



1255 Imperial Avenue, Suite 1000
 San Diego, CA 92101-7490
 619.231.1466 FAX 619.234.3407

Agenda

JOINT MEETING OF THE EXECUTIVE COMMITTEE

for the
 Metropolitan Transit System
 San Diego Transit Corporation, and
 San Diego Trolley, Inc.

October 21, 2010

Executive Conference Room
 (Immediately following Audit Oversight Committee Meeting)

| | | <u>ACTION RECOMMENDED</u> |
|----|--|-------------------------------|
| A. | ROLL CALL | |
| B. | APPROVAL OF MINUTES - October 7, 2010 | Approve |
| C. | COMMITTEE DISCUSSION ITEMS | |
| 1. | <u>MTS: Federal Legislative Update (Peter Peyser of Blank Rome Government Relations)</u> Action would receive an update from MTS's Washington representative. | Receive |
| D. | REVIEW OF DRAFT OCTOBER 28, 2010, JOINT BOARD AGENDA | |
| E. | <u>REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA</u> Review of SANDAG Transportation Committee Agenda and discussion regarding any items pertaining to MTS, San Diego Transit Corporation, or San Diego Trolley, Inc. Relevant excerpts will be provided during the meeting. | Possible Action |
| F. | COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS | |
| G. | PUBLIC COMMENTS | |
| H. | NEXT MEETING DATE: November 4, 2010 | |
| I. | ADJOURNMENT | |

Please turn off cell phones
 during the meeting

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.



DRAFT

EXECUTIVE COMMITTEE MEETING

for the

Metropolitan Transit System (MTS),
San Diego Transit Corporation (SDTC), and
San Diego Trolley, Inc. (SDTI)
(1255 Imperial Avenue, Suite 1000, San Diego, CA)

MINUTES

October 7, 2010

A. ROLL CALL

Chairman Mathis called the meeting to order at 9:03 a.m. A roll call sheet listing Executive Committee member attendance is attached.

B. APPROVAL OF MINUTES

Mr. Rindone moved approval of the minutes of the September 9, 2010, Executive Committee meeting. Ms. Lightner seconded the motion, and the vote was 3 to 0 in favor.

C. COMMITTEE DISCUSSION ITEMS

1. MTS: Update on Murphy Canyon Express Bus Pilot Project (Sharon Cooney)

Sharon Cooney, Director of Government Affairs and Director of Planning, reported that MTS has been working with the United States Navy and SANDAG as part of the transportation demand-management initiative to develop a cost-neutral express bus service between the Navy's Murphy Canyon Housing Complex, the community of Tierrasanta, and San Diego Naval Base.

Ms. Cooney reviewed the details of the Murphy Canyon Express Pilot Project. She stated that some of the main concerns are the security protocols and all personnel needing to be cleared through the Navy to access the base. She reviewed the refined base alignment to remain on the base's main arterial street, 10- to 15-minute travel times and 1/4 -mile maximum walk.

Ms. Cooney reported that there are 3,251 commuters to the Naval Base from Murphy Canyon. She stated that there is a market for this route, and in conjunction with SANDAG and the personnel on base, MTS has outreached to the Murphy Canyon housing complex. She reported that there are 116 Transportation Incentive Program (TIPS) subscribers signed up which will generate 139,000 in fare revenue and a \$1.70 subsidy per trip per year.

The Committee expressed concerns in regards to SANDAG subsidizing the program, starting the service in November, and marketing the pilot. Mr. Jablonski explained that SANDAG has agreed to subsidize the pilot for one year because SANDAG did not get the number of participants needed to fund the service. He

stated that a public hearing will be required in order to cancel the pilot. He also recommended getting the pilot started as early as possible. He feels that participants might lose interest if we wait until January 2011. He also reported that MTS and the Navy have done marketing for three months.

Navy Captain Ricky Williamson stated that the Navy has had about 4 to 5 outreach events with military spouses and contractors. He also stated that 61 ships will be at port during the holiday season. He added that timing is key and he will continue to outreach the program.

Mr. Roberts stated that there is no subsidy budgeted for the next year and whether SANDAG will fund the service next year, will be determined by the performance of the pilot.

