and was offered in English and Spanish. LTD offered a raffle to win a \$100 gift card to those that completed surveys. LTD also conducted a robust marketing campaign to spread awareness about the survey, including e-notifications, distributing at transit centers and on

board services, and organic social media posts. The results of the survey were discussed with the CSC and are also included in this Framework.

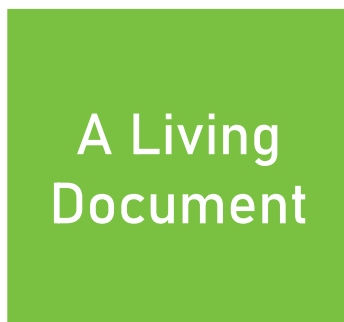
Spring 2024

- LTD convened a Roundtable Discussion with leaders of Community-Based-Organizations (CBOs), in order to ensure that perspectives from low income, minority, and differently abled populations were considered. LTD relied on CSC members for help connecting them to specific CBOs. A half day roundtable discussion was hosted in March. (See Appendix for a list of participants.)
- The project team met with LTD executives and the marketing team to discuss the draft Framework and get staff input and perspectives on what implementation would look like.
- A full draft of the Framework was shared with Community Steering Council members for their review and comment. LTD then sought public comment for two weeks on the draft Framework, from March 26, 2024 to April 9, 2024. (See Appendix). Comments were incorporated, and the CSC re-convened for a seventh meeting in May 2024 to review the entire framework and provide feedback on performance measurement. The framework was revised to incorporate this feedback.

How should this Framework be used?

The Framework is designed with three elements that are intended to make it an effective tool for many years to come and shape how it should be used. These are that the framework is a living document, community driven, and inherently flexible. These concepts are described in detail below.

Framework Elements



A Living Document

Until it is employed in real life, The Framework is a theoretical document. Undoubtedly experiences will provoke new ideas and potential changes. The Framework is not designed to be set in stone and instead should be considered a living document that is regularly updated based on those experiences. LTD will periodically make major changes to the Framework based on trial and error but will also make smaller changes on a regular basis as warranted.

Community-Driven

The Framework should be used as a community-driven document. It was intended from the beginning to be developed by the community and for the community. As the process described above shows, we used community input throughout the process, most intensely with the CSC. The community-driven nature of the document also means that community input into the Framework does not end with its publication. LTD will endeavor to consistently pursue feedback on community engagement to ensure that the community will continue to drive improvements in how engagement is conducted.

Inherently Flexible

The Framework should be used in a flexible rather than rigid manner. It is not a strict set of rules, but rather a general set of guidelines intended to assist in community engagement. The community can and should hold LTD responsible for adhering to the principles in the Framework, however, LTD can and should have the flexibility to diverge from the framework as specific cases may warrant. It is LTD's responsibility to be transparent and communicate effectively about substantial deviations from the Framework. Transparency and effective communication about decisions is a foundational component of making this Framework a success.


GUIDING PRINCIPLES OF ENGAGEMENT

Guiding principles are the fundamental beliefs, guidelines, and standards that LTD commits to upholding throughout the engagement process. By establishing these values, LTD hopes to create common ground, clarify expectations, encourage participation, minimize conflict, promote accountability, foster inclusivity, and improve decision making.

The following guiding principles were developed by the CSC and are amended only based on other input from stakeholders and the general public. The principles are divided into the following engagement categories:

- Style, defined as the approaches LTD uses to engage with the public
- Content, defined as the type of information provided to the public
- Process, defined as the methodology used in public engagement
- Intent, defined as the goals of public engagement

GUIDING PRINCIPLES FOR COMMUNITY ENGAGEMENT			
STYLE The approaches LTD uses to engage with the public	CONTENT The type of information provided to the public	PROCESS The methodology used in public engagement	INTENT The goals of public engagement
Two-Way Dialogue	Data-Driven	Feedback Loop	Meaningful
Accessible	Clarity of Purpose	Benchmarking and Continuous Improvement	Community-First Mentality
Respectful	Fiscal Transparency	Adaptable	
Active Listening	Outcome-Oriented		



STYLE

Two-Way Dialogue

LTD will foster engagements and commit to communications where both parties, such as LTD and stakeholders, actively participate in a conversation. It involves listening and responding to each other's perspectives and ideas, fostering open and constructive communication. This type of dialogue is more likely to result in outcomes where all parties feel they have been heard and contributed, which is critical for success in the LTD service area.

Accessible

LTD will make information and meetings easy to understand and attend, especially for people with different abilities or language proficiency. LTD will use plain language and host meetings that are physically and technologically accessible to ensure that everyone can participate. This will ensure that people feel on equal footing with LTD staff.

Respectful

LTD and the community will be sure to treat one another with courtesy, dignity, and consideration, value and consider diverse perspectives, and maintain a respectful tone during interactions. LTD will also ensure they are making the most of public interactions and demonstrate that they value others' time by scheduling discussions when and where attendance is likely to be higher and using that time efficiently. Finally, LTD will be culturally sensitive and consider the diverse needs of multiple groups with respect to interactions.

Active Listening

LTD and the community will both employ active listening, a communication skill where one focuses on understanding and empathizing with the speaker. Active listening means giving full attention, asking clarifying questions, and providing feedback to demonstrate that you genuinely care about what the other person is saying.

CONTENT

Data-Driven

LTD and the community will strive to be data-driven in engagement by using timely data and evidence to inform decisions and discussions, and analyzing and sharing that data collectively, enabling both LTD and the community to operate with the same level of information. This can include research on best practices and other helpful context.

Clarity of Purpose

LTD will maintain a clear and well-defined reason or objective for engaging with stakeholders. This will ensure that the goals of engagement are understood and communicated and align with desired mobility outcomes.

Fiscally Transparent

LTD and the community will be open and transparent with one another about the financial implications of decisions and choices. This will involve sharing information about budgets, expenses, and costs related to decisions, but also framing choices in terms of their financial tradeoffs.

Outcome Oriented

LTD engagement will focus on achieving specific results or goals, rather than simply checking a box by completing the task. This orientation emphasizes the importance of measurable outcomes and impacts and enables greater clarity of thinking. It is also intended to move us beyond the idea of completing “projects” and towards the idea of fostering better outcomes continuously.

PROCESS

Feedback Loop

LTD will provide a feedback loop as a method of effective engagement with consistent two-way engagement. This means instituting a mechanism for collecting, analyzing, and acting upon feedback from stakeholders, and then sharing how their input was considered and what changes or improvements were made in response.

Benchmarking and Continuous Improvement

LTD will embrace the concept of continuous improvement, which means an ongoing effort to enhance the quality and effectiveness of engagement practices over time. LTD and the community will learn from past experiences and adjust to improve outcomes over time. This includes using benchmarks and metrics to show progress.

Adaptable

LTD will work towards adaptable and timely engagement, meaning they will adjust strategies and approaches based on changing circumstances, feedback, or evolving community needs. LTD will endeavor to engage with stakeholders at the right moment, and as soon as feasible/prudent, ensuring that their input can influence decisions and actions when it matters most. LTD will also employ multi-pronged engagement by using a variety of methods, technology, and channels to reach and involve different segments of the community effectively.

INTENT

Meaningful

LTD will approach engagement with the aim of creating a genuine and significant benefit for the community and/or project involved. Meaningful engagement goes beyond token involvement and seeks to produce tangible results. Meaningful engagement requires honesty and transparency, being forthright, candid, and open in communication, providing accurate and timely information, and avoiding deception or confusion, all in the service of building trust.

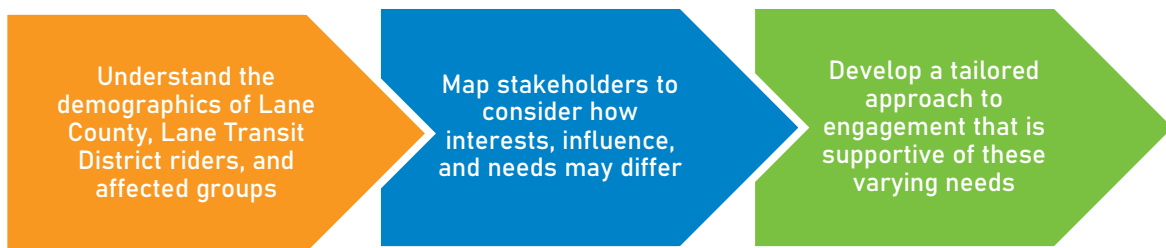
Community-First Mentality

A community-first mentality prioritizes the needs and interests of the community above other considerations. It places the well-being of the community at the center of engagement efforts. LTD will prioritize grassroots engagement, meaning they will focus on involving and empowering individuals, such as members of local community groups, to foster bottom-up participation and decision-making. LTD will ensure engagement is inclusive and diverse so that a wide range of perspectives, backgrounds, and experiences are represented and valued, including those that have been or continue to be challenging to reach, promoting equity and fairness in the process.

ESSENTIAL PRACTICES

At a minimum, the baseline standard of engagement requires 1) understanding the demographics of both Lane County and LTD riders, 2) using a stakeholder mapping exercise to think through how the interests, influence, and needs of various stakeholders may differ, and 3) developing a tailored approach to engagement that is supportive of these varying needs.

Essential Practices



Understanding the Demographics of Lane Transit District's Stakeholders

When we talk about engaging the public in decision-making, whom do we mean? The public includes anyone who resides, works, visits, has an interest in, or does business in an area potentially affected by LTD's transportation decisions. The public can be made up of individuals, groups, organizations, and partners. This includes riders and non-riders, and those who help pay for transit, such as the business community.

Understanding the demographics of both Lane County and LTD riders is critical to ensuring that transportation systems (and their related engagement plans) reflect community needs. Information such as age, income, languages spoken at home, disability, and other key demographics can help identify not only who is present but who is missing.

About Lane County and Lane County Trends

Lane County is in Oregon's Willamette Valley. The largest cities in the County are Eugene (County Seat), Springfield, Cottage Grove, and Florence. The local economy has shifted from timber and agriculture towards service-oriented industries, including

healthcare and social assistance, retail, and educational services. The University of Oregon is a key economic player and growth driver and contributes to a large student population with the county. Both Eugene and Springfield expect their economic bases to grow as the University of Oregon is ramping up as a science business incubator.

As of July 2022, Lane County had a population just under 383,000 and is forecasted to have an average annual growth rate (AAGR) under one percent over the next 50 years, reaching 490,958 in 2070.¹ While Eugene is expected to have an AAGR of .8 percent, smaller cities like Coburg, Creswell, Lowell, Veneta, and Junction City are projected to have AAGRs of over 1 percent.² As of 2021, there were over 10,000 employer establishments and a total annual payroll of just over \$6 billion in Lane County.

About Lane Transit District

Lane Transit District was founded in 1970 under the laws of the State of Oregon that allowed the formation of transit districts as special taxing entities. LTD was empowered by state statute to impose an excise tax on employers to fund local transit, and so payroll-type taxes make up the single greatest source of revenue for LTD. The agency is governed by a seven-member volunteer board of directors, who are appointed by the Governor of Oregon.

While the boundaries of LTD fall entirely within Lane County, LTD serves the Eugene-Springfield metropolitan area, the incorporated cities of Coburg, Creswell, Cottage Grove, Lowell, Veneta, and Junction City, and the unincorporated area along Highway 126 between Springfield and the McKenzie Bridge Ranger Station.

LTD operates traditional fixed route bus, EmX bus rapid transit, RideSource, and Emergency Ride Home services. LTD also has a role in funding, coordinating, and/or partnering on on-demand, ADA paratransit, non-emergency Medicaid, Pearl Buck Preschool, Shopper Shuttle, Veterans' trips, CarShare, and vanpool services.

About Lane Transit District's Riders

As of 2023, the proportion of LTD's riders on their fixed route service between the ages of 15 and 44 is greater than the general population. The percentage of fixed route riders over the age of 44 is smaller than among the general population. 71 percent of RideSource customers are over 65 years old.

The household income of fixed route riders is below the general Lane County population, with more riders in the lower income categories and fewer riders in the higher income categories. Individuals with annual household incomes less than \$10,000

¹ See https://www.pdx.edu/population-research/sites/populationresearch.web.wdt.pdx.edu/files/2021-08/Final_Report_Lane_Corrected.pdf

² Ibid.

comprise 28 percent of fixed route riders but are only 6 percent of the Lane County population. 50 percent of RideSource customers' annual household income is \$15,000 or less. When controlling for whether an individual is a student, the proportion of fixed route riders with an income less than \$10,000 is still significantly higher compared to the general population. Over a third of fixed route riders in 2023 are students. About half of the student riders are University of Oregon students. Males make up the largest share of fixed route riders overall, while being 49.52% of the Lane County population. Comparatively, males are 26 percent of RideSource users.

While Lane County is 89 percent Caucasian/white, 60 percent of fixed route riders identify as Caucasian/white. RideSource riders are 89 percent Caucasian/white. 16 percent of fixed route riders claimed Hispanic or Latino descent, whereas they make up only 10 percent of Lane County and only 1.5 percent of RideSource users. Riders identifying as two or more races represent the third largest group of fixed route riders (12 percent), while are only 5 percent at the county level, and 3 percent of RideSource customers.

