

Date: September 16, 2015
To: Board of Directors
From: Neil McFarlane *Neil McFarlane*
Subject: RESOLUTION 15-09-62 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH BASA PROJECTS, LLC FOR SHELTER MOSAIC ART FOR THE PORTLAND-MILWAUKIE LIGHT RAIL TRANSIT PROJECT

1. Purpose of Item

The purpose of this item is to request that the TriMet Board of Directors (“Board”) authorize the General Manager to execute a contract with Basa Projects, LLC (“Basa”) for Shelter Mosaic Artwork for the Portland-Milwaukie Light Rail Project (“PMLR Project”).

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other _____

3. Reason for Board Action

Board approval is required for personal services contracts obligating TriMet to pay in excess of \$150,000.

4. Type of Action:

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

5. Background

TriMet’s public art program, which was formalized in March 1997 by the TriMet Board of Directors (Resolution 97-03-21), states that the program will be funded at 1.5 percent of the cost of capital construction projects that have total budgets greater than \$100,000.

TriMet’s public art program has continued on the PMLR Project, in collaboration with the Regional Arts and Culture Council, the Clackamas County Arts Alliance, and communities along the alignment. The Project’s public art program is guided by the Public Art Advisory Committee (“PAAC”), a group of volunteer community members and local arts professionals, which conducted a competitive Request for Qualifications process to select artists for the PMLR Project.

Artist Lynn Basa and her company, Basa Projects, LLC, was selected pursuant to this competitive process to design and fabricate mosaic artwork for the transit shelter columns at each station. Basa's designs draw upon a unique characteristic of each station area that is incorporated into the artwork. The mosaic shelter columns are an important part of the station art and amenities, providing beauty and a meaningful identity for the stations.

In March 2013, the Board approved Resolution 13-03-24, authorizing Basa to perform work at nine station areas and a total of 60 shelter columns. As described in Resolution 15-09-61, the Federal Transit Administration ("FTA") recently approved adding back 14 second shelters at the light rail stations. This Resolution would authorize TriMet to enter into a new contract with Basa to provide mosaics on the additional shelters (a total of 52 columns) to match those that have already been designed and installed. The shelter mosaic artwork originally produced by Basa is protected by copyright, so no other artist would be able to provide the same designs. This Resolution would authorize TriMet to enter into a contract with Basa in an amount not to exceed \$200,000. On a per column basis, the amount to be paid under this contract is the same as the amount paid under Basa's original contract.

6. Procurement Process

Basa's original contract was procured through a competitive Request for Qualification process, as described above. This contract will be a sole source, which is required due to the fact that Basa's artwork is protected by copyright and could not be reproduced by any other artist.

7. Diversity

Due to the nature of this work, subcontracting opportunities are limited. The mosaic is designed by Basa and fabricated through a subcontract with Bullseye Glass, which is the only company in the United States that fabricates this type of complicated art glass work. Bullseye Glass, a Portland company, is not a Disadvantaged Business Enterprise.

8. Financial/Budget Impact

This contract is included in the PMLR Project budget.

9. Impact if Not Approved

The original shelter mosaic artwork produced by Basa is protected by copyright. Therefore, if this Resolution is not approved, TriMet would be unable to provide mosaic shelter column designs to match the designs currently in place at each station.

RESOLUTION 15-09-62

RESOLUTION OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AUTHORIZING A CONTRACT WITH BASA PROJECTS, LLC FOR SHELTER MOSAIC ART FOR THE PORTLAND-MILWAUKIE LIGHT RAIL TRANSIT PROJECT

WHEREAS, TriMet has authority under ORS 267.200 to enter into a contract with Basa Projects, LLC for Shelter Mosaic Art ("Contract"); and

WHEREAS, the total amount of the Contract shall exceed \$150,000; and

WHEREAS, the TriMet Board of Directors ("Board"), by Resolution dated November 25, 2009, adopted a Statement of Policies requiring the Board to approve personal services contracts obligating TriMet to pay in excess of \$150,000;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Contract shall be in conformance with applicable laws.
2. That the General Manager or his designee is authorized to execute the Contract.

Dated: September 16, 2015

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:



Legal Department