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Agenda

JOINT MEETING OF THE BOARD OF DIRECTORS

for the

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

September 24, 2009

9:00 a.m.

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

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ACTION RECOMMENDED

1. Roll Call
2. Approval of Minutes - August 20, 2009 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.
4. Transportation Security Administration Presentation Receive

Please turn off cell phones and pagers
 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.



CONSENT ITEMS

- | | | |
|-----|---|---------|
| 6. | <u>MTS: Disadvantaged Business Enterprise (DBE) Approval of FY 10 Goals for Publication</u>
Action would approve the proposed disadvantaged business enterprise (DBE) goals for FY 10 and authorize staff to publish a notice of these proposed goals for public information and comments. | Approve |
| 7. | <u>MTS: South Bay Bus Maintenance Facility Acquisition Project Right-of-Way Services</u>
Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. 09.01.01 to MTS Doc. No. G1246.0-09 with David Evans and Associates, Inc. for right-of-way services as required for the expansion of the South Bay Bus Maintenance Facility. | Approve |
| 8. | <u>MTS: Resistor Blower Motor Control Systems - Contract Award</u>
Action would authorize the CEO to execute MTS Doc. No. L0890.0-09 with Sloan Electromechanical Service & Sales for a one-time purchase of 54 resistor blower motor conversion systems (which includes 2 spares) for light rail vehicles (LRVs). | Approve |
| 9. | <u>MTS: Light Rail Vehicle (LRV) Heating, Ventilation, and Air-Conditioning (HVAC) Overhaul - Contract Award</u>
Action would authorize the CEO to execute MTS Doc. No. L0894.0-09 for a five-year contract with Ram Industrial Services, Inc. to overhaul light rail vehicle (LRV) heating, ventilation, and air-conditioning (HVAC) units. | Approve |
| 10. | <u>MTS: Bus Rapid Transit (BRT) Station Janitorial Maintenance - Contract Award</u>
Action would authorize the CEO to execute MTS Doc. No. G1257.0-09 with Prizm Janitorial Services for a three-year base period with 2 one-year options for janitorial services at the Sabre Springs, Rancho Bernardo, and Del Lago bus rapid transit (BRT) stations. | Approve |
| 11. | <u>MTS: Investment Report - July 2009</u>
Action would receive a report for information. | Receive |
| 12. | <u>MTS: State Transit Assistance Claims</u>
Action would adopt Resolution No. 09-22 approving the revised fiscal year (FY) 2009 State Transit Assistance (STA) claims. | Adopt |

CLOSED SESSION

- | | | |
|-----|--|-----------------|
| 24. | a. <u>MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION Pursuant to California Government Code section 54956.9(b) (One Potential Case)</u> | Possible Action |
|-----|--|-----------------|

CLOSED SESSION - CONTINUED

- | | | |
|----|---|-----------------|
| b. | <p>MTS: CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code section 54956.8</p> <p><u>Property:</u> Assessor's Parcel No. 547-200-51, 52, & 53, City of San Diego at 220 47th Street</p> <p><u>Agency Negotiators:</u> Tiffany Lorenzen, MTS General Counsel; Tim Allison, Manager of Real Estate Assets; Gerald Trimble, Keyser-Marston Associates, Inc.</p> <p><u>Negotiating Parties:</u> Creekside Holdings, Ltd. A Utah Limited Partnership</p> <p><u>Under Negotiation:</u> Price and Terms of Payment</p> | Possible Action |
|----|---|-----------------|

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

- | | | |
|-----|--|-----------------|
| 30. | <p><u>MTS: Southern California Consortium Disadvantaged Business Enterprise (DBE) Disparity Study</u></p> <p>Action would receive a report regarding the Southern California Consortium DBE Disparity Study that MTS has participated in over the last 18 months.</p> | Possible Action |
| 31. | <p><u>MTS: Blue and Orange Line Rehabilitation Project Update and Light Rail Vehicle (LRV) Procurement</u></p> <p>Action would: (1) receive an update on the Blue and Orange Line Rehabilitation Project; and (2) authorize the CEO to execute MTS Doc. No. L0914.0-10 with Siemens Transportation Systems, Inc. for the purchase of a minimum of 57 and up to 65 ultrashort, low-floor light rail vehicles.</p> | Approve |

REPORT ITEMS

- | | | |
|-----|--|---------|
| 45. | <p><u>MTS: Operations Budget Status Report for June 2009</u></p> <p>Action would receive a report on the Metropolitan Transit System's (MTS's) operations budget status for June 2009.</p> | Receive |
| 46. | <p><u>Number not used</u></p> | |
| 47. | <p><u>MTS: Report on Automatic Passenger Counters for Light Rail Data Collection and Capital Improvement Project Funds Transfer for Their Purchase</u></p> <p>Action would receive a report on Automatic Passenger Counters (APCs) as a tool for data collection for trolley operations.</p> | Receive |
| 48. | <p><u>MTS: Annual Service Performance Monitoring Report</u></p> <p>Action would receive a report for information.</p> | Receive |

60. Chairman's Report Information
61. Audit Oversight Committee Chairman's Report Information
62. Chief Executive Officer's Report Information
63. Board Member Communications
64. Additional Public Comments Not on the Agenda
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. Next Meeting Date: October 15, 2009
66. Adjournment

Submitted by:	_____
Remove On:	_____
Return to Submitter:	_____
OR (Pick One)	_____
Retain in Posting File:	_____

JOINT MEETING OF THE BOARD OF DIRECTORS FOR THE
METROPOLITAN TRANSIT SYSTEM (MTS),
SAN DIEGO TRANSIT CORPORATION (SDTC), AND
SAN DIEGO TROLLEY, INC. (SDTI)

August 20, 2009

MTS
1255 Imperial Avenue, Suite 1000, San Diego

MINUTES

1. Roll Call

Chairman Mathis called the Board meeting to order at 9:06 a.m. A roll call sheet listing Board member attendance is attached. Mr. Mathis welcomed Mary England (representing Lemon Grove).

2. Approval of Minutes

Mr. Ewin moved to approve the minutes of the July 16, 2009, MTS Board of Directors meeting. Mr. McClellan seconded the motion, and the vote was 11 to 0 in favor.

3. Public Comments

Clive Richard – Mr. Richard thanked staff for their efforts in making the September service changes, which he stated makes it easier for him to get home. He added that transit in general has missed getting riders to major destinations, but these changes have improved the timing of making connections.

4. Transportation Security Administration (TSA) Presentation

Mr. Mathis informed that Board that the TSA presentation is being rescheduled.

CONSENT ITEMS

6. MTS: Audit Report - Accounts Receivable and Cash Receipts

Action recommends receiving an audit report (attached to the agenda item) on MTS's accounts receivable and cash receipts process.

7. MTS: Adoption of Local California Environmental Quality Act (CEQA) Guidelines

Action recommends: (1) adopting proposed local California Environmental Quality Act (CEQA) Guidelines; (2) amending Board Policy No. 2 entitled "Environmental Quality"; and (3) adopting Resolution No. 09-21 (attached to the agenda item).

8. MTS: San Diego and Arizona Eastern (SD&AE) Railway Company Quarterly Reports and Ratification of Actions Taken by the SD&AE Board of Directors at its July 28, 2009, Meeting

Action recommends: (1) receiving the San Diego and Imperial Valley Railroad, Pacific Southwest Railway Museum Association, and Carrizo Gorge Railway, Inc. quarterly reports; and (2) ratifying actions taken by the SD&AE Railway Company Board of Directors at its meeting on July 28, 2009 (attached to the agenda item).

9. MTS: Investment Report - June 2009

Action recommends receiving a report for information (attached to the agenda item).

10. MTS: Grossmont Substation Rehabilitation MOU and Funds Transfer

Action recommends: (1) authorizing the CEO to execute a Memorandum of Understanding (MOU) for a fund transfer to the San Diego Association of Governments (SANDAG) to rehabilitate the Grossmont substation under SANDAG's construction contract No. 5000956, which would include construction management services; and (2) forwarding a request to the SANDAG Transportation Committee to transfer \$88,000 from Grant No. CA-03-0525 and \$107,000 from Grant No. CA-03-0655 to Capital Improvement Program 1142100 to exercise an option for rehabilitation of the Grossmont substation (attached to the agenda item).

11. MTS: Capital Rural Reserves Transportation Development Act Funds

Action recommends approving the transfer of Transportation Development Act (TDA) capital rural reserve funds held at SANDAG to MTS FY 2010 operations.

12. MTS: Minor Service Adjustments

Sharon Cooney, MTS Director of Governmental Affairs, clarified for Board member Sherry Lightner that the Super Loop frequency was changed from ten minutes because the route was evaluated after startup, and a few minor changes were made to accommodate noise complaints by neighbors, adjust times to meet actual scheduling, and address bus bunching. Ms. Cooney confirmed that the route continues to be evaluated and will continue once USCD's next semester begins. Mr. Mathis added that the adjustments were made as fine-tuning, and there were no policy changes.

Action recommends receiving a report (attached to the agenda item) on minor service adjustments to be implemented in September 2009.

13. MTS: Gate Turnoff (GTO) Firing Boards - Contract Amendment

Marco Yniguez, MTS Buyer, clarified for Board member Sherri Lightner that there were 14 firing boards received in the first order. Tiffany Lorenzen, General Counsel, added that MTS is hoping to get an additional 104.

Action recommends authorizing the CEO to execute MTS Doc. No. L0883.1-09 with Siemens Transportation Systems for Gate Turnoff (GTO) Firing Boards for SD 100 light rail vehicles (LRVs) (attached to the agenda item).

14. MTS: AT&T CALNET II Telecommunications Contract Renewal

Tiffany Lorenzen, MTS General Counsel, informed the Board that staff is waiting for a couple of procurement documents from the State of California, and the action recommended is contingent upon receiving those signed documents.

Action recommends authorizing the CEO to execute MTS Doc. No. G1279.0-10 with American Telephone and Telegraph (AT&T) for leased-line telecommunications services for MTS, San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI). The contract would fall under the terms and conditions of the State of California's CALNET II Master Services Agreement for modules MSA-1 (voice data and video services) and MSA-2 (long-distance services) for a two-year period with renewable options for up to five years.

Action on Consent Items

Mr. Rindone moved to approve Consent Agenda Item Nos. 6, 7, 8, 9, 10, 11, 12, and 13; Agenda Item No. 14 was approved contingent upon MTS's receipt of signed procurement documents from the State of California. Mr. Ewin seconded the motion, and the vote was 12 to 0 in favor.

CLOSED SESSION

24. Closed Session Items (ADM 122)

The Board convened to Closed Session at 9:06 a.m.

- a. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to California Government Code section 54956.9(a): Tuil v. SDTI, MTS, MTDB (San Diego Superior Court Case No. GIC 37-2008-00078029-CU-NP-CTL)
- b. MTS: CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code section 54956.8
Property: Assessor's Parcel No. 548-051-17, San Diego, California, Euclid Avenue south of Market Street and north of Naranja Street
Agency Negotiators: Tiffany Lorenzen, MTS General Counsel; Tim Allison, Manager of Real Estate Assets
Negotiating Parties: Jacobs Center
Under Negotiation: Price and Terms of Payment
- c. MTS: CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to California Government Code section 54956.8
Property: Assessor's Parcel Nos. 667-020-70, 75, and 76, San Diego, CA, in the Community of San Ysidro
Agency Negotiators: Tiffany Lorenzen, MTS General Counsel; Tim Allison, Manager of Real Estate Assets
Negotiating Parties: United States General Services Administration
Under Negotiation: Price and Terms of Payment

- d. MTS: CLOSED SESSION - CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to California Government Code section 54956.8
Property: Assessor's Parcel No. 547-200-51, 52, & 53, City of San Diego at 220
47th Street
Agency Negotiators: Tiffany Lorenzen, MTS General Counsel; Tim Allison, Manager of
Real Estate Assets; Gerald Trimble, Keyser-Marston Associates, Inc.
Negotiating Parties: Creekside Villas
Under Negotiation: Price and Terms of Payment

The Board reconvened to open session at 10:31 a.m.

Oral Report of Final Actions Taken in Closed Session

Ms. Lorenzen reported the following:

- a. The Board received a report and gave direction to outside counsel.
- b. The Board received a report and gave direction to agency negotiators.
- c. The Board received a report.
- d. The Board received a report and gave direction to agency negotiators.

PUBLIC HEARING

- 25. There were no public hearings conducted.

DISCUSSION ITEMS

- 30. San Diego Transit Corporation (SDTC): Actuarial Report

Cliff Telfer, MTS CFO, introduced Bob McCrory of EFI Actuaries, who would be giving the Board an update on SDTC's retirement analysis. Mr. Telfer added that today's action includes accepting the report and adopting the contribution rate for SDTC's pension plan (that rate was used when the budget was developed, so there would be no budget impact).

Mr. McCrory reviewed the actuarial valuation of the retirement plans for SDTC as of July 1, 2008. He reviewed the current cost of the plan, where the costs are going, how the nature of the plan has changed and continues to change, and plans for the future. Mr. McCrory stated that as of July 1, 2007, the plan cost approximately 14.3% of pay. As of July 1, 2008, the cost increased to 15.8%. He explained that the majority of the rate increase due to changes in demographics of the workforce (the number of retirements, disabilities, etc.).

Mr. McCrory discussed possible future scenarios. He displayed a chart entitled *Total Cost as a Percentage of Pay*. He stated that during the 08/09 fiscal year, there was a loss of 17% of assets, which is a 25% actuarial loss—this loss will cause a very large increase in the plan's cost (approximately 22% of pay) and will peak around 29% of pay if assumptions used in the actuarial study hold true.

Mr. McCrory discussed the actuarial smoothing method used to reduce cost volatility and funding methods. He also reviewed future economic scenarios and emphasized the need for a comprehensive review of all of the aspects of the plan funding due to economic volatility in the

face of the current financial downturn. Mr. McCrory showed comparisons with other retirement plans. He cautioned members to brace and budget for much greater increases in pension costs than experienced in the past. He stated that a new actuarial study is needed in addition to reviewing new funding methods and assumptions. He reemphasized that: (1) the cost changes from 07/08 were due to retirements; (2) costs going forward will most likely double; and (3) a comprehensive review is needed of the plan to determine mitigation and changes.

Mr. McCrory explained that funding the existing group of inactive members of the plan with a decreased payroll makes it more volatile because gains and losses are spread over a narrower payroll base. He added that SDTC's plan is relatively old in comparison to other plans and, therefore, different assumptions and approaches should be reviewed.

Mr. McCrory clarified for Mr. Young that next year's contribution would be about 23% of pay, which is about \$2 million more with a 30-year payoff. He also clarified for Mr. Young that a possible mitigation measure might be to regard the 2008/09 loss as an extraordinary event and take the loss or a portion of it out of the equation and amortize it slowly over a long period of time as a smoothing effect to lessen the impact. Mr. McCrory also described other possible mitigation measures. Mr. Young stated that the Board should work closely with staff regarding this issue. Mr. McCrory suggested examining all contributors to the pension payment and gave examples of policies that can increase plan costs.

Mr. Young asked if there is currently a committee or working group to address these issues. Mr. Mathis responded that Mr. Jablonski is focusing on these issues and will bring a report back on proposals and policy changes if necessary. Mr. Jablonski stated that a number of these issues have already been and will continue to be brought to the Budget Committee and Executive Committee; he added that the good news is that better-than-average returns are anticipated.

Mr. McCrory clarified for Mr. Ewin that smoothing keeps money away from the earning pool needed to cover the rest of the coverage. He also explained the amount of funding needed on hand to cover current retirees on an ongoing basis and stated that the funded ratio theoretically should be at 100%.

Mr. Ewin stated that the Board is responsible for making up the difference in the plan regardless of how it's done (either paying now or later). He added that he appreciates Mr. Young's comments, and that this is a significant aspect of MTS's future budget. If the returns needed cannot be generated on a consistent basis, that gap is going to broaden because the obligation remains. Mr. McCrory clarified that layoffs typically make the situation worse because the payroll base is decreased but retirees continue to stay on the plan.

Mr. McClellan stated that so far, the return has been about 10% and may continue in that direction. He suggested that Mr. Jablonski try to find some funding to add as soon as possible, which could lessen the pain considerably in the future.

Mr. Cunningham wondered if an offset to payroll costs versus less staff paying into the plan would make it advantageous. He added that it seems that early retirement incentives fail in one way or another even when carefully laid out. Mr. Cunningham asked members to consider looking at offering other benefits to employees in exchange for taking early retirements, which could save costs. He complimented Mr. McCrory on his great presentation.

Mr. McCrory showed a slide outlining comparisons to CalPERS with other transit districts.

Mr. Telfer reminded members that MTS still has the pension obligation bonds, which will take about 15% of funding for another 25 years.

Action Taken

Mr. Cunningham moved to receive the actuarial report and adopt the annual pension contribution rate of 15.82% of payroll for SDTC with the understanding that staff will work on a mitigation strategy to the greatest extent possible. Mr. Ovrum seconded the motion, and the vote was 11 to 0 in favor.

REPORT ITEMS

45. SDTC: Pension Investment Status

Mr. Telfer introduced Bruno Grimaldi and Jeremy Miller of RV Kuhns & Associates. Mr. Telfer stated that this report will be a follow-up to the last presentation and will review the status of the investments over the last year.

Mr. Miller referred to *Capital Markets Review as of June 30, 2009* on page 4 of the attachment to the agenda item entitled *San Diego Transit Corporation Employees Retirement Plan Quarter ended June 30, 2009*. He stated that there is cautious optimism in regard to federal interest rates and fiscal stimulus, which has helped the economy; however, unemployment is at 9.5% and consumer and public debt levels are high. Mr. Miller reviewed the trailing-period performance noting that there is still a need for recovery. He added that these have been unprecedented times and hopefully it will not continue going forward. Mr. Miller stated that the good news is that the last quarter of 2009 shows large, positive returns. Mr. Miller also reviewed the charts outlined in the *Capital Markets Review as of June 30, 2009*. He described the methodology of diversifying funds and how it can be advantageous to smooth out returns.

Mr. Grimaldi reviewed the charts within the *San Diego Transit Corporation Employees Retirement Plan Quarter ended June 30, 2009*. He explained the equity market rally that took place this year. Mr. Grimaldi stated that it is critical to note that when looking at the return of the plan since inception in October 1982, it has performed remarkably well over the past 25 years considering that the last ten years included the dot-com burst, 9/11, and the recent market turmoil. He reiterated that he is cautiously optimistic that we are moving in the right direction.

Mr. Grimaldi clarified for Mr. Rindone that every 18 months a study is conducted to determine new classes within the market place. Mr. Telfer added that some managers have been changed and added during the last study, and that market conditions are considered when determining from which manager to pull funds to pay benefits.

Mr. Rindone asked that studies be conducted more frequently due to the volatility of the market as he is concerned that every 18 months is too long to wait to make a move. Mr. Mathis clarified that staff is working on this issue regularly employing short-term flexibility, and that Mr. Grimaldi was referring specifically to a process they go through every 18 months. Mr. Telfer added that quarterly meetings take place to look at the plan's managers, and Mr. Miller reiterated that the formal process will be conducted more often than every 18 months.

Action Taken

Mr. Ovrum moved to receive the report. Mr. Cunningham seconded the motion, and the vote was 12 to 0 in favor.

46. MTS: Natural Gas Hedge Program

Mike Thompson, MTS Assistant Budget Manager, reviewed the Natural Gas Hedge Program, which was approved by the Board in February 2009. Mr. Thompson stated that the program consists of pursuing the Core Aggregate Transfer (CAT) Program to enable MTS to competitively purchase compressed natural gas (CNG) directly from suppliers instead of through SDG&E, and also includes the Commodity Swap Program to hedge future CNG rates from market volatility. Mr. Thompson explained the steps that were taken for competitive bids for gas suppliers, which resulted in awarding the contract to British Petroleum. In the first two months of the contract, staff projects an approximate rate savings of \$200,000 over the previous SDG&E rates. Mr. Thompson added that MTS entered into swap agreements with three financial institutions, and Barclays was awarded the contract, which includes a CNG price of \$1.29 per therm (\$.06 lower than MTS's budgeted rate of \$1.35 per therm). He stated that based on this savings and savings from the CAT Program, staff anticipates a total savings of approximately \$500,000 versus budget for fiscal year 2010.

Action Taken

Mr. Rindone moved to receive the report. Mr. Ewin seconded the motion, and the vote was 11 to 0 in favor.

47. MTS: Super Loop Pilot Update

This item was deferred.

48. MTS: Operations Budget Status Report for May 2009

The staff report was waived.

Action Taken

Mr. Ewin moved to receive the report. Mr. McClellan seconded the motion, and the vote was 12 to 0 in favor.

60. Chairman's Report

There was no Chairman's report.

61. Audit Oversight Committee (AOC) Chairman's Report

There was no AOC Chairman's report.

62. Chief Executive Officer's Report

There was no CEO's report.

63. Board Member Communications

There were no Board member communications.

64. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

65. Next Meeting Date

The next regularly scheduled Board meeting is Thursday, September 10, 2009.

66. Adjournment

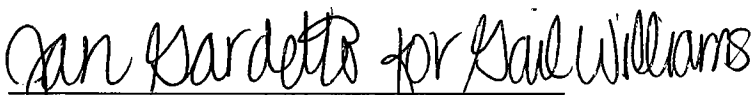
Chairman Mathis adjourned the meeting at 11:44 a.m.




Chairperson
San Diego Metropolitan Transit System

Filed by:

Approved as to form:



Office of the Clerk of the Board
San Diego Metropolitan Transit System



Office of the General Counsel
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

JGardetto/
MINUTES - Board 08-20-09.doc

METROPOLITAN TRANSIT DEVELOPMENT BOARD
ROLL CALL

MEETING OF (DATE): 8/20/09 CALL TO ORDER (TIME): 8:57 a.m.
 RECESS: None RECONVENE: _____
 CLOSED SESSION: 9:06 a.m. RECONVENE: 10:31 a.m.
 PUBLIC HEARING: _____ RECONVENE: _____
 ORDINANCES ADOPTED: _____ ADJOURN: 11:48 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
BOYACK	<input checked="" type="checkbox"/> (Cunningham) <input type="checkbox"/>	8:55 a.m.	
EWIN	<input checked="" type="checkbox"/> (Allan) <input type="checkbox"/>	8:51 a.m.	
FAULCONER	<input type="checkbox"/> (Emerald) <input type="checkbox"/>		
GLORIA	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>	8:53 a.m.	11:44 a.m.
JANNEY	<input checked="" type="checkbox"/> (Bragg) <input type="checkbox"/>	8:40 a.m.	
LIGHTNER	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>	8:43 a.m.	
MATHIS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>	8:52 a.m.	
MCCLELLAN	<input checked="" type="checkbox"/> (Hanson-Cox) <input type="checkbox"/>	8:51 a.m.	
OVROM	<input checked="" type="checkbox"/> (Denny) <input type="checkbox"/>	8:51 a.m.	
RINDONE	<input checked="" type="checkbox"/> (Castaneda) <input type="checkbox"/>	9:00 a.m.	
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	8:40 a.m.	
RYAN	<input type="checkbox"/> (B. Jones) <input checked="" type="checkbox"/>	8:51 a.m.	
SELBY	<input type="checkbox"/> (England) <input checked="" type="checkbox"/>	8:52 a.m.	
YOUNG	<input checked="" type="checkbox"/> (Emerald) <input type="checkbox"/>	9:15 a.m.	11:15 a.m.
ZARATE	<input type="checkbox"/> (Parra) <input type="checkbox"/>		

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL

Jan Gardetto for Gail Williams
[Signature]



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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.

LEG 430 (PC 50121)

September 24, 2009

SUBJECT:

MTS: DISADVANTAGED BUSINESS ENTERPRISE (DBE) APPROVAL OF FY 10
GOALS FOR PUBLICATION

RECOMMENDATION:

That the Board of Directors approve the proposed disadvantaged business enterprise (DBE) goals for FY 10 and authorize staff to publish a notice of these proposed goals for public information and comments.

Budget Impact

None.

DISCUSSION:

DBE goals are developed in accordance with federal regulations set forth in Title 49 of the Code of Federal Regulations Part 26, Participation by DBE in the U.S. Department of Transportation Program. Goals for FY 10 have been developed by MTS's outside consultant, Gonzalez-White Consulting Services, and are based on demonstrable evidence of ready, willing, and able DBEs that are known to be available to work on MTS federally assisted contracts.



The following MTS projects are eligible for participation in DBE goal-setting:

MTS FTA FY09-10 BUDGETED CONTRACTS		
PROJECT NO.	PROJECT DESCRIPTION	FY09-10 BUDGET
MINOR CONSTRUCTION		
11183	SDTi Cross Tie Procurement	224,000
11213	SDTC KMD Building Improvements	106,000
11253	MCS South Bay Division Gas Detection System	120,000
11255	Broadway Wye Switch Machines	600,000
11260	Training Center Rehab	4,500
11273	El Cajon Transit Center	38,900
	Total Construction	1,093,400
PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES		
11165	LRV Paint and Body Rehab	440,000
11184	Bus Video Cameras	1,122,200
11192	IT Elipse Financial System	280,000
11206	Rail Profile Grinding	280,000
11214	LRV HVAC Overhaul	1,420,000
11219	LRV Propulsion Components	227,200
11241	IT Network Infrastructure	40,000
11254	LRV Brake Overhaul	280,000
11263	Signal Event Recorder Upgrade	62,400
11274	Hastop Module for Planning Hastus Program	62,800
11275	LRV Traction Motor Disconnects	220,000
11276	SDTi Ticket Vending Equipment (TVM)	400,000
	Total Services	4,834,600
WHOLESALE DURABLE GOODS		
11162	Organizational Desktops	176,200
11167	LRV Tires	392,800
11250	CVT 40 FT CNG BUSES (2)	62,500
11251	LRV Gearbox Overhaul parts	1,200,000
11240	SDTC Support Equipment	84,500
11252	LRV Blower Motor Overhaul	80,000
	Total Wholesale Durable Goods	1,996,000
	Total Budgeted Contracts FY09-10	7,924,000

Census data is also used to determine the relative availability of DBEs in specific areas of expertise. The North American Industry Classification System (NAICS) forms the basis for the small business-size standards used by federal procurement officials and others to define whether a business is large or small. The system identifies hundreds of new, emerging, and advanced-technology industries and reorganizes the industries into more meaningful sectors.

Gonzalez-White Consulting Services has completed its evaluation (Attachment A) of the MTS FY 10 budget, the pool of ready, willing, and able firms, census data, and past participation reports.

The proposed FTA DBE FY 10 goals are as follows:

<u>Category</u>	<u>Proposed Goal</u>
Construction/Special Trades	0.77 percent
Services	0.85 percent
Durable Goods	0.10 percent

These goals are based upon total budgeted expenditures of \$1,093,400 for construction contracts, \$4,834,600 for service contracts, and \$1,996,000 for durable goods. By way of comparison, the FY 09 FTA DBE goals were .45 percent for construction based upon budgeted expenditures of \$427,200, 1.06 percent for services based upon budgeted expenditures of \$2,616,600, and .15 percent for durable goods based upon budgeted expenditures of \$636,600.

Upon the Board's approval of these proposed goals, notice of the goals will be published pursuant to federal guidelines. Staff will report back to the Board with any public comments 45 days following the publication of the notice. The draft goals have been transmitted to the FTA to allow for the continuation of grant funding. Final goals will be transmitted following the public comment period.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Tiffany Lorenzen, 619.557.4512, tiffany.lorenzen@sdmts.com

SEPT24-09.6.FY 10 DBE GOALS TLOREN.doc

Attachment: A. MTS FY 2010 FTA Goals

**METROPOLITAN TRANSIT SYSTEM (MTS)
ANNUAL ANTICIPATED DBE PARTICIPATION LEVEL
FISCAL YEAR 2009-2010**

**ESTABLISHED ANNUAL ANTICIPATED DBE PARTICIPATION LEVEL AND
METHODOLOGY FY09-FY10.**

The amount of the Annual Anticipated DBE Participation Level (AADPL) and methodology are presented herein, in accordance with Title 49 of the Code of Federal Regulations, Part 26, and the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan.