98 percent of fixed route riders speak English well or very well. Only 39 percent of fixed route riders have a valid driver's license. 42 percent of fixed route riders have a zero-vehicle household. While 91 percent of households in Lane County have a broadband Internet subscription, and 96 percent have a computer, only 78 percent of fixed route riders carry a smartphone with internet access.³

Over half of RideSource customers use the service weekly. 90 percent never use LTD's fixed-route bus system. 44 percent of RideSource customers require a vehicle with a ramp or lift. 10 percent of fixed-route riders need assistance to use LTD. Of that 10 percent, 35 percent rely on stop announcements, and 27 percent require a lift/ramp. 12 percent of fixed route riders pay their fare using cash. Most riders use a pass of some kind for fare payment.

Stakeholder Mapping

The practice of stakeholder mapping is an important tool that should be conducted prior to beginning any project. Stakeholder mapping is a process used to identify, analyze, and categorize the individuals, groups, organizations that have an interest in or will be affected by a particular project, initiative, or decision. The purpose of stakeholder mapping is to think through how the interests, influence, and needs of various stakeholders may differ and require tailored engagement strategies and tools. Using a stakeholder mapping exercise and then developing an engagement plan in response to the findings can be helpful in building support and collaboration, managing risks and challenges, and enhancing accountability and transparency.

³ 2019 LTD Origin and Destination Study

Over the course of several meetings, the Community Steering Council conducted an exercise in stakeholder mapping and identified a list of groups that can be found in the Appendix at A. While it will not be possible for LTD to engage every single group on this list for every single project, plan, or normal course of business, this list serves as a reference for LTD staff (and their consultant teams) to think through the various individuals and groups that make up the fabric of Lane County and should be referred to at the start of any plan or project.

A Tailored Approach

Understanding demographics and conducting stakeholder mapping should be followed by considering the varying needs of those stakeholders. The following practice entails considering what targeted outreach or strategy may be needed based on differing needs. To tailor outreach strategies to meet the needs of diverse stakeholders, staff should consider the questions outlined below.⁴

PURPOSE	What are we trying to do? What is the issue, policy, or process being examined?
ASSUMPTIONS	What assumptions are we bringing into this issue?
INCLUSION	Who will be impacted and are they being included? Who is missing? What can LTD do differently to ensure inclusion? How are we intentionally engaging multiple perspectives? How will barriers to participation be addressed?

⁴ These questions are also part of Lane County’s Equity Toolkit.

STRATEGIES AND TACTICS

When thinking through a tailored approach to engagement, there are many different methods, each appropriate in various situations depending on the group involved, the number of people involved, and the timeline for any given effort. However, LTD does not have unlimited time or resources and this section is not intended to include every strategy for every situation, nor require that all included strategies be used for every engagement. Instead, this framework offers a discussion of various engagement methods and how and when they should be used and prioritized.

For the purposes of this Framework, we are defining strategies as the high-level overarching approach to any given engagement. The strategies below reflect the work of the CSC, as well as input from numerous stakeholders and survey data. For each strategy, we have identified several potential tactics that could be helpful components of that strategy. We define tactics as the specific actions taken to support and operationalize a strategy. These specific tactics derive largely from conversations with the CSC.



Work to Build Trust

The most consistent theme that emerged from all efforts related to this work over the last several months has been the need for LTD to do the work to build trust within the community. This sentiment was echoed by almost everyone involved in this work, but it was not necessarily because everyone felt a lack of trust was predominant (though some certainly did). The need to build trust was emphasized largely because people across the region recognize that the most powerful and effective engagement is based on trust between two parties. The greater the reservoir of trust between LTD and the community, the more effective everyone will be in achieving their goals.

Trust Tactics

- Be there when there is no project or issue. Communities will appreciate consistent communication irrespective of any specific issue, as it indicates the relationships are not transactional. This early engagement will be helpful to learn about community priorities and prepare neighborhoods for future engagement.
- Assign an ambassador. One specific idea is for LTD to assign an LTD employee to serve as an ambassador, perhaps geographically for easy access. This person can attend regular neighborhood meetings and create a presence within the community in case people have questions or need information.
- Listen and co-create. The purpose of community engagement is not to just inform communities about projects, but to have a productive two-way dialogue. LTD should show up with the intention of working together to create an outcome and should consistently show how community feedback was incorporated.
- Build on existing relationships. This can mean leaning on the LTD Board and Leadership to show up to address specific concerns, but also partnering with local organizations to build trust and relationships and pursuing opportunities to be more integrated with communities where possible.
- Meet people where they are. LTD will need to go to where the people, riders, neighbors, employees are for meeting locations. If possible, offer amenities and foster a service-oriented culture during community interactions to encourage sustained engagement. Use a cultural lens for communication and translate materials to ensure you are literally and figuratively speaking the language of those you wish to engage.

Engage in Collaborative, Honest, and Transparent Conversations

To be successful in working with the community, LTD will need to enter any community engagement with an orientation towards meaningful conversations. Community engagement can sometimes devolve into a box-checking exercise, where an agency officially meets with everyone they are supposed to meet with to demonstrate engagement, but those meetings are not meaningful. LTD will focus on creating engagements where they promote transparency and collaboration.

Transparency and Collaboration Tactics

- Don't shy away from challenging conversations or sharing data or sensitive information and address them directly. LTD will not hide information, no matter how much they perceive it might damage their reputation, from the community. Hiding information is a short-term gain for long-term pain. Being transparent maintains trust and helps lead to collaborative solutions.
- Be clear about parameters for input. In any given engagement, LTD should set clear boundaries for the purpose of that effort to focus the conversation. This does not mean LTD should ignore feedback on issues outside the scope of that particular engagement, but rather that they should note them and return back to the issue at hand.
- Be honest and transparent about what is realistic. Allowing a community to brainstorm solutions can be effective, but it is also important to set expectations about what can be accomplished. This helps focus on realistic solutions and builds trust.
- Focus on community collaboration that builds a sense of pride in outcomes. Sustained collaboration can lead to a sense of ownership in whatever results from that effort. LTD will employ this tactic by being open to new ideas and true collaboration.
- Anticipate who may oppose or be critical and include them in early discussions. This can often include those who do not ride the system and may never envision themselves doing so, but their role is still critical. LTD will need to make an extra effort to engage this group early.
- Engage city and government partners to help come up with solutions. Other government partners can be powerful allies and should be part of the engagement process. This can help mobilize communities and strengthen any proposed solution.

Communicate Clearly What People Need to Hear

It can be tempting to believe that communication has occurred even when it has not. LTD will endeavor to communicate consistently and clearly but will also need to focus on telling people what they need to hear. This means more than just basic information about an initiative but also explaining why things are being done, dealing with misinformation, and educating people about everything LTD does.

Strategic Communications Tactics

- Offer opportunities to educate constituents on the planning and budget processes. Most people do not understand these processes and then enter into discussions without critical information. Offering quick tutorials on these processes can help create allies who understand the parameters in any given engagement.

- Regularly communicate finances. LTD will make it part of their practice to communicate financial information and budget performance. This will help with transparency but also give people better information with which to engage LTD.
- Talk about why. It is easy for the “why” to get lost in community engagement. All initiatives have a larger purpose, and this should be reiterated and reinforced with every touch point. This helps to keep everyone focused on solutions rather than obstacles.
- Address misinformation quickly. There will always be a tendency for misinformation to permeate engagements. LTD will try to stay ahead of this issue by consistently presenting facts and keeping them simple and straightforward.

Focus on Riders

LTD must focus on its core mission when it conducts outreach. The goals of what LTD aims to do – such as reducing emissions and congestion - are broad and can affect the larger community. But the core service LTD provides is primarily intended to benefit its riders. The rest of the community must also be included (see above) but present and future riders should be the focus.

Rider Engagement Tactics

- Use the UMO app as an engagement tool. The UMO app that LTD currently uses has features for community engagement including surveys, polling, and route-based messaging. LTD will use these tools as a strategic method of engaging existing riders.
- Go to the riders (and future riders). It is critical for LTD to meet their riders and potential riders where they are. Some tactics for doing to include intercept surveys, where LTD can go to a pre-existing community meeting, and on-board surveys, where LTD can meet people on the system and record their perspectives.
- Encourage Employees to Ride the system. LTD should incentivize and encourage all its employees to ride their own system as a method of getting the word out about future initiatives. Even informal interactions can be highly beneficial in engaging riders and fostering greater communication.
- Train front line workers on engagement. Front-line LTD staff, including bus operators, are natural ambassadors to the community. The more they can be trained to engage sensitively and respectfully with riders, the more of an asset they will become for LTD and the community.

Priority Strategies and Tactics

Priority Strategies & Tactics



This Framework is intended to be more than a list of great ideas for better community engagement. LTD has limited resources and cannot do everything or be everywhere all at once. Therefore, they will need to prioritize their strategies and tactics to maximize their effectiveness. This prioritization is meant to be suggestive rather than prescriptive, as any given initiative is likely to require different priorities for engagement. However, below is a general recommendation for how to prioritize these efforts.

Engage Government Stakeholders

The CSC and other stakeholders consistently expressed the view that engaging early and often with other government agencies, especially cities, could drive more positive outcomes for overall LTD engagement. There is a feeling of untapped potential for LTD if they take a more active role in cultivating these relationships, especially when there is no specific project or initiative at stake, so that people in decision-making and leadership roles in their communities can become familiar with the workings of LTD. For many transit agencies, this kind of engagement occurs naturally because local officials are on the board of the agency. As LTD’s board is appointed by the governor, and board members are not necessarily directly responsible to constituents in their communities, LTD staff needs to make an extra effort to foster this critical kind of engagement.

Get Out Ahead of the Story

The first time that the public or the media hear about an LTD project or initiative should ideally be a positive story. This is inherently challenging given that negative stories are often more compelling. But LTD can counteract this issue by getting information out regularly that helps get ahead of any given issue. For example, putting out specific information and data about budgeting and the budget process, ridership and other performance data, and upcoming initiatives can be a way to reduce surprises, increase

transparency, and make it more challenging for people to claim that they had no way of knowing what LTD has been doing. LTD should diligently pursue earned media and push their message in the community long before a project begins.

Be Present with Riders

One of the best engagement tools can be as simple as riding the system, talking to people, and getting regular feedback. LTD can find ways to incentivize office-based staff and the LTD Board to use the system regularly and standardize how they report back on potential improvements. In addition, LTD should conduct regular rider and employee surveys (employees are great sources of feedback because they are on the system regularly). These surveys should result in specific action items and follow-up that is publicized and demonstrates commitment to rider and employee needs. Finally, LTD can conduct intercept surveys and attend community meetings to reach non-riders and better understand their needs. All these efforts will bring LTD top of mind in the community and demonstrate their commitment to the public.

Engage Potential Opposition

There is always likely to be opposition to any major initiative in public transit because transit operates in a public sphere and inherently creates change. But opposition can be effectively managed by building and maintaining relationships and trust among those who might be most likely to oppose any given project or initiative. Some of this can be done even before launching a project, as the opposition can be predicted. Giving people advance notice, asking for their genuine feedback and what it would take to get them to support the project, and keeping them in the loop throughout the process can go a long way towards minimizing these challenges.

MEASURING PROGRESS AND SUSTAINING SUPPORT OVER TIME

This framework presents a cohesive set of ideas intended to improve community engagement. However, history demonstrates that even projects with full-throated community support can run up against roadblocks as time passes. Projects and initiatives can take a long time, and communities, circumstances, or finances can change dramatically during that time. Additionally, we heard repeatedly from stakeholders that “the proof is in the pudding” when it comes to this framework. This means that while the framework represents a critical milestone achievement, its value is dependent on LTD measuring, evaluating, and communicating progress towards achieving the vision it outlines. The strategies for both measuring progress and sustaining support over time go hand-in-hand and are outlined below:

Establish benchmarks of success and report out regularly.

When a project or initiative begins, it will be critical to establish some consensus around goals upfront. This ensures that success is defined and builds support. LTD will need to build in clear and transparent milestones and benchmarks for any given project or initiative and so that the community can follow along. The benchmarks and milestones can change over time if the change and reason for such a change is also transparent. Having these benchmarks in place and tied to a specific timeline will help retain the community's confidence of the outcomes and the project's trajectory.

Additionally, LTD can consider utilizing a “scorecard” approach to evaluating progress, in which staff internally rate engagement performance on a specific project and also invite external stakeholders to rate LTD's performance. This would then be compared and analyzed to understand where the greatest gaps are, and even evaluated over time as long as metrics are consistently measured. Assessments do not have to be limited to quantitative data and can also seek qualitative data such as stakeholder testimony and narrative feedback.

Foster continuous communication of information that is not necessarily project specific.

This idea is similar to the strategy outlined above of building trust in the community, but in this case it pertains to ensuring support over time. LTD should go directly into communities to listen and get feedback regularly at intercept style events where transit may not even be on the agenda. This can provide an opportunity to keep people informed and ensure that new community members can learn about ongoing LTD efforts.

Establish transparency in budgets and financial performance.

Lack of clarity in finances can often undermine trust, while transparency will do the opposite. Even when financial performance is worse than expected, communities will react better when they are fully informed about these challenges and see themselves as partners in understanding how any changes will impact a project and how to adapt if necessary. Support for a project or initiative can be sustained through this golden rule of transparency if it is in place from the very beginning.

Communicate early and often about the “why” of a project.

Too often in the public sphere, a project drags on and people forget why it was even being pursued in the first place. Keeping the agreed-upon goals front and center in a project can be a useful way to maintain support. However, this also means being flexible about changing the goals as the project evolves, and being transparent about why and how that might be happening.

Lean on the LTD Board and executive leadership.

The LTD Board can be an excellent resource for maintaining community support, as can the CEO and other executives. Even just making an appearance to address specific concerns, especially when the concerns come from a place of fear and misinformation, can make a big difference in terms of outcomes.