Ms Lightner and Mr. Rindone both agree to start the project in November. Chairman Mathis requested that staff provide a quarterly review.

Mr. Jablonski further explained that there is explicit language in the MOU with SANDAG regarding the one-year subsidy.

Action Taken

Mr. Roberts moved to receive a report for information and move forward with the pilot in November. Mr. Rindone seconded the motion, and the vote was 4 to 0 in favor.

2. MTS: Naming Rights (Rob Schupp)

Mr. Jablonski briefly introduced Mr. Myles Gallagher, President of The Superlative Group, Inc based in Cleveland, OH. Mr. Gallagher is present today to provide the general values of naming rights on the specific lines of the trolley system.

Mr. Gallagher gave a PowerPoint presentation covering MTS naming rights and sponsorship feasibility. He provided an overview of the company, system-wide valuation, media exposure value, and value of other benefits. He discussed the annual face value of sponsorship benefits for each trolley line; Green Line benefit amount of \$1,703,037, Blue Line benefit amount of \$2,609,507, and the Orange Line benefit of \$1,654,557. He briefly pointed out several transit agencies that are benchmarkers with the same targets as the Green, Blue, and Orange Lines which suggest that these numbers are realistic.

Mr. Gallagher described the station specific valuations. He stated that there are three categories of station specific valuation as follows:

| | |
|---|--------------------|
| Group One – Four stations valued between | \$70,000-\$100,000 |
| Group Two – Twenty-five stations valued between | \$40,000-\$70,000 |
| Group Three – Thirty-five stations valued between | \$24,500-\$40,000 |

Mr. Gallagher listed several transit agencies that are benchmarking at the value of the three trolley lines which suggest that \$42,000 is an average value. He provided specific pricing options and station specific valuation.

Chairman Mathis showed concern regarding naming rights identifying station location. He stated that he wants to make sure we are not losing the station name and location.

Mr. Gallagher clarified that the stations are bidirectional by their nature which means locations are kept so people know where they are. He pointed out for example the PNC station on the HealthLine, in Greater Cleveland Regional Transit Authority. He also explained that they call it underwriting not station advertising.

Ms. Lightner expressed concerns in regards to calling it underwriting. She questioned if these funds would only be used for operations and maintenance, and if we are underwriting or advertising at our stations are there implications if we pay maintenance with those funds or any requirements that the funds be spent on that station location. Mr. Roberts echoed the comment of Ms. Lightner concerning restrictions in funding. Ms. Tiffany Lorenzen, General Counsel clarified that local funds have total flexibility. Chairman Mathis further clarified that the funds flow to the general funds and stations are maintained as they are normally. Mr. Jablonski expressed that the plan is to generate ongoing revenue.

In response to a question from Mr. Rindone, Mr. Gallagher stated that MTS approves who and what is advertised. Tiffany also stated that MTS has a policy for advertising.

Mr. Jablonski pointed out this a good time to implement naming rights. Mr. Gallagher stated that the timing is perfect and the background work has already been done.

Mr. Roberts expressed concerns regarding corporate ethics and whether the contracts will have an Enron Clause. Mr. Gallagher stated that MTS will include a corporate governance clause in the contracts.

Mr. Rindone commented about commission. Mr. Jablonski explained that it is complex, there are upfront monies, and the first deal pays off all initial expenses. Mr. Gallagher stated that commissions are based on sales that The Superlative Group, Inc. brings in and then graduated depending upon the amount of sales.

Mr. Roberts thanked Mr. Gallagher for the great report he provided.

Action Taken

Mr. Rindone moved to receive a report on MTS's naming rights program. Mr. Roberts seconded the motion, and the vote was 4 to 0 in favor.

3. SDTC: Retirement Plan Actuarial Review and Analysis (Cliff Telfer)

Cliff Telfer, Chief Executive Officer gave a brief overview of the annual actuarial valuation. He stated that we have an annual actuarial evaluation to set the amount MTS contributes into payroll and certain items are taken from the actuarial report and used for financial reports. He also added that this has been presented to the Budget Development Committee because it will have budget impact of 22% or roughly \$1.7 million. Mr. Telfer introduced Bob McCrory, FSA with EFI Actuaries.