MTS submits our AADPL information. We have established an AADPL of 1.72% for the Federal Fiscal Year 2009-2010, beginning on June 1, 2009 and ending in May 31, 2010.

METHODOLOGY.

The CUCP DBE directory was used to determine the MTS FY09-10 AADPL. The 2006 Census Bureau's MSA (Metropolitan Statistical Area) Business Patterns database for the San Diego-Carlsbad-San Marcos area was also utilized. We identified a total of \$7,924,000.00 for FTA assisted projects. See Exhibit A for a breakdown of the FTA projects.

Our overall 1.72% AADPL was based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on the MTS Federal Transit Administration (FTA) assisted contracts. To achieve the AADPL, a two-step process was used.

Step 1. - Base figures were calculated by using "District 11" as our search criteria in the CUCP directory to determine the relative availability of DBEs that are ready, willing and able to participate in the area of construction, special trades, services and wholesale durable goods in the San Diego area.

Construction: A total of \$1,093,400.00 is budgeted for FY09-10 construction/special trades contracts for the FTA Projects. These contracts require general contractors and operative builders. According to the 2006 Census Bureau's MSA Business Patterns database there are 1256 businesses in the San Diego area. According to the CUCP DBE directory, there are 142 DBEs willing and able to do business in the San Diego area under the same NAICS codes. We then divided the number of DBEs (142) by the number of all businesses (1256) to derive a base figure for the relative availability of DBEs in our market. See Table below. **DBEs constitute 11.3% in the San Diego area.**

CONSTRUCTION	CUCP CODE	NO. OF DBES	NAICS CODE	NO. COUNTY BUSINESSES
Electrical Contractors	238210	39	238210	723
Other Building Equipment Contractors	238290	5	238290	52
Other Building Finishing Contractors	238390	6	238390	85
All Other Specialty Trade Contractors	238990	92	238990	396
TOTAL		142		1256

Services: A total of \$4,834,600.00 is budgeted for FY09-10 service contracts for the FTA projects. These contracts require professional, scientific and technical services. According to the 2006 Census Bureau's MSA Business Patterns NAICS codes there are 906 businesses in the San Diego area. According to the CUCP DBE directory, there are 17 DBEs willing and able to do business in the San Diego area under the same NAICS codes. We then divided the number of DBEs (17) by the number of all businesses (906) to derive a base figure for the relative availability of DBEs in our market. See Table below. **DBEs constitute 1.9% in the San Diego area.**

SERVICES	CUCP CODE	NO. OF DBES	NAICS CODE	NO. COUNTY BUSINESSES
All Other Professional Svcs	541990	8	541990	307
Computer Systems Design Services	541512	9	541512	599
TOTAL		17		906

Wholesale Durable Goods: A total of \$1,996,000.00 is budgeted for FY09-10 wholesale durable goods contracts for the FTA projects. According to the 2006 Census Bureau's MSA Business Patterns NAICS codes there are 495 businesses in the San Diego area. According to the CUCP DBE directory, there are 4 DBEs willing and able to do business in the San Diego area under the same NAICS codes. We then divided the number of DBEs (4) by the number of all businesses (495) to derive a base figure for the relative availability of DBEs in our market. See Table below. **DBEs constitute 0.8% in the San Diego area.**

WHOLESALE DURABLE GOODS	CUCP CODE	NO. OF DBES	NAICS CODE	NO. COUNTY BUSINESSES
Computer & Computer Peripheral Equip	423430	0	423430	161
Electrical Apparatus & Equipment	423610	4	423610	132
Auto and Other Motor Vehicles	423110	0	423110	54
Motor Vehicle Supplies	423120	0	423120	130
Tire and Tube Merchants Wholesalers	423130	0	423130	18
TOTAL		4		495

Step 2. - We examined the following evidence available in our jurisdiction: 1) actual DBE participation of MTS FTA-assisted contracts for Fiscal Years 05, 06 and 07 and 2) the CUCP directory.

Based on the above evidence in Step 2, we made the following adjustments to narrowly tailor the base figure to the MTS marketplace.

Construction: We adjusted the base figure of 11.3% in light of one other factor: 1) the median DBE past participation of 0.0% achieved in FTA construction category contracts awarded by MTS for FY05 (0%), FY06 (0%) and FY07 (0%). **The adjusted DBE availability for FTA-assisted construction contracts is 5.6%.**

Base Figure	11.3%
Median DBE Participation for FY05, FY06 and FY07	0.0%
	11.3%
Adjusted base figure – $11.3\% / 2 = 5.6\%$	

Services: We adjusted the base figure of 1.9% in light of one other factor: 1) the median DBE past participation of 1.0% achieved in FTA service category contracts awarded by MTS for FY05 (2.2%), FY06 (1%) and FY07 (0%). **The adjusted DBE availability for FTA-assisted service contracts is 1.4%.**

Base Figure	1.9%
Median DBE Participation for FY05, FY06 and FY07	<u>1.0%</u>
	2.9%

Adjusted base figure – $2.9\% / 2 = 1.4\%$

Wholesale Durable Goods: We adjusted the base figure of 0.8% in light of one other factor: 1) the median DBE past participation of 0.0% achieved in FTA service category contracts awarded by MTS for FY05 (0%), FY06 (0%) and FY07 (0%). **The adjusted DBE availability for FTA-assisted wholesale durable goods contracts is 0.4%.**

Base Figure	0.8%
Median DBE Participation for FY05, FY06 and FY07	<u>0.0%</u>
	0.8%

Adjusted base figure – $0.8\% / 2 = 0.4\%$

Overall AADPL: The FTA overall AADPL was calculated as follows:

percentage of budgeted contracts x the percentage of DBE availability for each category:

Budgeted Contract for Construction	13.80% x 5.6%	=	0.77%
Budgeted Contract for Services	61.01% x 1.4%	=	0.85%
Budgeted Contract for Durable Goods	25.19% x 0.4%	=	<u>0.10%</u>
TOTAL OVERALL AADPL		=	1.72%

DISADVANTAGE BUSINESS ENTERPRISE LIAISON OFFICER (DBELO)

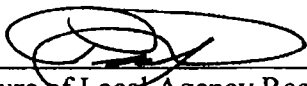
Tiffany Lorenzen
Metropolitan Transit System
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

Phone No.: 619-557-4512
Fax No.: 619-234-3172
E-Mail: Tiffany.Lorenzen@sdmts.com

PROMPT PAY

Please see the attached prompt payment clause utilized by MTS.

Submitted by:



Signature of Local Agency Recipient's CEO

Date: _____

Paul Jablonski
Print Name of Local Agency Recipient's CEO

Phone Number: 619.231.1466

Reviewed by Caltrans:

Signature of DLAE

Date: _____

Print Name of DLAE

EXHIBIT A

MTS FTA FY09-10 BUDGETED CONTRACTS		
PROJECT NO.	PROJECT DESCRIPTION	FY09-10 BUDGET
MINOR CONSTRUCTION		
11183	SDTI Cross Tie Procurement	224,000
11213	SDTC KMD Building Improvements	106,000
11253	MCS South Bay Division Gas Detection System	120,000
11255	Broadway Wye Switch Machines	600,000
11260	Training Center Rehab	4,500
11273	El Cajon Transit Center	38,900
	Total Construction	1,093,400
PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES		
11165	LRV Paint and Body Rehab	440,000
11184	Bus Video Cameras	1,122,200
11192	IT Elipse Financial System	280,000
11206	Rail Profile Grinding	280,000
11214	LRV HVAC Overhaul	1,420,000
11219	LRV Propulsion Components	227,200
11241	IT Network Infrastructure	40,000
11254	LRV Brake Overhaul	280,000
11263	Signal Event Recorder Upgrade	62,400
11274	Hastop Module for Planning Hastus Program	62,800
11275	LRV Traction Motor Disconnects	220,000
11276	SDTI Ticket Vending Equipment (TVM)	400,000
	Total Services	4,834,600
WHOLESALE DURABLE GOODS		
11162	Organizational Desktops	176,200
11167	LRV Tires	392,800
11250	CVT 40 FT CNG BUSES (2)	62,500
11251	LRV Gearbox Overhaul parts	1,200,000
11240	SDTC Support Equipment	84,500
11252	LRV Blower Motor Overhaul	80,000
	Total Wholesale Durable Goods	1,996,000
	Total Budgeted Contracts FY09-10	7,924,000

(Attachment)

Prompt Payment of Withheld Funds to Subcontractors

Federal regulation (49 CFR 26.29) requires one of the following three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

Please check the box of the method chosen by the local agency to ensure prompt and full payment of any retainage.

- ☐ No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- ☐ No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- ☐ The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

ELECTRICAL CONTRACTORS NAICS 238210

FIRM	ADDRESS	CITY	ST	ZIP1	ETHNICITY	GENDER	DIST	NAICS	CERT
A. B. HASHMI	4347 MEADOW SPRING WAY	OCEANSIDE	CA	92057	ASIAN SUB	M	11	238210	DBE
AC-DC ELECTRIC	13326 YUCATAN PLACE	CERRITOS	CA	90703	ASIAN PAC	M	11	238210	DBE
ALERT BARRICADE, INC.	753 WEST NINTH STREET, UNIT C	SAN JACINTO	CA	92582	CAUC	F	11	238210	DBE
ARROW RESTAURANT EQUIPMENT & ARROW CONSTRUCTION	5061 ARROW HIGHWAY	MONTCLAIR	CA	91763	ASIAN PAC	F	11	238210	DBE
BARNES ELECTRIC	8626 ARTESIA BLVD., #42	BELLFLOWER	CA	90706	BLACK	M	11	238210	DBE
BENDIX CONTRACTING CORPORATION	8861 BALBOA AVE., SUITE A	SAN DIEGO	CA	92123	HISPANIC	M	11	238210	DBE
CABLEMASTERS	2281 W. 205TH STREET SUITE 101	TORRANCE	CA	90501	ASIAN PAC	M	11	238210	DBE
CALIFORNIA PROFESSIONAL ELECTRICAL ENG	9316 MABEL AVENUE	SOUTH EL MONTE	CA	91733	ASIAN PAC	M	11	238210	DBE
CASTRO ELECTRIC	11616 LAKESIDE AVENUE	LAKESIDE	CA	92040	HISPANIC	M	11	238210	DBE
CLEMENS CONSTRUCTION CO	P.O. BOX 494639	REDDING	CA	96049	BLACK	M	11	238210	DBE
D. C. ELECTRONICS TWO, INC.	1175 W. CENTER STREET	RIVERSIDE	CA	92507	CAUC	F	11	238210	DBE
EXPRESS ENERGY SERVICES, INC.	2637 DAWSON AVE	SIGNAL HILL	CA	90755	HISPANIC	M	11	238210	DBE
FORE ENGINEERING CONSTRUCTION, INC.	15461 RED HILL AVENUE STE. E	TUSTIN	CA	92780	HISPANIC	M	11	238210	DBE
FULLER ELECTRIC	1018 CUDAHY PLACE SUITE B	SAN DIEGO	CA	92110	HISPANIC	M	11	238210	DBE
H. K. ELECTRICAL	17428 LAHEY ST.	GRANADA HILLS	CA	91344	CAUC	F	11	238210	DBE
HIGH LIGHT ELECTRIC, INC.	7000 JURUPA AVE.	RIVERSIDE	CA	92504	HISPANIC	M	11	238210	DBE
J F L ELECTRIC, INC.	8257 COMPTON AVENUE	LOS ANGELES	CA	90001	HISPANIC	M	11	238210	DBE
M L LITTLE BEAVER CONSTRUCTION INC	39202 OLD HIGHWAY 80	BOULEVARD	CA	91905	NAT AM	F	11	238210	DBE
MARIN BRAVO ELECTRIC, INC.	1248 SOUTH LYON STREET	SANTA ANA	CA	92705	HISPANIC	M	11	238210	DBE
MAS TEK INC	1644 S. ADALIA AVE	HACIENDA HEIGHTS	CA	91745	HISPANIC	M	11	238210	DBE
MOOR ELECTRIC, INC.	4626 HARTLEY ST., # 11	SAN DIEGO	CA	92102	BLACK	M	11	238210	DBE
MORAES/PHAM & ASSOCIATES	2031 PALOMAR AIRPORT RD. STE 120	CARLSBAD	CA	92011	ASIAN PAC	M	11	238210	DBE
NEW AGE COMMUNICATIONS	6101 CHERRY AVE. SUITE 205	FONTANA	CA	92336	HISPANIC	M	11	238210	DBE
OMEGA ELECTRIC COMPANY	10735 ESCOBAR DR.	SAN DIEGO	CA	92124	BLACK	M	11	238210	DBE
OROPEZA CONSTRUCTION, INC.	825-F HOLLISTER STREET	SAN DIEGO	CA	92154	HISPANIC	M	11	238210	DBE
PACIFIC WEST BUILDERS	2085 LOGAN AVE	SAN DIEGO	CA	92113	CAUC	F	11	238210	DBE
PACIFICA CONTRACTING, INC.	5060 PACIFICA DR	SAN DIEGO	CA	92109	CAUC	F	11	238210	DBE
PIPKINS ELECTRIC	1944 EMERYVILLE CT	CHULA VISTA	CA	91913	BLACK	M	11	238210	DBE
PT'S SOLUTIONS, INC.	9980 GLENOAKS BLVD., UNIT C	SUN VALLEY	CA	91352	HISPANIC	M	11	238210	DBE
RBT ELECTRIC	3070 E. FRONTERA STREET, APT. 232	ANAHEIM	CA	92806	BLACK	M	11	238210	DBE
REDONDO ELECTRIC	1248 VISTA GRANDE ROAD	EL CAJON	CA	92019	HISPANIC	M	11	238210	DBE
ROBERTS ELECTRICAL CONTRACTOR, INC.	8860 KENAMARE DRIVE, SUITE 304	SAN DIEGO	CA	92121	BLACK	M	11	238210	DBE
SAN DIEGO BAY AREA ELECTRIC, INC.	13100 KIRKHAM WAY, SUITE 201	POWAY	CA	92064	NAT AM	M	11	238210	DBE
SECURELECTRIC COMPANY, INC.	2950 LOS FELIZ BLVD. STE. 202	LOS ANGELES	CA	90039	BLACK	M	11	238210	DBE
SYNERGY ELECTRIC COMPANY INC.	10740 KENNEY STREET SUITE 401	SANTEE	CA	92071	CAUC	F	11	238210	DBE
TVEC, INC.	17663 GUSTIN LANE	PERRIS	CA	92570	HISPANIC	M	11	238210	DBE
VERDUZCO ELECTRIC, INC.	829 W. COMPTON BLVD.	COMPTON	CA	90220	HISPANIC	M	11	238210	DBE
VT ELECTRIC, INC.	869 W 9TH STREET	UPLAND	CA	91786	ASIAN PAC	M	11	238210	DBE
WEAVER ELECTRIC, INC	4210 E LA PALMA AVE	ANAHEIM	CA	92807	CAUC	F	11	238210	DBE

OTHER BUILDING EQUIPMENT CONTRACTORS NAICS 238290

FIRM	ADDRESS	CITY	STATE	ZIP1	ETHNICITY	GENDER	DISTRICT	NAICS	CERTIFICATE
EXCEL DOOR AND GATE COMPANY INC.	P. O. BOX 4924	RIVERSIDE	CA	92514	HISPANIC	M	11	238290	DBE
FEBRUARY ENTERPRISES, INC.	6740 LOWELL BOULEVARD	DENVER	CO	80221	HISPANIC	M	11	238290	DBE
G & M BACKHOE SERVICE, INC	4235 WALNUT AVE	CHINO	CA	91710	CAUC	F	11	238290	DBE
HARRY H. JOH CONSTRUCTION INC	8205 SOMERSET BLVD	PARAMOUNT	CA	90723	ASIAN PAC	M	11	238290	DBE
TRI-COUNTY DRILLING, INC	9631 CANDIDA STREET	SAN DIEGO	CA	92126	CAUC	F	11	238290	DBE

OTHER BUILDING FINISHING CONTRACTORS NAICS 238390

FIRM	ADDRESS	CITY	STATE	ZIP1	ETHNICITY	GENDER	DISTRICT	NAICS	CERT
ESPACE DESIGN, INC	2525 MICHIGAN AVE., SUITE A6	SANTA MONICA	CA	90404	CAUC	F	11	238390	DBE
HAN CONSTRUCTION	6640 AMBROSIA LANE #711	CARLSBAD	CA	92011	ASIAN PAC	F	11	238390	DBE
JVM WATERPROOFING, INC.	1308 OAK STREET	SANTA ANA	CA	92707	HISPANIC	M	11	238390	DBE
SHASTA FIRE PROTECTION, INC	3584 LA CAMPANA WAY	PALM SPRINGS	CA	92262	HISPANIC	M	11	238390	DBE
TROYER CONTRACTING COMPANY	10122 FREEMAN AVENUE	SANTA FE SPRINGS	CA	90670	HISPANIC	M	11	238390	DBE
UMANA/CRC	33646 VALLE ROAD	SAN JUAN CAPISTRANO	CA	92675	HISPANIC	M	11	238390	DBE

ALL OTHER SPECIALTY TRADE CONTRACTORS NAICS 238990

FIRM	ADDRESS	CITY	ST	ZIP1	ETHNICITY	GENDER	DIST	NAICS	CERT
36288	209 TENTH STREET	RAMONA	CA	92065	CAUC	F	11	238990	DBE
A. B. HASHMI	4347 MEADOW SPRING WAY	OCEANSIDE	CA	92057	ASIAN SUB	M	11	238990	DBE
ACCU CONSTRUCTION	23135 BETTY ROAD	PERRIS	CA	92570	ASIAN PAC	M	11	238990	DBE
ADVANCED GEOSOLUTIONS, INC.	11400 WEST OLYMPIC BOULEVARD-2ND	LOS ANGELES	CA	90064	HISPANIC	M	11	238990	DBE
ADVANCED MATERIAL TECHNOLOGIES	750 DESIGN COURT, STE. 110	CHULA VISTA	CA	91911	CAUC	F	11	238990	DBE
ALERT BARRICADE, INC.	753 WEST NINTH STREET, UNIT C	SAN JACINTO	CA	92582	CAUC	F	11	238990	DBE
AMERICAN ELECTRIC COMPANY	1015 W. BRIARDALE AVENUE	ORANGE	CA	92865	CAUC	F	11	238990	DBE
AMERI-MEX PLUMBING, INC.	1038 WOODLAWN AVENUE	CHULA VISTA	CA	91911	HISPANIC	M	11	238990	DBE
ANYTIME PLUMBING AND PIPE INC.	1054 E. MARKET ST	LONG BEACH	CA	90805	BLACK	M	11	238990	DBE
ARROW RESTAURANT EQUIP & ARROW CONST	5061 ARROW HIGHWAY	MONTCLAIR	CA	91763	ASIAN PAC	F	11	238990	DBE
BENDIX CONTRACTING CORPORATION	8861 BALBOA AVE, SUITE A	SAN DIEGO	CA	92123	HISPANIC	M	11	238990	DBE
BESTONE CONSTRUCTION, INC.	31511 ORTEGA HWY	SAN JUAN CAPISTRANO	CA	92675	HISPANIC	M	11	238990	DBE
BOYD INNOVATIONS, INC.	928 S. BON VIEW AVE.	ONTARIO	CA	91761	BLACK	M	11	238990	DBE
BOYLES PILOTS & TRAFFIC CONTROL	30928 BATTLE CREEK BOTTOM ROAD	MANTON	CA	96059	CAUC	F	11	238990	DBE
BREAKAWAY DEMOLITION INC	15825 CARTWRIGHT DR.	RIVERSIDE	CA	92508	HISPANIC	F	11	238990	DBE
C & K DRILLING, INC	14801 FRUITVALE RD	VALLEY CENTER	CA	92082	CAUC	F	11	238990	DBE
C L LANDSCAPING INC.	13136 RIO BRAVA COURT	JAMUL	CA	91935	HISPANIC	M	11	238990	DBE
C S DRYWALL, INC.	1935 MCKINLEY AVE., SUITE A	LA VERNE	CA	91750	HISPANIC	M	11	238990	DBE
CAL STATE REBAR & PRESTRESS CORP.	1505 E. MISSION BL.	POMONA	CA	91766	BLACK	M	11	238990	DBE
CALIFORNIA DIRT COMPANY	4724 FEDERAL BLVD	SAN DIEGO	CA	92102	BLACK	M	11	238990	DBE
CD MONTGOMERY INC.	1077 PCH, #186	SEAL BEACH	CA	90740	CAUC	F	11	238990	DBE
CECILIA'S SAFETY SERVICE, INC.	525 STEVENS AVENUE, SUITE 200	SOLANA BEACH	CA	92075	CAUC	F	11	238990	DBE
CLEMENS CONSTRUCTION CO	P.O. BOX 494639	REDDING	CA	96049	BLACK	M	11	238990	DBE
COBOS CONSTRUCTION CO & ASSOC, INC	3045 ROSECRANS STREET, #111	SAN DIEGO	CA	92110	HISPANIC	M	11	238990	DBE
CORNERSTONE BUILDING GROUP	3590 KETTNER BL	SAN DIEGO	CA	92101	HISPANIC	M	11	238990	DBE
COV'S TRAFFIC CONTROL, INC	2201 SAN DIEGUITO DRIVE	DEL MAR	CA	92014	CAUC	F	11	238990	DBE
DCN CORPORATION	2123 SEA ISLAND PLACE	SAN MARCOS	CA	92078	BLACK	M	11	238990	DBE
DEZ CONSTRUCTION	651 VERNON WAY	EL CAJON	CA	92020	HISPANIC	M	11	238990	DBE
EXCEL DOOR AND GATE COMPANY INC.	P. O. BOX 4924	RIVERSIDE	CA	92514	HISPANIC	M	11	238990	DBE
FORCE TRAFFIC CONTROL, INC.	PO BOX 1107	EXETER	CA	93221	CAUC	F	11	238990	DBE
G & F CONCRETE CUTTING, INC.	1006 E. CHESTNUT AVENUE	SANTA ANA	CA	92711	HISPANIC	F	11	238990	DBE
G & M BACKHOE SERVICE, INC	4235 WALNUT AVE	CHINO	CA	91710	CAUC	F	11	238990	DBE
G L PORTER CONSTRUCTION COMPANY	2116 W 103RD PLACE	LOS ANGELES	CA	90047	BLACK	M	11	238990	DBE
GEO ENVIRONMENTAL, INC.	1720 EGARRY AVE SUITE 215	SANTA ANA	CA	92705	ASIAN SUB	M	11	238990	DBE
GEORASE, INC	23362 PERALTA DRIVE, UNIT 6	LAGUNA HILLS	CA	92653	BLACK	M	11	238990	DBE
GEO-CAL, INC	P.O. BOX 9493	SAN BERNADINO	CA	92427	HISPANIC	F	11	238990	DBE
HABITAT WEST, INC.	2067 WINERIDGE PLACE, SUITE B	ESCONDIDO	CA	92029	CAUC	F	11	238990	DBE
HARRY H. JOH CONSTRUCTION INC	8205 SOMERSET BLVD	PARAMOUNT	CA	90723	ASIAN PAC	M	11	238990	DBE
HIGH LIGHT ELECTRIC, INC.	7000 JURUPA AVE	RIVERSIDE	CA	92504	HISPANIC	M	11	238990	DBE

ALL OTHER SPECIALTY TRADE CONTRACTORS NAICS 238990

FIRM	ADDRESS	CITY	ST	ZIP1	ETHNICITY	GENDER	DIST	NAICS	CERT
HUGO ALONSO, INC.	P.O. BOX 1067	SPRING VALLEY	CA	91979	HISPANIC	M	11	238990	D8E
HURRICANE & POWAY FENCE COMPANY	209 TENTH STREET	RAMONA	CA	92065	CAUC	F	11	238990	D8E
IN-LINE FENCE & RAILING CO., INC.	PO BOX 2637	RAMONA	CA	92065	HISPANIC	M	11	238990	D8E
J R PINA ASPHALT PAVING	197 WOODLAND PKWY STE 104-591	SAN MARCOS	CA	92069	HISPANIC	M	11	238990	D8E
J. F. TEJEDA COMPANY	15247 OLDE HWY 80	EL CAJON	CA	92021	HISPANIC	M	11	238990	D8E
JJC PROJECT MANAGEMENT GROUP INC.	6800 INDIANA AVENUE SUITE 200	RIVERSIDE	CA	95206	HISPANIC	M	11	238990	D8E
JOHNSON MAINTENANCE & JANITORIAL SERVICE	3356 HANCOCK STREET #C	SAN DIEGO	CA	92110	BLACK	M	11	238990	D8E
JOSE E. PEREIRA ENG AND MECHANICAL, INC.	1730 N MAGNOLIA B	EL CAJON	CA	92020	HISPANIC	M	11	238990	D8E
L C PAVING & SEALING	996 BORDEN RD.	SAN MARCOS	CA	92069	HISPANIC	M	11	238990	D8E
LOUIS R. REYNA PAINTING CONTRACTOR	12129 GERBER AVENUE	LA MIRADA	CA	90638	HISPANIC	M	11	238990	D8E
M L LITTLE BEAVER CONSTRUCTION INC	39202 OLD HIGHWAY 80	BOULEVARD	CA	91905	NAT AM	F	11	238990	D8E
MAD STEEL INC.	277 WEST ALLEN AVENUE	SAN DIMAS	CA	91773	HISPANIC	M	11	238990	D8E
MATRIX BUSINESS SOLUTIONS, INC.	1861 MISSOURI STREET	SAN DIEGO	CA	92109	ASIAN PAC	M	11	238990	D8E
METROPOLITAN CONSTRUCTION	8934 TROY ST	SPRING VALLEY	CA	91977	HISPANIC	M	11	238990	D8E
MJC CONSTRUCTION	1234 NOLAN AVENUE	CHULA VISTA	CA	91911	HISPANIC	M	11	238990	D8E
MOTTA CONCRETE CONSTRUCTION	429 DAISY LANE, STE. B	SAN MARCOS	CA	92078	CAUC	F	11	238990	D8E
NATIONAL GLASS & MIRROR	5715 KEARNY VILLA ROAD, SUITE 116	SAN DIEGO	CA	92123	HISPANIC	M	11	238990	D8E
O-J-B ENGINEERING	243 E. DUMAS STREET	SAN BERNARDINO	CA	92408	BLACK	M	11	238990	D8E
OROPEZA CONSTRUCTION, INC.	825-F HOLLISTER STREET	SAN DIEGO	CA	92154	HISPANIC	M	11	238990	D8E
OST TRUCKS AND CRANES, INC.	2951 N. VENTURA AVENUE	VENTURA	CA	93001	HISPANIC	M	11	238990	D8E
P T INSTALLATIONS, INC.	6071 GLENHAVEN DRIVE	YORBA LINDA	CA	92886	CAUC	F	11	238990	D8E
PACIFIC WEST BUILDERS	2085 LOGAN AVE	SAN DIEGO	CA	92113	CAUC	F	11	238990	D8E
PACIFICA CONTRACTING, INC.	5060 PACIFICA DR	SAN DIEGO	CA	92109	CAUC	F	11	238990	D8E
PAYCO SPECIALTIES, INCORPORATED	120 NORTH SECOND AVE.	CHULA VISTA	CA	91910	CAUC	F	11	238990	D8E
PELESA INC.	1153 GREEN STREET	GLENDALE	CA	91205	HISPANIC	M	11	238990	D8E
PJ TEIXEIRA COMPANY	10325 CHANNEL ROAD	LAKESIDE	CA	92040	CAUC	F	11	238990	D8E
R & Z CONSTRUCTION, INC	13783 PASEO VALLE ALTO	POWAY	CA	92064	CAUC	F	11	238990	D8E
R. MONTANEZ CONTRACTING, INC	187 MACE STREET, SUITE #B2	CHULA VISTA	CA	91911	HISPANIC	M	11	238990	D8E
RAUL MENDOZA CONSTRUCTION, INC.	9058 WINTER GREEN	LAKESIDE	CA	92040	HISPANIC	M	11	238990	D8E
REBEL CONCRETE BREAKING SERVICE	1122 EAST 94TH STREET	LOS ANGELES	CA	90002	BLACK	M	11	238990	D8E
RIVERA IRRIGATION, INC.	2105 COLLINS AVENUE	ORANGE	CA	92867	HISPANIC	M	11	238990	D8E
ROBERT ZALDIVAR MASONARY	16722 WIKIUP ROAD	RAMONA	CA	92065	HISPANIC	M	11	238990	D8E
ROCK STRUCTURES CONSTRUCTION COMPANY	11126 SILVERTON CT.	CORONA	CA	92881	HISPANIC	M	11	238990	D8E
RODNEY A. HAMILTON CO.	5250 CENTURY BOULEVARD, STE 315	LOS ANGELES	CA	90045	BLACK	M	11	238990	D8E
RUBIO'S CONCRETE INCORPORATED	725 BELVIA LANE	CHULA VISTA	CA	91911	HISPANIC	M	11	238990	D8E
SAFE GUARD FENCE	3330 SHAWNEE DR	NORCO	CA	92860	CAUC	F	11	238990	D8E
SAN DIEGO BAY AREA ELECTRIC, INC.	13100 KIRKHAM WAY, SUITE 201	POWAY	CA	92064	NAT AM	M	11	238990	D8E
SEAN CONSTRUCTION & DEVELOPMENT	3837 TENTH STREET	RIVERSIDE	CA	92501	BLACK	M	11	238990	D8E
SO CAL TREE CARE, INC	323 E. BROADWAY, SUITE D	VISTA	CA	92084	HISPANIC	M	11	238990	D8E