Update this framework regularly.

This framework must be a living document that changes as LTD employs it throughout Lane County. In addition to continuous improvement, LTD is committed to reviewing, re-evaluating, and updating this framework after five years of implementation. There will be progress and setbacks, wins and lessons learned, and all of this new data and information should be used to make ongoing changes to this framework. This will ensure that LTD maintains support by continuing to adjust its approach as circumstances and people change.

CSC members were asked for feedback on how to improve future iterations of the Community Steering Council. In the future, members would like more opportunities to meet or have longer meeting times to allow for deeper discussion. LTD should consider convening larger groups closer to 35 individuals. LTD can also consider leveraging sub-committees to allow CSC members to self-organize and focus on issues they are most passionate about. LTD should also consider more creative ways for the CSC to give feedback—such as e-mail, group chats, or survey forms. Finally, the Eugene-Springfield community is rich with incredible talent and perspectives, and LTD should strive to ensure diversity of participation, and ensure the CSC deliberately takes advantage of the wealth of knowledge and experience from the community.

APPENDIX

Communication and Engagement Survey Findings

LTD deployed a Communication and Engagement survey in September 2023. 913 surveys were completed in English and 43 surveys were completed in Spanish.

Past Experience Giving Feedback

- Close to 60 percent of survey respondents have never given feedback or input on any recent LTD project, such as TransitTomorrow, MovingAhead, or the Strategic Business Plan. A quarter of respondents were not sure or did not know if they have.
- When cross-tabulated based on frequency of ridership, those who rarely ride or never ride were more likely to have given feedback compared to frequent riders.
- When asked what has prevented them from engaging more, 64 percent of survey respondents were not aware of any LTD projects or initiatives. Close to 30 percent did not know how to give feedback, and close to 20 percent did not think their feedback would make a difference.
- When cross-tabulated based on frequency of ridership, those who rarely ride or never ride were more likely to think their feedback would not make a difference, compared to frequent riders.
- Spanish-survey respondents were more likely to believe their feedback would not make a difference (over 20 percent) compared to English-survey respondents (over 10 percent), and they were more likely to not know how to give feedback.

Staying Up to Date on LTD Projects or Initiatives

- When asked about what might best help them stay up-to-date on LTD projects or initiatives, survey respondents most preferred reading social media posts, receiving quarterly e-mail newsletters, seeing UMO App push notifications, and informal messaging at stations and on vehicles.
- When looking at Spanish-survey respondents only, while they preferred reading social media posts and receiving quarterly e-mail newsletters, they also preferred receiving text message/SMS notifications compared to English-survey takers.
- When looking at preferences of frequent riders only, frequent riders most prefer seeing UMO Mobility App push notifications, followed by social media posts and quarterly email newsletters.
- Non-riders most prefer quarterly email newsletters, social media posts, and flyers/postcards.

Preferences Around Engagement Activities

- When asked about which specific engagement activities, respondents most preferred 1) short, easy surveys that ask preferences on desired outcomes, 2) virtual online meeting formats with the ability to provide feedback and interact with staff, 3) flyers or mailers that give critical information; and 4) in-person open house with ability to review information, speak to staff, and provide input.
- When looking at only Spanish-survey respondents, they most preferred receiving flyers or mailers (20 percent), followed by short, easy surveys (17 percent), and in-person open houses (17 percent).

Staying Involved Through the Duration of an LTD Project or Initiative

- When asked about what would help stay involved through the duration of a project or initiative, survey respondents overwhelmingly selected receiving frequent and consistent updates on progress and why decisions were made. This was the most preferred option across all types of riders.
- However, when looking only at Spanish-survey respondents, respondents most preferred having a knowledgeable and responsive LTD staff member who they can contact if they have a question or comment.

Improving Convenience

- When asked how LTD can make participating in events and activities more convenient, survey respondents preferred more virtual and online engagement opportunities, followed by hosting meetings and events on weekends.
- When asked what time of day was most preferred for activities, late afternoon was most preferred by both English and Spanish survey respondents, as well as across all rider types.

Stakeholder Mapping Exercise

Over the course of several meetings, the Community Steering Council conducted an exercise in stakeholder mapping to consider how the interests, influence, and needs of various stakeholders may differ. The CBO Roundtable also reviewed and weighed in on this list. While it will not be possible for LTD to engage every single group on this list for every single project, plan, or normal course of business, this list serves as a reference for LTD staff (and their consultant teams) to think through the various individuals and groups that make up the fabric of Lane County and should be referred to at the start of any plan or project. This list is not intended to be exhaustive or all-encompassing, but it should be regularly updated and amended.

Community Groups:

Faith Leaders and Religious Groups
Neighborhood Organizations (23
Neighborhood Associations of Eugene)
Park & Recreation Districts and Centers
(River Road Park, Willamalane Park and
Recreation District, Eugene Rec)

Diverse and Minority Groups:

AARP
At-Risk Groups (15th Night, Looking
Glass, United Way of Lane County, 410
Garfield Safe Sleep)
Differently-abled
Immigrants
Limited English Proficiency and/or
Non-English Monolingual Groups
Limited Literacy
Minority Ethnic Groups (Plaza de
Nuestra Comunidad, Eugene Springfield
NAACP, Asian Pacific American
Network of Oregon)
Women and Families

Education-Related:

Child-Care Providers
Connected Lane County
Early education and After School
Programs
Higher Education (University of Oregon,
Lane Community College, others)
Safe Routes to School Coordinators

School Districts (Staff and Students) of
All Levels

Healthcare and Social Service Providers:

ARC of Lane County
Assisted Living Community Associations
Healthcare providers and large
employers
Healthcare users
Lane Independent Living Alliance
McKenzie-Willamette Medical Center
Older adult care providers
PeaceHealth
Pearl Buck Center
Trillium Community Health Plan
Veterans' Services
Youth organizations and centers

Housing & Development:

Cornerstone Community Housing
Developers (Market rate, affordable,
transit-oriented development)
Different housing tenure (homeowners,
short-term, transition, housing insecure,
homeless)
Home Builders/Construction
Lane County Housing Collaboration
Large Property Managers
Live Health LANE
ShelterCare

Popular Destinations

Venues
City Club

Public Sector Partners:

Central Lane Metropolitan Planning Organization
Cities and Counties (City of Eugene, City of Springfield, etc.)
Eugene Youth Advisory Council
Lane Council of Government (LCOG)
Oregon Department of Transportation (ODOT)
Oregon Transportation Commission
Resiliency/Emergency Management Agencies
Safety/Law Enforcement Agencies

Residents by Location:

Rural Residents
Suburban Residents
Urban Residents

Those Directly Impacted by Projects and Plans

Tourism & Economic Development:

Amtrak
Chambers of Commerce (Eugene Area Chamber of Commerce, Springfield Chamber of Commerce, Creswell, Cottage Grove, Tri-County Chamber (Junction City))
Employees as Users of Transit
Employers/Businesses (As Financial Stakeholders)
Employers/Businesses (Linking Employees to Transit)
Eugene Airport
Labor Unions
Lane Workforce Partnership
Rural Business Owners

Shopping Centers (Oakway Shopping Center, Eugene Mall, Shoppes at Gateway, Valley River Center)
Tourism Industry & Advocacy Groups
Tourists
Travel Lane County

Transportation Users & Advocacy:

Better Eugene Springfield
Transportation (BEST)
Better Housing Together
Drivers
Environmentalists
LTD Operators & Staff
Pedestrian and Active Transportation Groups
Those Who Have Never Used Transit
Those Who No Longer Use Transit
Trade and Professional Groups Related to Planning, Engineering, Building, Architecture
Transit Riders (Commuters, Daily Riders, Trip-Chainers, Intentional Users, Those Who Can't Drive)

Tribal Community:

Burns Paiute Tribe
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw
Confederated Tribes of Grand Ronde,
Confederated Tribes of Siletz Indians,
Confederated Tribes of the Umatilla Indian Reservation,
Confederated Tribes of Warm Springs,
Cow Creek Band of Umpqua Tribe of Indians,
Coquille Indian Tribe
Kalapuya
Klamath Tribes

Community Steering Council (CSC) Membership

Amber Kelel*
Courtney Griesel
Daniel Padilla*
David Hill
DJ Andrews
Jon Belcher
Jordan Ackemann
Kaarin Knudson
Linda Duggan
Cami Thompson
Melinda Preciado
Michelle Hanks
Phil Farrington
Robert Canaga
Seth Sadofsky
Shaamahummed Shaik
Susan Blane
Tab Davis
*denotes co-chair

Background Interviewees

Carl Yeh
Crystal Polling
Deleesa Meashintubby
Greg Evans
Jenny Ulum
Marc Schlossberg
Matt Roberts
Mike Eyster
Rob Zako

Community-Based Organization Roundtable Participants

15th Night
AARP
ARC of Lane County
Equity and Community Consortium for Eugene
Eugene Springfield NAACP
Lane County Equity Program
Lane Independent Living Alliance (LILA)
Pearl Buck Center
United Way of Lane Count

Acronyms

AAGR: Average Annual Growth Rate

BRT: Bus Rapid Transit

CBOs: Community-Based Organizations

CSC: Community Steering Council

EmX: Emerald Express

LTD: Lane Transit District

Comments Received & Responses

COMMENT RECEIVED	RESPONSE
<p>Hello!</p> <p>Thanks so much for sharing this proposed framework! I've read through the plan and have a few comments/edits for LTD's consideration:</p> <p>Pg 3, 1st paragraph, last sentence reads "... build community trust and confidence in LTYD..." Should be LTD, correct?</p> <p>Pg 3, 2nd paragraph, 2nd sentence ends with "effectively/", (grammar) should be period (.) instead.</p> <p>Pg 3, 3rd paragraph, last sentence reads "...LTD hopes that this groundbreaking model for Eugene/Springfield could also prove to be a model..." suggest to replace with Lane County.</p> <p>Pg 7, under "Respectful" Style, last sentence referring to "LTD will be 'culturally' _____ and consider the diverse needs.. suggest adding "sensitive".</p> <p>Pg 9, under "Meaningful", last sentence refers to "obfuscation" - replace or define w/ plain language (i.e. obscurity, confusion)</p> <p>Pg 10, 1st paragraph, 3rd sentence: "..understanding the demographics of both Lane County of LTD riders..." - should be "and"</p> <p>Pg 11, "About LTD's riders", 2nd paragraph, 2nd sentence: "Individuals with incomes less than \$10,000..." suggest adding to clarify "annual" incomes.</p> <p>Pg 11, "About LTD's riders" - several stats w/ various mentions of "percent" and "%", suggesting same consistent use of "%" for unified look.</p> <p>Pg 16, 1st paragraph, "...but those meetings are 'perfunctory'." -define or replace w/ plain language.</p> <p>Pg 18, 1st paragraph, last sentence, "LTD should aggressively pursue..." Suggest to</p>	<p>All of these edits were incorporated.</p>

<p>replace "aggressively" for proactively or diligently.</p> <p>Pg 19, under "Establish transparency in budgets and financial performance.", first word "Opacity..." Suggest using plain language, replace with unclear or uncertainty, non-transparency.</p> <p>Pg 19, same paragraph, 2nd sentence "and see themselves as partners in "tackling assessing" how any changes..." Suggest to remove "tackling", replace with understanding.</p> <p>Pg 22, Stakeholders, under "Tourism & Economic Development", Tourism Industry & Advocacy "Groups" is misspelled "Grgroups"</p> <p>Pg 22, Stakeholders, "Chambers of Commerce" could also include Creswell, Cottage Grove, Tri-County Chamber (Junction City)</p> <p>Pg 22, Stakeholders, suggest adding to include Lane Workforce Partnership (Tourism & Economic Development) and Connected Lane County (Education-Related) – David Hill, Community Steering Council</p>	
<p>Comment: on the following page under "Adaptable" for the Process engagement strategy, there is reference to use of technology. All of the above commentary, while on point, really "style" or manner of communications almost entirely when they are direct, face-to-face, and otherwise in person. Not sure how, or if, any changes are needed in either section, but seems like we should acknowledge that the style/manner in which LTD communications with any and everyone should apply whether in-person or through some other means. No doubt LTD can, should and will use the latest available technological methods to engage the public and stakeholders. Just seems like there should be some broader statement that LTD will be going out to meet people where they are, by whatever means and methods people are most</p>	<p>Comments received and incorporated. We added clarification that LTD would not rely only on technology to conduct engagement on page 15. Added clarification detail of what "stakeholders" are.</p>

comfortable in engaging with LTD. Recall in our CSC meetings we had some discussion about those who are more introverted and aren't as comfortable even going out and attending, much less being vocal, in a face-to-face or group setting in person. Technology may be increasingly used to push information out – even despite the surprising stats about the percentage of riders who don't have smartphone capabilities – and to get input back. And while I'm not of the TikTok generation, use of social media and other means of modern technology, other than the UMO app, should be considered and used.

Comment: Seems like there should be something in the above relating to those who pay for LTD services – either at the farebox, through employer or employee payroll taxes, student fees, etc. That was covered nicely under the earlier “Funding” section, but should be tied here – as those who pay for the service are ultimately as key a set of stakeholders as the riders themselves.

Comment:and employer? Perhaps also survey employers?

Comment: This is a telling statistic. If nearly 2/3 of LTD riders don't even have a valid ODL, that indicates that the service is primarily catering to those who ride not by choice, but out of need. The mismatch with the outsized funding from employers contributes to some/much of the friction I think we've been seeing in recent years. Ideally transit can and will become a mode of choice not just necessity; and better link use of transit with employer needs.