Mr. McCrory gave a PowerPoint presentation of the actuarial review and analysis from July 1, 2009. He reviewed the current plan, history of plan cost, current plan cost, history of funded ratio, funded ratio, funded ratio misconceptions, and comparison with other plans.

He stated that the way actuarial funding works is that every year MTS pays for the cost of the benefits as it is earned, called the normal cost, then there is an amortization part where MTS makes up the difference between where assets are and where assets should be.

Mr. McCrory presented an interactive tool to assume projected plan cost. Plan cost is contributions plus returns equals benefits plus expenses. He also provided the history of annual returns, history of cumulative average returns, and 30-year cumulative average returns. He stated that the 8% plan cost is reasonable based on the historical record. He also reviewed projects for next year and the Governmental Accounting Standards Board (GASB) preliminary views.

Mr. Jablonski stated that projected plan cost of 8% should be our target every year for the next five years.

Action Taken

Ms. Lightner moved to forward a recommendation to the MTS Board of Directors to adopt an actuarial contribution rate of 22.708% for San Diego Transit Corporation's (SDTC's) retirement plan for fiscal year 2011. Mr. Roberts seconded the motion, and the vote was 4 to 0 in favor.

4. SDTC: CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6; Agency-Designated Representative - Jeff Stumbo; Employee Organization - International Brotherhood of Electrical Workers, Local Union 465

Oral Report of Final Actions Taken in Closed Session

Ms. Tiffany Lorenzen, MTS General Counsel, reported the following:

The Board received a report and gave direction to the agency negotiators.

D. REVIEW OF DRAFT OCTOBER 14, 2010, BOARD AGENDA

Recommended Consent Items

6. MTS: Investment Report - August 2010

Action would receive a report for information.

7. MTS: Uniform Service - Contract Award

Action would authorize the CEO to execute MTS Doc. No. G1322.0-10 for a five-year contract with Cintas Corporation for uniform services.

8. MTS: Southland Transit, Inc. - Contract Carryover Term

Action would authorize the CEO to execute MTS Doc. No. B0449.3-06 for: (1) one 5-month and 11-day carryover term for central minibus fixed-route services with Southland Transit, Inc. (Southland); and (2) one 5-month and 11-day carryover term for Sorrento Valley Coaster Connection (SVCC) services with Southland.

9. MTS: Liability Claims Analysis Report

Action would receive the Liability Claims Analysis Report for MTS, San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI).

Recommended Consent Items

There was no discussion regarding Consent Items.

Recommended Board Discussion Items

Item 31 was pulled from the agenda.

E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA

Ms. Sharon Cooney reported that there is no Transportation meeting this Friday.

F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS

Mr. Roberts was in Washington, D. C. and had several meetings relative to the Mid-Coast project. He mentioned that everyone from the Transportation Administrator's office was very positive regarding the project.

Mr. Jablonski attended the American Public Transportation Association annual meeting in San Antonio Texas. He mentioned that they also had positive remarks regarding the Mid-Coast project.

Mr. Jablonski also mentioned that MTS will be receiving \$3,000,000 in grants money from the Federal Discretionary Grant Program.

Mr. Rindone mentioned that he just returned from Europe and he was very impressed with the video advertising they have. Mr. Jablonski said that we had a contract with TTN about three to four years ago and the company went bankrupt. Mr. Rindone requested that staff look into video advertising.

G. PUBLIC COMMENTS

There were no public comments.

H. NEXT MEETING DATE

The next meeting is scheduled for Thursday, October 21, 2010, at 9:00 a.m. in the Executive Conference Room.

I. ADJOURNMENT

Chairman Mathis adjourned the meeting at 11:28 a.m.

Chairman

H:\Minutes - Executive Committee, Board, and Committees\Minutes - 2010\Minutes - Executive Committee 10-7-10 FINAL.docx

Attachment: A. Roll Call Sheet

**EXECUTIVE COMMITTEE
METROPOLITAN TRANSIT SYSTEM**

ROLL CALL

MEETING OF (DATE) October 7, 2010

CALL TO ORDER (TIME) 9:00 a.m.