ALL OTHER SPECIALTY TRADE CONTRACTORS NAICS 238990

FIRM	ADDRESS	CITY	ST	ZIP1	ETHNICITY	GENDER	DIST	NAICS	CERT
STAR PAVING CORPORATION	2385-A CACTUS ROAD	SAN DIEGO	CA	92154	HISPANIC	F	11	238990	DBE
SUPER MARIO PORTABLE WELDING	1835A SOUTH CENTRE CITY PKWY. #455	ESCONDIDO	CA	92025	HISPANIC	M	11	238990	DBE
SUPER SEAL & STRIPE, INC	310 A STREET	FILLMORE	CA	93016	CAUC	F	11	238990	DBE
TELEPHONE JACKS	4485 MAPLE DRIVE	OCEANSIDE	CA	92056	CAUC	F	11	238990	DBE
THE BEST MERIT CO., INC.	7525 EAST ROSECRANS AVE. # 210	PARAMOUNT	CA	90723	ASIAN PAC	M	11	238990	DBE
TRI-COUNTY DRILLING, INC	9631 CANDIDA STREET	SAN DIEGO	CA	92126	CAUC	F	11	238990	DBE
UMANA/CRC	33846 VALLE ROAD	SAN JUAN CAPISTRANO	CA	92675	HISPANIC	M	11	238990	DBE
UNITED STEEL PLACERS	11112 ELM AVENUE	RANCHO CUCAMONGA	CA	91730	HISPANIC	M	11	238990	DBE
UNITED TRAFFIC SAFETY	15131 CLARK AVENUE	CITY OF INDUSTRY	CA	91745	HISPANIC	F	11	238990	DBE
UNITED TRAFFIC SERVICES & SUPPLY, INC.	15131 CLARK AVENUE	CITY OF INDUSTRY	CA	91745	HISPANIC	F	11	238990	DBE
VICTOR'S QUALITY PLASTERING	5775 SHAW STREET	SAN DIEGO	CA	92139	HISPANIC	M	11	238990	DBE
VORTEX CONSTRUCTION	320 BUTTE ST	BAKERSFIELD	CA	93305	NAT AM	M	11	238990	DBE
W C BROWN WELDING, INC	1485 SOUTH WILLOW AVENUE	RIALTO	CA	92376	BLACK	M	11	238990	DBE
WESTERN STEEL & METALS, INC	2293 NATIONAL VENUE	SAN DIEGO	CA	92113	CAUC	F	11	238990	DBE

ALL OTHER PROFESSIONAL SERVICES NAICS 541990

FIRM	ADDRESS	CITY	STATE	ZIP1	ETHNICITY	GENDER	DISTRICT	NAICS	CERT
BURLESON CONSULTING INC	1625 CREEKSIDE DRIVE, STE 202	FOLSOM	CA	95630	NAT AM	M	11	541990	DBE
KIM, CASEY & HARASE, INC.	601 N. VERMONT AVENUE, STE 203	LOS ANGELES	CA	90004	ASIAN PAC	M	11	541990	DBE
M2 RESOURCE CONSULTING, INC.	1175 AFTON STREET	PASADENA	CA	91103	CAUC	F	11	541990	DBE
MORAES/PHAM & ASSOCIATES	2131 PALOMAR AIRPORT RD, STE 120	CARLSBAD	CA	92011	ASIAN PAC	M	11	541990	DBE
PELESA INC.	1153 GREEN STREET	GLENDALE	CA	91205	HISPANIC	M	11	541990	DBE
PROPERTY AGENTS	740 ELDORADO DRIVE	ESCONDIDO	CA	92025	HISPANIC	M	11	541990	DBE
SOL ENGINEERING	4872 MERLYN STREET	HEMET	CA	92544	HISPANIC	M	11	541990	DBE
SUSTAINABLE CIVIL ENG SOLUTIONS, INC.	5 BERGAMO	IRVINE	CA	92614	CAUC	F	11	541990	DBE

COMPUTER SYSTEMS DESIGN SERVICES NAICS 541512

FIRM	ADDRESS	CITY	STATE	ZIP1	ETHNICITY	GENDER	DISTRICT	NAICS	CERT
ADVISEINC	9018 BALBOA BLVD., #612	NORTHRIDGE	CA	91325	ASIAN PAC	M	11	541512	DBE
CIBOLA SYSTEMS CORP.	1118 EAST 17TH STREET	SANTA ANA	CA	92701	CAUC	F	11	541512	DBE
CONSTRUCTION MANAGEMENT WEST, INC.	930 MONTGOMERY STREET, SUITE 302	SAN FRANCISCO	CA	94133	HISPANIC	M	11	541512	DBE
DCI PACIFIC	2450 DUPONT DRIVE	IRVINE	CA	92612	ASIAN PAC	M	11	541512	DBE
G2D RESOURCES, LLC	11580 KIRBY PLACE	SAN DIEGO	CA	92126	ASIAN PAC	M	11	541512	DBE
GONZALEZ, TENENBAUM AND ASSOCIATES, INC.	815 THIRD AVENUE., SUITE 119	CHULA VISTA	CA	91911	HISPANIC	F	11	541512	DBE
KIM, CASEY & HARASE, INC.	601 N. VERMONT AVENUE, SUITE 203	LOS ANGELES	CA	90004	ASIAN PAC	M	11	541512	DBE
MERIT ENGINEERING, INC.	100 EAST CEDAR AVE BLDG 16 STE 200	BURBANK	CA	91502	NAT AM	M	11	541512	DBE
R2H ENGINEERING, INC	17150 VIA DEL CAMPO #306	SAN DIEGO	CA	92127	HISPANIC	M	11	541512	DBE

Att. A, AI 6, 9/24/09
ELECTRICAL APPARATUS AND EQUIPMENT, WIRING SUPPLIES AND RELATED EQUIPMENT NAICS 423610

FIRM	ADDRESS	CITY	STATE	ZIP1	ETHNICITY	GENDER	DISTRICT	NAICS	CERTIFICATE
D. C. ELECTRONICS TWO, INC.	1175 W. CENTER STREET	RIVERSIDE	CA	92507	CAUC	F	11	423610	DBE
EXPRESS ENERGY SERVICES, INC.	2637 DAWSON AVE	SIGNAL HILL	CA	90755	HISPANIC	M	11	423610	DBE
L A SIGNAL, INC.	15100 E NELSON AVE	CITY OF INDUSTRY	CA	91744	HISPANIC	M	11	423610	DBE
LYTEFORMS	13841 ROSWELL AVENUE, STE A	CHINO	CA	91710	ASIAN PAC	F	11	423610	DBE

U.S. Census Bureau

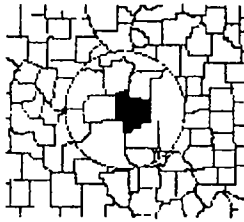
2006 MSA Business Patterns (NAICS)

San Diego-Carlsbad-San Marcos,
CA Metropolitan Statistical Area

23----

Construction

CenStats



San Diego-Carlsbad-San Marcos, CA Metropolitan Statistical Area

2006

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	Industry Code	Industry Code Description	Number of Employees for week including March 12	Payroll (,000)		Total Establishments
				1st Quarter	Annual	
Compare	23----	Construction	94,433	1,039.821	4,264,156	7,209
Compare	236	Construction of Buildings	22,663	308,518	1,189,748	2,309
Compare	2361	Residential Building Construction	14,019	187,221	648,958	1,834
Compare	23611	Residential Building Construction	14,019	187,221	648,958	1,834
Compare	236115	New Single-Family Housing Construction (except Operative Builders)	4,037	58,477	186,235	517
Compare	236116	New Multifamily Housing Construction (except Operative Builders)	618	8,551	34,916	40
Compare	236117	New Housing Operative Builders	2,225	55,876	168,535	194
Compare	236118	Residential	7,139	64,317	259,272	1,083

		Remodelers				
Compare	2362	Nonresidential Building Construction	8,644	121,297	540,790	475
Compare	23621	Industrial Building Construction	313	4,156	19,149	24
Compare	236210	Industrial Building Construction	313	4,156	19,149	24
Compare	23622	Commercial and Institutional Building Construction	8,331	117,141	521,641	451
Compare	236220	Commercial and Institutional Building Construction	8,331	117,141	521,641	451
Compare	237	Heavy and Civil Engineering Construction	9,681	145,107	582,626	411
Compare	2371	Utility System Construction	4,301	54,805	222,695	125
Compare	23711	Water and Sewer Line and Related Structures Construction	2,956	36,719	152,779	79
Compare	237110	Water and Sewer Line and Related Structures Construction	2,956	36,719	152,779	79
Compare	23712	Oil and Gas Pipeline and Related Structures Construction	100-249	0	0	4
Compare	237120	Oil and Gas Pipeline and Related Structures Construction	100-249	0	0	4
Compare	23713	Power and Communication Line and Related Structures Construction	1,000-2,499	0	0	42
Compare	237130	Power and Communication Line and Related Structures Construction	1,000-2,499	0	0	42
	2372	Land Subdivision	1,603	37,675	119,891	158

Compare						
Compare	23721	Land Subdivision	1,603	37,675	119,891	158
Compare	237210	Land Subdivision	1,603	37,675	119,891	158
Compare	2373	Highway, Street, and Bridge Construction	2,717	40,158	181,201	90
Compare	23731	Highway, Street, and Bridge Construction	2,717	40,158	181,201	90
Compare	237310	Highway, Street, and Bridge Construction	2,717	40,158	181,201	90
Compare	2379	Other Heavy and Civil Engineering Construction	1,060	12,469	58,839	38
Compare	23799	Other Heavy and Civil Engineering Construction	1,060	12,469	58,839	38
Compare	237990	Other Heavy and Civil Engineering Construction	1,060	12,469	58,839	38
Compare	238	Specialty Trade Contractors	62,089	586,196	2,491,782	4,489
Compare	2381	Foundation, Structure, and Building Exterior Contractors	17,278	136,919	566,273	903
Compare	23811	Poured Concrete Foundation and Structure Contractors	3,682	28,281	132,217	242
Compare	238110	Poured Concrete Foundation and Structure Contractors	3,682	28,281	132,217	242
Compare	23812	Structural Steel and Precast Concrete Contractors	1,221	13,887	60,891	35
Compare	238120	Structural Steel and Precast Concrete Contractors	1,221	13,887	60,891	35
Compare	23813	Framing Contractors	6,292	42,512	157,815	115
Compare	238130	Framing Contractors	6,292	42,512	157,815	115
Compare	23814	Masonry Contractors	2,521	21,041	88,443	181
Compare	238140	Masonry Contractors	2,521	21,041	88,443	181
Compare	23815	Glass and Glazing Contractors	596	5,189	22,096	67

Compare	238150	Glass and Glazing Contractors	596	5,189	22,096	67
Compare	23816	Roofing Contractors	1,931	16,087	62,294	174
Compare	238160	Roofing Contractors	1,931	16,087	62,294	174
Compare	23817	Siding Contractors	272	2,340	9,486	26
Compare	238170	Siding Contractors	272	2,340	9,486	26
Compare	23819	Other Foundation, Structure, and Building Exterior Contractors	763	7,582	33,031	63
Compare	238190	Other Foundation, Structure, and Building Exterior Contractors	763	7,582	33,031	63
Compare	2382	Building Equipment Contractors	20,147	241,878	1,004,296	1,532
Compare	23821	Electrical Contractors	9,953	115,992	485,639	723
Compare	238210	Electrical Contractors	9,953	115,992	485,639	723
Compare	23822	Plumbing, Heating, and Air-Conditioning Contractors	9,246	113,891	468,424	757
Compare	238220	Plumbing, Heating, and Air-Conditioning Contractors	9,246	113,891	468,424	757
Compare	23829	Other Building Equipment Contractors	948	11,995	50,233	52
Compare	238290	Other Building Equipment Contractors	948	11,995	50,233	52
Compare	2383	Building Finishing Contractors	16,698	126,803	561,020	1,405
Compare	23831	Drywall and Insulation Contractors	4,578	32,768	161,048	214
Compare	238310	Drywall and Insulation Contractors	4,578	32,768	161,048	214
Compare	23832	Painting and Wall Covering Contractors	4,577	32,111	133,268	441
Compare	238320	Painting and Wall	4,577	32,111	133,268	441

		Covering Contractors				
Compare	23833	Flooring Contractors	2,063	16,842	73,254	210
Compare	238330	Flooring Contractors	2,063	16,842	73,254	210
Compare	23834	Tile and Terrazzo Contractors	1,826	13,511	56,088	173
Compare	238340	Tile and Terrazzo Contractors	1,826	13,511	56,088	173
Compare	23835	Finish Carpentry Contractors	2,570	21,525	92,577	282
Compare	238350	Finish Carpentry Contractors	2,570	21,525	92,577	282
Compare	23839	Other Building Finishing Contractors	1,084	10,046	44,785	85
Compare	238390	Other Building Finishing Contractors	1,084	10,046	44,785	85
Compare	2389	Other Specialty Trade Contractors	7,966	80,596	360,193	649
Compare	23891	Site Preparation Contractors	3,496	39,061	170,868	253
Compare	238910	Site Preparation Contractors	3,496	39,061	170,868	253
Compare	23899	All Other Specialty Trade Contractors	4,470	41,535	189,325	396
Compare	238990	All Other Specialty Trade Contractors	4,470	41,535	189,325	396

				Number of Establishments by Employment-size class								
	Industry Code	Industry Code Description	Total Estabs	1-4	5-9	10-19	20-49	50-99	100-249	250-499	500-999	1000 or more
Compare	23----	Construction	7,209	4,196	1,205	807	602	237	120	36	5	1
Compare	236	Construction of Buildings	2,309	1,475	363	222	164	48	29	8	0	0
Compare	2361	Residential Building Construction	1,834	1,257	270	146	112	30	17	2	0	0
Compare	23611	Residential Building Construction	1,834	1,257	270	146	112	30	17	2	0	0
	236115	New Single-Family Housing Construction	517	343	80	44	32	14	4	0	0	0

U.S. Census Bureau

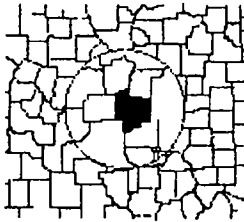
2006 MSA Business Patterns (NAICS)

San Diego-Carlsbad-San Marcos,
CA Metropolitan Statistical Area

54----

Professional, Scientific, and
Technical Services

CenStats



San Diego-Carlsbad-San Marcos, CA Metropolitan Statistical Area

2006

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	Industry Code	Industry Code Description	Number of Employees for week including March 12	Payroll (,000)		Total Establishments
				1st Quarter	Annual	
Compare	54----	Professional, Scientific, and Technical Services	121,995	1,918,210	7,840,752	11,933
Compare	541	Professional, Scientific, and Technical Services	121,995	1,918,210	7,840,752	11,933
Compare	5411	Legal Services	13,132	218,473	948,891	2,195
Compare	54111	Offices of Lawyers	12,406	205,990	905,012	2,110
Compare	541110	Offices of Lawyers	12,406	205,990	905,012	2,110
Compare	54119	Other Legal Services	726	12,483	43,879	85
Compare	541191	Title Abstract and Settlement Offices	618	11,914	41,273	52
Compare	541199	All Other Legal Services	108	569	2,606	33
Compare	5412	Accounting, Tax Preparation,	8,846	78,371	336,470	1,357

		Bookkeeping, and Payroll Services				
Compare	54121	Accounting, Tax Preparation, Bookkeeping, and Payroll Services	8,846	78,371	336,470	1,357
Compare	541211	Offices of Certified Public Accountants	3,071	38,510	177,983	591
Compare	541213	Tax Preparation Services	2,410	12,480	36,604	333
Compare	541214	Payroll Services	1,306	10,647	45,617	23
Compare	541219	Other Accounting Services	2,059	16,734	76,266	410
Compare	5413	Architectural, Engineering, and Related Services	21,541	326,404	1,452,371	1,740
Compare	54131	Architectural Services	2,716	38,255	186,300	367
Compare	541310	Architectural Services	2,716	38,255	186,300	367
Compare	54132	Landscape Architectural Services	1,294	12,922	58,081	110
Compare	541320	Landscape Architectural Services	1,294	12,922	58,081	110
Compare	54133	Engineering Services	15,007	241,207	1,072,369	951
Compare	541330	Engineering Services	15,007	241,207	1,072,369	951
Compare	54134	Drafting Services	873	11,924	47,963	110
Compare	541340	Drafting Services	873	11,924	47,963	110
Compare	54135	Building Inspection Services	187	1,505	5,942	65
Compare	541350	Building Inspection Services	187	1,505	5,942	65
Compare	54136	Geophysical Surveying and Mapping Services	36	329	1,393	13
Compare	541360	Geophysical Surveying and Mapping Services	36	329	1,393	13
Compare	54137	Surveying and Mapping (except Geophysical)	240	2,958	13,707	52

		Services				
Compare	541370	Surveying and Mapping (except Geophysical) Services	240	2,958	13,707	52
Compare	54138	Testing Laboratories	1,188	17,304	66,616	72
Compare	541380	Testing Laboratories	1,188	17,304	66,616	72
Compare	5414	Specialized Design Services	2,401	24,037	103,118	485
Compare	54141	Interior Design Services	1,046	11,838	48,642	194
Compare	541410	Interior Design Services	1,046	11,838	48,642	194
Compare	54142	Industrial Design Services	85	1,025	4,894	35
Compare	541420	Industrial Design Services	85	1,025	4,894	35
Compare	54143	Graphic Design Services	1,158	10,165	45,410	234
Compare	541430	Graphic Design Services	1,158	10,165	45,410	234
Compare	54149	Other Specialized Design Services	112	1,009	4,172	22
Compare	541490	Other Specialized Design Services	112	1,009	4,172	22
Compare	5415	Computer Systems Design and Related Services	15,683	284,568	1,159,955	1,554
Compare	54151	Computer Systems Design and Related Services	15,683	284,568	1,159,955	1,554
Compare	541511	Custom Computer Programming Services	7,637	140,176	580,093	781
Compare	541512	Computer Systems Design Services	6,268	118,885	464,352	599
Compare	541513	Computer Facilities Management Services	871	14,297	58,885	49
Compare	541519	Other Computer Related Services	907	11,210	56,625	125
Compare	5416	Management, Scientific, and	13,259	176,843	780,373	2,535

		Technical Consulting Services				
Compare	54161	Management Consulting Services	9,525	127,199	549,117	1,478
Compare	541611	Administrative Management and General Management Consulting Services	5,530	69,954	300,279	716
Compare	541612	Human Resources and Executive Search Consulting Services	1,385	25,027	93,598	211
Compare	541613	Marketing Consulting Services	1,639	19,985	94,954	390
Compare	541614	Process. Physical Distribution. and Logistics Consulting Services	582	6,784	30,696	68
Compare	541618	Other Management Consulting Services	389	5,449	29,590	93
Compare	54162	Environmental Consulting Services	864	11,322	46,904	103
Compare	541620	Environmental Consulting Services	864	11,322	46,904	103
Compare	54169	Other Scientific and Technical Consulting Services	2,870	38,322	184,352	954
Compare	541690	Other Scientific and Technical Consulting Services	2,870	38,322	184,352	954
Compare	5417	Scientific Research and Development Services	26,649	694,628	2,572,929	682
Compare	54171	Research and Development in the Physical, Engineering, and Life Sciences	26,323	690,739	2,556,498	626
Compare	541710	Research and Development in the Physical, Engineering, and Life Sciences	26,323	690,739	2,556,498	626
Compare	54172	Research and Development in the Social Sciences and Humanities	326	3,889	16,431	56

Compare	541720	Research and Development in the Social Sciences and Humanities	326	3,889	16,431	56
Compare	5418	Advertising and Related Services	13,435	56,552	242,411	488
Compare	54181	Advertising Agencies	1,376	17,083	72,873	189
Compare	541810	Advertising Agencies	1,376	17,083	72,873	189
Compare	54182	Public Relations Agencies	672	7,694	32,892	102
Compare	541820	Public Relations Agencies	672	7,694	32,892	102
Compare	54183	Media Buying Agencies	20-99	0	0	15
Compare	541830	Media Buying Agencies	20-99	0	0	15
Compare	54184	Media Representatives	288	3,435	15,071	22
Compare	541840	Media Representatives	288	3,435	15,071	22
Compare	54185	Display Advertising	328	1,938	8,749	32
Compare	541850	Display Advertising	328	1,938	8,749	32
Compare	54186	Direct Mail Advertising	626	6,452	26,594	44
Compare	541860	Direct Mail Advertising	626	6,452	26,594	44
Compare	54187	Advertising Material Distribution Services	20-99	0	0	7
Compare	541870	Advertising Material Distribution Services	20-99	0	0	7
Compare	54189	Other Services Related to Advertising	10,013	18,298	74,666	77
Compare	541890	Other Services Related to Advertising	10,013	18,298	74,666	77
Compare	5419	Other Professional, Scientific, and Technical Services	7,049	58,334	244,234	897
Compare	54191	Marketing Research and Public Opinion Polling	1,457	16,546	61,963	119
		Marketing Research				

Compare	541910	and Public Opinion Polling	1,457	16,546	61,963	119
Compare	54192	Photographic Services	624	2,462	10,974	155
Compare	541921	Photography Studios, Portrait	535	1,892	8,417	118
Compare	541922	Commercial Photography	89	570	2,557	37
Compare	54193	Translation and Interpretation Services	123	1,076	4,480	38
Compare	541930	Translation and Interpretation Services	123	1,076	4,480	38
Compare	54194	Veterinary Services	3,319	24,839	108,595	278
Compare	541940	Veterinary Services	3,319	24,839	108,595	278
Compare	54199	All Other Professional, Scientific, and Technical Services	1,526	13,411	58,222	307
Compare	541990	All Other Professional, Scientific, and Technical Services	1,526	13,411	58,222	307

				Number of Establishments by Employment-size class								
	Industry Code	Industry Code Description	Total Estabs	1-4	5-9	10-19	20-49	50-99	100-249	250-499	500-999	1000 or more
Compare	54----	Professional, Scientific, and Technical Services	11,933	8,250	1,573	1,031	681	228	120	35	10	5
Compare	541	Professional, Scientific, and Technical Services	11,933	8,250	1,573	1,031	681	228	120	35	10	5
Compare	5411	Legal Services	2,195	1,647	289	128	89	25	15	2	0	0
Compare	54111	Offices of Lawyers	2,110	1,589	277	122	84	22	14	2	0	0
Compare	541110	Offices of Lawyers	2,110	1,589	277	122	84	22	14	2	0	0
		Other Legal										

U.S. Census Bureau

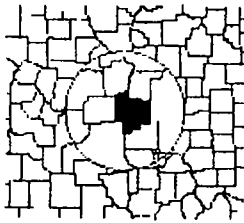
2006 MSA Business Patterns (NAICS)

San Diego-Carlsbad-San Marcos,
CA Metropolitan Statistical Area

42----

Wholesale Trade

CenStats



San Diego-Carlsbad-San Marcos, CA Metropolitan Statistical Area

2006

Go!