Comment: ideally LTD Board members wouldn't need to be “leaned on” but would be advocates and champions, being

<p>first to appear, being more the “face” of the organization than even the CEO and executives. As noted under Priority 3 above, it would be meaningful for staff and board to be regular riders as well. Walking the walk and riding the ride?!</p> <p>– Phil Farrington, Community Steering Council</p>	
<p>I appreciated reading through this document. I was pleased to see a realistic appraisal of the factors that affect trust in LTD's decision making and performance. Public involvement is not easy to do, and I hope that this thoughtful effort to commit to a process will bear fruit.</p>	<p>We appreciate your comment, and it has been noted.</p>
<p>On page 12, it says that "Males make up the largest share of fixed route riders overall." This is an important thing to call out. Consider including a note that compares this to the overall share of males/females in the service area rather than the overall share of males on RideSource. One takeaway from this observation is that women are not represented in LTD's ridership. This begs the question: why not, and what can LTD do to better serve women and families in our region?</p>	<p>Comment received and incorporated. We have added clarification to how the proportion of male riders compares to the general Lane County population. Your takeaway is right, which is why “Women and Children” are called out as a stakeholder group on page 27.</p>
<p>*Thank You LTD For Updating Community Outreach Framework & Offering That Via Website & Paperwork,Too! But, Although It indicates LTD is Interested in Public Opinions Regarding LTD, I'm Disappointed Regarding LTD Remodeling Plans Posted Showing (UniSex) Open Bathroom At New Lobby! So, I Respectfully Request LTD Not Do That! *Please Respect Needs Of Rape Victims, Elderly, Disabled & PoddyTraining Children & Replace Separate Men&Women & Family/All Gender Bathroom! *KelliAnn Stiles 4/9/24 4:55pm)</p>	<p>Thank you for your comment and engagement! We have passed on your comment regarding bathrooms to Joe McCormick, head of Planning and Development.</p>
<p>Instead of bus rapid transit, I prefer light rail.</p>	<p>We appreciate your comment.</p>

<p>I reviewed this document, and I have some thoughts about some of the tactics. I don't disagree with the tactics, but I think making them as equitable and inclusive as possible should be a goal. Here are a few suggestions to complement these tactics.</p> <ol style="list-style-type: none"> 1. Consider rotating the ambassador role to provide opportunities for different voices to be heard. 2. Provide multiple avenues for feedback to accommodate different communication styles. And, translate communication to Spanish whenever possible. 	<p>Thank you for your comment and engagement! We have clarified that ambassadors would be LTD employees. We have also clarified that using a cultural lens for communication includes translating materials.</p>
<ul style="list-style-type: none"> - Avoid acronyms without defining them (i.e., CBO appears on page 5 without a definition). - Include Safe Routes to School coordinators in list of Education-related stakeholders - Suggestion to show demographics of riders as charts rather than text. 	<p>Thank you for your comment and engagement! We have added an Acronym List to the appendix, and have added Safe Route to School Coordinators to the list of stakeholders. We have also added new charts to illustrate demographics of riders.</p>
<p>I liked how holistic the Community Outreach Framework was, it felt like everyone, including stakeholders and users, would be considered in the feedback. I hope to get more information in the future so I can continue to provide my insight about LTD and can be a more accessible transportation option for everyone!</p>	<p>Thank you for your comment and engagement! Continue to visit LTD.com/COCA for updated information.</p>
<p>This feels dense and challenging to read for most people. Create a high level overview that consolidates the guiding principals and the priorities on one page, so that it can be easily referenced.</p> <p>Create check-in points, or dates to revisit how well you are doing this.</p> <p>Edits/Typos: Cover page - comment period is through April 9, 2024, not 2024 page 19 - you encourage employees to ride the system. Rephrase so public understands Page 25 - Greg Evans instead of Evants</p>	<p>Thank you for your comment and engagement! We have incorporated your edits, and have added an Executive Summary that consolidates the guiding principles and priorities on one page. We have also clarified that in addition to continuous improvement, LTD will re-evaluate and re-examine the framework after five years of implementation.</p>

<p>#1 priority must be for safety . When I commented on the danger and drug issues of LTD being known as the DRUG EXPRESS, the comment I received in return is “it’s a problem nationwide.” BE THE CHANGE! Address the elephant in the room. Make safe ridership the # 1 priority.</p>	<p>Thank you for your comment.</p>
<p>BEST has long urged Lane Transit District (LTD) to engage more effectively with the public it serves. Indeed, BEST formed in 2012 in response to LTD’s failure to gain sufficient public support for its plans to extend EmX bus rapid transit to west Eugene.</p> <p>Under the leadership of CEO Jameson Auten, who joined the agency in November 2022, LTD is taking concrete steps to be more responsive to the public. In particular, LTD recently released for public review a draft Community Outreach Framework. The core of the Framework is a set of guiding principles for building trust and confidence in LTD’s efforts to serve the public, making LTD a more effective organization for the region. The Framework is not set in stone. Rather the Framework is intended to be “a living document” that is “community driven” and “inherently flexible.”</p> <p>BEST applauds LTD’s direction and supports the LTD Board of Directors later this spring adopting the Framework to guide LTD’s work going forward. If the Framework is a recipe, then the proof will be in the pudding of how it is carried out.</p>	<p>Thank you for your comment.</p>
<p>[...]I was a Eugene City Councilor of 10 years and I was removed from office by a recall that was inspired by the fact that LTD and the City of Eugene made a decision to pursue the idea of BRT on River Road major corridor on ward I represented. I think this is an impressive plan and I am impressed with the results</p>	<p>Comment received and incorporated.</p>

<p>of the committee you put together I think they hit some real key points I like the draft principles and the four key strategy/tactics. I am going to say one thing and make a personal comment. I think it is important to engage potential opposition. I think one principles outlined was respectful dialogue. I think you may find some members of opposition may not be willing to engage in a respectful manner. I want to push back on talking point that this transit district is more beholden to businesses because that is how we chosen to fund this. I think that is a false framework. The businesses that we are frequented by and the cost of that funding tax is passed on I would guess passed on to consumers and folks that use the services of buses. This is a transit district. I believe public transit benefits community and is owned by entire community and I want to make that emphatic statement. -Claire Syrett, Strategic Planning Committee</p>	
<p>Marty Gaiter, SPC. Have a question just from my old days of marketing, TV/news [...] Worked in marketing dept. We used to have focus groups where we found out what they wanted to watch. What we would always do [...] is have a liaison from different departments to bridge the info. What I am concerned about is we have all these different pockets of groups. [...] There is a lot of different groups. How are you bridging all that? -Marty Gaiter, Strategic Planning Committee</p>	<p>Comment received and incorporated.</p>
<p>One tactic was to be present with riders. Do they feel as if LTD is a bit distanced from riders themselves? Trying to get a better sense of what you were looking at or what you were talking about. [...] Vidal Frances, Strategic Planning Committee</p>	<p>Comment received and incorporated.</p>
<p>Thank you for presentation of this work. This sounds like best practices in the industry and good principles for how to engage the community. So thank you for that. I'm going to anticipate the Board</p>	<p>Comment received and incorporated.</p>

will adopt this framework as presented or slightly tweaked. I guess I'm curious in what comes next because it is a set of principles [...] The proof is in pudding. How does LTD actually engage these principles to do things differently along River Road around MovingAhead. Have some ongoing conversations with community. Will be interested in how this plays out differently than in the past. - Rob Zako, Strategic Planning Committee

COMMUNITY OUTREACH AND COMMUNICATIONS ASSESSMENT (COCA)

LTD Board Eugene Station
August 21, 2024



What is COCA?

- An assessment to determine what LTD can do to better engage and collaborate with the community
- The product of the assessment is a Community Outreach Framework.
- The framework will serve as a foundational guide for how LTD staff (and its consultants) works alongside the public on projects and other LTD initiatives.

How was the framework developed?



Public Survey Results

60% of survey respondents have never given feedback or input on any recent LTD project.

- 65% of survey respondents were not aware of any LTD projects.
- 30% did not know how to give feedback.
- 20% did not think their feedback would make a difference.

Most Preferred Engagement Methods	
Getting input on critical issue	Short, easy surveys Virtual online meetings Flyers/mailers with critical info In person open house
Staying up-to-date	Reading social media posts Receiving quarterly email newsletters Receiving UMO push notifications Informational messaging at stations/vehicles
Staying involved throughout	Receiving frequent and consistent updates on progress
Participating in events	More virtual and online events Meetings and events on weekends

Background Interview Findings

- There is overwhelming belief among stakeholders that LTD needs to first focus on developing and communicating the problem(s) that LTD is trying to address before proposing solutions.
- There is a desire for the Board to play a larger role in community engagement, and more actively and visibly be out in the community.
- Given the funding sources of LTD, the business community feels they should have a bigger say in transit planning decisions. Care is needed to avoid a narrow conversation focused solely on the financial return businesses get in exchange for their contribution.
- LTD can do more to boost its boosters and build a coalition of supporters that can be strategically leaned on to help advance some of its priorities.

Ad Hoc Community Steering Council (CSC)

- First-of-its-kind ad hoc Community Steering Council charged with providing input, advice, and recommendations to LTD
- Invited members of the public to apply to be on the CSC
- Curated a group of 20+ people to be as representative as possible of the community
- Provided stipends based on attendance
- Convened seven meetings from September 2023 to May 2024

Community Steering Council (CSC) Inputs

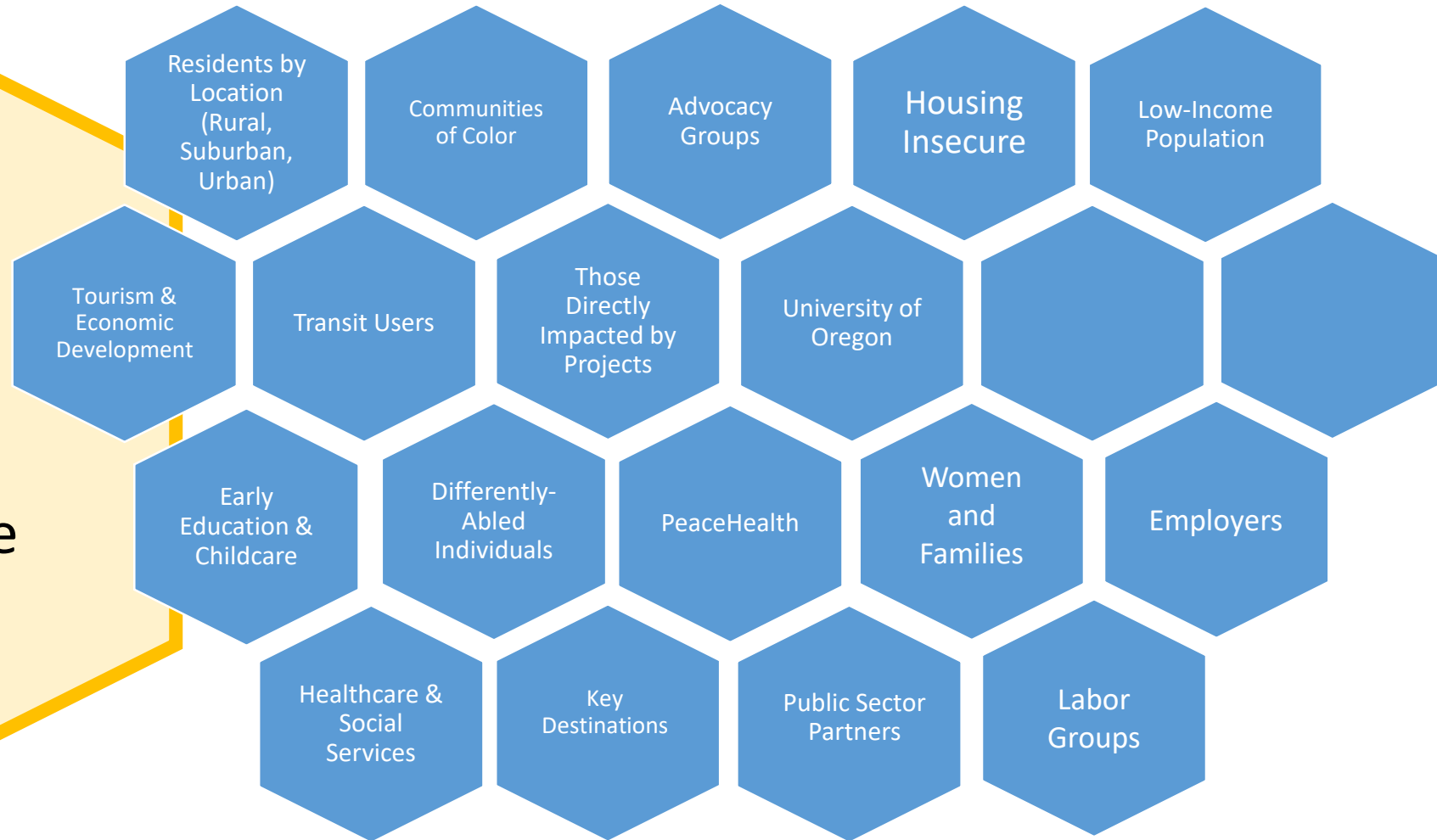
- Transportation and mobility priorities
- Guiding principles for community engagement
- LTD's stakeholders and their varying needs
- Strategies and tactics for engagement
- Priorities and tradeoffs for engagement

Guiding Principles for Community Engagement

STYLE: The approach LTD uses to engage with the public	CONTENT: The type of information provided to the public	PROCESS: The methodology used in public engagement	INTENT: The goals of public engagement
Two-Way Dialogue	Data-Driven	Feedback Loop	Meaningful
Accessible	Clarity of Purpose	Continuous Improvement	Community-First Mentality
Respectful	Fiscal Transparency	Adaptable	
Active Listening	Outcome Oriented		

LTD's Stakeholders & Their Varying Needs

Stakeholders are the individuals, groups, organizations, and partners that have a vested interest in Lane Transit District



Strategies

Focus
on Riders

Engage in Collaborative
and Honest Conversations

Communicate Clearly
What People Need to Hear

Work to Build Trust

Operationalizing the Framework



Questions?