RECESS _____

RECONVENE _____

CLOSED SESSION 926

RECONVENE 1004

ADJOURN 1128

| BOARD MEMBER (Alternate) | PRESENT (TIME ARRIVED) | ABSENT (TIME LEFT) |
|---|---------------------------|-----------------------|
| LIGHTNER <input checked="" type="checkbox"/> (Young) <input type="checkbox"/> | | |
| MATHIS <input checked="" type="checkbox"/> | | |
| Imperial Beach Rotated to Chula Vista | | |
| RINDONE (VC) <input checked="" type="checkbox"/> (Young - CPT) <input type="checkbox"/> | | |
| ROBERTS <input checked="" type="checkbox"/> (Cox) <input type="checkbox"/> | 9:10 | |
| SELBY <input type="checkbox"/> (Ryan) <input type="checkbox"/> | | |
| Transportation Committee Rep Slot (Mathis) | | |

SIGNED BY OFFICE OF THE CLERK OF THE BOARD:

Catherine M. Brown

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL:

[Signature]



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Agenda

Item No. C1

JOINT MEETING OF THE EXECUTIVE COMMITTEE
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

AG 220

October 21, 2010

SUBJECT:

MTS: FEDERAL LEGISLATIVE UPDATE (PETER PEYSER OF BLANK ROME
GOVERNMENT RELATIONS)

RECOMMENDATION:

That the Executive Committee receive an update from MTS's Washington
representative.

Budget Impact

None.

DISCUSSION:

MTS's Washington representative will provide the Executive Committee with an update
on federal legislative matters.

A handwritten signature in black ink, appearing to read 'Paul C. Jablonski', is positioned above a horizontal line.

Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, sharon.cooney@sdmts.com

OCT21-10.C1.FEDERAL UPDATE.SCOONEY.doc

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DRAFT

Agenda

JOINT MEETING OF THE BOARD OF DIRECTORS

for the

Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

October 28, 2010

9:00 a.m.

James R. Mills Building
Board Meeting Room, 10th Floor
1255 Imperial Avenue, San Diego

This information will be made available in alternative formats upon request. To request an agenda in an alternative format, please call the Clerk of the Board at least five working days prior to the meeting to ensure availability. Assistive Listening Devices (ALDs) are available from the Clerk of the Board/Assistant Clerk of the Board prior to the meeting and are to be returned at the end of the meeting.

ACTION RECOMMENDED

1. Roll Call
2. Approval of Minutes - October 14, 2010 Approve
3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.

Please turn off cell phones
during the meeting

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CONSENT ITEMS

- 6. MTS: Adoption of 2011 MTS Executive Committee and Board of Directors Meeting Schedule Adopt
Action would adopt the 2011 Executive Committee and Board of Directors meeting schedule.
- 7. MTS: Aerial Platform Truck Equipment and Accessories - Contract Award Approve
Action would authorize the CEO to execute MTS Doc. No. L0978.0-11 with Terex Utilities for the procurement and installation of aerial platform truck equipment and accessories.
- 8. MTS: Federal Transit Administration 5316 Grant Applications Approve
Action would approve Resolution No. 10-24 authorizing the CEO to submit applications for fiscal years 2011 and 2012 Job Access and Reverse Commute (JARC) for Non-Urban (Rural) Areas Federal Transit Administration (FTA) Funding 5316. The total amount of the application is \$844,797.

CLOSED SESSION

- 24. None.

NOTICED PUBLIC HEARINGS

- 25. None.

DISCUSSION ITEMS

- 30. MTS: Refunding of the 2001 MTS Tower Refunding Certificates of Participation (Tiffany Lorenzen) Adopt/
Approve
Action would: (1) adopt Resolution No. 10-23 approving, authorizing, and directing the execution and delivery of certain documents relating to the County of San Diego Certificates of Participation (2010 MTS Tower Refunding); and (2) authorize the CEO, General Counsel, and Chief Financial Officer to execute the documents necessary to complete the transaction.