	Industry Code	Industry Code Description	Number of Employees for week including March 12	Payroll (,000)		Total Establishments
				1st Quarter	Annual	
Compare	42----	Wholesale Trade	63,503	1,379,787	4,785,752	4,486
Compare	423	Merchant Wholesalers, Durable Goods	40,409	1,105,045	3,680,274	2,453
Compare	4231	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers	2,367	23,004	96,478	224
Compare	42311	Automobile and Other Motor Vehicle Merchant Wholesalers	591	6,570	28,262	54
Compare	423110	Automobile and Other Motor Vehicle Merchant Wholesalers	591	6,570	28,262	54
Compare	42312	Motor Vehicle Supplies and New Parts Merchant Wholesalers	1,516	14,258	58,966	130

Compare	423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers	1,516	14,258	58,966	130
Compare	42313	Tire and Tube Merchant Wholesalers	161	1,533	6,501	18
Compare	423130	Tire and Tube Merchant Wholesalers	161	1,533	6,501	18
Compare	42314	Motor Vehicle Parts (Used) Merchant Wholesalers	99	643	2,749	22
Compare	423140	Motor Vehicle Parts (Used) Merchant Wholesalers	99	643	2,749	22
Compare	4232	Furniture and Home Furnishing Merchant Wholesalers	1,688	16,338	66,114	143
Compare	42321	Furniture Merchant Wholesalers	932	8,989	38,470	65
Compare	423210	Furniture Merchant Wholesalers	932	8,989	38,470	65
Compare	42322	Home Furnishing Merchant Wholesalers	756	7,349	27,644	78
Compare	423220	Home Furnishing Merchant Wholesalers	756	7,349	27,644	78
Compare	4233	Lumber and Other Construction Materials Merchant Wholesalers	1,603	19,962	87,598	165
Compare	42331	Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers	671	8,149	34,752	69
Compare	423310	Lumber, Plywood, Millwork, and Wood Panel Merchant Wholesalers	671	8,149	34,752	69
Compare	42332	Brick, Stone, and Related Construction Material Merchant Wholesalers	303	3,067	14,374	45
Compare	423320	Brick, Stone, and Related Construction Material Merchant Wholesalers	303	3,067	14,374	45

Compare	42333	Roofing, Siding, and Insulation Material Merchant Wholesalers	243	3,170	15,937	19
Compare	423330	Roofing, Siding, and Insulation Material Merchant Wholesalers	243	3,170	15,937	19
Compare	42339	Other Construction Material Merchant Wholesalers	386	5,576	22,535	32
Compare	423390	Other Construction Material Merchant Wholesalers	386	5,576	22,535	32
Compare	4234	Professional and Commercial Equipment and Supplies Merchant Wholesalers	9,859	179,011	738,056	460
Compare	42341	Photographic Equipment and Supplies Merchant Wholesalers	120	2,150	9,160	14
Compare	423410	Photographic Equipment and Supplies Merchant Wholesalers	120	2,150	9,160	14
Compare	42342	Office Equipment Merchant Wholesalers	1,450	18,783	75,422	72
Compare	423420	Office Equipment Merchant Wholesalers	1,450	18,783	75,422	72
Compare	42343	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers	3,639	78,467	314,312	161
Compare	423430	Computer and Computer Peripheral Equipment and Software Merchant Wholesalers	3,639	78,467	314,312	161
Compare	42344	Other Commercial Equipment Merchant Wholesalers	405	4,235	18,958	36
Compare	423440	Other Commercial Equipment Merchant Wholesalers	405	4,235	18,958	36
		Medical, Dental, and				

Compare	42345	Hospital Equipment and Supplies Merchant Wholesalers	3,617	68,217	291,333	127
Compare	423450	Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers	3,617	68,217	291,333	127
Compare	42346	Ophthalmic Goods Merchant Wholesalers	309	3,475	14,154	17
Compare	423460	Ophthalmic Goods Merchant Wholesalers	309	3,475	14,154	17
Compare	42349	Other Professional Equipment and Supplies Merchant Wholesalers	319	3,684	14,717	33
Compare	423490	Other Professional Equipment and Supplies Merchant Wholesalers	319	3,684	14,717	33
Compare	4235	Metal and Mineral (except Petroleum) Merchant Wholesalers	702	8,818	35,521	75
Compare	42351	Metal Service Centers and Other Metal Merchant Wholesalers	500-999	0	0	74
Compare	423510	Metal Service Centers and Other Metal Merchant Wholesalers	500-999	0	0	74
Compare	42352	Coal and Other Mineral and Ore Merchant Wholesalers	0-19	0	0	1
Compare	423520	Coal and Other Mineral and Ore Merchant Wholesalers	0-19	0	0	1
Compare	4236	Electrical and Electronic Goods Merchant Wholesalers	14,789	746,755	2,193,160	445
Compare	42361	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers	1,566	21,487	81,137	132
Compare	423610	Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment	1,566	21,487	81,137	132

		Merchant Wholesalers				
Compare	42362	Electrical and Electronic Appliance, Television, and Radio Set Merchant Wholesalers	1,177	34,495	131,327	40
Compare	423620	Electrical and Electronic Appliance, Television, and Radio Set Merchant Wholesalers	1,177	34,495	131,327	40
Compare	42369	Other Electronic Parts and Equipment Merchant Wholesalers	12,046	690,773	1,980,696	273
Compare	423690	Other Electronic Parts and Equipment Merchant Wholesalers	12,046	690,773	1,980,696	273
Compare	4237	Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	1,627	20,254	80,602	168
Compare	42371	Hardware Merchant Wholesalers	537	5,519	23,923	66
Compare	423710	Hardware Merchant Wholesalers	537	5,519	23,923	66
Compare	42372	Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers	646	7,632	29,840	50
Compare	423720	Plumbing and Heating Equipment and Supplies (Hydronics) Merchant Wholesalers	646	7,632	29,840	50
Compare	42373	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers	288	5,232	19,488	34
Compare	423730	Warm Air Heating and Air-Conditioning Equipment and Supplies Merchant Wholesalers	288	5,232	19,488	34
Compare	42374	Refrigeration Equipment and	156	1,871	7,351	18

		Supplies Merchant Wholesalers				
Compare	423740	Refrigeration Equipment and Supplies Merchant Wholesalers	156	1,871	7,351	18
Compare	4238	Machinery, Equipment, and Supplies Merchant Wholesalers	3,938	46,553	197,143	397
Compare	42381	Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers	710	9,926	41,391	29
Compare	423810	Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers	710	9,926	41,391	29
Compare	42382	Farm and Garden Machinery and Equipment Merchant Wholesalers	317	3,611	14,176	35
Compare	423820	Farm and Garden Machinery and Equipment Merchant Wholesalers	317	3,611	14,176	35
Compare	42383	Industrial Machinery and Equipment Merchant Wholesalers	1,439	16,781	74,302	180
Compare	423830	Industrial Machinery and Equipment Merchant Wholesalers	1,439	16,781	74,302	180
Compare	42384	Industrial Supplies Merchant Wholesalers	623	6,970	29,063	77
Compare	423840	Industrial Supplies Merchant Wholesalers	623	6,970	29,063	77
Compare	42385	Service Establishment Equipment and Supplies Merchant Wholesalers	668	6,661	27,227	47
Compare	423850	Service Establishment Equipment and Supplies Merchant Wholesalers	668	6,661	27,227	47

Compare	42386	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers	181	2,604	10,984	29
Compare	423860	Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers	181	2,604	10,984	29
Compare	4239	Miscellaneous Durable Goods Merchant Wholesalers	3,836	44,350	185,602	376
Compare	42391	Sporting and Recreational Goods and Supplies Merchant Wholesalers	1,755	19,938	87,621	104
Compare	423910	Sporting and Recreational Goods and Supplies Merchant Wholesalers	1,755	19,938	87,621	104
Compare	42392	Toy and Hobby Goods and Supplies Merchant Wholesalers	296	3,824	15,320	32
Compare	423920	Toy and Hobby Goods and Supplies Merchant Wholesalers	296	3,824	15,320	32
Compare	42393	Recyclable Material Merchant Wholesalers	539	4,404	21,525	49
Compare	423930	Recyclable Material Merchant Wholesalers	539	4,404	21,525	49
Compare	42394	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers	322	4,333	15,192	61
Compare	423940	Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers	322	4,333	15,192	61
Compare	42399	Other Miscellaneous Durable Goods Merchant Wholesalers	924	11,851	45,944	130
Compare	423990	Other Miscellaneous Durable Goods Merchant Wholesalers	924	11,851	45,944	130
		Merchant				

Compare	424	Wholesalers, Nondurable Goods	19.821	238,010	923,084	1,401
Compare	4241	Paper and Paper Product Merchant Wholesalers	999	12,442	48,697	102
Compare	42411	Printing and Writing Paper Merchant Wholesalers	80	925	3,630	12
Compare	424110	Printing and Writing Paper Merchant Wholesalers	80	925	3,630	12
Compare	42412	Stationery and Office Supplies Merchant Wholesalers	620	7,008	26,958	56
Compare	424120	Stationery and Office Supplies Merchant Wholesalers	620	7,008	26,958	56
Compare	42413	Industrial and Personal Service Paper Merchant Wholesalers	299	4,509	18,109	34
Compare	424130	Industrial and Personal Service Paper Merchant Wholesalers	299	4,509	18,109	34
Compare	4242	Drugs and Druggists' Sundries Merchant Wholesalers	2,234	60,564	192,230	118
Compare	42421	Drugs and Druggists' Sundries Merchant Wholesalers	2,234	60,564	192,230	118
Compare	424210	Drugs and Druggists' Sundries Merchant Wholesalers	2,234	60,564	192,230	118
Compare	4243	Apparel, Piece Goods, and Notions Merchant Wholesalers	2,547	24,908	99,627	180
Compare	42431	Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers	261	2,467	10,804	35
Compare	424310	Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers	261	2,467	10,804	35
Compare	42432	Men's and Boys' Clothing and Furnishings Merchant	1,153	10,137	41,184	47

		Wholesalers				
Compare	424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers	1,153	10,137	41,184	47
Compare	42433	Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers	683	5,817	23,386	68
Compare	424330	Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers	683	5,817	23,386	68
Compare	42434	Footwear Merchant Wholesalers	450	6,487	24,253	30
Compare	424340	Footwear Merchant Wholesalers	450	6,487	24,253	30
Compare	4244	Grocery and Related Product Wholesalers	6,456	65,471	272,942	369
Compare	42441	General Line Grocery Merchant Wholesalers	864	10,981	49,223	50
Compare	424410	General Line Grocery Merchant Wholesalers	864	10,981	49,223	50
Compare	42442	Packaged Frozen Food Merchant Wholesalers	659	10,067	39,635	34
Compare	424420	Packaged Frozen Food Merchant Wholesalers	659	10,067	39,635	34
Compare	42443	Dairy Product (except Dried or Canned) Merchant Wholesalers	324	2,687	9,169	21
Compare	424430	Dairy Product (except Dried or Canned) Merchant Wholesalers	324	2,687	9,169	21
Compare	42444	Poultry and Poultry Product Merchant Wholesalers	114	1,014	3,719	5
Compare	424440	Poultry and Poultry Product Merchant Wholesalers	114	1,014	3,719	5
Compare	42445	Confectionery Merchant Wholesalers	468	3,733	16,055	21
Compare	424450	Confectionery Merchant Wholesalers	468	3,733	16,055	21

Compare	42446	Fish and Seafood Merchant Wholesalers	250	2,109	8,479	11
Compare	424460	Fish and Seafood Merchant Wholesalers	250	2,109	8,479	11
Compare	42447	Meat and Meat Product Merchant Wholesalers	661	6,519	26,399	24
Compare	424470	Meat and Meat Product Merchant Wholesalers	661	6,519	26,399	24
Compare	42448	Fresh Fruit and Vegetable Merchant Wholesalers	897	8,086	35,355	81
Compare	424480	Fresh Fruit and Vegetable Merchant Wholesalers	897	8,086	35,355	81
Compare	42449	Other Grocery and Related Products Merchant Wholesalers	2,219	20,275	84,908	122
Compare	424490	Other Grocery and Related Products Merchant Wholesalers	2,219	20,275	84,908	122
Compare	4245	Farm Product Raw Material Merchant Wholesalers	28	365	1,387	9
Compare	42451	Grain and Field Bean Merchant Wholesalers	0-19	0	0	3
Compare	424510	Grain and Field Bean Merchant Wholesalers	0-19	0	0	3
Compare	42452	Livestock Merchant Wholesalers	0-19	0	0	2
Compare	424520	Livestock Merchant Wholesalers	0-19	0	0	2
Compare	42459	Other Farm Product Raw Material Merchant Wholesalers	11	120	532	4
Compare	424590	Other Farm Product Raw Material Merchant Wholesalers	11	120	532	4
Compare	4246	Chemical and Allied Products Merchant Wholesalers	1,220	17,872	69,620	105
Compare	42461	Plastics Materials and Basic Forms and Shapes Merchant	376	4,043	17,190	29

		Wholesalers				
Compare	424610	Plastics Materials and Basic Forms and Shapes Merchant Wholesalers	376	4,043	17,190	29
Compare	42469	Other Chemical and Allied Products Merchant Wholesalers	844	13,829	52,430	76
Compare	424690	Other Chemical and Allied Products Merchant Wholesalers	844	13,829	52,430	76
Compare	4247	Petroleum and Petroleum Products Merchant Wholesalers	311	4,614	16,763	31
Compare	42471	Petroleum Bulk Stations and Terminals	186	2,831	10,751	17
Compare	424710	Petroleum Bulk Stations and Terminals	186	2,831	10,751	17
Compare	42472	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)	125	1,783	6,012	14
Compare	424720	Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals)	125	1,783	6,012	14
Compare	4248	Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers	1,131	12,364	51,048	22
Compare	42481	Beer and Ale Merchant Wholesalers	1,004	10,149	41,706	10
Compare	424810	Beer and Ale Merchant Wholesalers	1,004	10,149	41,706	10
Compare	42482	Wine and Distilled Alcoholic Beverage Merchant Wholesalers	127	2,215	9,342	12
Compare	424820	Wine and Distilled Alcoholic Beverage Merchant Wholesalers	127	2,215	9,342	12
Compare	4249	Miscellaneous Nondurable Goods	4,895	39,410	170,770	465

		Merchant Wholesalers				
Compare	42491	Farm Supplies Merchant Wholesalers	257	1,988	8,046	31
Compare	424910	Farm Supplies Merchant Wholesalers	257	1,988	8,046	31
Compare	42492	Book, Periodical, and Newspaper Merchant Wholesalers	213	2,240	8,839	37
Compare	424920	Book, Periodical, and Newspaper Merchant Wholesalers	213	2,240	8,839	37
Compare	42493	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers	2,384	15,269	67,682	109
Compare	424930	Flower, Nursery Stock, and Florists' Supplies Merchant Wholesalers	2,384	15,269	67,682	109
Compare	42494	Tobacco and Tobacco Product Merchant Wholesalers	58	183	834	7
Compare	424940	Tobacco and Tobacco Product Merchant Wholesalers	58	183	834	7
Compare	42495	Paint, Varnish, and Supplies Merchant Wholesalers	218	2,922	11,970	17
Compare	424950	Paint, Varnish, and Supplies Merchant Wholesalers	218	2,922	11,970	17
Compare	42499	Other Miscellaneous Nondurable Goods Merchant Wholesalers	1,765	16,808	73,399	264
Compare	424990	Other Miscellaneous Nondurable Goods Merchant Wholesalers	1,765	16,808	73,399	264
Compare	425	Wholesale Electronic Markets and Agents and Brokers	3,273	36,732	182,394	632
Compare	4251	Wholesale Electronic Markets and Agents and Brokers	3,273	36,732	182,394	632
Compare	42511	Business to Business Electronic Markets	470	5,226	47,894	34

Compare	425110	Business to Business Electronic Markets	470	5,226	47,894	34
Compare	42512	Wholesale Trade Agents and Brokers	2,803	31,506	134,500	598
Compare	425120	Wholesale Trade Agents and Brokers	2,803	31,506	134,500	598

	Industry Code	Industry Code Description	Total Estabs	Number of Establishments by Employment-size class								
				1-4	5-9	10-19	20-49	50-99	100-249	250-499	500-999	1000 or more
Compare	42----	Wholesale Trade	4,486	2,495	835	568	398	109	56	16	7	2
Compare	423	Merchant Wholesalers, Durable Goods	2,453	1,231	488	358	263	72	30	6	3	2
Compare	4231	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers	224	107	50	34	26	5	2	0	0	0
Compare	42311	Automobile and Other Motor Vehicle Merchant Wholesalers	54	32	9	2	9	2	0	0	0	0
Compare	423110	Automobile and Other Motor Vehicle Merchant Wholesalers	54	32	9	2	9	2	0	0	0	0
Compare	42312	Motor Vehicle Supplies and New Parts Merchant Wholesalers	130	56	30	24	15	3	2	0	0	0
Compare	423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers	130	56	30	24	15	3	2	0	0	0
Compare	42313	Tire and Tube Merchant Wholesalers	18	7	3	6	2	0	0	0	0	0
Compare	423130	Tire and Tube Merchant Wholesalers	18	7	3	6	2	0	0	0	0	0
Compare	42314	Motor Vehicle Parts (Used) Merchant	22	12	8	2	0	0	0	0	0	0



1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
(619) 231-1466 • FAX (619) 234-3407

Agenda

Item No. 7

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

ADM 160.2 (CIP 11272)

September 24, 2009

SUBJECT:

MTS: SOUTH BAY MAINTENANCE FACILITY ACQUISITION PROJECT - RIGHT-OF-WAY SERVICES

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute Work Order No. 09.01.01 to MTS Document No. G1246.0-09 (in substantially the same format as Attachment A) with David Evans and Associates, Inc. for right-of-way services as required for the expansion of the South Bay Bus Maintenance Facility.

Budget Impact

A total of \$212,000 would be expended from Right-of-Way line item of the South Bay Bus Maintenance Facility Acquisition Project (CIP 11272-0900), which has an available balance of \$10,005,719.50.

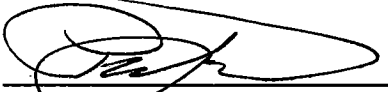
DISCUSSION:

MTS has identified the property at 3650 Main Street in Chula Vista, California (Assessor Parcel No. 623-250-23) as required for the expansion of the South Bay Bus Maintenance Facility. The property is owned by Sav-On Systems, a California limited partnership (Sav-On). The parcel is adjacent to and immediately behind the existing MTS property currently in operation as a bus maintenance facility. The parcel is 2.83 acres and houses a self-storage business run by Sav-On. The parcel does not have direct frontage onto Main Street and gets its access to the street by an easement running through the MTS property.



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

MTS executed Work Order 09.01 to MTS Document No. G1246.0-09 with David Evans and Associates, Inc. to provide right-of-way appraisal and acquisition services to support the acquisition of the Sav-On parcel utilizing the CEO's authority to enter into contracts on behalf of MTS provided in Policy No. 52, Procurement of Goods and Services. This work order amendment would add relocation services to the scope of work.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Tim Allison, 619.595.4903, tim.allison@sdmts.com

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Attachment: A. Work Order No. 09.01.01 to MTS Doc. No. G1246.0-09

DRAFT

Att. A, AI 7, 9/24/09

September 24, 2009

MTS Doc. No. G1246.0-09
Work Order No. 09.01.01
CIP 11272

Mr. Siegfried Fassmann
Project Manager
David Evans and Associates, Inc.
110 West "A" Street, Suite 1700
San Diego, CA 92101

Dear Mr. Fassmann:

Subject: MTS DOC. NO. G1246.0-09, AMENDMENT NO. 1 TO WORK ORDER 09.01, RIGHT-OF-WAY APPRAISAL AND ACQUISITION SERVICES FOR 3650 MAIN STREET, CHULA VISTA

This letter shall serve as Amendment No. 1 to our agreement for professional services under the General Engineering Consultant Agreement, as further described below.

SCOPE OF SERVICES

In addition to the services provided for right-of-way appraisal, acquisition, and project management services, this amendment is for relocation assistance services in accordance with the attached Scope of Services (Attachment A) for the acquisition of 3650 Main Street, in the City of Chula Vista for the expansion of the South Bay Bus Maintenance Facility.

SCHEDULE

The Scope of Services, as described above, shall extend through June 30, 2010.

PAYMENT

Payment shall be based on actual costs, not to exceed \$170,000 without prior authorization, for a total work order amount of \$212,000.

If you agree with the above, please below and return the document marked "Original" to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. The other copy is for your records.

Sincerely,

Accepted:

Paul C. Jablonski
Chief Executive Officer

Siegfried Fassmann, P.E.
David Evans and Associates, Inc.

SEPT24-09.7.G1246.0-09.SO BAY ROW SVCS.TALLISON.doc

Date: _____



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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.

CIP 11252

September 24, 2009

SUBJECT:

MTS: RESISTOR BLOWER MOTOR CONTROL SYSTEMS - CONTRACT AWARD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L0890.0-09 (in substantially the same format as Attachment A) with Sloan Electromechanical Service & Sales for a one-time purchase of 54 resistor blower motor conversion systems (which includes 2 spares) for light rail vehicles (LRVs).

Budget Impact

The contract would cover a one-year period, and the total cost would not exceed \$356,198.13. The entire expenditure would be funded by CIP 11252-0200.

DISCUSSION:

Background

MTS Policy No. 52 (Procurement of Goods and Services) requires a formal competitive bid process for procurement of goods and services exceeding \$100,000. MTS solicited for resistor blower motor conversion systems for LRVs from qualified companies.

San Diego Trolley, Inc. (SDTI) is currently operating a fleet of 52 Siemens SD 100 LRVs that require resistor blower motor control systems, which is part of the propulsion system and specifically provides airflow over the resistor and propulsion components to prevent overheating.



On April 23, 2009, MTS issued an Invitation for Bids (IFB) to interested parties for resistor blower motor control systems. A total of three bids were received on August 5, 2009 (see Bid Summary – Attachment B). Sloan Electromechanical Service and Sales was the lowest responsive, responsible bidder. Based on the results, one of the resistor blower motor control systems components (DC-AC static inverter) did not meet the Buy America requirements of the technical specifications. Therefore, MTS has requested a general waiver according to 49 C.F.R., Section 661.7(d). Under the provisions of section 165(b)(4) of the Act, the administrator may waive the general requirements if the administrator finds that the inclusion of a domestic item or domestic material will increase the cost of the contract between the grantee and its supplier of that item or material by more than 25 percent. Sloan's resistor blower motor control systems unit price is \$4,569.00, and the next lowest bidder's unit price was \$6,200.00. Therefore, this part qualifies for a general waiver from the Federal Transit Administration (FTA).

MTS has applied for the general waiver from the FTA and expects to receive approval of this waiver in the next few weeks. Therefore, staff is requesting approval of this contract pending a waiver from the FTA.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contacts: Lee Summerlott, 619.595.4904, lee.summerlott@sdmts.com
Kimberly Benson, 619.557.4551, kimberly.benson@sdmts.com

SEPT24-09.8.RESISTOR BLOWER MOTOR CONTROL SYS.KBENSON.doc

Attachments: A. Draft Standard Procurement Agreement for Sloan Electromechanical
B. Bid Summary

DRAFT

Att. A, AI 8, 9/24/09

STANDARD PROCUREMENT AGREEMENT

MTS Doc. No. L0890.0-09

CONTRACT NUMBER

CIP 11252

FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2009, in the State of California by and between San Diego Metropolitan Transit System, a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Sloan Electromechanical Service & Sales

Address: 3520 Main St.

Form of Business: Corporation

San Diego, CA 92113

(Corporation, partnership, sole proprietor, etc.)

Telephone: 619-515-9691

Authorized person to sign contracts: Jerry Gray

President

Name

Title

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

Provide up to 52 and 2 spare resistor blower motor conversion systems, as stipulated in MTS's Invitation for Bids (IFB), including and in accordance with the Standard Procurement Agreement, including the Standard Conditions for Procurement, Federal Requirements, Addenda, and bid proposal (hereinafter "Contract Documents"). If there are any inconsistencies between the Contract Documents, the following order of precedence will govern the interpretation of this contract:

1. Invitation for Bids, Addenda, and Bid Proposal.
2. Standard Procurement Agreement, including the Standard Conditions Procurement and Federal Requirements.

This contract shall remain in effect for a one year period effective October 1, 2009 through September 30, 2010.

The total amount of this contract shall not exceed \$356,198.13.

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
<u>\$356,198.13</u>	<u>CIP 11252-0200</u>	<u>FY 10 – FY 11</u>

By: _____
Chief Financial Officer

Date

SEPT24-09.8.AttA.L0890.0-09.SLOAN.KBENSON.doc

(____ total pages, each bearing contract number)

BID SUMMARY

Att. B, AI 8, 9/24/09

SD-100 BLOWER MOTOR CONVERSION SYSTEMS

Sloan Mechanical	RAM Industrial Services	Siemens Transportation
\$ 356,198.13	\$ 436,386.85	\$ 1,353,398.68



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Agenda

Item No. 9

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

OPS 970.4, CIP 11214

September 24, 2009

SUBJECT:

MTS: LIGHT RAIL VEHICLE (LRV) HEATING, VENTILATION, AND AIR-
CONDITIONING (HVAC) OVERHAUL - CONTRACT AWARD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L0894.0-09 (in substantially the same format as Attachment A) for a five-year contract with Ram Industrial Services, Inc. to overhaul light rail vehicle (LRV) heating, ventilation, and air-conditioning (HVAC) units.

Budget Impact

The contract is for a two-year base with 3 one-year options, and the total cost would not exceed \$3,171,484.75. The expenditure would be funded by CIP 11214-0800 (FY 10 - FY 14), which is comprised of 80 percent federal and 20 percent local funds.

DISCUSSION:

Background

MTS Policy No. 52 (Procurement of Goods and Services) requires a formal competitive bid process for procurement of goods and services exceeding \$100,000.

San Diego Trolley, Inc. (SDTI) is currently operating a fleet of 52 Siemens SD 100 LRVs that require two HVAC units each. These HVAC units have been in service since the early 1990s, and the maintenance costs and failure rates have risen. Refurbishment of these units would help to reduce costs and improve reliability. This project would consist of upgrading and refurbishing all 104 HVAC units and 4 spares.



On June 9, 2009, MTS issued an Invitation for Bids (IFB) to interested parties for LRV HVAC overhaul services. A total of six responsive bids were received on August 5, 2009 (see Bid Summary - Attachment B). Ram Industrial Services, Inc. was the lowest responsive, responsible bidder.

Therefore, staff recommends authorizing the CEO to execute MTS Doc. No. L0894.0-09 with Ram Industrial Services, Inc. for a five-year contract to overhaul LRV HVAC units.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contacts: Lee Summerlott, 619.595.4904, Lee.Summerlott@sdti.sdmmts.com
Marco Yniguez, 619.557.4576, Marco.Yniguez@sdmmts.com

SEPT24-09.9.LRV HVAC OVERHAUL CONTRACT.MYNIGUEZ.doc

Attachments: A. MTS Doc. No. L0894.0-09
B. Bid Summary

DRAFT

Att. A, AI 9, 9/24/09

STANDARD PROCUREMENT AGREEMENT

L0894.0-09
CONTRACT NUMBER
OPS 970.04, CIP 11214
FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2009, in the State of California by and between San Diego Metropolitan Transit System, a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Ram Industrial Services, Inc Address: 2850 Appleton Street, Suite D

Form of Business: Corporation Camp Hill, PA 17110
(Corporation, partnership, sole proprietor, etc.)

Telephone: (717) 232-4414

Authorized person to sign contracts: Sheldon Klinger Transit/Railroad Division President
Name Title

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

To refurbish upgrade and install 104 existing heating, ventilation and air-conditioning (HVAC) units on each of the 52 Siemens model SD 100 light rail vehicles (LRVs) and four spare HVAC units. This shall include 220 alternating-current (AC) motors, 110 hermetically sealed refrigerant compressor / AC motors, and 109 static inverters as stipulated in the Invitation for Bids (IFB) MTS Doc. No. L0894.0-09 in accordance with the Standard Procurement Agreement, Standard Condition Procurement, Federal Requirements, and the MTS Safety Department Standard Operating Procedures (SAF016-03).

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

1. The Invitation for Bids.
2. The refurbishment, upgrade, and installation of LRV HVAC overhaul Scope of Work.
3. The RAM Industrial Services Inc. bid dated August 5, 2009.
4. The Standard Procurement Agreement, including Standard Conditions Procurement and Federal Requirements.

This contract is for a two-year base with 3 one-year options (exercisable at the sole discretion of MTS) effective October 1, 2009, through September 30, 2014. The total contract expenditure shall not exceed \$3,171,484.75. Price includes all materials, labor, freight, and sales tax. Payment terms shall be net 30 days from invoice approval date.

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
\$3,171,484.75	CIP 11214-0800	2010-2014
By: _____ Chief Financial Officer		Date

(___ total pages, each bearing contract number)

SEPT24-09.9.AttA.LO894.0-09.HVAC.RAM INDUST.MYNIGUEZ.doc

BID SUMMARY

LIGHT RAIL VEHICLE HVAC OVERHAUL

(MTS DOC. NO. L0894.0-09)

	<u>Grand Totals</u>
*RAM Industrial	\$3,171,484.75
Sutrak Corporation	\$3,676,238.04
Knorr Brake	\$5,075,726.75
Alstom Transportation	\$5,412,987.05
Complete Coach Works	\$5,726,317.46
American Industrial	\$7,599,227.00
CAFUSA	Nonresponsive

***Lowest Responsive and Reasonable Bidder: Ram Industrial Services, Inc.**



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Agenda

Item No. 10

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

CIP 53910

September 24, 2009

SUBJECT:

MTS: BUS RAPID TRANSIT (BRT) STATION JANITORIAL MAINTENANCE -
CONTRACT AWARD

RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1257.0-09 (in substantially the same form as Attachment A) with Prizm Janitorial Services for a three-year base period with 2 one-year options for janitorial services at the Sabre Springs, Rancho Bernardo, and Del Lago bus rapid transit (BRT) stations.

Budget Impact

This project is using TransNet funding under Capital Improvement Program (CIP) 53910 (BRT Station Janitorial Maintenance). The total expenditure for this project would include 2 one-year options for a total amount not to exceed \$108,420.00.

DISCUSSION:

On July 9, 2009, MTS issued an Invitation for Bids (IFB) to interested parties to provide janitorial services at the Sabre Springs, Rancho Bernardo, and Del Lago BRT stations. On August 21, 2009, MTS received a total of four responsive bids in response to the solicitation. Further analysis and review of the bids determined that Prizm Janitorial Services represents the lowest-priced, technically acceptable bid.

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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.

Therefore, based on MTS Policy No. 52 and the evaluation of the bids received in response to the solicitation, MTS staff recommends awarding a contract to Prizm Janitorial Services in the amount of \$108,420.00.



Paul G. Jablonski
Chief Executive Officer

Key Staff Contact: John Miller, 619.557.4580, john.miller@sdmts.com

SEPT24-09.10.JANITORIAL MAINT.PRIZM.JMILLER.doc

Attachments: A. Draft MTS Doc. No. G1257.0-09
B. Bid Summary

STANDARD SERVICES AGREEMENT

G1257.0-09
 CONTRACT NUMBER
 OPS 970.4
 FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____ 2009, 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: Prizm Janitorial Services.

Address: 6161 El Cajon Boulevard, Suite 160

Form of Business: Corporation
 (Corporation, partnership, sole proprietor, etc.)