RESOLUTION NO. 2024-08-21-026

ADOPTING THE LTD COMMUNITY ENGAGEMENT FRAMEWORK

WHEREAS, LTD (Lane Transit District) identified opportunities to improve community engagement and outreach processes and methods; and

WHEREAS, LTD formed a Community Steering Council (CSC), representative of riders and non-riders, that guided a comprehensive outreach and communications assessment process over the course of seven meetings from September, 2023 to May, 2024; and

WHEREAS, the project team conducted research and a literature review on best and emerging practices around public engagement, and reviewed public-facing LTD communications documents; and

WHEREAS, the project team deployed a Communications and Engagement survey to the general public; and

WHEREAS, the project team convened a Roundtable Discussion with leaders of Community-Based Organizations (CBOs), in order to ensure that perspectives from low income, minority, and differently abled populations were considered; and

WHEREAS, a draft Community Engagement Framework was created and shared with the CSC and the general public; and

WHEREAS, on May 21st, 2024, the CSC unanimously approved the final Community Engagement Framework; and

WHEREAS, on June 11th, 2024, the LTD Strategic Planning Committee (SPC) unanimously approved recommending LTD Board adoption of the final Community Engagement Framework.

NOW, THEREFORE, BE IT RESOLVED that the LTD Board of Directors passes a Resolution:

Adopting the 2024 LTD Community Engagement Framework, which is attached hereto and is incorporated herein by this reference.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 21ST DAY OF AUGUST, 2024.

Gino Grimaldi, Board President



Lane Transit District Agenda Item Summary (AIS)

Presented By: John Ahlen, Mobility Services
Manager

Contract Title: Alternative Work Concepts

Contract No.: 2023-47

Grant No: ODOT 35469

Entering into a Contract:

Contract Amendment:

Approved by Procurement:

Action: Adoption of Resolution No. 2024-08-21-028 authorizing the Chief Executive Officer (CEO) to enter into a contract with Alternative Work Concepts for the purpose of Travel Training, the Transit Host Program, and Assessment Services.

Agenda Item Summary: LTD staff solicited from qualified firms or teams that will apply proven and innovative approaches to deliver excellent Travel Training, Transit Hosts, and Assessment Services. This was a multiple award option solicitation that allowed applicants to apply for one or both of the specialized program services sought. The award for Scope A (Behavioral Health) was completed in June of 2024 and this second Scope (B) is below.

“On February 26, 2024, LTD released Request for Proposal (RFP) 2023-47 to see proposals from qualified firms, including:

Scope B. Travel Training, Transit Hosts, and Assessments Services – LTD requires transit host and travel training services to assist people with disabilities to use public transportation. In addition, LTD requires assessment services to determine if people qualify for LTD’s RideSource services based on their individual needs.”

On the proposal due date, April 2, 2024, the District received one (1) response to Scope B of the RFP from Alternative Work Concepts, Inc. The Procurement Office reviewed for responsiveness according to the standards outlined and the proposal and in line with a single proposal/bid process Alternative Work Concepts, Inc. was deemed complete and responsive and responsible, following the Evaluation Committee’s scoring against the RFP criteria the recommendation to the Board is to approve the above action for the District to contract with Alternative Work Concepts, Inc. for the identified services.

The total contract value for five years is up to \$1,250,000. This contract is funded through Statewide Transportation Improvement Funds (STIF), and 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant funding.



Lane Transit District Agenda Item Summary (AIS)

I certify that my Department Chief has reviewed and approved this AIS:

PROPOSED MOTION:

I move to adopt LTD Resolution # 2024-08-21-028 Authorizing the Chief Executive Officer to enter into a contract with Alternative Work Concepts for the purpose of travel training, the transit Host program, and Assessment services.



RESOLUTION NO. 2024-08-21-027

AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO ENTER INTO A CONTRACT WITH ALTERNATIVE WORK CONCEPTS, INC. FOR THE PURPOSE OF PROVIDING TRAVEL TRAINING, TRANSIT HOST, AND ASSESSMENT SERVICES

WHEREAS, LTD is in need of services to provide Travel Training, Transit Host, and Assessment Services;

WHEREAS, LTD's Fiscal Year 2025 Budget includes the Statewide Transportation Improvement Fund (STIF) Formula Plan, and 5310 Enhanced Mobility of Seniors and Individuals with Disabilities grant funding;

WHEREAS, the Oregon Public Contracting Code and the LTD Procurement Policy require that all contracts for goods, services, or public improvement projects be based upon competitive bids or proposals, unless an exception applies;

WHEREAS, LTD followed the competitive RFP process pursuant to the requirements of the Oregon Public Contracting Code, Oregon Administrative Rules Ch. 137, Divisions 46-49, and LTD's Procurement Policy, as well as any Federal Transit Administration requirements, as applicable;

WHEREAS, pursuant to LTD resolution No. 2021-09-15-048 the LTD Board of Directors is the LTD Contract Review Board and is required to authorize all contracts that exceed \$250,000;

NOW, THEREFORE, BE IT RESOLVED by the LTD Board of Directors, acting as the LTD Contract Review Board that:

Once any protest period has passed and no protests being received and/or such protests being resolved in accordance with Oregon law and the LTD Procurement Policy, the Chief Executive Officer, or designee, is hereby authorized to: (a) negotiate and enter into a contract with Alternative Work Concepts, Inc. for the purpose of Travel Transit, Transit Host, and Assessment Services in an amount not to exceed \$1,250,000; and (b) as needed, execute amendments to the contract not to exceed a cumulative total of \$250,000.

ADOPTED BY THE LANE TRANSIT DISTRICT BOARD OF DIRECTORS ON THIS 21ST DAY OF AUGUST, 2024.

Gino Grimaldi, Board President



Lane Transit District

Monthly Department Reports

Administration

Wendi Frisbie, Chief Administrative Officer

FINANCE

Finance staff are working closely with Procurement to close the FY24 fiscal year with a new multi-step process in the ERP. The final FY24 ERP close date is August 1. Then Finance will work on year-end reconciliations and preparing for the annual financial audit. Per Oregon statutes a preliminary financial report was prepared and submitted to the Board on July 30. See separate report 2024-07-26 FY24 Preliminary Financial Report FINAL.pptx. We welcomed Linda Cook on July 8 as the new Grants Administrator.

COMPLIANCE

The Compliance Department just received the Triennial Review Final report, which will be shared at the August 2024 Board Meeting. The Oregon Government Ethics Commission has convened a Rules Advisory Committee for adopting administrative rules on Public Meetings Law; ORS 192.610 to 192.705. The Compliance team will be updating any procedures based upon these changes. The district archive has been moved into the main building at Glenwood and is continuing to be organized and updated.

PROCUREMENT

Between May and June, the Procurement Office and departments began closing activities of our first 'end of fiscal year' for 2023-24 in the new ERP system. These activities will continue through July and August. We began new FY24-25 business transactions and while any new system is not without some hiccups, overall has been working well. In June, Procurement and Materials Management staff attended a return of the Governor's Marketplace in Salem, held off since early 2020 and COVID. This event was sponsored by the Governor's Office, State DAS Procurement the Oregon Chapter of Public Procurement (ORCPP) to bring suppliers and vendors together with public entities and navigate competing for and obtaining public contracts. This was an excellent networking day in the form of a reverse vendor fair; making over 70 contacts in an array of industries and bringing a variety of samples and informative literature back for our departments.

MARKETING

Staff have been working with Turrel Group to produce the KMTR Franchise Videos:

MATERIALS MANAGEMENT

June and July videos included Accessibility –Sight Impairment, Honored Rider, Travel Training and Text Alert Service. You can view videos at <https://www.rideltd.org/news/>



Lane Transit District Monthly Department Reports

In August, new segments will air featuring Bikes on the buses, and Connecting to Florence.

On July 22, staff conducted a photo shoot to highlight the do's and don'ts of riding the bus (i.e. Wagons, cans, bags) and photos for the Student Pass deliverables.



EMPLOYER PROGRAMS:

- Continued development of UO Transit Landmark Map
- Provided collateral and LTD benefit codes to UO Transportation Services for distribution at IntroDUCKtion in July through August 2024
- UO College Pass ad in the Daily Emerald 2024 issue of 'Duck Life'
- Attended monthly Latinx Outreach Network meeting and presented information on
 - Bus Operator Recruitment
 - Vanpool Info-Sessions
 - CBO Lunch & Learn
 - Ride, Read, & Rock the Block Party
- July pitch to the YMCA #2

VANPOOL:

- Vanpool Program remote info-session series launched for the rest of this year
 - October 2, 2024 1-3 pm
 - December 4, 2024 1-3 pm
- In-person Sales Days scheduled for the rest of this year
 - September 5, 2024
 - November 7, 2024
- Continued conversations with UO Transportation Services about starting their own Vanpool

WEBSITE & SOCIAL MEDIA HIGHLIGHTS:

Date range June 1 – July 25

- 449,289 website pageviews
- 28 new Facebook page followers; 6,973 total Facebook page followers
- 206,100 Facebook accounts reached



Lane Transit District Monthly Department Reports

- 24 new Twitter followers; 3,711 total Twitter followers
- 38 new LinkedIn followers; 1,368 total LinkedIn followers
- 38 new Instagram followers; 1,327 total Instagram followers
- 46,300 Instagram accounts reached

OTHER:

June & July External Outreach Events:

- Eugene Station Rider Appreciation – June 5
- LTD Vanpool Community Information Session – June 5
- Springfield Station Rider Appreciation – June 6
- We Are Bethel! Celebration – June 8
- LTD Community Bites & Insights – June 20
 - LTD Staff gathered a list of 75 Community Partners and invited them all to join LTD in a discussion on Collaboration and what can LTD provide them to better communicate with their clients about our services. Thirteen agencies were represented.
- Food for Lane County Summer Food Program x LTD Willamalane – June 24
- Jefferson Westside Neighbors Annual Picnic – June 25
- Food for Lane County Summer Food Program x LTD, Splash! At Lively Park – June 26
- Springfield Public Library Free Pop-Up Event – Splash! A Lively Park
- Willamalane Children’s Celebration and PetFest – June 29
- Food for Lane County Summer Food Program x LTD, Petersen Barn – July 1
- IntroDUCKtion I, Friday, July 12 at 10:30 a.m. - provided free passes to family
- Food for Lane County Summer Food Program, Springfield Public Library
- Friday Night Performance at the Plaza – Masumi Timson Japanese Koto Music, Phi Long Lion Dancers, July 12
- IntroDUCKtion II, Thursday, July 16 at 10:30 a.m. – provided free passes to family
- IntroDUCKtion III, Friday, July 19 at 10:30 a.m. - provided free passes to family
- Friday Night Performance at the Plaza – Marshall Falcon, July 19
- Friday Night Performance at the Plaza – Harlan Live, July 26



Lane Transit District Monthly Department Reports

Staff is getting ready for the 2nd Annual Ride, Read and Rock Block Party on Friday, August 2,. In addition, staff is planning for the Springfield Block Party, Downtown Eugene Halloween event, and a Dia De Los Muertos celebration.

TEXT MESSAGE SERVICE

The text message service launched publicly on March 1. Total users as of 7/29/24:

Total Subscriber Profiles: 2,981 (up 193)

Total Subscriptions: 11,476 (up 2,134)

STUDENT TRANSIT PASS

Staff are working with Umo staff to find a solution that will make the program easier for the school staff to initiate. Staff will begin attending back to school registration events in August to assist the schools with adding passes to the students tap cards.

GRAPHICS

The graphics team is working on the September Fall bid deliverables. With all of the changes to multiple routes, Graphics will be producing and trimming out more than 400 Bus Stop Information and Bay signs.



As part of the Downtown Customer Service Center remodel, Marketing has been working with Facilities to incorporate an interactive touch screen in the lobby that riders can use to navigate the LTD website (no outside internet connection) to get information and to plan their trip.