REPORT ITEMS

- 45. MTS: Semiannual Security Report (Bill Burke) Receive
Action would receive a report for information.
- 46. SDTI: Rail Yearend Report (Wayne Terry) Receive
Action would receive a report for information.
- 47. SDTC: Bus Yearend Report (Claire Spielberg) Receive
Action would receive a report for information.
- 48. MTS: Regional Transportation Plan Revenue-Constrained Scenarios (Carolina Gregor of SANDAG) Receive
Action would receive a report for information.

- | | | |
|-----|---|-------------|
| 60. | <u>Chairman's Report</u> | Information |
| 61. | <u>Audit Oversight Committee Chairman's Report</u> | Information |
| 62. | <u>Chief Executive Officer's Report</u> | Information |
| 63. | <u>Board Member Communications</u> | |
| 64. | <u>Additional Public Comments Not on the Agenda</u> If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments. | |
| 65. | <u>Next Meeting Date:</u> November 18, 2010 | |
| 66. | <u>Adjournment</u> | |



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Agenda

Item No. 6

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

ADM 110.1

**Draft for
Executive Committee
Review Date: 10/21/10**

October 28, 2010

SUBJECT:

MTS: ADOPTION OF 2011 MTS EXECUTIVE COMMITTEE AND BOARD OF DIRECTORS MEETING SCHEDULE

RECOMMENDATION:

That the Board of Directors adopt the 2011 Executive Committee and Board of Directors meeting schedule (Attachment A).

Budget Impact

None.

DISCUSSION:

The MTS Board of Directors annually adopts its meeting schedule for the next year. Attachment A is the proposed 2011 Executive Committee and Board of Directors meeting schedule for MTS, San Diego Trolley, Inc. (SDTI), and San Diego Transit Corporation (SDTC).

As is customary, this year's schedule reflects the following: (1) one Executive Committee and one Board meeting in January and February; (2) one meeting each in July and August in anticipation of summer vacations and avoidance of conflicts with city council legislative recesses; and (3) one meeting each for the months of November and December to avoid conflicts with the Thanksgiving and Christmas holidays.

It is also recommended that one meeting each be held in September because the League of California Cities is holding its Annual Meeting September 21-23. Many members of our Executive Committee and Board of Directors attend this meeting making



it difficult to achieve a quorum, and the agendas in September for both the Executive Committee and the Board have historically been very short.

The American Public Transportation Association (APTA) Annual Meeting is scheduled for the week of October 2. It is recommended that the full complement of meetings be held in October since it appears that APTA is no longer holding closing banquets on the last night of its Annual Meetings, and conference attendees will therefore most likely return to San Diego on Wednesday, October 5.

There are no other meeting conflicts.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Valerie Vizkeleti, 619.557.4515, valerie.vizkeleti@sdmts.com

OCT28-10.6.MEETING SCHEDULE 2010.VVIZKELETI.doc

Attachment: A. 2011 MTS Executive Committee and Board of Directors Meeting Schedule

METROPOLITAN TRANSIT SYSTEM

2011 JOINT BOARD AND
EXECUTIVE COMMITTEE MEETING SCHEDULEJames R. Mills Building, 10th Floor
1255 Imperial Avenue, San Diego

| Executive Committee Meetings Thursdays at 9:00 a.m. | Board Meetings Thursdays at 9:00 a.m. |
|--|--|
| January 13 | January 20 |
| February 10 | February 17 |
| March 3 | March 10 (9:00 a.m. Finance Workshop) |
| March 17 | March 24 |
| April 7 | April 14 |
| April 21 | April 28 (9:00 a.m. Finance Workshop) |
| May 5 | May 12 |
| May 19 | May 26 (9:00 a.m. Finance Workshop) |
| June 2 | June 9 |
| June 16 | June 23 |
| July 7 | July 14 |
| August 11 | August 18 |
| September 8 * | September 15* |
| October 6 ** | October 13 |
| October 20 | October 27 |
| November 3 | November 10 |
| December 1 | December 8 |

* The California League of Cities is holding its annual meeting September 21 – 23. Meetings in September have been scheduled accordingly.

** The APTA Annual Meeting is being held October 2 – 5. The schedule has not been adapted to accommodate this meeting, but changes may be made at a later date.