San Diego, CA 92115

Telephone: 562.427.8497

Authorized person to sign contracts: Johnson Le Manager
 Name Title

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

Provide janitorial services for the Sabre Springs, Rancho Bernardo, and Del Lago Bus Rapid Transit Stations as stipulated in MTS Statement of Work for Janitorial Services and in accordance with MTS's Standard Services Agreement, including the Standard Conditions Services. The following order of precedence will govern the interpretation of this contract: (1) MTS Statement of Work for Custodial and Ground Maintenance Services; (2) Prizm Janitorial Services Bid dated August 21, 2009; and (3) the Standard Services Agreement, including the Standard Conditions Services.

This contract shall be for a three-year base period with 2 one-year options effective October 1, 2009, through September 30, 2014. The total contract amount will include the 2 one-year options and **shall not exceed \$108,420.00.**

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
\$108,420.00	CIP 840-53910	FY 10- 14

By: _____
 Chief Financial Officer
 (____ total pages, each bearing contract number)

BID SUMMARY

BRT STATION JANITORIAL MAINTENANCE IFB

MTS GRAND TOTAL:

	Prism Janitorial***	Varsity Contractors**	Aztec Janitorial	ARC of San Diego	NMS Management**	T & T Janitorial	Urban Corps of San Diego**
YEARLY TOTALS:							
Year One:	\$ 21,684.00	\$ 42,195.24	\$ 50,232.00	\$ 62,782.56	\$ 80,715.96	\$ 97,920.00	\$ 96,243.60
Year Two:	\$ 21,684.00	\$ 43,941.46	\$ 51,720.00	\$ 65,293.92	\$ 80,715.96	\$ 97,920.00	\$ 98,073.00
Year Three:	\$ 21,684.00	\$ 45,689.04	\$ 53,256.00	\$ 67,905.72	\$ 80,715.96	\$ 97,920.00	\$ 101,021.04
Year Four:	\$ 21,684.00	\$ 47,435.76	\$ 54,828.00	\$ 70,621.92	\$ 80,715.96	\$ 97,920.00	\$ 105,071.28
Year Five:	\$ 21,684.00	\$ 49,182.84	\$ 56,448.00	\$ 73,446.84	\$ 80,715.96	\$ 97,920.00	\$ 108,070.08
GRAND TOTAL - BASIS OF AWARD:	\$ 108,420.00	\$ 228,444.34	\$ 266,484.00	\$ 340,050.96	\$ 403,579.80	\$ 489,600.00	\$ 508,479.00

** Nonresponsive Bidder

**** Lowest Responsive, Responsible Bidder

G:\agenda_items\Attachments\Attachments - 2009\SEPT24-09.10.AttB.JANITORIAL MAINT.PRIZM.JMILLER.xls\Grand Totals

Att. B, AI 10, 9/24/09



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Agenda

Item No. 11

JOINT MEETING OF THE BOARD OF DIRECTORS for

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

FIN 300 (PC 50601)

September 24, 2009

SUBJECT:

MTS: INVESTMENT REPORT – JULY 2009

RECOMMENDATION:

That the Board receive a report for information.

Budget Impact

None.

DISCUSSION:

Attachment A is a report of MTS investments as of July 2009. The first column provides details about investments restricted for capital support and debt service—the majority of which are related to the 1995 lease and leaseback transactions.

The second column, unrestricted investments, reports the working capital for employee payroll and vendors' goods and services. This column includes the investment in San Diego Transit Corporation's pension obligation bonds that were repurchased and represents an asset that is not currently available to fund operations.

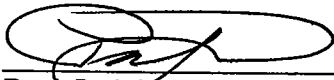
Total cash and investment balances have decreased by \$5.9 million primarily due to the scheduled timing of Federal Transit Administration subsidy receipts for the current year.

Transfers from the Local Agency Investment Fund (LAIF) to the operating account totaling \$3.6 million were initiated to fund payments to suppliers in July. The current monthly yield in the LAIF investment is 1.04%, which represents a reduction from 2.779% since August 2008.



The funds restricted for debt service are structured investments with fixed returns that do not vary with marked fluctuations if held to maturity. These investments are held in trust and will not be liquidated in advance of the scheduled maturities.

Other restricted funds are designated for various capital improvement projects.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Linda Musengo, 619.557.4531, linda.musengo@sdmts.com

SEPT24-09.11.INVESTMT RPT.LMUSENGO.doc

Attachment: A. Investment Report

**San Diego Metropolitan Transit System
Investment Report
July 31, 2009**

	<u>Restricted</u>	<u>Unrestricted</u>	<u>Total</u>	Average rate of return
Cash and Cash Equivalents				
Bank of America - concentration sweep account	\$ 5,745,703	\$ 4,472,868	\$ 10,218,571	0.00%
Total Cash and Cash Equivalents	<u>5,745,703</u>	<u>4,472,868</u>	<u>10,218,571</u>	
Cash - Restricted for Capital Support				
US Bank - retention trust account	2,515,455		2,515,455	N/A *
US Bank - retention trust account	3,088,126		3,088,126	N/A *
Local Agency Investment Fund (LAIF) Proposition 1B TSGP grant funds	2,699,107		2,699,107	1.04%
Total Cash - Restricted for Capital Support	<u>8,302,688</u>	<u>-</u>	<u>8,302,688</u>	
Investments - Working Capital				
Local Agency Investment Fund (LAIF)		4,343,808	4,343,808	1.04%
Bank of New York Money Market POB interest	-	40	40	
Total Investments - Working Capital	<u>-</u>	<u>4,343,848</u>	<u>4,343,848</u>	
Investments - Restricted for Debt Service				
US Bank - Treasury Strips - market value (Par value \$39,474,000)	33,104,711	-	33,104,711	
Rabobank - Payment Undertaking Agreement	84,951,545	-	84,951,545	7.69%
Total Investments Restricted for Debt Service	<u>118,056,256</u>	<u>-</u>	<u>118,056,256</u>	
Investment in SDTC Pension Obligation Bonds				
Bank of America custodial account	-	35,630,000	35,630,000	
Total Investment in SDTC Pension Obligation Bonds	<u>-</u>	<u>35,630,000</u>	<u>35,630,000</u>	
Total cash and investments	<u>\$ 132,104,647</u>	<u>\$ 44,446,716</u>	<u>\$ 176,551,363</u>	

N/A* - Per trust agreements, interest earned on retention accounts is allocated to trust beneficiary (contractor)



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Agenda

Item No. 12

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

FIN 340.2 (PC 50601)

September 24, 2009

SUBJECT:

MTS: STATE TRANSIT ASSISTANCE CLAIMS

RECOMMENDATION:

That the Board of Directors adopt Resolution No. 09-22 (Attachment A) approving the revised fiscal year (FY) 2009 State Transit Assistance (STA) claims.

Budget Impact

MTS's STA revenue would increase by \$255,029 based on this revision.

DISCUSSION:

Attachment A reflects the detailed breakdown of the claim.

STA Claims \$7,292,148

After all FY 2009 STA disbursements to MTS were made by the County of San Diego, a balance of \$255,029 remained and is available now for allocation to MTS. This available balance will increase MTS's total FY 2009 allocation from \$7,037,119 to \$7,292,148. Like all of the other funds available for transit in the MTS area, the FY 09 STA funds will be pooled to balance the combined budget.

Paul C. Jablonski
Chief Executive Officer

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

SEPT24-09.12.STA CLAIM.DALL.doc

Attachment: A. MTS Resolution No. 09-22 with revised STA Claim Summary

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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.



SAN DIEGO METROPOLITAN TRANSIT SYSTEM

RESOLUTION NO. 09-22

Resolution Approving the MTS Area Revised FY2009 STA Claim

WHEREAS, California Public Utilities Code sections 99313.3 and 99313.6 established a State Transit Assistance (STA) fund and grants the Metropolitan Transit System (MTS) authority to allocate monies from this fund; and

WHEREAS, MTS Policy No. 20 established procedures for allocating these STA funds; and

WHEREAS, MTS, San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), MTS Contracted Services, and Chula Vista (claimants) qualify for STA monies under the provision of Public Utilities Code section 99260 et seq.; and

WHEREAS, the sum of the claimants' allocations of STA and Transportation Development Act (TDA) funds do not exceed the amounts they are eligible to receive during the fiscal year; and

WHEREAS, the claimants are receiving the maximum of allowable amounts from the local transportation fund; and

WHEREAS, the San Diego Association of Governments (SANDAG) has determined the claimants have participated in efforts to define transit productivity recommendations and have made a reasonable effort toward implementing these recommendations in FY 09; and

WHEREAS, the claimants are operating in conformance with MTS Policy No. 17, "Transportation Development Act Rules and Regulations;" and

WHEREAS, the claimants' proposed expenditures of STA monies are in conformance with the *Regional Transportation Plan* and *Transportation Improvement Program*; and

WHEREAS, priority consideration has been given to claims to offset reductions in federal operating assistance and the unanticipated increase in the cost of fuel, to enhance existing public transportation services, and to meet high-priority, area-wide public transportation needs; and

WHEREAS, the claims are consistent with the requirements of Public Utilities Code section 99314.5, California Administrative Code section 6754, and MTS Policy No. 20; and

WHEREAS, the claimants are not precluded by any contract or administrative code entered into on or after June 28, 1979, from employing part-time drivers or from contracting with common carriers or persons operating under a franchise or license; and

WHEREAS, no full-time employee of the claimants on June 28, 1979, has had his or her employment terminated or regular hours of employment reduced, excluding drivers or contracting with common carriers; NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED that the MTS Board does hereby direct and empower MTS staff to prepare and transmit allocation instructions

to the County Auditor to disburse to MTS the FY 09 amounts totaling \$7,292,148, which is an increase of \$255,029 from \$7,037,119 as shown in the FY 09 STA Claims Summary (attached) to this resolution.

PASSED AND ADOPTED by the Board this _____ day of _____ 2009, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Chairman
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

Office of the Clerk of the Board
San Diego Metropolitan Transit System

Office of the General Counsel
San Diego Metropolitan Transit System

SEPT24-09.12.AttA.STA CLAIM.DALL.doc

Attachment: STA Claims Summary

San Diego Metropolitan Transit System

FY 2009 STA Claim Summary

Less payments

FY 09 Revised estimate from the State Controller	\$	7,037,119
Amount of prior year carryforward per county auditor notification	\$	255,029
Total FY 09 revised STA claim	\$	7,292,148

Less payments

November 21, 2008	\$4,000,000	
March 19, 2009	\$1,300,000	
July 29, 2009	\$1,200,000	\$ 6,500,000

Remaining Balance due to MTS	\$	792,148
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October 2009 payment of STA	\$	792,148
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Agenda

Item No. 30

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

LEG 430 (PC 50121)

September 24, 2009

SUBJECT:

MTS: SOUTHERN CALIFORNIA CONSORTIUM DISADVANTAGED BUSINESS
ENTERPRISE (DBE) DISPARITY STUDY

RECOMMENDATION:

That the Board of Directors receive a report regarding the Southern California Consortium DBE Disparity Study that MTS has participated in over the last 18 months.

Budget Impact

None.

DISCUSSION:

As a Federal Transit Administration (FTA) grantee, MTS complies with the federal regulations set forth in Title 49 of the Code of Federal Regulations Part 26 regarding participation by DBEs in the U.S. Department of Transportation Program. The DBE regulations require FTA grantees to prepare a set of annual DBE goals based upon the number of ready, willing, and able DBE-certified contractors available to bid on certain categories of MTS capital projects.

The second component of the DBE regulations requires MTS to prepare a triennial DBE Program. The program outlines how MTS ensures that DBE contractors have an equal



opportunity to receive and participate in DOT-assisted contracts. The goals of the program are:

1. to ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. to create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. to ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. to ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. to help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. to assist the development of firms that can compete successfully in the marketplace outside of the DBE Program; and
7. To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

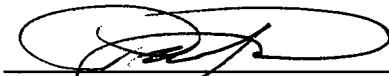
The FTA also recommends that grantees perform a disparity study to analyze the actual utilization of minority- and women-owned contractors, the current market conditions, and any barriers to participation in FTA-funded contracts on a regular basis (generally every 5 to 10 years). In early 2008, MTS and the San Diego Association of Governments were invited to participate in a disparity study commissioned by the Los Angeles County Metropolitan Transit Authority (Metro). In addition to MTS, SANDAG and Metro, the Orange County Transportation Authority and the Southern California Regional Rail Authority (Metrolink) participated in the study.

Metro retained BBC Research & Consulting to conduct the disparity study. Each participating agency received its own independent study. The study is designed to assist MTS in making decisions concerning compliance with the federal DBE requirements by:

1. recommending an overall annual aspirational goal for DBE participation in FTA-funded contracts;
2. determining achievement of the annual aspirational goal through neutral means;
3. identifying specific measures to be used in implementing the federal DBE Program; and
4. considering initiatives applicable to locally funded contracts.

The study components include a complete legal analysis of DBE-related cases, comprehensive vendor interviews, statistical analyses of participation of minority- and women-owned firms in MTS contracts from 2003 to 2007, and analyses of marketplace conditions in the San Diego area.

Dave Keen from BBC Research & Consulting will be present during the Board meeting to provide a presentation on the draft study results. The next steps will be for MTS and SANDAG to jointly publish their draft studies (scheduled for September 25, 2009, through November 10, 2009), conduct a public forum to receive comments on the draft study (scheduled for October 21, 2009, at SANDAG from 3:00 p.m. to 7:30 p.m.), and return to the MTS Board in January with a report on the comments received and any recommended changes to the study based on those comments.



Paul C. Jablonski
Chief Executive Officer

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SEPT24-09.30.DBEDISPARITYSTUDY.TLOREN.doc

Attachment: A. Draft Executive Summary (**Board Only** – Draft study to be published on 9/25/09)

SECTION ES. Executive Summary

The San Diego Metropolitan Transit System (MTS) must implement the Federal Disadvantaged Business Enterprise (DBE) Program to receive U.S. Department of Transportation (USDOT) funds. Recent court decisions and guidance from USDOT have led MTS to reexamine how it implements the Program. On May 1, 2006, MTS discontinued the use of DBE contract goals/good faith efforts for contracts funded by the Federal Transit Administration (FTA).

BBC Research & Consulting conducted this disparity study to assist MTS in making decisions concerning compliance with the Federal DBE Program:¹

1. Setting an overall annual aspirational goal for DBE participation in FTA-funded contracts;
2. Determining achievement of the annual aspirational goal through neutral means;
3. Identifying specific measures to be used in implementing the Federal DBE Program; and
4. Considering initiatives applicable to its locally-funded contracts (contracts for which the Federal DBE Program does not apply).

1. Overall Annual Aspirational DBE Goal

MTS must develop an overall annual aspirational goal for DBE participation in FTA-funded contracts. The Federal DBE Program requires a “base figure analysis” and consideration of any “step 2” adjustments in deriving this annual goal.²

Base figure analysis. MTS should consider 22.8 percent as the base figure for its overall annual aspirational goal for DBE participation, which exceeds MTS’s 1.6 percent overall annual aspirational DBE goal for FFY 2009.³ MTS included certified DBEs in its calculations (a USDOT-approved methodology). BBC also counted in the base figure minority- and women-owned firms that possibly could be certified as DBEs but are not currently certified, which is recommended by USDOT if such information can be developed.⁴ (When only counting certified DBEs, BBC’s approach produces a base figure of 4.5%).

¹ MTS joined four Southern California public transportation agencies in this joint study (the Los Angeles County Metropolitan Transportation Authority, Southern California Regional Rail Authority, Orange County Transportation Authority, and San Diego Association of Governments). The study began in December 2007 and will be completed in late 2009 once public transportation agencies and the public have the opportunity to review and comment on the draft report.

² Note that the annual aspirational goal differs from the process MTS might use to set any individual contract-specific goals, which would consider the unique aspects of that contract and the availability of DBEs for potential subcontracted work.

³ Minority- and women-owned firms comprise 38 percent of the 2,480 businesses BBC examined as available for specific types of Consortium agency transportation prime contracts and subcontracts. Because BBC performed the availability analysis on a dollar-weighted basis given the sizes, types and other characteristics of individual contracts, calculation of MBE/WBE availability differs from a simple counting of firms.

⁴ Based on information on race/ethnicity/gender ownership and the annual revenue of the firms. The base figure does not include firms that have graduated from the DBE Program or have otherwise had recent certification denials.

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Note that the annual aspirational goal could change based on changes in the actual contract opportunities that are available in any given year. Section III of the report describes the base figure analysis.

Consideration of possible step 2 adjustments. MTS must consider specific types of information regarding the relative availability of DBEs before finalizing its overall annual aspirational DBE goal.⁵ This process is referred to as consideration of a “step 2” adjustment. The adjustment can be downward or upward. BBC’s in-depth analysis of each factor outlined in the Federal DBE Program suggests that MTS consider one of the following options concerning a step 2 adjustment.

Option 1 – Making an upward adjustment at this time. Over the long-term, there are reasons that MTS might consider a higher overall aspirational goal than the 22.8 percent base figure.

- If MTS were to make an adjustment, it could consider the 23.5 percent figure for DBE participation after adjusting for disparities in business ownership rates (discussed in Section VI of the report).
- Analyses of access to capital and other factors also support an overall annual aspirational goal higher than 22.8 percent.

Option 2 – Making no step 2 adjustment. MTS might adopt the 22.8 percent base figure for its overall annual aspirational goal for DBE participation without any step 2 adjustment. The Federal DBE Program does not require agencies to make a step 2 adjustment in the goal-setting process as long as the agency can explain this decision.

Option 3 – making a downward adjustment at this time. There are also reasons for a downward step 2 adjustment:

- BBC’s estimate of overall DBE participation on FTA-funded contracts for 2003 through 2007 was about 2.4 percent. It appears that many of the minority- and women-owned firms receiving MTS prime contracts and subcontracts were not DBE certified. (Therefore, this statistic may not fully reflect a measure of “current capacity of DBEs to perform work”⁶ as it does not include firms that could potentially be certified as DBEs.

MTS might conclude that the 22.8 percent base figure for DBE participation is so much higher than DBE participation of 2.4 percent that it should adjust the goal based on an average of 22.8 percent and 2.4 percent, which is 12.6 percent. This approach is consistent with the averaging of a base figure and past DBE participation in past MTS goals submissions approved by FTA.

⁵ See 49 CFR Section 26.45 (d) and Section VI of the disparity study report for a discussion of each factor.

⁶ Per 49 CFR Section 26.45 (d)(1)(i).

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2. Percentage of the Annual Goal to be Achieved through Neutral Means

USDOT requires agencies to meet the maximum feasible portion of the overall annual goal using race-neutral means. Agencies should examine questions listed below when projecting the portion of their overall annual goal to be met through race- and gender-neutral means:⁷

- a. What is the participation of DBEs in the recipient's contracts that do not have contract goals?
- b. There may be information about state, local, or private contracting in analogous areas where contract goals are not used (e.g., in situations where a prior state/local affirmative action program was ended). What is the extent of participation of minority- or women-owned businesses in programs without goals?
- c. What is the extent of race-neutral efforts that the recipient will have in place for the next fiscal year?
- d. Are there firm, written, detailed commitments in place from contractors to take concrete steps sufficient to generate a certain amount of DBE participation through race-neutral means?
- e. To what extent have DBE primes participated in the recipient's programs in the past?
- f. To what extent has the recipient oversubscribed its DBE goals in the past?

The following summarizes BBC's analysis of each question (see Section VI for more details.)

a. Participation on MTS contracts without goals/good faith efforts program. MTS discontinued its use of a DBE contract goals/good faith efforts program on May 1, 2006. After May 1, 2006, MTS set "advisory goals" for DBE participation on FTA-funded contracts, but did not require bidders to meet those goals or show good faith efforts.

Overall utilization of minority- and women-owned firms. There were 40 FTA-funded contracts from May 2006 through December 2007 within the procurement areas BBC examined in the MTS disparity study. Minority- and women-owned firms (MBE/WBEs)⁸ obtained 10 of the 40 FTA-funded contracts, accounting for 80 percent of federal contract dollars during that time period. (There appeared to be no subcontracts for these procurements.)

⁷ See <http://www.dotcr.ost.dot.gov/Documents/Dbe/49CFRPART26.doc>.

⁸ This analysis counts firms as MBE/WBEs if they are certified as MBE/WBEs and/or as DBEs and when they indicate minority or female ownership and are not certified (because they are too large to meet certification criteria, have let certification lapse, have chosen not to be certified, or for other reasons).

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BBC examined 57 FTA-funded MTS contracts from 2003 through April 2006. These contracts involved 39 subcontracts, providing a total of 96 contract elements for analysis of the period when MTS used a DBE contract goals/good faith efforts program for some contracts. These contracts totaled \$59 million.⁹ During this period, about 10 percent of prime contract and subcontract dollars went to minority- and women-owned firms, as shown in Figure ES-1.

BBC also studied MBE/WBE utilization for 38 locally-funded transportation contracts totaling \$1.4 million for 2003 through 2007.¹⁰ No subcontracting goals program applied to these contracts. MBE/WBE utilization on locally-funded contracts was about 25 percent. Utilization of certified DBEs was 20 percent for locally-funded contracts. (Sections IV and V of the report discuss results in more detail.)

Figure ES-1.
**MBE/WBE share of prime/
subcontract dollars for FTA-
funded transportation contracts,
before and after May 1, 2006,
and for locally-funded contracts,
2003–2007**

Note:

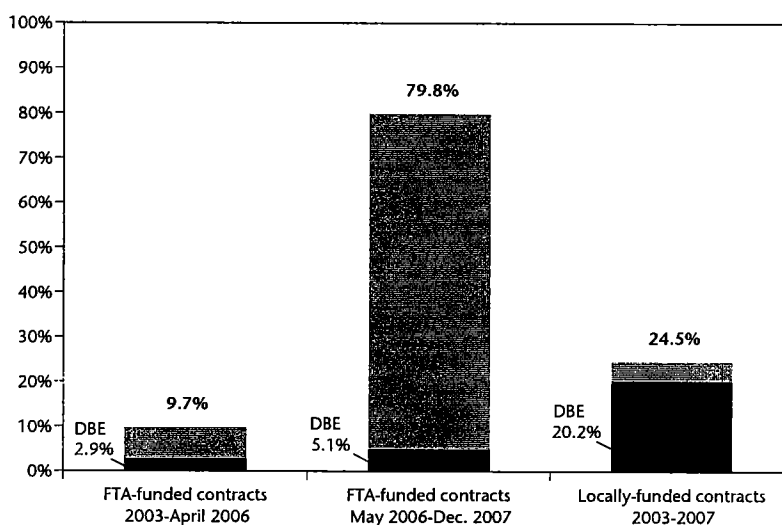
Certified DBE utilization.

Number of contracts/subcontracts analyzed is 96 for 2003–April 2006 FTA-funded contracts and 40 for May 2006–Dec. 2007 FTA-funded contracts.

For more detail and results by group, see Figures E-2 and E-3 in Appendix E.

Source:

BBC Research & Consulting from data on MTS contracts.



⁹ In total, BBC identified 538 MTS procurements that were FTA-funded within the study period. These procurements represented \$453 million. Only a portion of these procurements were suitable for analysis in the disparity study, as described below. BBC also analyzed 460 MTS procurements totaling \$103 million that were locally-funded, of which a portion were suitable for further examination in the study. Race/ethnicity/gender ownership of utilized firms was determined through multiple sources in addition to certification records, including telephone interviews with individual firms. Section II and Appendix C of the report discuss the methodology for the utilization analysis. Appendix E of the report provides a detailed breakdown of utilization by group for specific types and time periods of MTS contracts and subcontracts.

¹⁰ "Locally-funded" contracts are those without USDOT funds. As such, some contracts with state funding could be included.

Figure ES-2 provides utilization results, by group, for MBE/WBE and separately for DBEs. As shown, Hispanic American-owned firms accounted for most of the MBE/WBE utilization.

Figure ES-2.

DBE and MBE/WBE share of prime/subcontract dollars for transportation contracts, by race/ethnicity/gender

	Federally-funded contracts		Locally-funded contracts	Total
	2003– April 2006	May 2006– Dec. 2007	2003–2007	2003–2007
MBE/WBEs				
African American-owned	0.2%	0.0%	0.0%	0.2%
Asian-Pacific American-owned	1.1	0.5	3.5	1.0
Subcontinent Asian American-owned	0.0	0.0	0.0	0.0
Hispanic American-owned	7.8	78.3	19.4	20.0
Native American-owned	<u>0.0</u>	<u>0.0</u>	<u>0.9</u>	<u>0.0</u>
Total MBE	9.1%	78.9%	23.8%	21.2%
WBE (white women-owned)	<u>0.7</u>	<u>0.9</u>	<u>0.7</u>	<u>0.7</u>
Total MBE/WBE	9.7%	79.8%	24.5%	21.9%
DBEs				
African American-owned	0.2%	0.0%	0.0%	0.2%
Asian-Pacific American-owned	1.0	0.5	3.5	1.0
Subcontinent Asian American-owned	0.0	0.0	0.0	0.0
Hispanic American-owned	1.5	4.6	15.8	2.3
Native American-owned	<u>0.0</u>	<u>0.0</u>	<u>0.9</u>	<u>0.0</u>
Total MBE	2.7%	5.1%	20.2%	3.5%
WBE (white women-owned)	0.2	0.0	0.0	0.1
White male-owned DBE	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Total DBE	2.9%	5.1%	20.2%	3.6%

Note: Numbers rounded to nearest tenth of 1 percent. Numbers may not add to totals due to rounding.

For more detail, see Figures E-2, E-3, E-4 and E-38 in Appendix E.

Number of contracts/subcontracts analyzed is 96 for 2003–April 2006 FTA-funded, 40 for May 2006–Dec. 2007 FTA-funded, 38 for 2003–2007 locally-funded contracts and 174 for all contracts.

Source: BBC Research & Consulting from data on MTS contracts.

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Dollars going to all subcontractors and MBE/WBE subcontractors. There were striking differences in subcontracting activity before and after the MTS change in implementation of the DBE contract goals program.

- About 7 percent of the dollars on FTA-funded contract dollars for 2003 through April 2006 were subcontracted. MBE/WBEs obtained 42 percent of these subcontract dollars.
- MTS indicates that no FTA-funded contracts examined in the disparity study for May 2006 through December 2007 involved subcontracts. Also, MTS indicated that there were no subcontracts involved on locally-funded contracts for 2003–2007. MTS did not operate any subcontracting goals program for locally-funded contracts.

Disparity analysis. There was considerable underutilization of MBE/WBEs as a whole for 2003–April 2006 when MTS had a DBE contract goals program in place:

- For 2003–April 2006 (when MTS had a DBE contract goals/good faith efforts program in place) there were substantial disparities for WBEs and African American-, Subcontinent Asian American- and Native American-owned firms.
- MBE/WBE utilization for FTA-funded contracts from May 2006 through December 2007 was 80 percent, which is very high and exceeded what would be expected given overall MBE/WBE availability for these contracts (70%). Two contracts for Hispanic American- owned firms accounted for most of this work. There were substantial disparities for WBEs and firms owned by African Americans, Subcontinent Asian Americans and Native Americans.
- Utilization of Asian-Pacific American owned-firms and Native American-owned firms on MTS locally-funded contracts exceeded availability. Utilization of Hispanic American-owned firms was in line with availability for locally-funded contracts. There were substantial disparities for WBEs and African American- and Subcontinent Asian American-owned firms.

Section IV and V of the report as well as Appendix E provide more detail concerning methodology and results.

b. Information about state, local, or private contracting in analogous areas where contract goals are not used. What is the extent of participation of minority or women-owned businesses in programs without goals? The five Consortium agencies participating in the Southern California Regional Disparity Study make purchases within the same local transportation contracting market, and operated and then discontinued DBE contract goals/good faith efforts programs. A combined utilization and disparity analysis from BBC's studies for the five non-MTS Consortium agencies (LACMTA, OCTA, SCRRA, SANDAG and MTS) is presented here. (MTS comprises a very small portion of the total Consortium dollars examined.)

Overall utilization of minority- and women-owned firms. Figure ES-4 combines utilization from each of the five Consortium agencies.

- Minority- and women-owned firms obtained 16.7 percent of Consortium agency FTA-funded contract dollars from 2003 through the time that agencies discontinued use of DBE contract goals/good faith efforts programs (which varied from March/April to September 2006).
- After the change in the program, MBE/WBE utilization on FTA-funded contracts was 29.7 percent.
- MBE/WBE utilization for 2003–2007 locally-funded Consortium contracts was 15.4 percent.