FY24 Year-End Preliminary Financial Report

As of June 30, 2024



LTD.org

Table of Contents

- **FY24 Projection Highlights**
- **General Fund**
- **Other Operating Funds**
- **Capital Fund**
- **Cash & Reserves**



FY24 Projection Highlights

General:

- **No fund** will end with a negative fund balance (**expenditures =< resources**)
- **Sustainable Services Reserve** meets our Financial Reserve policy

Resources:

- Operating revenues will end **~\$27K above** budget (group, spec services, cash fares & passes, advertising)
- Payroll-type taxes will end **~\$1.1M above** budget (payroll taxes, self-employment taxes, state-in-lieu)

Expenditures:

- General Fund expenditures will end **\$4.3M** below budget (**final invoices estimated**) due to hiring challenges, fuel price decreases, parts deliveries slow down, and spending less on services:
 - Personnel services will end **\$2.3M** below budget
 - M&S will end **\$2M** below budget
 - Insurance and risk services will end even with budget
- GF transfers to all funds will be at or below the budgeted amount
- Expenditures in all funds will be below amount budgeted/appropriated amounts



GENERAL FUND



Assumption Estimates

General Fund Operating Revenue – Performance against Budget

GOAL: Revenue that meets or exceeds budgeted revenues

Resources	FY2023-24 Budget	FY2023-24 Estimate	Comparison to Budget	Percent of Budget
Operating Revenues				
Fares & Touchpass	\$2,408,420	\$2,313,077	\$(95,343)	96%
Group/Monthly Passes	1,921,925	1,944,188	22,263	101%
Advertising	0	0	0	
Special Services	<u>27,383</u>	<u>127,230</u>	<u>99,847</u>	465%
	\$4,357,728	\$4,384,495	\$26,767	101%

Operating revenues are estimated to end \$27K above budget. This is due to Special Services as Fares are below budget.



Assumption Estimates

General Fund Non-Operating Revenue – Performance against Budget

GOAL: Revenue that meets or exceeds budgeted revenues.

Resources	FY2023-24 Budget	FY2023-24 Estimate	Comparison to Budget	Percent of Budget
Non-operating Revenues				
Payroll Taxes	\$50,841,071	\$51,962,769	\$1,121,698	102%
Self-employment Taxes	2,142,737	2,223,247	80,510	104%
State-in-Lieu	789,450	928,822	139,372	118%
Federal Assistance	13,300,000	5,439,933	(7,860,067)	41%
State Assistance	1,110,000	1,209,588	99,588	109%
Local Assistance	0	0	0	0%
Other Revenue	<u>1,129,658</u>	<u>2,960,422</u>	<u>1,830,764</u>	262%
	\$69,312,916	\$64,724,781	\$(4,588,135)	93%

Payroll taxes are conservatively budgeted. Actual receipts to date show an increase from the prior fiscal year. Federal assistance represents the budgeted ARPA Act dollars. Only the actual assistance needed will be drawn in order to preserve for future needs. Other Revenue increase is due to rising interest rates on our investment earnings.



Assumption Estimates

General Fund Operating Expenses – Performance against Budget

GOAL: Spend that is at or below appropriated budget. Reduce spend in anticipation of revenue changes

Requirements	FY2023-24 Budget	FY2023-24 Estimate	Comparison to Budget	Percent of Budget
Operating Requirements			-	
Personnel Services	\$47,693,055	\$45,356,459	\$2,336,596	95%
Materials & Services	14,829,555	12,832,469	1,997,086	87%
Insurance & Risk Services	<u>649,598</u>	<u>649,180</u>	<u>418</u>	100%
Total Operating Requirements	\$63,172,208	\$58,838,108	\$4,334,100	93%
Transfers to other funds	<u>\$9,251,211</u>	<u>\$9,251,211</u>	<u>\$0</u>	100%
Total Requirements	\$72,423,419	\$68,089,319	\$4,334,100	94%

Personnel services costs lower due to fewer positions being filled than expected, and benefits costs were less than budgeted. Materials & Services costs \$1.9M under budget due to lower than expected fuel & parts price increases, and contracted services savings. Insurance is even but may change with claim liability adjustments. Transfers are estimated at budget, but the actual transfers will be based on the actual results and may be lower.



OTHER OPERATING FUNDS



Assumption Estimates

Specialized Services Fund - Performance against budget

GOAL: Revenue that adequately covers spend inclusive of general fund match transfers and spend that is at or below appropriated budget. Proactively reduce spend in anticipation of revenue changes

Description	FY2023-24 Budget	FY2023-24 Estimate	Comparison to Budget	Percent of Budget
Resources				
Operating Revenues	\$7,113,765	\$4,412,767	\$(2,700,998)	62%
Transfer from General Fund	<u>4,485,186</u>	<u>4,485,186</u>	<u>0</u>	100%
Total Resources	\$11,598,951	\$8,897,953	\$(2,700,998)	77%
Total Requirements	<u>\$11,598,951</u>	<u>\$8,682,513</u>	<u>\$2,916,438</u>	75%
Net Results	0	\$215,440	\$215,440	

Resources and requirements are below budget due to lower ADA RideSource and Mental Health transportation volume and delayed STIF-funded programs - both attributed to COVID. Transfer from the General Fund is conservatively estimated at budget, but may be lower based on business need.



Assumption Estimates

Medicaid Fund - Performance against budget

GOAL: Revenue that adequately covers spend inclusive of general fund match transfers and spend that is at or below appropriated budget. Proactively reduce spend in anticipation of revenue changes

Description	FY2023-24 Budget	FY2023-24 Estimate	Comparison to Budget	Percent of Budget
Resources				
Operating Revenues	\$15,395,845	\$14,034,458	\$(1,361,387)	91%
Transfer from General Fund	<u>327,750</u>	<u>327,750</u>	<u>0</u>	100%
Total Resources	\$15,723,595	\$14,362,208	\$(1,361,387)	91%
Total Requirements	<u>\$15,723,595</u>	<u>\$13,826,069</u>	<u>\$1,897,526</u>	88%
Net Results	0	\$536,139	\$536,139	

Medicaid program is below budget due to a reduction in ridership activity from COVID-19. Transfer from the General Fund is estimated at budget, but may be lower based on business need



Assumption Estimates

Point2Point Fund - Performance against budget

GOAL: Revenue that adequately covers spend inclusive of general fund match transfers and spend that is at or below appropriated budget. Proactively reduce spend in anticipation of revenue changes

Description	FY2023-24 Budget	FY2023-24 Estimate	Comparison to Budget	Percent of Budget
Resources				
Operating Revenues	\$572,092	\$345,515	\$(226,577)	60%
Transfer from General Fund	<u>182,778</u>	<u>182,778</u>	<u>0</u>	0%
Total Resources	\$754,870	\$528,293	\$(226,577)	70%
Total Requirements	\$754,870	\$516,233	\$238,637	68%
Net Results	0	\$12,060	\$12,060	

Point2Point program is below budget due to a delay in projects. Operating Revenues exceed requirements due to grant timing (grant revenues reflect reimbursement for pre-FY24 expenditures) Transfer from the General Fund is estimated at budget, but may be lower based on business need



CAPITAL PROJECTS FUND



LTD.org

Assumption Estimates

Capital Projects Revenue – Performance against Budget

GOAL: Adequate funding for community investments. Maximize leverage of grant opportunities by ensuring available grant match is available. Timing of community investment spend is less critical than meeting project’s overall budget.

Resources	FY2023-24 Budget	FY2023-24 Estimate	Comparison to Budget	Percent of Budget
Grants				
Federal Assistance	\$25,560,909	\$24,027,040	\$(1,533,505)	94%
State Assistance	<u>4,847,500</u>	<u>4,647,307</u>	<u>(200,193)</u>	96%
Total Grants	\$30,408,409	\$28,674,711	\$(1,733,698)	94%
General Fund Transfer	<u>\$4,680,547</u>	<u>\$4,016,578</u>	<u>\$(663,969)</u>	86%
Total Capital Fund Revenue	\$35,088,956	\$32,691,289	\$(2,397,667)	93%

Capital Project revenue is below budget due to timing of projects. Transfer from the General Fund mostly represents Match, is estimated at the Supplemental budget amount, and may be adjusted lower based on final spend.



Assumption Estimates

Capital Projects Expenditures - Performance against budget

Project	FY2023-24 Budget	FY2023-24 Estimate	Comparison to Budget	Percent of Budget
Improvement Projects				
Frequent Transit Network Improvements	\$5,956,090	\$3,455,992	\$2,500,098	58%
Fleet Improvements	0	0	0	
Facilities Improvements	16,037,000	11,882,378	4,154,622	74%
Technology Infrastructure & Systems Improv.	450,000	0	450,000	0%
Safety & Security	0	0	0	
Total Improvement Projects	\$22,443,090	\$15,338,370	\$7,104,720	68%
State of Good Repair				
Frequent Transit Network State of Good Repair	0	0	0	
Fleet State of Good Repair	\$14,920,204	\$13,691,082	\$1,229,122	92%
Facilities State of Good Repair	1,748,000	1,811,271	(63,271)	104%
Technology Infrastructure & Systems	1,657,000	2,254,888	(597,888)	136%
Total State of Good Repair	\$18,325,204	\$17,757,241	\$567,963	97%
Total Capital Projects	\$40,768,294	\$33,095,611	\$7,672,683	81%

Capital Project spend is below budget due to project timing.



SUSTAINABLE SERVICES RESERVE FUND



Assumption Estimates

Sustainable Services Reserve Fund - Performance against budget

GOAL: Target 2-6 months operating costs via annual transfers

Description	FY2023-24 Budget	FY2023-24 Estimate	Comparison to Budget	Percent of Budget
Resources				
Investment income	\$ 0	\$529,908	\$529,908	n/a
Transfer from General Fund	<u>238,919</u>	<u>238,919</u>	<u>0</u>	100%
Total Resources	\$238,919	\$768,827	\$529,908	70%
Total Requirements	\$ 0	\$ 0	\$ 0	n/a

We are on target for this Fund. Investment revenue will continue to reduce the General Fund transfers needed in the future.



Appendix



Resource Assumptions

- Cash fares & passes are fully accounted for
- Conservative estimates of CRRSA/ARPA Acts \$\$ which are accruable. Currently aligning calculation methodology with the FTA.
- Point2point, Specialized Services and Medicaid Fund resources based on historical expenditure to revenue ratios not final pre-overhead allocations or final invoices (not yet received)
- Capital fund resources based on grant funding preliminary estimates provided by the Grants Administrator



Expenditure Assumptions

- Material goods & services received =<6/30 estimated based on outstanding invoices
- Personnel services complete
- Transfers out of the General Fund to other funds will be <= the Adopted budget
- Point2point, Specialized Services and Medicaid Fund expenditures estimates based on historical expenditure trends. Final overhead allocations and final invoices have not yet been received.
- Capital fund project spend is below approved total project spend amount and total FY24 budgeted capital spend is below the amount appropriated.





Operational Report through June 2024

Service Summary

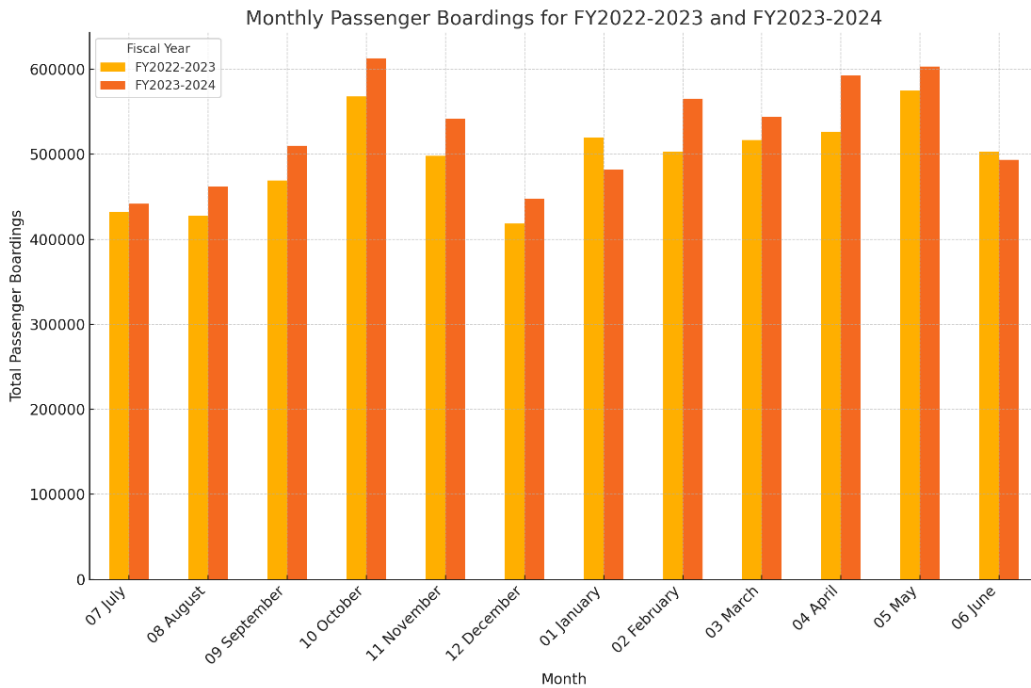
Fixed-Route

June 2024 fixed-route ridership (EmX + Local Routes) decreased -1.91% compared to the prior year, due to decreased weekday rides. However, weekend service increased 26.58% in June, compared to the prior year.

June Year over Year Comparison Fixed Route Service

EmX	FY19-20	FY20-21	FY21-22	FY22-23	FY23-24	% Change FY23 to FY24
Saturday	No Service	15785	19384	23191	29375	26.67
Sunday	138853	10878	14538	16267	21353	31.27
Weekday	No Service	118171	156673	175303	161212	-8.04
Total Ridership	138853	144834	190595	214761	211940	-1.31

Local	FY19-20	FY20-21	FY21-22	FY22-23	FY23-24	% Change FY23 to FY24
Saturday	No Service	18685	22564	26619	32369	21.60
Sunday	168803	12634	15663	17832	23111	29.60
Weekday	No Service	159034	216764	243606	225772	-7.32
Total Ridership	168803	190353	254991	288057	281252	-2.36



Fare Revenue 3month trend April 2024 – June 2024

Month	Revenue
April 2024	\$204,349.85
May 2024	\$196,159.47
June 2024	\$186,577.87



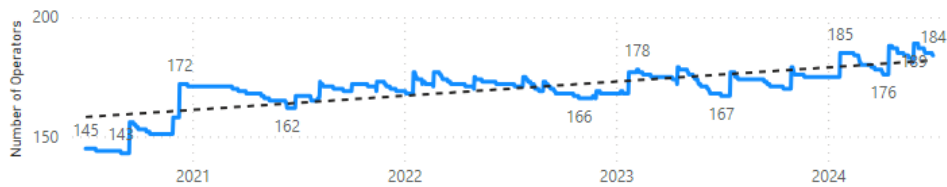
Operating Cost per Boarding FY2024 (July 1, 2023 – June 30, 2024)

Average Operating Cost/Boarding for FY2024 was \$9.29, with expected spikes in January due to benefit contributions, and June due to end of year closing.