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Agenda

Item No. 7

JOINT MEETING OF THE BOARD OF DIRECTORS
of the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

CIP 11224

October 28, 2010

**Draft for
Executive Committee
Review Date: 10/21/10**

SUBJECT:

MTS: AERIAL PLATFORM TRUCK EQUIPMENT AND ACCESSORIES - CONTRACT
AWARD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer to execute MTS Doc. No. L0978.0-11 (in substantially the same form as Attachment A) with Terex Utilities for the procurement and installation of aerial platform truck equipment and accessories.

Budget Impact

This project would be federally funded under CIP 11224 (Catenary Inspection/Work Platform Truck) for a not-to-exceed amount of \$177,088.50.

DISCUSSION:

MTS Policy No. 52 governing procurement of goods and services requires a formal competitive bid process for procurements exceeding \$100,000.

On August 5, 2010, MTS issued an Invitation for Bids (IFB) (in four newspaper publications for maximum exposure and competition) to interested parties for equipment and accessories for a 2010 International 4300 truck chassis (which was procured separately by MTS to meet 2010 California emission standards). Upon approval of MTS Doc. No. L0978.0-11, the chassis would go to Terex Utilities for installation, testing, and commissioning.

A total of two bids (one responsive bid and one nonresponsive) were received on September 16, 2010 (see Bid Summary - Attachment B). Utility Crane Equipment was deemed nonresponsive based on conditions imposed on the bid form and exceptions on delivery requirements and specifications. Terex Utilities was the lowest responsive, responsible bidder. In accordance to the policies and procedures outlined in the Best Practices Procurement Manual (BPPM) section 4, a cost analysis is required when only one single responsive bid is received for any type of procurement.



Staff conducted a cost analysis, found the cost to be similar to the engineer's estimate of \$178,105.00, and determined that Terex Utilities' pricing is fair and reasonable (see Price Analysis - Attachment C). Therefore, pursuant to MTS policy, staff recommends award of MTS Doc. No. L0978.0-11 to Terex Utilities for the procurement and installation of aerial platform truck equipment and accessories in an amount not to exceed \$177,088.50.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contacts: Fred Byle, 619.595.4937, Fred.Byle@sdti.sdmts.com
Marco Yniguez, 619.557.4576, Marco.Yniguez@sdmts.com

OCT28-10.7.PLATFORM TRUCK EQUIP & ACCESS.MYNIGUEZ.doc

Attachments: A. Draft Agreement for Terex Utilities
B. Bid Summary
C. Price Analysis

STANDARD PROCUREMENT AGREEMENT

L0978.0-11
CONTRACT NUMBER
CIP 11224
FILE NUMBER(S)

DRAFT

THIS AGREEMENT is entered into this _____ day of _____ 2010, in the state of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Terex Utilities Address: 500 Oakwood Road
 Form of Business: Corporation Watertown, South Dakota 57201
 (Corporation, partnership, sole proprietor, etc.) Telephone: 605.882.4000

Authorized person to sign contracts: Donald A. Lalim Director Order Support
 Name Title

The attached Standard Conditions are part of this agreement. The Contractor agrees to furnish to MTS services and materials, as follows:

Provide aerial platform truck equipment and accessories mounted on an International 4300 Chassis per MTS specifications, including hi-rail equipment and in accordance with the Standard Procurement Agreement, including the Standard Conditions Procurement, Federal Requirements, Safety Department's Standard Operating Procedures (SOP) (SAF 016-03), and Terex Utilities' quote received by MTS on September 16, 2010.

The following order of precedence will govern the interpretation of this contract:

1. The Invitation for Bids dated August 5, 2010.
2. Terex Utilities' bid received September 16, 2010.
3. The Standard Procurement Agreement, including the Standard Conditions Procurement and Federal Requirements.