Figure ES-3.
MBE/WBE share of Consortium agency prime/subcontract dollars for FTA-funded transportation contracts, before and after change in DBE contract goals, and for locally-funded contracts, 2003–2007

Note:

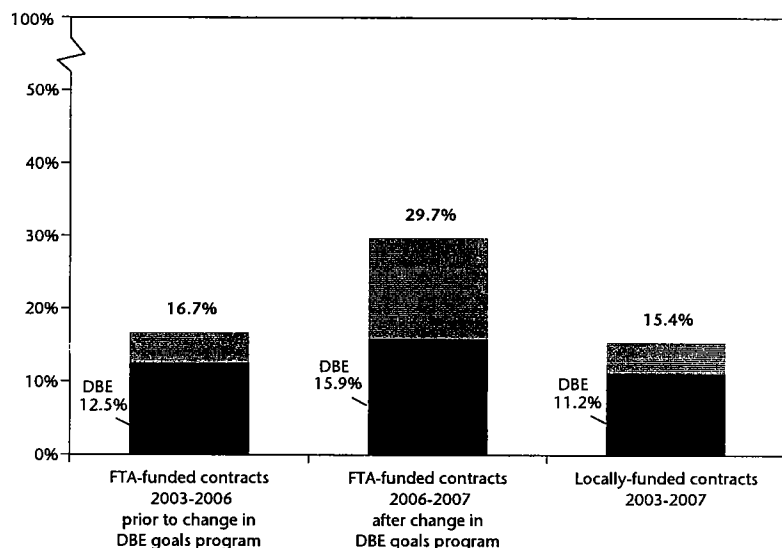
Certified DBE utilization.

Number of contracts/subcontracts analyzed is 4,088 for 2003–2006 FTA-funded contracts prior to change in DBE contract goals program, 1,290 for 2006–Dec. 2007 FTA-funded contracts after the change in program, and 2,039 for 2003–2007 locally-funded contracts.

For more detail and results by group, see Figures E-103, 104 and 105 in Appendix E.

Source:

BBC Research & Consulting from data on LACMTA, MTS, OCTA, MTS and SCRRA contracts.



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Disparity analysis. BBC compared combined MBE/WBE utilization for Consortium agencies (by group) with the level of utilization expected based on a combined availability analysis for Consortium contracts (see Section VI). There was no disparity in Consortium utilization of MBE/WBEs, overall, for FTA-funded contracts during the time when the DBE contract goals/good faith efforts program was in place at each agency. However, there were disparities for WBEs and African American- and Subcontinent Asian American-owned firms.

When examining FTA-funded contracts from the period in 2006 when agencies discontinued DBE contract goals/good faith efforts to the end of 2007, there were no overall disparities for MBE/WBEs but substantial disparities for WBEs and African American- and Native American-owned firms.

For locally-funded Consortium contracts, utilization of MBE/WBEs was about 60 percent of what would be expected based on MBE/WBE availability for these contracts. Disparities were identified for each MBE/WBE group except for African American-owned firms.

c. Race- and gender-neutral remedies available to MTS. MTS has implemented a number of race- and gender-neutral remedies and partners with other organizations serving small businesses in Southern California. BBC suggests that MTS continue ongoing activities and consider additional race- and gender-neutral remedies (see Section VI), four of which are highlighted below.

Subcontracting programs. The MTS Disadvantaged Business Program includes “encouraging prime contractors to subcontract portions of work that they might otherwise perform themselves.”¹¹ However, there appeared to be no subcontracts involved in FTA-funded contracts from May 2006 through December 2007 or on locally-funded contracts for 2003–2007. To better accomplish this aspect of its program, MTS could consider an initiative similar to the Mandatory Subcontracting Minimum (MSM) provisions used by the City of Los Angeles:

- On contracts that might involve subcontracting, MTS would set a percentage to be subcontracted based on analysis of the work to be performed.
- Prime contractors bidding on the contract would need to subcontract a percentage of the work equal to or exceeding the minimum for their bids to be deemed responsive. MTS would need to incorporate flexibility in the program, including the opportunity for the prime contractor to request a waiver.

MTS could also evaluate a small business subcontracting goals program, similar to the DBE contract goals/good faith efforts program except that eligibility criteria would not include race/ethnicity/gender of the firm owner.

Because many MTS procurements are for goods and services that may have few or no subcontracting opportunities, subcontracting programs may only have a small impact on the utilization of small businesses including minority- and women-owned firms.

¹¹ Disadvantaged Business Enterprise Program of the San Diego Metropolitan Transit System, August 2005, p.13.

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Small business program for prime contractors. MTS could also consider a small business program that encourages certified small business participation as prime contractors. Efforts could include solicitation of small businesses for bids and extra evaluation points for small business prime consultants responding to Requests for Proposals and Requests for Qualifications.

The State of California and the City of Los Angeles operate small business programs that MTS could evaluate.

Limited contract sizes. MBE/WBEs obtained about 32 percent of the dollars of MTS small prime contracts (less than \$100,000) from 2003 through 2007, only slightly less than what would be expected based on availability for this work. MTS should continue to evaluate when contracts can be divided into multiple smaller contracts.

Other MTS neutral measures. MTS includes a number of additional neutral measures in its Disadvantaged Business Program, including:

- Requiring prompt payment of subcontractors (Metro includes a prompt payment clause in each FTA-funded contract).
- Assuring that bidding and contract requirements facilitate participation by DBEs and other small businesses, including ensuring that bid notices and requests for proposals are available in a timely manner.
- Providing outreach to firms and community organizations to advise them of opportunities.
- Providing assistance in overcoming limitations such as inability to obtain bonding or financing, technical assistance and other services.
- Carrying out information and communications programs and other support services to facilitate consideration of DBEs and other small businesses.
- Ensuring distribution of the MTS DBE directory and assisting DBEs and other small businesses to develop their capability to utilize emerging technology and conduct business through electronic technology.
- Advise prospective contractors regarding new contracts and the areas for possible subcontracting and of the availability of ready, willing and able subcontractors, including DBE firms, to perform such work.

MTS will also need to further develop a comprehensive electronic bidders list. It might use information on potential bidders developed through this disparity study in adding to this list.

MTS will need to continue these and other neutral efforts per 49 CFR Part 26. There are a number of opportunities for MTS to partner with other agencies and small business organizations in San Diego and other parts of Southern California. MTS can be a co-sponsor and referral source for these initiatives, including mentor-protégé programs and other business development efforts. Fully implementing these initiatives may require MTS to commit additional financial resources to these activities.

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d. Are there firm, written, detailed commitments in place from contractors to take concrete steps sufficient to generate a certain amount of DBE participation through race-neutral means? When MTS changed its implementation of the goals program, it no longer required contractors to commit to a certain amount of DBE participation.

e. To what extent have DBE primes participated in the recipient's programs in the past? MBE/WBEs accounted for 21 percent of prime contract dollars on FTA-funded contracts from 2003 through 2007. Participation of certified DBEs was about 1 percent of FTA-funded prime contract dollars. One Hispanic American-owned firm that was not DBE-certified represents much of the MBE/WBE utilization.

f. To what extent has the recipient oversubscribed its DBE goals in the past? BBC independently examined contract awards for MTS FTA-funded contractors for the period from May 2006 through December 2007. As previously shown (see Figure ES-1), minority- and women-owned firms received 80 percent of contract dollars. Only counting certified DBEs, utilization was 5 percent of FTA contract award dollars. (There were no subcontracts identified for these contracts.)

Overall percentage to be achieved through neutral means. Through December 2007, MTS's overall utilization of minority- and women-owned firms for FTA-funded contracts after its change in the DBE subcontracting goals program was 80 percent, exceeding the level expected based on availability of MBE/WBEs.

This information suggests that MTS should consider meeting its annual aspirational goal entirely through neutral means, in accordance with 49 CFR Section 26.51.

However, considerable MBE utilization on FTA-funded contracts from May 2006 through December 2007 was with two groups — Asian-Pacific American-owned firms and Hispanic American-owned firms — and substantial disparities persisted for other MBE/WBE groups. MTS should consider how it might meet as much as possible of its annual aspirational goal through neutral means and also address disparities for WBEs and African American-, Subcontinent Asian American- and Native American-owned firms in accordance with federal regulations in 49 CFR Section 26.51. Additional neutral efforts include initiatives discussed on the previous two pages.

3. Implementation of the Federal DBE Program

The Federal DBE Program requires MTS to meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. In making any policy decision to engage in a remedy that targets DBEs, if it determines such a remedy is needed, MTS should consider this disparity study and additional pertinent information per 49 CFR Part 26.

Additional neutral efforts. Additional race- and gender-neutral efforts are discussed above and in Section VI of the report.

DBE goals/good faith efforts. If after tracking the effectiveness of neutral remedies MTS considers reinstating DBE contract goals/good faith efforts, it will want to carefully examine which groups exhibit disparities in contracts without the DBE subcontracting goals/good faith efforts program (for example, all groups of DBEs except for Asian-Pacific American-owned firms and Hispanic American-owned firms showed disparities for FTA-funded and locally-funded contracts for 2003 through 2007).

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Guidance from the FTA indicates how a local transportation agency would operate any future DBE contract goals program in which eligibility is limited to certain race/ethnic/gender DBE groups.¹² Only DBEs owned by those groups would count toward meeting a DBE contract goal. Other DBEs would still participate in MTS contracting in other ways (e.g., meeting a mandatory subcontracting minimum or potentially participating in a small business prime contractor program). MTS would include all DBE groups when preparing DBE participation reports to FTA. If MTS were to adopt an approach similar to the above example, it would need to request a waiver from USDOT to limit participation in this program component to certain groups.

MTS should also consider whether or not any type of subcontracting goals program would be an effective remedy given the limited subcontracting opportunities it appears to have in its FTA-funded contracts.

Periodic review/tracking of MBE/WBE as well as DBE utilization. Ongoing review of program effectiveness is a requirement of 49 CFR Part 26.

MTS needs metrics to track success in addition to those suggested in the Federal DBE Program, including careful tracking of MBE/WBEs (by group) as well as DBE participation in both FTA-funded and locally-funded contracts.

If MTS chooses to pursue a solely race- and gender-neutral implementation of the Federal DBE Program for the immediate future, it should monitor utilization and availability of minority- and women-owned firms, by group. MTS may need to consider adding certain race- and gender-conscious remedies if a solely neutral program is not effective in addressing any disparities in its utilization of certain groups of minority- and women-owned firms on FTA-funded contracts.

4. Programs Applicable to Locally-funded Contracts

Neutral remedies. MTS could consider applying the neutral remedies explored here to its locally-funded contracts as well as FTA-funded contracts. For example, small business subcontracting and prime contractor programs might be applied, as needed, across areas of MTS contracts.

Race- and gender-based remedies. At present, Proposition 209 (Article I, Section 31 of the California Constitution) prohibits MTS from implementing programs including race, ethnic or gender preferences related to its locally-funded contracts. However, MTS should monitor developments in a case involving San Francisco's implementation of a race- and gender-conscious program for its locally-funded contracts.¹³ At the time of this disparity study report, the issues raised in this case were under review by the California Supreme Court.

¹² [http://www.fta.dot.gov/documents/March_23_FRN_pdf_\(website\).pdf](http://www.fta.dot.gov/documents/March_23_FRN_pdf_(website).pdf).

¹³ *Coral Construction, Inc. v. City and County of San Francisco*, 57 Cal.Rptr.3d 781 (1st Dist. 2007), review granted 167 P.3d 25 (Cal. Aug. 22, 2007).


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Summary

Minority- and female-owned businesses bidding on MTS contracts received 80 percent of the FTA-funded contract dollars for May 2006 through December 2007, the period after it discontinued use of a DBE contract goals/good faith efforts program. MBE/WBEs bidding on locally-funded contracts obtained 25 percent of these contract dollars. However, MBE/WBE success in obtaining MTS contracts was limited to certain groups of minority-owned firms. There were disparities for women-owned firms and other minority groups.


To maintain its recent success in overall MBE/WBE participation, and attempt to extend opportunities to more MBE/WBE groups, MTS should consider additional race- and gender-neutral remedies that focus on prime contractors and vendors. FTA-funded contracts at MTS appear to have few opportunities for subcontracting, which limits the potential effectiveness of any type of subcontracting goals program.

MTS should also consider a higher overall annual aspirational goal for future DBE participation than the 1.6 percent level used for FFY 2009.




Disparity Study Briefing


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September 24, 2009

 **Background**

- Must comply with 49 CFR Part 26 and implement Federal DBE Program
 - Develop an annual aspirational DBE goal
 - Meet maximum feasible portion using neutral means
- Ninth Circuit in *Western States Paving v. Washington State DOT* requires:
 - Review of evidence of discrimination within own contracting market
 - Limiting race-conscious measures to affected groups
- MTS discontinued use of DBE contract goals in May 2006

2



Regional disparity study

- Began in December 2007
- Will include public forums in October 2009
- Report final in December 2009
- Jointly conducted with SANDAG, Metro, Metrolink and OCTA
- Analyzed 174 MTS contracts/subcontracts
- 2,480 firms in availability database for study
- Included qualitative information from 168 in-depth personal interviews and nearly 500 telephone interviews

3

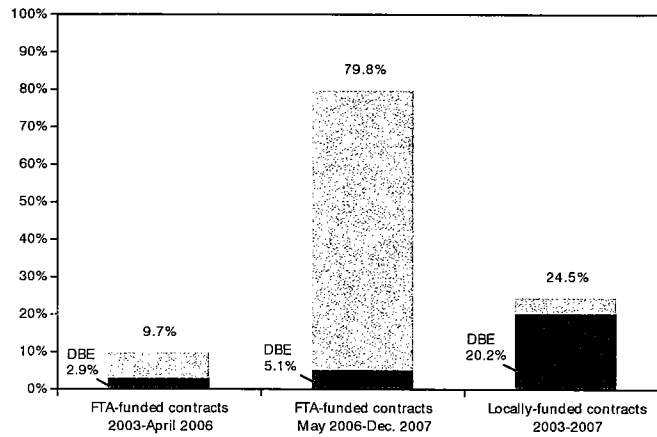


Overall annual aspirational goal

- MTS has 1.6% DBE goal for FFY 2009
- If include non-certified firms, can consider much higher DBE goal

4

MBE/WBE share of prime/subcontract dollars



5

Disparity analysis for MTS

- High overall utilization of MBE/WBEs
- Evidence of disparities for some minority groups and women

6

Neutral programs for consideration

- Subcontracting minimum (MSM) program
- Small business subcontracting goals program
- Small business prime contractor program
- Possible improvements to certain MTS contracting procedures



1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
(619) 231-1466 • FAX (619) 234-3407

Agenda

Item No. 31

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

OPS 970.2

September 24, 2009

SUBJECT:

MTS: BLUE AND ORANGE LINE REHABILITATION PROJECT UPDATE AND LIGHT
RAIL VEHICLE (LRV) PROCUREMENT

RECOMMENDATION:

That the Board of Directors:

1. receive an update on the Blue and Orange Line Rehabilitation Project; and
2. authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L0914.0-10 (in substantially the same format as Attachment A) with Siemens Transportation Systems, Inc. (Siemens) to purchase a minimum of 57 and up to 65 ultrashort, low-floor light rail vehicles (LRVs).

Budget Impact

The total budget for the Blue and Orange Line Rehabilitation Project is currently set at \$619,327,000. The source of funding for the project is TransNet II, American Reinvestment and Recovery Act Funds, Federal Formula Funds, and California Proposition 1B (bond). The total budget for the procurement of ultrashort, low-floor vehicles is \$281,743,000.

DISCUSSION:

On March 5, 2009, in conjunction with San Diego Association of Governments (SANDAG) staff, MTS presented the Executive Committee with findings from the consultants' assessment of the light rail system's low-floor capability and vehicle procurement needs. On March 19, the staffs of the two agencies presented to the



Executive Committee a recommended implementation plan for execution of the Blue and Orange Line Rehabilitation Project and light rail vehicle procurement. On March 26, the Board of Directors received a report and provided direction to staff regarding the consultant's recommendation for the procurement of ultrashort (82 feet v. 90 feet) low-floor vehicles and the Orange and Blue Line rehabilitation strategy based on funding availability, and a project priority plan and phasing program.

Since that time, the staffs of the two agencies have been forming a project team, refining the schedule, and moving forward with specifications and/or design for various aspects of the project, including contact wire replacement, crossovers, signalization, and fiber optics. Staff also completed an agreement in August with the Utah Transit Authority to assume an option for a minimum of 57 and up to 65 ultrashort, low-floor LRVs under its existing contract with Siemens.

For the past two weeks, San Diego Trolley, Inc. Maintenance and Operations, Legal, Procurement, and Finance staffs have worked as a team with the CEO to prepare for negotiations with Siemens and to conduct a federally compliant procurement. The CEO conducted a two-day negotiation session with Siemens for procurement of 57 Siemens S70 ultrashort (US70) low-floor LRVs. The new US70s will be compatible with the existing fleet of 11 S70s and 52 SD 100s allowing the agency to operate low-floor LRVs on every consist in the system. The US70s mirror the look of the existing S70 fleet with respect to design and aesthetics with a car body length that is approximately 8 feet shorter to accommodate small block lengths in downtown San Diego.

As of publication of this agenda, negotiations regarding the technical specifications, contract terms, and pricing were not yet completed. Staff will provide a final report to the Board as to the status of those negotiations along with a refined cost estimate.



Raul C. Jablonski
Chief Executive Officer

Key Staff Contact: Wayne Terry, 619.595.4906, wayne.terry@sdmts.com

SEPT24-09.31.BLUE ORANGE REHAB.WTERRY.doc

Attachment: A. Draft MTS Doc No. L0914.0-10

STANDARD PROCUREMENT AGREEMENT

L0914.0-10
 CONTRACT NUMBER
 OPS 970.6
 FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____, 2009, in the State of California by and between San Diego Metropolitan Transit System (MTS), a California public agency, and the following manufacturer, hereinafter referred to as "Manufacturer":

Name: Siemens Transportation Systems, Inc. Address: 7464 French Road

Form of Business: Corporation Sacramento, CA 95828
 (Corporation, partnership, sole proprietor, etc.)

Telephone: _____

Authorized person to sign contracts: Robin Arthur Stimson Vice President
 Name Title

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

Provide a minimum of 57 and a maximum of 65 Siemens Ultrashort S70 low-floor light rail vehicles (LRVs) to MTS pursuant to the Light Rail Vehicle Engineering and Manufacturing Contract (Contract) between Siemens and the Utah Transit Authority (UTA) comprised of the following: Request for Proposals, Technical Specifications, Addendum, Responses to Questions, Siemens' Best and Final Offer (BAFO), MTS's changes to Technical Specifications, and MTS's changes to the UTA Contract and General Conditions (hereafter "MTS Contract Documents"). The following order of precedence will govern the interpretation of this agreement:

1. Request for Proposals, Technical Specifications, Addendum, Responses to Questions
2. Siemens' BAFO
3. MTS's changes to Technical Specifications
4. MTS's changes to UTA Contract and General Conditions
5. MTS's delivery schedule

This contract shall remain in effect until the delivery of all vehicles is completed in accordance with the delivery schedule (December 31, 2012, for the base 57 LRVs). MTS in its sole discretion may exercise the right to purchase the 8 additional vehicles (above the initial 57) at any time during the duration of this agreement.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	MANUFACTURER AUTHORIZATION
By: _____ Chief Executive Officer	Firm: _____
Approved as to form:	By: _____ Signature
By: _____ Office of General Counsel	Title: _____
AMOUNT ENCUMBERED	BUDGET ITEM
	FISCAL YEAR

\$ _____

By: _____ Chief Financial Officer _____ Date

SA-PROCUREMENT (Rev 05-09)

(____ total pages, each bearing contract number)

9/11/09

MTS Changes to Light Rail Vehicle Engineering and Manufacturing Contract between Siemens and the Utah Transit Authority (UTA)

Wherever the term "Utah Transit Authority" is listed in the MTS Contract Documents, it shall be replaced with the "San Diego Metropolitan Transit System" and wherever the acronym "UTA" is listed in the Contract Documents, it shall be replaced with "MTS."

- I. *Replace the second paragraph of Section 2.1 of the UTA Contract entitled "DESCRIPTION OF SERVICES" with the following language:*

The vehicles must be in the region of 70% low-floor, must be fully compatible in mixed consists with MTS's existing fleet, and must be suitable for operation on the MTS system and environment. The MTS system includes the Mid-Coast extension planned for 2016.

- II. *Replace the following language in Article 3 of the UTA Contract entitled "DELIVERY SCHEDULE":*

"free on board" shall be changed to "freight on board (FOB)" in the first sentence.

The MTS delivery schedule shall be as follows:

- A. Delivery of the first 4 Light Rail Vehicles no later than September 30, 2011;
- B. Delivery of 4 Light Rail Vehicles per month every month thereafter with all 57 Light Rail Vehicles delivered no later than December 30, 2012;
- C. Delivery of the optional 8 light rail vehicles exercisable at the sole discretion of MTS will be negotiated by the parties should MTS choose to exercise the option.

- III. *Replace the following language in Section 4.1 of the UTA Contract entitled "BASE QUANTITY PRICE AND PAYMENT":*

The lump sum price for each LRV is \$3.6 million.

The total lump sum price is \$205.2 million for the 57 base quantity LRVs, and the total lump sum price is \$28.8 million for the 8 optional LRVs.

- IV. *Remove Section 4.4 of the UTA Contract entitled "QUANTITY OPTIONS"*

- V. *Replace the second paragraph in Article 5.0 of the UTA Contract entitled "LIQUIDATED DAMAGES" with the following language:*

In the event of and by reason of such delay, the Manufacturer shall pay to MTS the amount of \$3,577.05 per day per LRV as Liquidated Damages (LD) for each day (including fractional days) after the dates identified in Article 3.0 that any LRV is unavailable for revenue service. Notwithstanding anything to the contrary herein, in no event shall the amount paid by Manufacturer as LD, as provided for in this Article 5.0, exceed ten percent (10%) of the Total Contract Price (as defined in Section 4.5 hereof). The parties acknowledge that the LDs set forth herein are a reasonable estimate of the damages that UTA will sustain from late delivery as calculated on Exhibit Z attached hereto.

VI. *Replace Article 9 of the Contract Documents entitled "DISPUTE RESOLUTION" with the following language:*

MTS and the Manufacturer agree that every effort shall be made to resolve any dispute arising under this agreement informally through their designated representatives. If the informal efforts are unsuccessful, then either party may request mediation by submitting a written request signed by an officer with the authority to bind the Manufacturer or MTS. Within five (5) business days of the request of any party, the parties shall mutually agree on the person or alternative dispute resolution agency to conduct the mediation. If the parties are unable to agree on the person or alternative dispute resolution agency to conduct the mediation, the initiating party may arrange for the office of the American Arbitration Association in downtown San Diego, California, to perform the mediation. The initiating party shall then schedule the mediation so that it is conducted within fifteen (15) business days of the mediator's appointment. The costs of the mediation and fees of the mediator, if any, shall be borne by the requesting party. Any dispute not resolved through the mediation may proceed to litigation in a court of competent jurisdiction in the County of San Diego, State of California, unless the parties agree in writing to submit the dispute to binding arbitration.

Should the Manufacturer suffer any injury or damage to person or property because of any alleged act or omission of MTS, or if any of Manufacturer's employees, agents, or others for whose acts the Manufacturer is legally liable suffers any injury or damages to person or property because of any alleged act or omission of MTS, a written claim for damages shall be filed with the MTS Office of General Counsel in accordance with the provisions of California Government Code section 800 et seq.

The duties and obligations imposed by this Agreement and the rights and remedies available hereunder shall be in addition to and not a limitation of any duties, obligations, rights, and remedies otherwise imposed or available by law. No action or failure to act by MTS or Manufacturer shall constitute a waiver of any right or duty afforded any of them under this Agreement, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach hereunder except as may be specifically agreed to in writing.

VII. *Replace the address listed in Article 12 of the UTA Contract entitled "NOTICES OR DEMANDS" with the following language:*

Paul C. Jablonski
Chief Executive Officer
Metropolitan Transit System
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

With a copy to:

Tiffany Lorenzen
General Counsel
Metropolitan Transit System
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

- VIII. *Replace the language in the Response to Clarification Number 2, page 7 of the UTA Contract with the following:*

Response to clarification #2 page 7 – clarify source code requirements?

- IX. *Replace Exhibit D to the UTA Contract entitled “Payment Schedule” with Exhibit D “MTS Payment Schedule” attached hereto.*
- X. *Replace the language in paragraph C in Section 2.6 of the UTA Contract entitled “INSURANCE” as follows:*

Workers’ compensation insurance confirming to the appropriate state’s statutory requirements and covering all employees of the Manufacturer and any employees of the submanufacturers, representatives, or agents as long as they are engaged in the Work covered by the Contract (or such submanufacturers shall provide evidence of their own workers’ compensation insurance meeting the limits set forth in this paragraph). The policy must also cover Employer’s Liability with limits of no less than \$1,000,000 each accident and each employee for disease.

- XI. *Replace second paragraph of Section 3.13 of the General Conditions entitled “WARRANTY OF WORK” with the following language:*

The warranty period with respect to each LRV shall commence upon Conditional Acceptance. Unless a longer warranty period is identified elsewhere in the Contract Documents, the Manufacturer will warranty all labor performed and Materials furnished to be free of defects and faults for a period of two years, all gear boxes to be free of defects and faults for a period of five years and all car body paint to be free of defects and faults for a period of 10 years from the date of Conditional Acceptance on a per-LRV basis (except that, with respect to components, systems, subsystems, major assemblies, subassemblies, products, parts, apparatuses, articles and other materials with identified open items, or for which fleet defects have been identified, the warranty period on such items will not commence until Final Acceptance). The Manufacturer’s warranties and guarantees will apply regardless of any lesser period of warranty provided by the manufacturer of Materials.

- XII. *Replace the second sentence of Section 5.7 of the General Conditions entitled “DELIVERY OF THE VEHICLES” with the following language:*

All LRVs will be delivered to the MTS-owned LRV maintenance facility located in San Diego, California.

- XIII. *Replace the third to the last sentence of Section 6.2 General Conditions “INVOICING AND PAYMENT PROCEDURES” with the following language:*

MTS will pay all undisputed amounts of each invoice within forty five calendar days after receipt and approval of each invoice by MTS’s Project Manager.

- XIV. *Replace section 6.3 of the General Conditions entitled "RETENTION" with the following language:*

MTS has the right to deduct and retain from each periodic progress payment an amount equal to five percent of the total amount payable under the invoice. Retention will be held by MTS to secure the Manufacturer's obligation to perform in accordance with the MTS Contract Documents. At the Manufacturer's request, the retention amount may be held in an interest-bearing escrow account with the interest earned on the account paid to the Manufacturer. Costs of the escrow account will be borne by the Manufacturer. Retention for all LRVs will be released following Final Completion, or in the sole discretion of MTS, at any time prior to Final Completion.

- XV. *Replace Section 6.5 of the General Conditions entitled "PROMPT PAYMENT OF SUBMANUFACTURERS AND SUPPLIERS" with the following language:*

MTS shall hold retainage from the Manufacturer and shall make prompt and regular incremental acceptances of portions as determined by MTS of the contract work and pay retainage to the Manufacturer based on these acceptances. The Manufacturer or submanufacturer shall return all monies withheld in retention from a submanufacturer within 30 days after receiving payment for work satisfactorily completed and accepted, including incremental acceptances of portions of the contract work by the agency. Federal regulation (49 CRF 26.29) requires that any delay or postponement of payment over 30 days may take place only for good cause and with MTS's prior written approval. Any violation of this provision shall subject the violating Manufacturer or submanufacturer to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the Manufacturer or submanufacturer in the event of a dispute involving late payment or nonpayment by the Manufacturer for deficient subcontract performance, or noncompliance by a submanufacturer. This provision applies to both DBE and non-DBE prime Manufacturers and submanufacturers.

- XVI. *Replace the following language in Section 6.8 of the General Conditions entitled "CLAIMS":*

Change the time for submission of a written Claim to MTS from 60 calendar days to 30 calendar days.