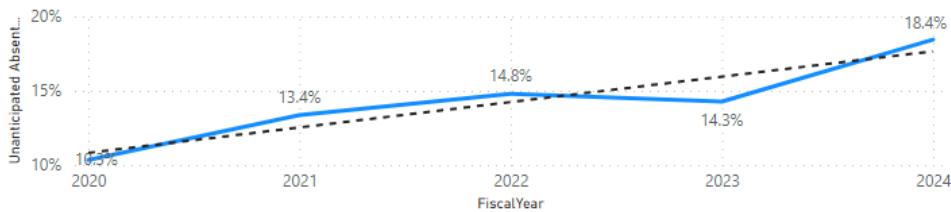


Operator Statistics Fiscal Year 2020 - 2024

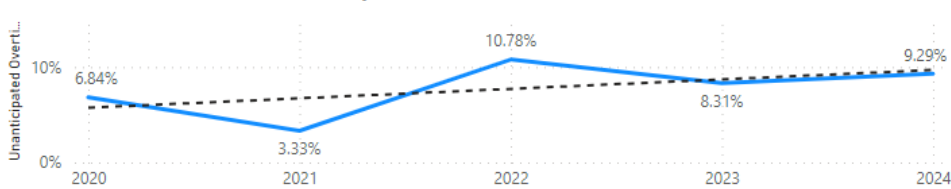
Number of Operators



Total Unanticipated Absenteeism Rate by Year



Total Unscheduled Overtime Rate by Year



Turnover Rate by Fiscal Year





Accessible Services

June Year over Year Comparison - Trips by Service Type

Service	FY23	FY24	% Change FY23 to FY24
ADA	3455	3412	-1.24%
NEMT	10171	9983	-1.85%
SHOPPER	206	256	24.27%

June Year over Year Comparison - Average Cost per Trip by Service Type

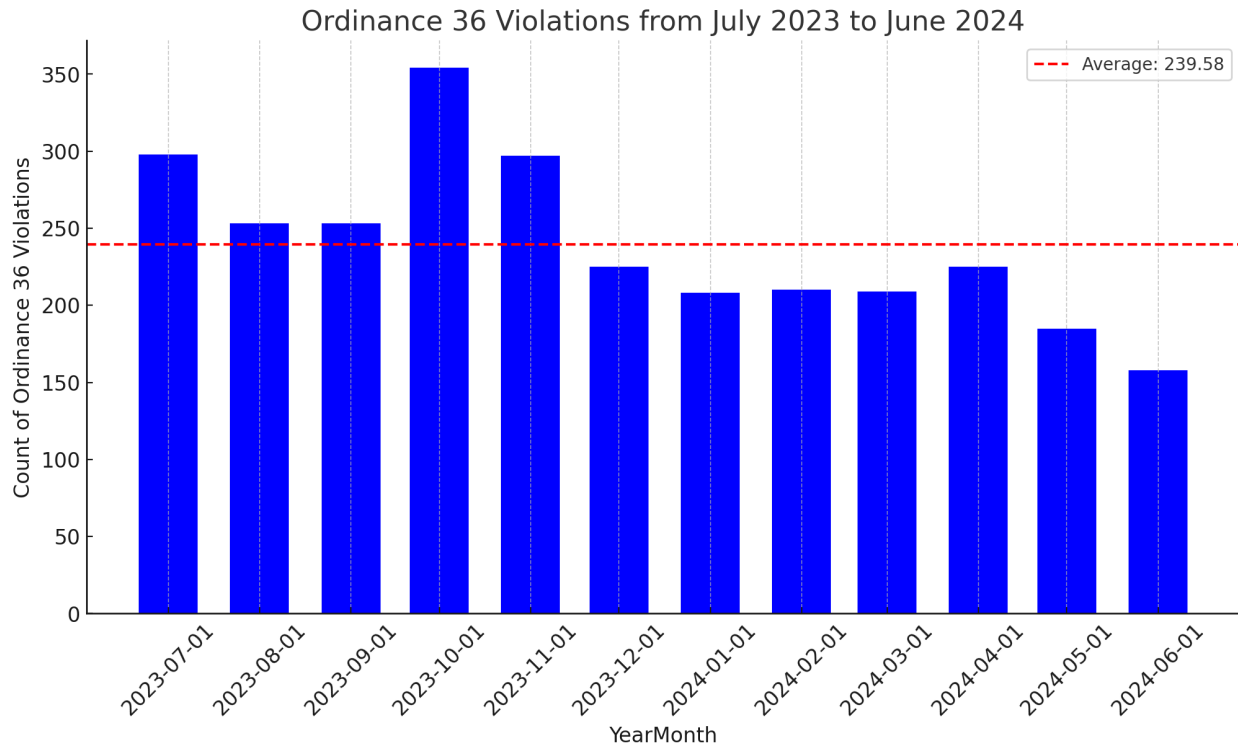
Service	FY23	FY24	% Change FY23 to FY24
ADA	\$41.12	\$39.89	-2.99%
NEMT	\$72.41	\$70.44	-2.72%
SHOPPER	\$43.58	\$43.21	-0.85%

Safety and Security Summary

June Year over Year Comparison Total Ordinance 36 Violations

As defined through [LTD Board Resolution No. 2009-008](#) informing Customer Conduct on Property

Year	Total Ordinance 36 Violations
June FY2022	179
June FY2023	337
June FY2024	158

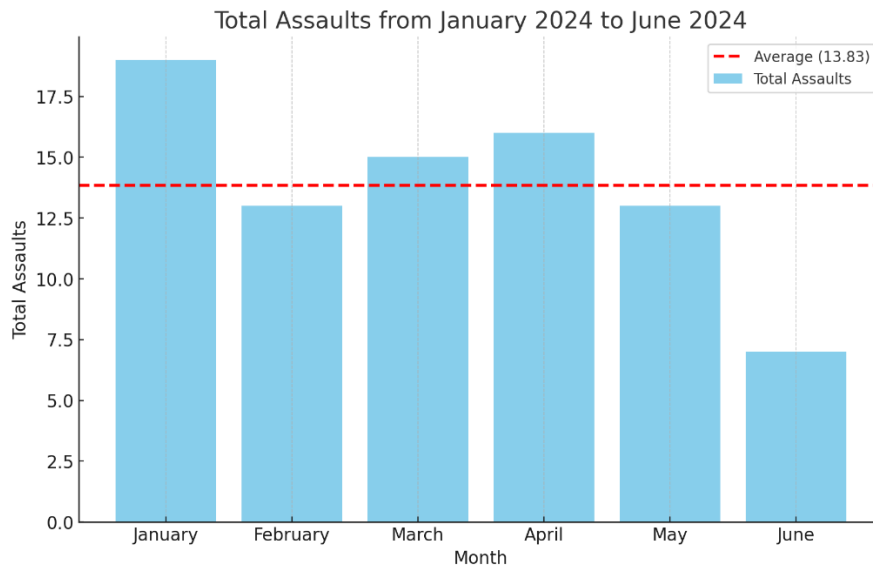




Assaults by Month Calendar Year 2024 January – June

Note: Assault tracking was updated as of January 1, 2024 in alignment with updated definitions, informed by the Bipartisan Infrastructure Law. See Appendix 1 for Assault on a Transit Worker FTA Guidelines

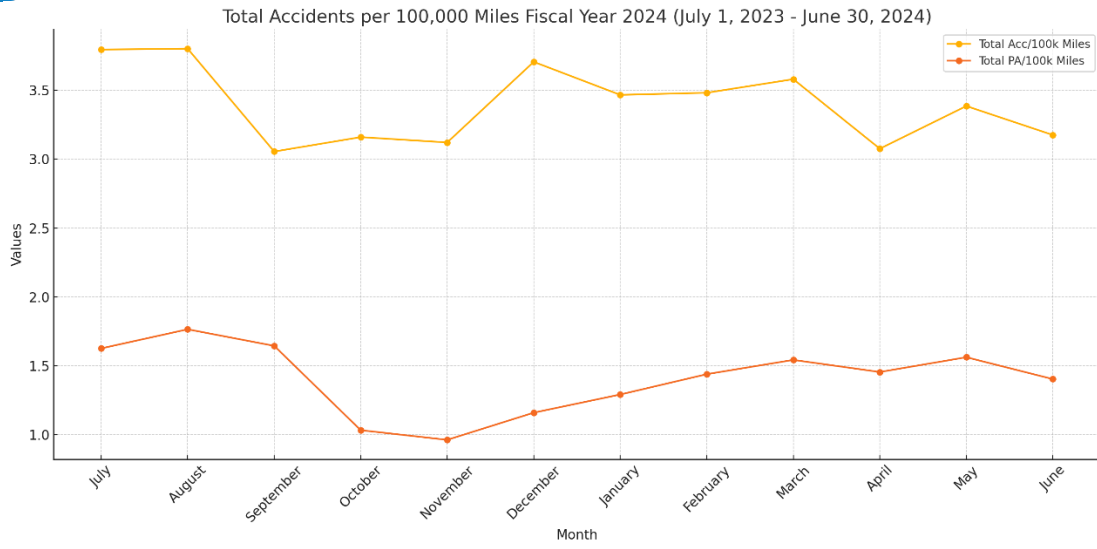
Assault Classification	2024-01	2024-02	2024-03	2024-04	2024-05	2024-06
Operator Non-Physical	1	0	4	4	3	1
Operator Physical	0	0	3	1	1	1
Other Transit Worker Non-Physical	11	6	4	4	3	3
Other Transit Worker Physical	2	2	1	2	0	2
Public Non-Physical	1	3	0	3	2	0
Public Physical	4	2	3	2	4	0



June Year over Year Comparison Accidents per 100,000 Miles

Accident/Collision Definition per National Transit Database (NTD) Safety and Security Policy Manual (2024) - Occurs when a transit vehicle collides with another vehicle, pedestrian, animal, road debris, or other stationary obstruction, such as a tree, pole or building. All collisions are reviewed by the Accident Route Review Committee (ARRC) to determine if all appropriate defensive driving techniques and LTD procedures were utilized, resulting in some accidents being considered “preventable accidents” (PA).

Year	Avg Total Acc/100k Miles	Avg Total PA/100k Miles
2022	3.12	1.73
2023	4.90	2.80
2024	3.71	0



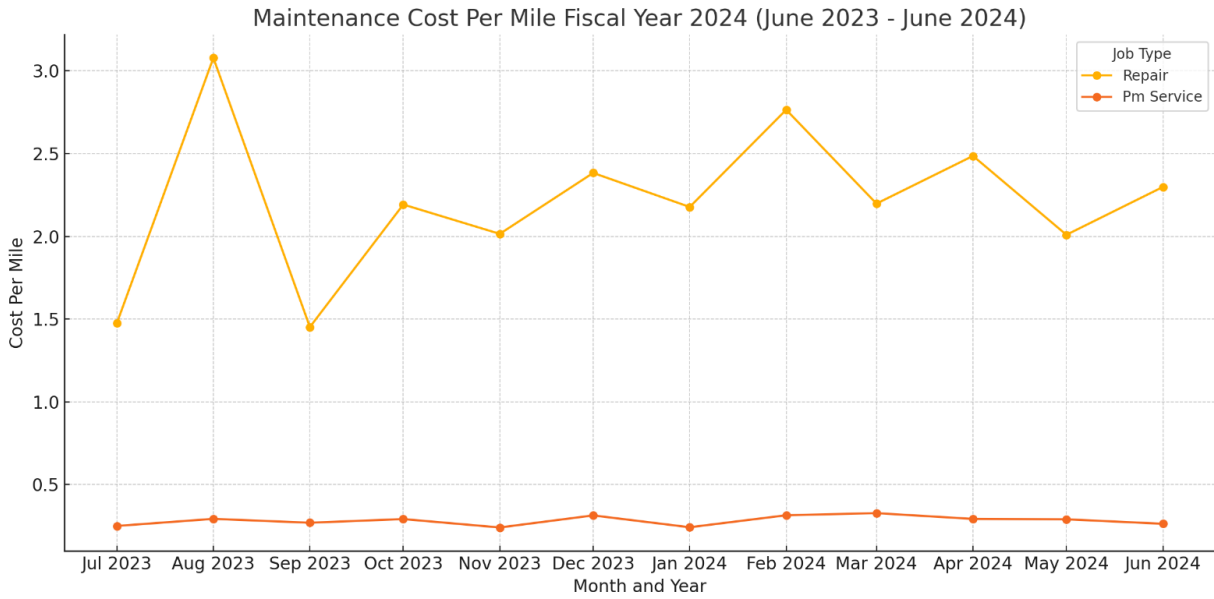


Fleet Maintenance Summary

June Year over Year Comparison Maintenance Cost Per Mile

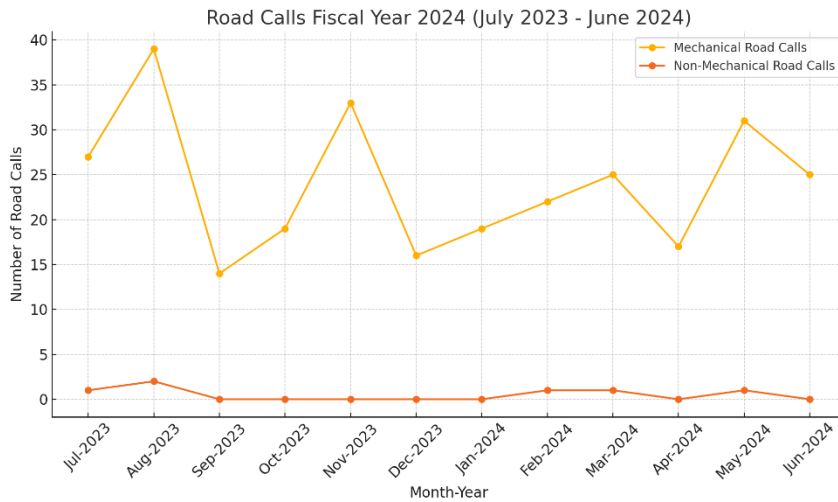
Maintenance Cost Per Mile includes labor, parts, and oil across repairs and preventative maintenance (pm)