Vehicle shall be delivered to: San Diego Trolley, Inc. (SDTI)
 Attn: Fred Byle (619.595.4937)
 1341 Commercial Street
 San Diego, CA 92113

Price includes aerial platform truck equipment and accessories with hi-rail, California sales tax of 8.75%, delivery, and industry standard manufacturer's warranty (12 months' parts and labor) at \$177,088.50. Payment terms shall be net 30 days from invoice date. Delivery of aerial platform truck equipment and accessories shall be within 150 days upon receipt of purchase order/contract. Total expenditures for this contract shall not exceed **\$177,088.50**. This contract is subject to a financial assistance agreement between MTS and the U.S. Department of Transportation.

| SAN DIEGO METROPOLITAN TRANSIT SYSTEM | CONTRACTOR AUTHORIZATION |
|--|--------------------------|
| By: _____ Chief Executive Officer | Firm: _____ |
| Approved as to form: | By: _____ Signature |
| By: _____ Office of General Counsel | Title: _____ |

| AMOUNT ENCUMBERED | BUDGET ITEM | FISCAL YEAR |
|-------------------|-------------|-------------|
| \$177,088.50 | CIP 11224 | 11 |

By: _____
 Chief Financial Officer

BID SUMMARY

MTS Doc. No. L0978.0-11

AERIAL PLATFORM TRUCK EQUIPMENT AND ACCESSORIES

| COMPANY NAME | BID AMOUNT |
|------------------------------|---------------|
| Terex Utilities * | \$ 177,088.50 |
| Utilities Crane Equipment ** | \$ 150,053.25 |

* Lowest responsive, responsible bidder

** Nonresponsive bidder

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MEMORANDUM

DATE: October 12, 2010
TO: Procurement file
FROM: Marco Yniguez
SUBJECT: PRICE ANALYSIS / SINGLE RESPONSIVE BIDDER

BACKGROUND

San Diego Trolley, Inc. (SDTI) currently has over 100 miles of high-voltage power catenary lines that operate throughout the County of San Diego for its light rail system. To maintain and inspect these catenary lines, SDTI requires a heavy-duty aerial platform truck with specialized equipment. The existing equipment has been in use for over 25 years, does not meet the 2010 California emissions standards, and cannot cost effectively be modified to meet those standards. The cost to modify the current equipment is comparable to buying a new vehicle with its equipment and accessories.

MTS Policy No. 52 governing procurement of goods and services requires a formal competitive bid process for procurements exceeding \$100,000. Thus, on August 5, 2010, MTS issued an Invitation for Bids (IFB) to interested parties to provide aerial platform truck equipment and accessories. This contract would provide the procurement of equipment, installation, and commissioning of aerial platform truck equipment on a 2010 International 4300 4X2 truck chassis (which was procured separately and will be supplied by MTS/SDTI to Terex Utilities).

A total of two bids were received On September 16, 2010 (one responsive bid and one nonresponsive bid). Utility Crane Equipment was deemed nonresponsive based on conditions imposed on the bid form and made exceptions on delivery requirements and specifications. Terex Utilities was the lowest responsive, responsible bidder.

PRICE ANALYSIS

In accordance with the policies and procedures outlined in the Best Practices Procurement Manual (BPPM) section 4, grantees are required to perform a cost or price analysis in connection with receiving a single responsive bid/proposal.

- Full and open completion was required for this IFB. MTS publicly advertised the aerial platform truck equipment and accessories in various newspapers (San Diego Union-Tribune, San Diego Daily Transcript, San Diego Voice and Viewpoint, and La Prensa).
- MTS did a postbid survey to determine why other companies were not able to submit bids for this IFB. Based on the responses received, MTS staff determined the reason was that only a limited

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.



number of dealers would be qualified to bid on this project due to the specialized equipment and accessories that were specified in the solicitation.

- Terex Utilities' bid amount of \$177,088.50 and the engineer's estimate of \$178,105.00 were found to be similar in pricing comparison.

CONCLUSION

The pricing provided by Terex Utilities is similar to our engineers estimate. Based on the analysis described above, MTS has determined the bid price to be fair and reasonable and therefore staff recommends award of MTS Doc. No. L0978.0-11 to Terex Utilities for procurement and installation of aerial platform truck equipment and accessories.

OCT28-10.7.AttC.PRICE ANALYSIS.
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Agenda

Item No. 8

JOINT MEETING OF THE BOARD OF DIRECTORS
for the
Metropolitan Transit System,
San Diego Transit Corporation, and
San Diego Trolley, Inc.