Change the last sentence in this section to read "To the extent that the Manufacturer remains unsatisfied with MTS's determination of a Claim, the Manufacturer may proceed with its claim for relief through the dispute resolution procedures set forth in Article 9.0 of the UTA Contract."

- XVII. *Add the following provisions to the end of the General Conditions, beginning on page 28:*

7.7 COMPLETE AGREEMENT

This agreement, including all applicable terms, conditions, and specifications, shall constitute the sole and exclusive agreement between the parties. This agreement supersedes all other writings and is expressly conditional upon Manufacturer's agreement to the conditions hereof, and nothing shall be construed to be an acceptance of any terms of Manufacturer.

7.8 INFRINGEMENT

Manufacturer shall, at its own expense, hold harmless and defend MTS and its representatives under this agreement against any claim, suit, or proceeding brought against MTS or their representatives, which is based upon a claim, whether rightful or otherwise, that any goods, process or material, or any part thereof, furnished by Manufacturer under this agreement, constitutes an infringement and/or if the use of any such goods, process or material is enjoined, Manufacturer shall, at its sole expense, subject to the following provisions, either procure for MTS an irrevocable, royalty-free license to continue using such goods, process or material, or with MTS's prior written approval, replace same with substantially equal but noninfringing equipment or modify it so it becomes noninfringing, provided that no such replacement or modifications shall in any way amend or relieve Manufacturer of its warranties and guarantees set forth in this agreement.

The preceding paragraph(s) shall not apply to any goods, or any part thereof, manufactured to MTS's detailed design. As to such goods or part, the Manufacturer assumes no liability whatsoever for patent infringement. This indemnity is given upon the condition that MTS shall promptly, after receiving notice thereof, notify Manufacturer of any claim or suit or proceeding involving MTS in which such infringement is alleged, and MTS shall permit Manufacturer to control completely the defense or compromise of such allegation of infringement, and MTS shall render such reasonable assistance at Manufacturer's cost in the defense thereof as Manufacturer may require.

7.9 SURVIVAL

Notwithstanding MTS's acceptance of the goods and payment therefore, Manufacturer shall remain obligated under all clauses of this agreement which expressly, or by their nature, extend beyond and survive such acceptance and payment.

7.10 LANGUAGE AND MEASURE UNITS

Unless specified otherwise, manuals, specifications, drawings, plans, purchase orders, subcontract documents, and invoices submitted in accordance with this agreement shall be in metric ("Systems International d' Units," or "SI units") with the United States equivalents clearly shown.

7.11 APPLICABLE LAW-DEFINITIONS

The definition of terms used, interpretation of this agreement, and rights of all parties hereunder shall be construed under and governed by the law of the state of California, United States of America. "MTS" means the San Diego Metropolitan Transit System (MTS) or its designee. "Goods" means those articles, materials, supplies, drawings, data, and other property, and all services, including design, delivery, installation, inspection, testing, and expediting, specified or required to furnish the goods ordered by this agreement.

7.12 STANDARDS AND CODES

Whenever references are made in the agreement to standards or codes in accordance with which the goods are to be manufactured or tested, the edition or revision of the standards or codes current on the effective date of this agreement shall apply, unless otherwise expressly set forth. Unless otherwise specified, reference to such standards

or codes is solely for implementation of the technical portions of such standards and codes.

In case of conflict among any referenced standards and codes, or between any referenced standards and codes and the Technical Specifications, MTS will determine which will govern.

7.13 ATTORNEYS' FEES

In the event either party hereto finds it necessary to retain an attorney in connection with the default by the other in any of the agreements or covenants contained in this agreement, or in the event of litigation regarding this agreement, the losing party shall pay reasonable attorneys' fees to the prevailing party.

7.14 EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

MTS's Equal Employment Opportunity Program is part of this agreement (a copy can be obtained from MTS's Clerk of the Board). A Certificate of Compliance and a Workforce Report form signed by the Manufacturer is a condition for the award of this contract.

Each Manufacturer who provides MTS labor, equipment, materials and services of \$50,000 or more per year with fifty (50) or more employees shall have, maintain, and submit an Equal Employment Opportunity (EEO) Plan to the Director of Human Resources and Labor Relations for MTS each year of the contract, and a Workforce Utilization Report on or before January 1 and July 1 for each year of the contract.

7.15 NONDISCRIMINATION BY MANUFACTURER

The Manufacturer or submanufacturer shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Manufacturer shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of DOT-assisted contracts. Failure by the Manufacturer to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as MTS deems appropriate.

7.16 DUTY TO CLARIFY OBVIOUS AMBIGUITY

The Manufacturer is required to seek clarification of any obvious ambiguity contained in the contract documents. Failure to do so will result in an interpretation of the ambiguous provision favorable to MTS should a dispute later arise concerning that provision.

7.17 CALIFORNIA PROP 1B FUNDING

Manufacturer acknowledges that MTS is receiving funding for this project from the San Diego Association of Governments (SANDAG). The funding consists of Transnet II, a local sales tax, and Proposition 1B monies, a California state bond initiative. MTS will use its best efforts to ensure that all funding necessary to procure all 57 LRVs is transferred from SANDAG. However, Manufacturer specifically acknowledges that the State of California is currently experiencing a financial crisis and that MTS has no ability to control whether the Proposition 1B monies are awarded to SANDAG and MTS. In the event that the Proposition 1B monies are not transferred to MTS, or transferred but then

taken back by the state, MTS shall have the ability to cancel the unfunded portion of this agreement.

7.18 RESOLUTION OF PREVIOUS S70 FLEET DEFECTS

MTS and Manufacturer each acknowledge that they are parties to a document entitled Settlement Agreement and Mutual Release, MTS Doc. No. L0869.0-09. One of the purposes of that document was to memorialize that all fleet defect issues were resolved with the original procurement by MTS of 11 S70 low-floor vehicles. Manufacturer agrees to insure that all fleet defects are resolved with the new order of 57 S70 Ultra Short low-floor vehicles.

XVII. *Add the following language to Article 18 of the General Conditions entitled "INCORPORATION OF FEDERAL TRANSIT ADMINISTRATION TERMS":*

The Standard Terms and Conditions required by DOT which have not previously been identified in the UTA Contract or General Conditions include but are not limited to the following:

18.1 Environmental Violations

For all contracts and subcontracts in excess of \$100,000, Manufacturer agrees to comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 USC, 1857H), Section 508 of the Clean Water Act (33 USC, 1368), Executive Order 11378, and Environmental Protection Agency regulations (40 CFR, Part 15) which prohibit the use under nonexempt federal contracts, grants, or loans of facilities included on the EPA list of Violating Facilities. Manufacturer shall report violations to FTA and to the USEPA Assistant Administrator for Enforcement (ENO329).

18.2 Environmental Requirements

The Manufacturer shall recognize that many federal and state laws imposing environmental and resource conservation requirements may apply to the Project. Some, but not all, of the major federal laws that may affect the project include: the National Environmental Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 et seq.; the Clean Air Act, as amended, 42 U.S.C. §§ 7401 et seq. and scattered sections of 29 U.S.C.; the Clean Water Act, as amended, scattered sections of 33 U.S.C. and 12 U.S.C.; the Resource Conservation and Recovery Act, as amended, 42 U.S.C. §§ 6901 et seq., and the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. §§ 9601 et seq. The Manufacturer shall recognize that U.S. EPA, FHWA and other agencies of the federal government have issued and are expected in the future to issue regulations, guidelines, standards, orders, directives, or other requirements that may affect the project. Thus, the Manufacturer agrees to adhere to, and impose on its submanufacturers and third-party Manufacturers, any such federal requirements as the federal government may now or in the future promulgate. Listed below are requirements of particular concern to FTA and MTS. The Manufacturer acknowledges that this list does not constitute the Manufacturer's entire obligation to meet all federal environmental and resource conservation requirements.

- A. Environmental Protection The Manufacturer shall comply with the applicable requirements of the National Environment Policy Act of 1969, as amended, 42 U.S.C. §§ 4321 et seq. in accordance with Executive Order no. 12898,

"Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 59 Fed. Reg. 7629, Feb. 16, 1994; FTA statutory requirements on environmental matters at 49 U.S.C. § 5324(b); Council on Environmental Quality regulations on compliance with the National Environmental Policy Act of 1969, as amended, 40 C.F.R. Part 1500 et seq.; and joint FHWA/FTA regulations, "Environmental Impact and Related Procedures," 23 C.F.R. Part 771 and 49 C.F.R. Part 622.

B. Air Quality

1. The Manufacturer shall comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. §§ 7401 et seq. Specifically:
 - a. The Manufacturer shall comply with applicable requirements of U.S. EPA regulations, "Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act," 40 C.F.R. part 51, Subpart T; and "Determining Conformity of Federal Actions to State or Federal Implementation Plans," 40 C.F.R. Part 93. To support the requisite air quality conformity finding for the Project, the Manufacturer shall implement each air quality mitigation and control measure incorporated in the Project. The Manufacturer agrees that any Project identified in a State Implementation Plan (SIP) as a Transportation Control Measure, will be wholly consistent with the description of the design concept and scope of the Project described in the SIP.
 - b. U.S. EPA also imposes requirements implementing the Clean Air Act, as amended, that may apply to transit operators, particularly operators of large transit bus fleets. Thus, the Manufacturer should be aware that the following U.S. EPA regulations, among others may apply to its projects: "Control of Air Pollution from Motor Vehicles and Motor Vehicle Engines," 40 C.F.R. Part 85; "Control of Air Pollution from New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines: Certification and Test Procedures," 40 C.F.R. Part 86; and "Fuel Economy of Motor Vehicles," 40 C.F.R. Part 600.
2. The Manufacturer agrees to report and require each third-party Manufacturer and submanufacturer at any tier to report any violation of these requirements resulting from any project implementation activity of a third-party Manufacturer, subrecipient, or itself to FTA and the appropriate U.S. EPA Regional Office.

C. Clean Water

1. The Manufacturer shall comply with all applicable standards, orders, or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§ 1251 et seq.
2. The Manufacturer agrees to report and require each third-party Manufacturer and submanufacturer at any tier to report any violation of these requirements resulting from any project implementation activity of a third-party Manufacturer (at any tier), submanufacturer (at any tier), or itself to FTA and the appropriate U.S. EPA Regional Office.

D. Use of Public Lands. The Manufacturer agrees that no publicly owned land from a park, recreation area, or wildlife or waterfowl refuge of national, state, or local significance as determined by the federal, state, or local officials having jurisdiction thereof, or any land from a historic site of national, state, or local significance may be used for the project unless the FTA makes the specific findings required by 49 U.S.C. § 303.

E. Mitigation of Adverse Environmental Effects The Manufacturer agrees that if the project should cause adverse environmental effects, the Manufacturer will take all reasonable steps to minimize those effects in accordance with 49 U.S.C. § 5324(b), and all other applicable federal laws and regulations, specifically, the procedures of 23 C.F.R. Part 771 and 49 C.F.R. Part 622. The Manufacturer agrees to undertake all environmental mitigation measures that may be identified as commitments in applicable environmental documents (such as environmental assessments, environmental impact statements, memoranda of agreement, and statements required by 49 U.S.C. § 303) and with any conditions the federal government has imposed in its finding of no significant impact or a record of decision. Those mitigation measures are incorporated by reference and made part of the Grant Agreement or Cooperative Agreement. As soon as the federal government and the Manufacturer reach agreement on any deferred mitigation measures, those measures will then be incorporated by reference and made part of the Grant Agreement or Cooperative Agreement. The Manufacturer agrees that any mitigation measures agreed upon may not be modified or withdrawn without the express written approval of the federal government.

18.3 Energy Efficiency

The Manufacturer agrees to comply with the mandatory energy efficiency standards and policies within the applicable state energy conservation plans issued in compliance with the Energy Policy and Conservation Act, 42 U.S.C. §§ 6321 et seq.

18.4 Prohibited Interests

No, member, officer, or employee of a local public body, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof. No member of or delegate to the Congress of the United States shall be admitted to a share or part of this contract or to any benefit arising there from.

18.5 Employee Protections

- A. Construction Activities. For construction activities exceeding \$2,000 performed in connection with the project, the Manufacturer shall comply with the following construction employee protection requirements:
1. Davis-Bacon Act, as amended. The Manufacturer shall comply and assure compliance with the requirements of 49 U.S.C. § 5333(a), the Davis-Bacon Act, 40 U.S.C. §§ 276a through 276a(7), and implementing U.S. Department of Labor (DOL) regulations, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)," 29 C.F.R. Part 5. In addition to other requirements that may apply:
 - a. The Manufacturer shall pay wages to laborers and mechanics performing third party contract work at a rate not less than the minimum wages specified in a wage determination issued by the U.S. Secretary of Labor and not less frequently than once a week. The MTS agrees to furnish the bidder a copy of the current prevailing wage determination issued by the U.S. DOL for third-party contract work under the project upon request, and agrees to refrain from awarding any affected third-party contract until the third-party Manufacturer agrees to the required wage determination.
 - b. MTS shall report to FTA every suspected or reported violation of the Davis-Bacon Act or its federal implementing regulations.
 2. Contract Work Hours and Safety Standards Act, as amended. The Manufacturer shall comply and assures compliance with sections 102 and 107 of the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. §§ 327 through 333; and implementing U.S. DOL regulations, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)," 29 C.F.R. Part 5; and U.S. DOL regulations, "Safety and Health Regulations for Construction," 29 C.F.R. Part 1926. In addition to other requirements that may apply:
 - a. In accordance with section 102 of the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. §§ 327 through 332, the Manufacturer shall assure that, for the project the wages of every mechanic and laborer will be computed on the basis of a standard work week of 40 hours, and that each worker shall be compensated for work exceeding the standard work week at a rate of not less than 1.5 times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The Manufacturer shall ensure that determinations pertaining to these

requirements will be made in accordance with applicable U.S. DOL regulations, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the contract Work Hours and Safety Standards Act," 29 C.F.R. Part 5.

- b. In accordance with section 107 of the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. § 333, the Manufacturer shall assure that no laborer or mechanic working on a construction contract shall be required to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous to his or her health and safety, as determined in accordance with U.S. DOL regulations, "Safety and Health Regulations for Construction," 29 C.F.R. Part 1926."
- c. The requirements of this subsection do no apply to third-party contracts for the purchase of supplies, materials, or articles ordinarily available on the open market.

3. Copeland "Anti-Kickback" Act, as amended. The Manufacturer shall comply with the Copeland "Anti-Kickback" Act, 18 U.S.C. § 874 and 40 U.S.C. § 276c, and U.S. DOL regulations, "Manufacturers and Submanufacturers on Public Building or Public Work Financed in Whole or in part by Loans or Grants from the United States," 29 C.F.R. Part 3. In addition to other requirements that may apply:

- a. The Manufacturer will not induce, by any means, any person employed in the construction, completion or repair of public work, to give up any part of the compensation to which that employee is otherwise entitled.
- b. MTS shall report every suspected or reported violation of the Copeland "Anti-Kickback" Act or its federal implementing regulations to FTA.

B. Activities Not Involving Construction. For nonconstruction activities exceeding \$2,500 performed in connection with the project, the Manufacturer shall comply with the following employee protection requirements:

- 1. In accordance with Section 102 of the Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. §§ 327 through 332, the Manufacturer shall assure that, for the project, the wages of every mechanic and laborer will be computed on the basis of a standard work week of 40 hours and that each worker will be compensated for work exceeding the standard work week at a rate of not less than 1.5 times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The Manufacturer agrees that determinations pertaining to these requirements will be made in accordance with the applicable U.S. DOL regulations, "Labor Standards Provisions Applicable to Contracts

Governing Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act)," 29 C.F.R. Part 5.

2. The requirements of this subsection do not apply to third-party contracts for the purchase of supplies, materials, or articles ordinary available on the open market.

C. State and Local Government Employees. The Manufacturer shall ensure that the minimum wage and overtime provisions of the Fair Labor Standards Act, as amended, 29 U.S.C. §§ 206 and 207, apply to employees performing work involving commerce, including such state and local government employees as public transit authority employees, participating in the project. Consequently, each participant that is a state or local government agrees to comply with the Fair Labor Standards Act's minimum wage and overtime requirements for employees performing work in connection with the project.

D. Transit Employee Protective Arrangements. The Manufacturer shall comply with the following requirements applicable to transit operations performed in connection with the project:

1. Standard Transit Employee Protective Arrangements. To the extent that transit operations are involved, the Manufacturer shall carry out the project in compliance with terms and conditions determined by the Secretary of Labor to be fair and equitable to protect the interests of employees affected by the project and to meet the requirements of 49 U.S.C. § 5333(b), and U.S. guidelines at 29 C.F.R. Part 215, and any amendments thereto. These terms and conditions are identified in U.S. DOL's certification of transit employee protective arrangements to FTA, the date of which is included in the Grant Agreement or Cooperative Agreement. The Manufacturer shall carry out the project in compliance with the conditions stated in that U.S. DOL certification. That U.S. DOL certification and any documents cited therein are incorporated by reference and made part of the Grant Agreement or Cooperative Agreement. The requirements of this Subsection, however, do not apply to formula assistance projects for the elderly and persons with disabilities authorized by 49 U.S.C. § 5310(a)(2) or to formula assistance projects for nonurbanized areas authorized by 49 U.S.C. § 5311.
2. Transit Employee Protective Arrangements for Projects Authorized by 49 U.S.C. § 5310(a)(2) for the Elderly and Persons with Disabilities. If the Secretary of Transportation has determined or determines in the future that employee protective arrangements required by 49 U.S.C. § 5333(b) are necessary or appropriate for public body subrecipients under the project, the Manufacturer shall carry out the project in compliance with the terms and conditions determined by the Secretary of Labor to meet the requirements of 49 U.S.C. § 5333(b), and U.S. DOL guidelines at 29 C.F.R. Part 215, and any amendments thereto. These terms and conditions are identified in U.S. DOL's certification of transit employee protective arrangements to FTA, the date of which is included in the

Grant Agreement or Cooperative Agreement. The Manufacturer shall carry out the Project in compliance with the conditions stated in that U.S. DOL certification. That U.S. DOL certification and any documents cited there in are incorporated by reference and made part of the Grant Agreement or Cooperative Agreement.

3. Transit Employee Protective Arrangement for Projects Authorized by 49 U.S.C. § 5311 in Nonurbanized Areas. The Manufacturer shall comply with the terms and conditions of the Special Warranty for the Nonurbanized Area Program agreed to by the Secretaries of Transportation and Labor, dated May 31, 1979, and the procedures implemented by U.S. DOL or any revision thereto.

18.6 FTA Protest Requirements.

A. Duty to Exhaust Local Procedures

Once the Manufacturer exhausts MTS's protest procedures, as described in applicable MTS Board Policies, the Manufacturer may request review from the FTA.

B. FTA Review of Protests

The FTA will only review protests regarding the alleged failure of the grantee to have written protest procedures or the grantee's alleged failure to follow such procedures.

Alleged violations on other grounds are under the jurisdiction of appropriate state or local administrative or judicial authorities.

Alleged violations of a specific federal requirement that provides an applicable complaint procedure shall be submitted and processed in accordance with that federal regulation. See Buy America Requirements, 49 CFR Part 661 (Section 661.15); Participation by Minority Business Enterprise in Department of Transportation Programs, 49 CFR Section 23.73.

The FTA will only review protests submitted by an interested party, as defined below.

C. Remedy

The FTA's remedy for a grantee's failure to have written protest procedures, or failure to follow such procedures, is limited to requiring the grantee to develop such procedures in reviewing the protest at issue, if the grantee desires the FTA's financial participation in the contract in question. In instances where a grantee has awarded to another bidder or offeror prior to the FTA's decision on the protest, the FTA may refuse to participate in funding the contract.

Definitions. For the purposes of this section, the following definitions apply:

Days – refers to working days of the federal government.

File or Submit – refers to the date of receipt by the FTA.

Interested Party – means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract.

Bid – include the term “offer” or “proposal” as used in the context of negotiated procurements.

D. Time for Filing

Protestors shall file a protest with the FTA no later than five days after a final decision is rendered under the grantee's protest procedure. In instances where the protestor alleges that the grantee failed to make a final determination on the protest, protestors shall file a protest with the FTA no later than five days after the protestor knew, or should have known, of the grantee's failure to render a final determination on the protest.

Grantees shall not award a contract for five days following the decision on a bid protest, except in accordance with the provisions and limitations of subparagraph h. After five days, the grantee shall confirm with the FTA that it has not received a protest on the contract in question.

E. Submission of Protest to FTA

Protests should be filed with the appropriate FTA regional office with a concurrent copy to the grantee. The protest filed with the FTA shall include the name and address of the protestor; identify the grantee, project number, and the number of the contract solicitation; and contain a statement of the grounds for protest and any supporting documentation. This should detail the alleged failure to follow protest procedures, or the alleged failure to have procedures and be fully supported to the extent possible. A copy of the local protest filed with the grantee and a copy of the grantee's decision should be included, if any.

F. Grantee Response

The FTA shall notify the grantee in a timely manner of the receipt of a protest. The FTA shall instruct the grantee to notify the Manufacturer of the protest if award has been made, or, if no award has been made, to notify all interested parties. The grantee shall notify all who receive such notice that they may communicate further directly with the FTA. The grantee shall submit the following information no later than ten days after receipt of notification by the FTA of the protest: a copy of the grantee's protest procedure; a description of the process followed concerning the protestor's protest; and any supporting documentation. The grantee shall provide the protestor with a copy of the above submission.

G. Protestor Comments

The protestor must submit any comments on the grantee's submission no later than ten (10) days after the protestor's receipt of the grantee's submission.

H. Withholding of Award

When a protest has been filed in a timely manner with the grantee before award, the grantee shall not make an award prior to five days after the resolution of the protest, or if a protest has been filed with the FTA, during the pendency of that protest, unless the grantee determines that the items to be procured are urgently required; delivery or performance will be unduly delayed by failure to make the award promptly; or failure to make prompt award will otherwise cause undue harm to the grantee or the federal government.

In the event that the grantee determines that the award is to be made during the five-day period following the local protest decision, or the pendency of a protest, the grantee shall notify the FTA prior to making such award. The FTA will not review the sufficiency of the grantee's determination to award during the pendency of a protest prior to the FTA's bid protest decision. The FTA reserves the right not to participate in the funding of any contract awarded during the pendency of a protest.

I. FTA Action

Upon receipt of the submissions, the FTA will either request further information or a conference among the parties or will render a decision on the protest.

18.7 Patent and Rights in Data

A. Rights in Data. These following requirements apply to each contract involving experimental, developmental or research work:

1. The term "subject data" used in this clause means recorded information, whether or not copyrighted, that is delivered or specified to be delivered under the contract. The term includes graphic or pictorial delineation in media such as drawings or photographs; text in specifications or related performance or design-type documents; machine forms such as punched cards, magnetic tape, or computer memory printouts; and information retained in computer memory. Examples include, but are not limited to: computer software, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications, and related information. The term "subject data" does not include financial reports, cost analyses, and similar information incidental to contract administration.
2. The following restrictions apply to all subject data first produced in the performance of the contract to which this Attachment has been added:
 - a. Except for its own internal use, the Manufacturer may not publish or reproduce subject data in whole or in part, or in any manner or

form, nor may the Manufacturer authorize others to do so, without the written consent of the Federal Government, until such time as the Federal Government may have either released or approved the release of such data to the public; this restriction on publication, however, does not apply to any contract with an academic institution.

- b. In accordance with 49 C.F.R. § 18.34 and 49 C.F.R. § 19.36, the Federal Government reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for "Federal Government purposes," any subject data or copyright described in subsections (2)(b)1 and (2)(b)2 of this clause below. As used in the previous sentence, "for Federal Government purposes," means use only for the direct purposes of the Federal Government. Without the copyright owner's consent, the Federal Government may not extend its Federal license to any other party.

- (1) Any subject data developed under that contract, whether or not a copyright has been obtained; and
- (2) Any rights of copyright purchased by the Manufacturer using Federal assistance in whole or in part provided by FTA.

- c. When FTA awards Federal assistance for experimental, developmental, or research work, it is FTA's general intention to increase transportation knowledge available to the public, rather than to restrict the benefits resulting from the work to participants in that work. Therefore, unless FTA determines otherwise, the Manufacturer performing experimental, developmental, or research work required by the underlying contract to which this Attachment is added agrees to permit FTA to make available to the public, either FTA's license in the copyright to any subject data developed in the course of that contract, or a copy of the subject data first produced under the contract for which a copyright has not been obtained. If the experimental, developmental, or research work, which is the subject of the underlying contract, is not completed for any reason whatsoever, all data developed under that contract shall become subject data as defined in subsection (a) of this clause and shall be delivered as the Federal Government may direct. This subsection (c), however, does not apply to adaptations of automatic data processing equipment or programs for the Manufacturer's use whose costs are financed in whole or in part with Federal assistance provided by FTA for transportation capital projects.

- d. Unless prohibited by state law, upon request by the Federal Government, the Manufacturer agree to indemnify, save, and hold harmless the Federal Government, its officers, agents, and

employees acting within the scope of their official duties against any liability, including costs and expenses, resulting from any willful or intentional violation by the Manufacturer of proprietary rights, copyrights, or right of privacy, arising out of the publication, translation, reproduction, delivery, use, or disposition of any data furnished under that contract. Manufacturer shall not be required to indemnify the Federal Government for any such liability arising out of the wrongful act of any employee, official, or agents of the Federal Government.

- e. Nothing contained in this clause on rights in data shall imply a license to the Federal Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Federal Government under any patent.
- f. Data developed by Manufacturer and financed entirely without using Federal assistance provided by the Federal Government that has been incorporated into work required by the underlying contract to which this Attachment has been added is exempt from the requirements of subsections (b), (c), and (d) of this clause, provided that the Manufacturer identifies that data in writing at the time of delivery of the contract work.
- g. Unless FTA determines otherwise, the Manufacturer agrees to include these requirements in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FTA.

3. Unless the Federal Government later makes a contrary determination in writing, irrespective of the Manufacturer's status (i.e., a large business, small business, state government or state instrumentality, local government, nonprofit organization, institution of higher education, individual, etc.), Manufacturer agrees to take the necessary actions to provide, through FTA, those rights in that invention due the Federal Government as described in U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 C.F.R. Part 401.

4. The Manufacturer also agrees to include these requirements in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FTA.

B. Patent Rights. The following requirements apply to each contract involving experimental, developmental, or research work:

- 1. General. If any invention, improvement, or discovery is conceived or first actually reduced to practice in the course of or under this Agreement, and that invention, improvement, or discovery is patentable under the laws of the United States of America or any foreign country, Manufacturer agrees

to take actions necessary to provide immediate notice and a detailed report to the party at a higher tier until FTA is ultimately notified.

2. Unless the Federal Government later makes a contrary determination in writing, irrespective of the Manufacturer's status (a large business, small business, state government or state instrumentality, local government, nonprofit organization, institution of higher education, individual), the Manufacturer agree to take the necessary actions to provide, through FTA, those rights in that invention due the Federal Government as described in U.S. Department of Commerce regulations, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," 37 C.F.R. Part 401.
3. The Manufacturer also agrees to include the requirements of this clause in each subcontract for experimental, developmental, or research work financed in whole or in part with Federal assistance provided by FTA.

18.8 Drug and Alcohol Testing Requirements

The Manufacturer agrees to establish and implement a drug and alcohol testing program that complies with 49 C.F.R. Parts 653 and 654, produce any documentation necessary to establish its compliance with Parts 653 and 654, and permit any authorized representative of the United States Department of Transportation or its operating administrations, any California regulation agency, or MTS, to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 C.F.R. Parts 653 and 654 and review the testing process. The Manufacturer agrees further to certify annually its compliance with Parts 653 and 654 when requested by MTS and to submit the Management Information System (MIS) reports before March 1 annually to MTS. To certify compliance the Manufacturer shall use the "Substance Abuse Certifications" in the "Annual List of Certifications and Assurances for Federal Transit Administration Grants and Cooperative Agreements," which is published annually in the Federal Register.