Job Type	Year	Cost Per Mile
Maintenance	2022	\$1.56
Maintenance	2023	\$3.16
Maintenance	2024	\$2.56



June Year over Year Comparison Mechanical Road Calls

Year	Road Calls Mech
2022	36
2023	26
2024	25

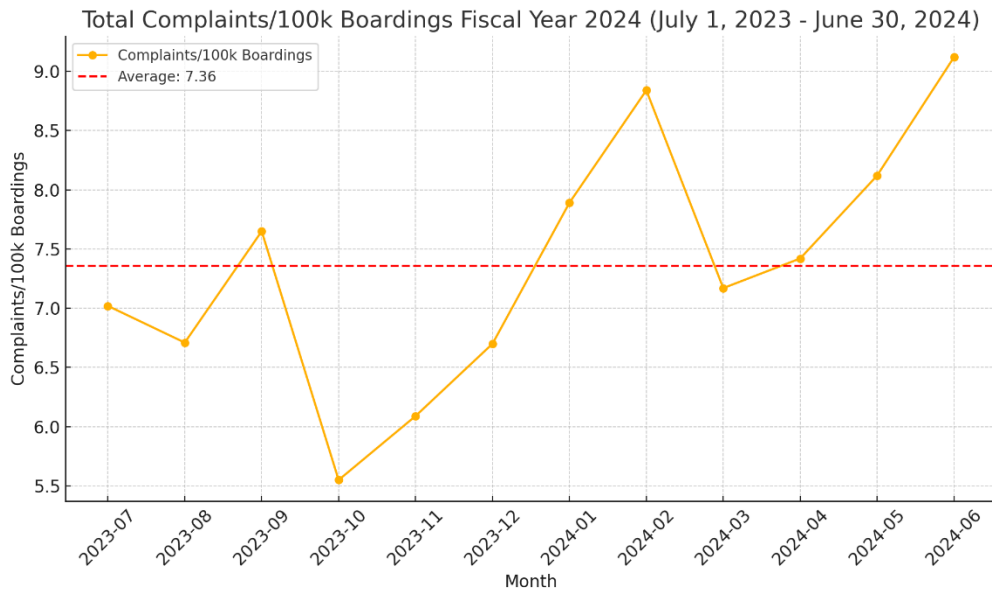




Customer Service Summary

Customer Input by Month Fiscal Year 2024 (July 1, 2023 – June, 2024)

YearMonth	Suggestions	Complaints	Compliments
2023-07		9	80
2023-08		9	81
2023-09		10	96
2023-10		9	90
2023-11		3	82
2023-12		8	84
2024-01		10	75
2024-02		8	89
2024-03		8	83
2024-04		13	96
2024-05		9	106
2024-06		2	88





Appendix I. FTA Guidelines for Classifying Assault on a Transit Worker

Who

Worker	Description	Example
Operator	An individual who is compensated by the transit agency and whose function is to operate the transit vehicle	Bus operator Rail operator
Other Transit Worker	An individual other than an operator who is compensated by the transit agency or who is otherwise providing specific services on behalf of a transit agency	Transit police Station agent

What

Assault	Description	Example
Physical Assault	An assault in which the attack involves physical contact with the transit worker, which could include any physical contact with the victim from the attacker's body, a weapon, a projectile, or other item	Kicking Biting Spitting on transit worker Deliberate coughing on transit worker
Non-physical Assault	An assault in which the attack involves no physical contact with the transit worker	Threats Intimidation Harassment Physical assault attempt

Where

Location	Description	Example
In Transit Vehicle	In or on a transit vehicle	Bus Streetcar rail Ferryboat
In Revenue Facility	Facility or area that a passenger uses to board or deboard from a transit vehicle using a platform	Stairs Elevator/escalator Canopy/wind shelter Ticket office or machine Restroom Parking facility/garage Turnstile
In Non-revenue Facility	Facility or area that is not used to enable individuals to board or alight from transit vehicles, and that is primarily staffed by transit employees	Administrative building
Other	Location that is not in a revenue or non-revenue facility and is not a transit vehicle; captures events not occurring in listed locations	City street

**LANE TRANSIT DISTRICT
DELEGATED AUTHORITY REPORT
July 2024**

Contracts								
DATE EXECUTED	CONTRACTOR	DESCRIPTION	CONTRACT TYPE	CONTRACT TERM	CONTRACT VALUE	NEW CONTRACT VALUE	SIGNER	NOTES
7/1/2024	Alternative Work Concepts	Travel, Training and Transit Hosts and Assessment Services	Limited Notice to Proceed	Jul 1, 2024 - Sep 1, 2024	\$60,000.00	no change	J. Ahlen	LNTP from RFP for Contract 2023-47-AWC
7/1/24	Pivot Architecture	City of Springfield - LDAP Permitting for Glenwood Excess Dirt Stock Pile Removal	Task Order	Jun 6, 2024 - Dec 31, 2024	\$6,908.97	no change	M. Imlach	TO 2020165-2024-018 to Contract #2020-165
7/3/2024	Brown Contracting	EmX Safety Corridors	Amendment	Jan 3, 2023 - until completed	\$1,966,374.57	\$2,019,505.54	M. Imlach	Amendment to extend final completion date and increase the NTE amount.
7/12/2024	City of Eugene	Bike Share Program	Amendment	Jan 1, 2023 - Jun 30, 2024	\$250,000.00	no change	P. Strutz	Amendment to update contract language.
7/13/2024	Flowbird America, Inc	Extended Warranty Services	Goods and Services	Jul 1, 2024 - Jun 30, 2028	\$186,135.00		M. Imlach	New Contract
7/17/2024	Antonio Avitia	Musician Services for Performance at the Plaza	Personal Services	Jul 16, 2024 - Dec 31, 2024	\$600.00		C. Harris	New Contract
7/17/2024	WSP USA, Inc.	Grant Administration Assistance	Personal Services	Jul 17, 2024 - Jun 30, 2025	\$49,942.00		P. Strutz	New Contract
7/21/2024	Harlan Music Live	Musician Services for Performance at the Plaza	Personal Services	Jul 17, 2024 - Dec 31, 2024	\$300.00		C. Harris	New Contract
7/23/2024	Criteria Corp.	12 Month Subscription for Pre-Hire Assessments FY25	Master Service Agreement	Aug 28, 2024 - Aug 27, 2025	\$14,200.00		S. Brightman	New Contract
7/24/2024	TransPro Consulting, Inc.	Stakeholders Workshop Facilitation	Personal Services	Jul 1, 2024 - Dec 31, 2024	\$15,000.00		W. Frisbie	New Contract
7/25/2024	Turrell	Public Information Officer and Government Relations On-Call Support	Task Order	Jul 29, 2024 - Jun 30, 2025	\$20,000.00	\$1,536,800.00	J. Auten	TO 201933-2024-014 to Contract #2019-33-TU
7/31/2024	Darren Muci	Procurement Technical Assistance	Personal Services	Aug 1, 2024 - Jul 31, 2025	\$120,000.00		W. Frisbie	New Contract
7/31/2024	Lady Bug Art	Face Painting Services for LTD Block Party	Personal Services	Jul 29, 2024 - Dec 31, 2024	\$400.00		C. Harris	New Contract
7/31/2024	MPI Consulting LLC	Accounting Services	Personal Services	Jun 8, 2024 - Jun 7, 2026	\$15,000.00	no change	P. Strutz	Amendment to clarify contract dates and update COTR.
Group Pass/Non-Profit Program - Revenue Agreements								
DATE EXECUTED	CONTRACTOR	DESCRIPTION	CONTRACT TYPE	CONTRACT TERM	ANNUAL CONTRACT VALUE	NUMBER of PARTICIPANTS	SIGNER	NOTES
7/11/2024	Youth Era	Non-Profit Pass	NPP	Jul 8, 2024 - ongoing	varies	varies	J. Ahlen	New Non-Profit Pass Agreement
7/26/2024	Easter Seals Oregon	Non-Profit Pass	NPP	Oct 7, 2020 - ongoing	varies	varies	J. Ahlen	Amendment to update Key Personnel

**LANE TRANSIT DISTRICT
DELEGATED AUTHORITY REPORT
June 2024**

Contracts								
DATE EXECUTED	CONTRACTOR	DESCRIPTION	CONTRACT TYPE	CONTRACT TERM	CONTRACT VALUE	NEW CONTRACT VALUE	SIGNER	NOTES
6/11/2024	Camp Creek Electric	On-Call Electrician	Amendment	Jul 1, 2021 - Jun 30, 2025	\$149,999.00	\$199,999.00	M. Imlach	Amendment to extend services for another year and increase the NTE amount.
6/13/2024	Camp Creek Electric	On-Call Electrician	Task Order	Jul 1, 2021 - Jun 30, 2025	\$199,999.00	TO NTE: \$1,925.00	M. Imlach	TO 202104-2024-007 to Contract #2021-04R
6/14/2024	Ninfa's Elite	Janiforial Services - Outdoor	Personal Services	Sep 1, 2022 - Jun 30, 2025	\$2,416,445.00	no change	M. Imlach	Amendment to extend services for another year and update Key Personnel.
6/14/2024	JP Morgan/Chase	Payment Processing Fees/Tyler Technologies	Merchant Contract	Jun 14, 2024 - Jun 14, 2025	\$234,657.00	no change	J. Auten	Payment Processing Fees for Munis/ERP.
6/25/2024	Ogletree Deakins	Labor Attorney	Amendment	Apr 15, 2019 - Jul 31, 2024	\$230,000.00	\$249,000.00	M. Peterson	Amendment to extend the term another month and increase to the NTE amount.
6/26/2024	Township Building Services	Janiforial Services - Indoor	Personal Services	Sep 1, 2022 - Jun 30, 2025	\$1,287,721.00	no change	M. Imlach	Amendment to extend services for another year and update Key Personnel.
6/26/2024	Bell & Funk	Marketing Bench Contract	Amendment	Jul 1, 2019 - Jun 30, 2026	As budgeted	no change	P. Walsh	Amendment to extend services another two years and updated the Contractor's Rate Sheet for 2024-2026
6/26/2024	PacWest	Marketing Bench Contract	Amendment	Jul 1, 2019 - Jun 30, 2026	As budgeted	no change	P. Walsh	Amendment to extend services another two years and updated the Contractor's Rate Sheet for 2024-2026
6/26/2024	Oxley & Associates, Inc.	Government Relationship Lobbyist - State	Personal Services	Jul 1, 2024 - Jun 30, 2028	\$240,000.00	no change	P. Walsh	New Contract
6/26/2024	Smith, Dawson, Andrews & Associates	Government Relationship Lobbyist - Federal	Personal Services	Jul 1, 2024 - Jun 30, 2029	\$204,000.00	no change	P. Walsh	New Contract
6/27/2024	Turell Group	Marketing Bench Contract	Amendment	Jul 1, 2019 - Jun 30, 2026	As budgeted	no change	P. Walsh	Amendment to extend services another two years and updated the Contractor's Rate Sheet for 2024-2026
6/27/2024	Revolution Design Group	Marketing Bench Contract	Amendment	Jul 1, 2019 - Jun 30, 2026	As budgeted	no change	P. Walsh	Amendment to extend services another two years and updated the Contractor's Rate Sheet for 2024-2026
6/27/2024	Adlib Advertising	Marketing Bench Contract	Amendment	Jul 1, 2019 - Jun 30, 2026	As budgeted	no change	P. Walsh	Amendment to extend services another two years and updated the Contractor's Rate Sheet for 2024-2026
6/27/2024	InfraStrategies LLC	Community Outreach & Community Assessment	Amendment	Jan 24, 2023 - Jan 23, 2025	\$300,000.00	\$323,513.37	D. Roth	Amendment to update Key Personnel and increase the NTE amount for an additional meeting.
Group Pass/Non-Profit Program - Revenue Agreements								
DATE EXECUTED	CONTRACTOR	DESCRIPTION	CONTRACT TYPE	CONTRACT TERM	ANNUAL CONTRACT VALUE	NUMBER of PARTICIPANTS	SIGNER	NOTES