October 28, 2010

**Draft for
Executive Committee
Review Date: 10/21/10**

SUBJECT:

MTS: FEDERAL TRANSIT ADMINISTRATION 5316 GRANT APPLICATIONS

RECOMMENDATION:

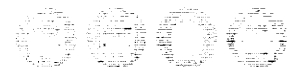
That the Board of Directors approve Resolution No. 10-24 (Attachment A) authorizing the Chief Executive Officer (CEO) to submit applications for fiscal years 2011 and 2012 Job Access and Reverse Commute (JARC) for Non-Urban (Rural) Areas Federal Transit Administration (FTA) funding 5316. The total amount of the application is \$844,797.

Budget Impact

None at this time.

DISCUSSION:

The FTA provides funds for operating assistance to agencies providing transportation through the Section 5316 Job Access and Reverse Commute Program. These funds come directly to the region but are to be apportioned by the metropolitan planning organization through a competitive grant application process. The San Diego Association of Governments (SANDAG) is currently accepting applications for the available funding for fiscal years 2011 and 2012.



Recommendation

FTA requirements include submission of a resolution by the Board of Directors authorizing MTS to submit the grant application. Therefore, staff recommends that the Board approve Resolution No. 10-24 (Attachment A) authorizing the CEO to submit applications for fiscal years 2011 and 2012 JARC for Non-Urban (Rural) Areas FTA funding 5316 for a total amount of \$844,797.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Nancy Dall, 619.557.4537, nancy.dall@sdmts.com

OCT28-10.8.FTA GRANT APPLICATION.NDALL.doc

Attachment: A. Resolution No. 10-24

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 10-24

Resolution Authorizing the Filing of an Application for
Job Access Reverse Commute Program funds through the
San Diego Association of Governments for Operation of Fixed-Bus Service
Routes 30, 905, and 960 Committing the Necessary Local Match for the
Project(s) and Stating the Assurance of the
San Diego Metropolitan Transit System to Complete the Project

WHEREAS, the San Diego Association of Governments (SANDAG) is making available funds for the Job Access and Reverse Commute Program through a competitive process for fiscal years 2011 and 2012; and

WHEREAS, The San Diego Metropolitan Transit System wishes to receive \$844,797 in Job Access Reverse Commute Program funds for the following project(s): operation of fixed-bus service Routes 30, 905, and 906; and

WHEREAS, San Diego Metropolitan Transit System understands that the Job Access Reverse Commute Program funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded through the Job Access Reverse Commute Program; and

WHEREAS, San Diego Metropolitan Transit System understands that projects funded through the Job Access Reverse Commute Program require matching funds to be provided by the project sponsor;

NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED by the Metropolitan Transit System Board of Directors that San Diego Metropolitan Transit System is authorized to submit an application to the San Diego Association of Governments for Job Access Reverse Commute funding in the amount of \$844,797 for operation of fixed-bus service Routes 30, 905, and 906; and

BE IT FURTHER RESOLVED that if an award is made by SANDAG to fund the operation of fixed-bus service Routes 30, 905, and 906, the Board of Directors commits to providing \$844,797 of matching funds, which is not less than the required amount of \$844,797 based on the required proportion to the grant request amount, and authorizes the San Diego Metropolitan Transit System Chief Executive Officer, or designated representative, to file and execute any actions necessary on behalf of Metropolitan Transit System with the San Diego Association of Governments to accept the grant funding and execute a grant agreement

1. General Counsel, or designated representative, is authorized to execute and file all assurances or any other documents required by the San Diego Association of Governments.

2. The Chief Financial Officer, or designated representative, is authorized to provide additional information as the San Diego Association of Governments may require in connection with the application for Section 5316 projects.

PASSED AND ADOPTED, by the Board of Directors this ____ day of _____ 2010 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Clerk of the Board
San Diego Metropolitan Transit System

Office of the General Counsel
San Diego Metropolitan Transit System

OCT28-10.8.A11A.RESO 10-24.JARC APPL.NDALL.doc