SA-PROCUREMENT (Rev 05-09).DOC

Attachment: Certificate of Compliance

**CERTIFICATE OF COMPLIANCE
WITH MTS EQUAL OPPORTUNITY PROGRAMS AND DBE MANUFACTURER INFORMATION
FORM**

I hereby certify that, in performing under contract(s) or purchase order(s) awarded by the San Diego Metropolitan Transit System (MTS), I will comply with the provisions of MTS Equal Employment Opportunity Program, and rules and regulations adopted pursuant thereto, Title VI of the Civil Rights Act of 1964, the California Fair Employment Practices Act, and any other applicable federal and state laws and regulations relating to equal employment opportunity, including laws and regulations hereinafter enacted.

DBE submanufacturer participants are listed below. The Manufacturer must execute and return this form even if no DBE participation will be reported:

Company Name and Address	Description of Work	Dollar Amount

If 100% of item is not to be performed or furnished by DBE, describe exact portion of item to be performed or furnished by DBE. I agree to make a good-faith effort to meet the goals of this plan as part of my contractual obligations to MTS.

Date: _____

Firm: _____

By: _____

Signature

Title: _____

Exhibit D

MTS Payment Schedule

1. Mobilization: 3% of the total price amount for each LRV may be invoiced upon submittal and approval of a production schedule, management plan, quality and assurance plan, reliability plan, maintainability program, and 3-D model in electronic format minus retention.
2. Major Components: 20% of the total price amount for each LRV may be invoiced upon execution of the major components/systems contracts with Siemens' suppliers minus retention.
3. Drawings: 5% of the total price amount for each LRV may be invoiced upon submittal and approval of final engineering drawings minus retention.
4. Car Shell: 10% of the total price amount for each LRV may be invoiced upon completion of each LRV car shell minus retention.
5. Delivery: 52% of the total price amount for each LRV may be invoiced upon delivery of each vehicle minus retention.
6. Conditional Acceptance: 5% of the total price for each LRV may be invoiced upon conditional acceptance of each vehicle minus retention.
7. Final Completion: retention will be released upon Final Completion of the project.
8. Training Courses: 100% of the item may be invoiced upon satisfactory completion of training courses and related requirements.
9. Manual: 100% of the item may be invoiced upon delivery of one manual to MTS.
10. Spare Parts: payment for spare parts will be negotiated amongst the parties should MTS choose to purchase them.
11. Tools and Test Equipment: partial payments as approved by MTS may be invoiced upon delivery, inspection, and acceptance of test equipment at unit prices on a per-item basis.
12. Special Tools: partial payments as approved by MTS may be invoiced upon delivery, inspection, and acceptance of test equipment at unit prices on a per-item basis.
13. Sales Tax: sales tax payments, computed on the value of materials delivered, may be invoiced at the time the material is invoiced.

MTS Contract Exhibit Z

Scenario - Including Personnel

	FY 2010 Budget	% Savings New Vehicle	Relevant Amount
50201 ADMINISTRATIVE WAGES REGULAR	588,746	10%	58,875
50202 ADMINISTRATIVE WAGES OVERTIME	42,033	10%	4,203
50301 CLERICAL WAGES REGULAR	64,588	25%	16,147
50302 CLERICAL WAGES OVERTIME	1,040	25%	260
50401 SHOP WAGES REGULAR	3,575,568	40%	1,430,227
50402 SHOP WAGES OVERTIME	251,760	40%	100,704
52410 SICK LEAVE - REGULAR CASH BASIS	156,207	40%	62,483
52420 VACATION - REGULAR CASH BASIS	258,857	40%	103,543
52430 HOLIDAY	142,965	40%	57,186
53610 REVENUE VEHICLES REPAIR SVC - GENERAL	1,160,036	43%	493,448
53615 REVENUE VEHICLES REPAIR SVC - CLEANING	576,600	0%	-
53620 NON REV VEHICLE MAINTENANCE SERVICES	500	0%	-
53630 FACILITY MAINTENANCE REPAIR SVC	32,850	0%	-
53650 EQUIP MAINTENANCE REPAIR SVC	37,120	0%	-
53710 MAINTENANCE SERVICE AGREEMENTS	59,300	43%	25,225
53440 MAINTENANCE TRAINING	9,300	0%	-
53940 UNIFORM CLEANING	17,803	0%	-
54310 LUBRICANTS	74,306	0%	-
54510 MAINTENANCE SUPPLIES (REV VEHICLES)	1,685,709	43%	717,055
54522 FREIGHT CLEARING	51,383	0%	-
54530 MAINTENANCE SUPPLIES (NON REV VEHICLES)	1,500	0%	-
54540 MAINTENANCE SUPPLIES (FACILITIES)	19,750	0%	-
54550 MAINTENANCE SUPPLIES (EQUIPMENT)	6,950	0%	-
54560 MAINTENANCE TOOLS	12,000	0%	-
54570 NON REVENUE MAINTENANCE SUPPLIES	10,000	0%	-
54210 GASOLINE	2,500	0%	-
54910 OFFICE SUPPLIES	7,500	0%	-
54930 NON CAPITAL FURNITURE/OFFICE EQUIPMENT	2,500	0%	-
54990 NON MAINTENANCE GENERAL SUPPLIES	55,000	0%	-
57210 LICENSES AND PERMITS	4,530	0%	-
57220 FINES & PENALTIES	750	0%	-
	8,909,652		3,069,356
Days Per Year	365		365
Total Vehicles	134		134
Total Maint Costs / Vehicle / Day	\$ 182.16		\$ 62.76
# of S70 Short Vehicles	57		57
Total Liquidated Damages / Day	\$ 10,383.36		\$ 3,577.05

57 New S70 Shorts
134 Entire Fleet
43% New Fleet Percentage

LRT Rehabilitation and Low Floor System Program Update

MTS Board of Directors
September 24, 2009



LRT Improvement Program Conceptual Level Estimates

LRT Facilities

Low Floor Station Platforms	\$108 million
Track, Signals, Wire, other	\$126 million
New Low Floor Vehicles	\$222 million
Freight	\$147 million
Total:	\$603 million

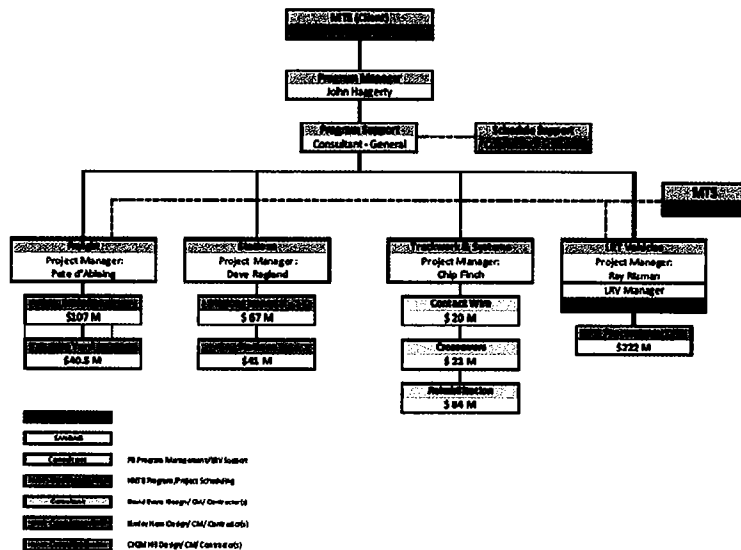


LOW FLOOR PROGRAM PROJECTS AS IN THE FY10 SANDAG BUDGET

CIP #	Name	In thousands				
		Approved FY10 Budget	TransNet Funds	ARRA Funds	Other Federal Funds	Prop 1B/1A Pending Funds
1210001	Blue Line Upgrade	\$ 114,895	\$ 34,128	\$ 45,468	\$ 25,000	\$ 10,101
1220001	Orange Line Upgrade	\$ 57,756	\$ 47,579	\$ -	\$ -	\$ 10,177
1210002	Low Floor Vehicles (Blue Line)	\$ 240,188	\$ 120,343	\$ -	\$ -	\$ 119,825
1220002	Orange Line Low Floor Vehicles	\$ 41,575	\$ 41,575	\$ -	\$ -	\$ -
1142000	Blue Line Contact Wire	\$ 17,643	\$ -	\$ 12,000	\$ 5,643	\$ -
1300601	San Ysidro Freight Facility	\$ 40,480	\$ 5,260	\$ -	\$ -	\$ 35,200
1300602	South Line Rail Freight Capacity	\$ 107,030	\$ 8,970	\$ -	\$ -	\$ 98,060
TOTALS		\$ 619,327	\$ 257,853	\$ 57,468	\$ 30,643	\$ 273,363



LOW FLOOR SYSTEM AND TRACK REHABILITATION PROJECT ORGANIZATION OVERVIEW



Program Management

- Parsons Brinkerhoff On Board for Management Support, Project Phasing & Document Control
- Parson Brinkerhoff On Board for LRV Procurement Support
- HNTB On Board for Scheduling Support
- Program Office Preparing Work Plan & Schedule
- Preparing Modeling of Operations, Construction Impacts
- Preparing Environmental Documentation: Trolley

Issues:

None at this time



Low Floor Improvement Program

Green Line Extension

- 8" Platform lift
- Re-signal Santa Fe Depot

Downtown Stations

- 8" Platform solutions
- Crossover America Plaza

Orange Line Stations

- 8" Platform lift
- Grade Crossings

Blue Line

- Contact wire
- Fiber Optic
- Crossover
- Signals/Reverse running
- 8" Platform re-construction
- Transit Center improvements
- Grade crossings
- Rail replacement
- Retaining walls
- Freight Capacity & Yard



Downtown Stations

- Platforms Starting Conceptual Design/Issues Resolution
 - America Plaza Crossover to follow Conceptual Design
- Issues:
- America Plaza 8" Platforms Height and Street Grades
 - Civic Center Catenary Poles and Narrow Platform
 - 5th Avenue, ADA Slope and Clearances, and
 - End of Station Clearance/Walkways
 - Centre City Development Corp. C Street Improvements
 - City College & Park and Market 8" Platforms



Green Line Extension

- Platforms Starting Design
- Santa Fe Depot Signaling in Preliminary Design

Issues:

None at this time

Orange Line

- Platforms Starting Design
- Grade Crossings in Future Phase

Issues:

- Accessibility at Euclid Station



Blue Line Trolley Improvements

- Contact Wire - 80% Design, Construction Early 2010
- Fiber Optic - 80% Design, Construction Early 2010
- Crossover & Signaling - 70% Design, Construction Spring 2010
- Stations & Transit Center - Design Starting Fall 2009
- Other Work Future Phases

Issues:

- Contractor Qualifications
- Coordinating Contact Wire, Fiber & Crossovers/Signaling
- Solid State Signaling Design and Equipment
- Conceptual Design of Stations and Transit Centers



Blue Line Freight Improvements

- San Ysidro Freight Yard: 100% PE, Starting Final Design
- Main Line Capacity: 10% Design

Issues:

- TCIF Funding, and Limited TransNet Border Funds
- Environmental Delays, Fairy Shrimp & Gnatcatchers
- Freight Siding at Palomar Station
- FRA Waiver, Trolley/Freight Separation



Siemens S70US LRV Contract Negotiations



Progress

- March 26, 2009 - MTS Board approved the CEO to negotiate purchase of New Low-Floor Ultra-Short Light Rail Vehicles
- July 2009 - Requested permission from the Utah Transit Authority to utilize options for the purchase of Siemens S70US Light Rail Vehicles
- Staff/PB received and modified the UTA specification - numerous adds & deletions made

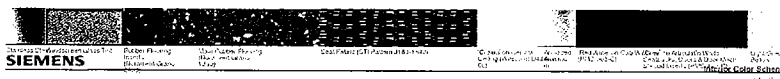


Progress (cont.)

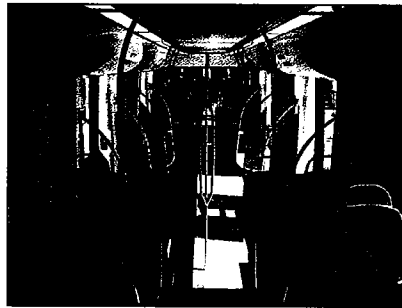
- The MTS Procurement fair pricing analysis and Pre-Award Audits are ongoing
- MTS/Siemens Contract Negotiations
- Parties are in agreement with critical contract matters; minor residual issues to be resolved



Current S70 LRV Interior Color Scheme



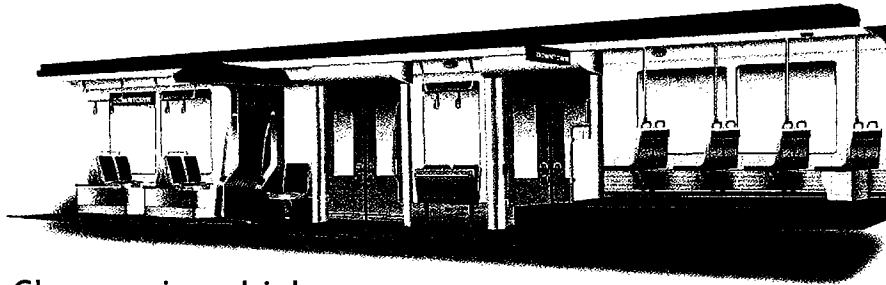
Darker Color Seating with Vandal-Resistant Fabric



Current Seating Orientation



San Diego S70US - Interior Rendering



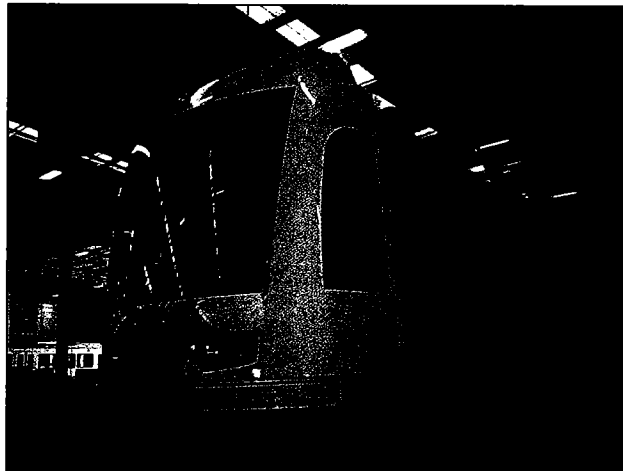
Changes in vehicle:

- Reorient seats to face articulated section
- Install darker vandal resistant seat cushions
- Remove wave design in vehicle floor (\$66.5K)



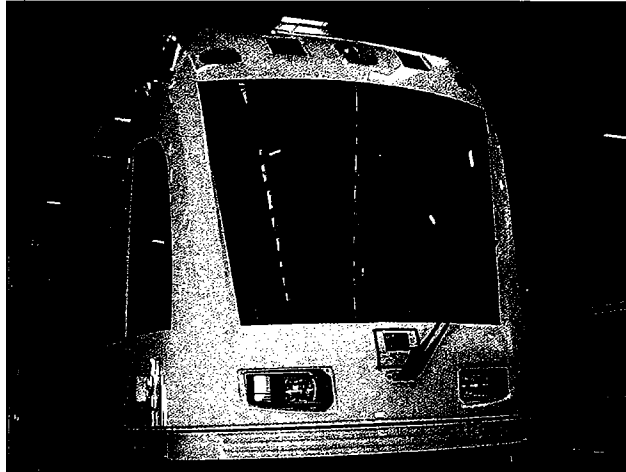
UTA S70US Vehicle #1

Siemens Plant, Sacramento, CA



UTA S70US Vehicle #1

Siemens Plant, Sacramento, CA



Siemens S70 LRV - Recent Industry Procurements/Cost Comparison

- Oregon (TRIMET) 01/07 \$3.750M - 91'
- Hampton Roads (HRT) 09/07 \$3.440M - 91'
- Utah (UTA) *base \$3.528M* 04/08 \$3.592M - 81'
- Charlotte (CATS) 05/08 \$3.726M - 91'

Average Price Per Unit \$3.627M



Negotiated S70US Procurement

- S70US LRV Price Per Unit \$3.6M
 - Enhanced painting \$ 9K
 - TWC equipment \$ 12K
 - Knorr Brakes \$ 21K
 - APCs \$ 26K
 - CCTV Cameras \$ 3K
- Transnet / Prop 1b Funding Blend
- Delivery to commence 22- to 24-months from NTP; delivery will be two to three vehicles per month



Recommendation

1. That the Board of Directors authorize the CEO to execute a contract with Siemens for procurement of a minimum of 57 low-floor S70 Ultra-Short light rail vehicles, in an amount not to exceed \$224M, contingent upon SANDAG fully funding the project and MTS Staff completing all FTA procurement procedures; and
2. Authorize the CEO to execute an MOU with SANDAG to fully fund the project





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San Diego, CA 92101-7490
(619) 231-1466 • FAX (619) 234-3407

Agenda

Item No. 45

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

FIN 310 (PC 50601)

September 24, 2009

SUBJECT:

MTS: OPERATIONS BUDGET STATUS REPORT FOR JUNE 2009

RECOMMENDATION:

That the Board of Directors receive a report on the Metropolitan Transit System's (MTS's) operations budget status for June 2009.

Budget Impact

None at this time.

DISCUSSION:

This report summarizes MTS's operating results for June 2009 compared to the amended midyear budget. Attachment A-1 combines the operations, administration, and other activities results for June 2009. Attachment A-2 details the June 2009 combined operations results, and Attachments A-3 to A-8 present budget comparisons for each MTS operation. Attachment A-9 details budget comparisons for MTS Administration, and A-10 provides June 2009 results for MTS's other activities (Taxicab/San Diego and Arizona Eastern Railway Company/debt service).

MTS NET-OPERATING SUBSIDY RESULTS

As indicated within Attachment A-1, the year-end June 2009 MTS net-operating subsidy favorable variance totaled \$2,337,000 (2.0%). Operations produced a \$3,588,000



Metropolitan Transit System (MTS) is comprised of the Metropolitan Transit Development Board (MTDB) a California public agency, San Diego Transit Corp., and San Diego Trolley, Inc., in cooperation with Chula Vista Transit and National City Transit. MTS is Taxicab Administrator for eight cities. MTDB is owner of the San Diego and Arizona Eastern Railway Company. MTDB Member Agencies include: City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, and the County of San Diego.

(3.1%) favorable variance, and the administrative/other activities areas were unfavorable by \$1,252,000.

MTS COMBINED RESULTS

Revenues

Year-end combined revenues at June 2009 were \$95,795,000 compared to the year-end budget of \$95,222,000, which represents a \$573,000 (0.6%) favorable variance.

Expenses

Year-end combined expenses through June 2009 were \$209,718,000 compared to the year-end budget of \$211,481,000, which resulted in a \$1,764,000 (0.8%) favorable variance.

Personnel Costs. Year-end personnel-related costs totaled \$99,230,000 compared to a year-end budgetary figure of \$99,107,000, producing an unfavorable variance of \$123,000 (-0.1%).

Outside Services and Purchased Transportation. Total outside services for the fiscal year totaled \$70,816,000 compared to a budget of \$71,009,000, which resulted in a favorable variance of \$193,000 (0.3%).

Materials and Supplies. Materials and supplies expenses for the fiscal year totaled \$7,135,000 compared to a budgetary figure of \$7,429,000, which resulted in a favorable expense variance of \$293,000 (3.9%). This is primarily due to materials and supplies favorable variances within rail operations.

Energy. Total energy costs were \$26,367,000 for the fiscal year compared to the budget of \$28,520,000 resulting in a year-end favorable variance of \$2,153,000 (7.5%). For the fiscal year, diesel prices averaged \$2.705 per gallon compared to the midyear-adjusted budgetary rate of \$2.570 per gallon. CNG prices averaged \$1.295 per therm over the fiscal year compared to the midyear-adjusted budgetary rate of \$1.470 per therm.

Risk Management. Total expenses for risk management were \$4,509,000 compared to the year-end budget of \$3,981,000, which resulted in an unfavorable variance totaling \$528,000 (-13.3%). This is primarily due to higher-than-expected legal claims costs within rail and transit operations.

General and Administrative. Year-to-date general and administrative costs, including vehicle and facilities leases, were \$225,000 (-15.6%) unfavorable to budget totaling \$1,660,000 through June 2009 compared to a year-to-date budget of \$1,436,000. This is primarily due to a year-to-date reclassification of bank fees as well as some higher-than-expected office equipment expenses that were not qualified as capital procurements.

MTS NONOPERATING REVENUES RESULTS

Subsidy Revenues

For FY 2009, subsidy revenue was unfavorable to budget by \$1,117,000. This negative variance is detailed as follows:

- Medi-Cal revenues were unfavorable by \$1,071,000 due to a change in Medi-Cal billing procedures and the continued work in receiving the tape match to get MTS ridership to match Medi-Cal recipients. The "tape match" is a process by which MTS can confirm that its Americans with Disabilities Act/paratransit riders as Medi-Cal clients in San Diego County. MTS rider data (name, date of birth, address, etc.) is compared with the database in Sacramento to confirm that the rider is a Medi-Cal client. This process is necessary because MTS is prohibited from asking riders to provide their Medi-Cal numbers. This figure is still preliminary as the tape match is not yet complete and needs approval from Medi-Cal.
- TDA revenues were right at budget. Sales tax projections for the fiscal year were originally a +2.2% increase year over year; at midyear, they were adjusted down by 5% to -2.8%. The actual change was -8.5% year over year. Despite this dramatic drop, SANDAG utilized the reserves held at the county level to keep our TDA revenues at the midyear-budgeted amounts. The reserve account is now essentially depleted and will have to be built up again during FY 2010.
- TransNet revenues were unfavorable by \$314,000 due to declining sales tax revenues.

Debt Service

For FY 2009, debt service was unfavorable to budget by \$881,000. This negative variance was caused by higher interest expenses and related fees on the variable pension obligation bonds for transit services.

YEAR-TO-DATE SUMMARY

The June 2009 year-end net-operating subsidy totaled a favorable variance of \$2,337,000 (2.0%). These factors include favorable variances in passenger revenue, outside services, energy, and materials and supplies partially offset by other revenue, risk management and general and administrative expenses.

Nonoperating net subsidy for FY 2009 was unfavorable to budget by \$1,998,000 primarily due to a procedural change with Medi-Cal funding and higher costs associated with pension obligation bonds for transit services.

In total, FY 2009 revenue exceeded expenses by \$339,000; \$143,000 of that favorable variance is related to other activities (Taxicab/San Diego and Arizona Eastern Railway Company) with the remaining \$196,000 related specifically to MTS.



Paul G. Jablonski
Chief Executive Officer

Key Staff Contact: Larry Marinesi, 619.557.4542, Larry.Marinesi@sdmts.com

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Attachment: A. Comparison to Budget

**MTS
CONSOLIDATED
COMPARISON TO BUDGET - FISCAL YEAR 2009
JUNE 30, 2009
(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 88,872	\$ 87,411	\$ 1,461	1.7%
Other Revenue	6,923	7,811	(888)	-11.4%
Total Operating Revenue	\$ 95,795	\$ 95,222	\$ 573	0.6%
Personnel costs	\$ 99,230	\$ 99,107	\$ (123)	-0.1%
Outside services	70,816	71,009	193	0.3%
Transit operations funding	-	-	-	-
Materials and supplies	7,135	7,429	293	3.9%
Energy	26,367	28,520	2,153	7.5%
Risk management	4,509	3,981	(528)	-13.3%
General & administrative	1,150	975	(175)	-17.9%
Vehicle/facility leases	511	460	(50)	-10.9%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	(0)	(0)	0	-164.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 209,718	\$ 211,481	\$ 1,764	0.8%
Operating income (loss)	\$ (113,922)	\$ (116,259)	\$ 2,337	2.0%
Subsidy Revenue	127,315	128,432	(1,117)	-0.9%
Debt Service	(13,054)	(12,173)	(881)	-7.2%
Total Non-Operating income	114,261	116,259	(1,998)	-1.7%
Income (loss) before capital contributions	\$ 339	\$ 0	\$ 339	43290784.9%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
CONSOLIDATED OPERATIONS
COMPARISON TO BUDGET - FISCAL YEAR 2009
JUNE 30, 2009
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 88,872	\$ 87,411	\$ 1,461	1.7%
Other Revenue	758	722	36	5.0%
Total Operating Revenue	\$ 89,630	\$ 88,133	\$ 1,497	1.7%
Personnel costs	\$ 88,450	\$ 88,428	\$ (22)	0.0%
Outside services	67,419	67,643	224	0.3%
Transit operations funding	-	-	-	-
Materials and supplies	7,130	7,415	285	3.8%
Energy	25,989	28,100	2,111	7.5%
Risk management	4,061	3,559	(502)	-14.1%
General & administrative	366	409	43	10.5%
Vehicle/facility leases	502	455	(47)	-10.4%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	9,179	9,179	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 203,097	\$ 205,189	\$ 2,092	1.0%
Operating income (loss)	\$ (113,467)	\$ (117,056)	\$ 3,588	3.1%
Total public support and nonoperating revenues	114,664	117,056	(2,392)	-2.0%
Income (loss) before capital contributions	\$ 1,197	\$ 0	\$ 1,197	258867489.3%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
TRANSIT SERVICES (SAN DIEGO TRANSIT CORPORATION)
COMPARISON TO BUDGET - FISCAL YEAR 2009
JUNE 30, 2009
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 27,882	\$ 26,587	\$ 1,294	4.9%
Other Revenue	141	38	103	271.2%
Total Operating Revenue	\$ 28,023	\$ 26,625	\$ 1,397	5.2%
Personnel costs	\$ 55,722	\$ 55,795	\$ 72	0.1%
Outside services	2,074	1,944	(130)	-6.7%
Transit operations funding	-	-	-	-
Materials and supplies	4,348	4,405	57	1.3%
Energy	8,254	8,767	513	5.8%
Risk management	1,896	1,744	(152)	-8.7%
General & administrative	152	168	16	9.4%
Vehicle/facility leases	195	143	(53)	-36.9%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	4,754	4,754	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 77,396	\$ 77,720	\$ 324	0.4%
Operating income (loss)	\$ (49,373)	\$ (51,095)	\$ 1,722	3.4%
Total public support and nonoperating revenues	50,556	51,095	(539)	-1.1%
Income (loss) before capital contributions	\$ 1,183	\$ (0)	\$ 1,183	-375108515.3%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
RAIL OPERATIONS (SAN DIEGO TROLLEY, INCORPORATED)
COMPARISON TO BUDGET - FISCAL YEAR 2009
JUNE 30, 2009
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 33,454	\$ 33,261	\$ 193	0.6%
Other Revenue	553	684	(131)	-19.2%
Total Operating Revenue	\$ 34,006	\$ 33,945	\$ 62	0.2%
Personnel costs	\$ 31,505	\$ 31,368	\$ (137)	-0.4%
Outside services	9,252	8,473	(779)	-9.2%
Transit operations funding	-	-	-	-
Materials and supplies	2,751	2,964	213	7.2%
Energy	8,985	8,812	(172)	-2.0%
Risk management	2,139	1,790	(350)	-19.5%
General & administrative	180	199	19	9.5%
Vehicle/facility leases	168	158	(10)	-6.2%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	3,505	3,505	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 58,486	\$ 57,269	\$ (1,216)	-2.1%
Operating income (loss)	\$ (24,479)	\$ (23,324)	\$ (1,155)	-5.0%
Total public support and nonoperating revenues	24,499	23,324	1,175	5.0%
Income (loss) before capital contributions	\$ 20	\$ (0)	\$ 20	-61699968.4%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
MULTIMODAL OPERATIONS (FIXED ROUTE)
COMPARISON TO BUDGET - FISCAL YEAR 2009
JUNE 30, 2009
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 21,999	\$ 21,642	\$ 358	1.7%
Other Revenue	64	-	64	-
Total Operating Revenue	\$ 22,063	\$ 21,642	\$ 422	1.9%
Personnel costs	\$ 415	\$ 464	\$ 49	10.5%
Outside services	39,654	40,345	692	1.7%
Transit operations funding	-	-	-	-
Materials and supplies	25	33	8	25.4%
Energy	6,551	7,685	1,134	14.8%
Risk management	-	-	-	-
General & administrative	12	12	0	2.8%
Vehicle/facility leases	139	152	13	8.7%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	729	729	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 47,524	\$ 49,420	\$ 1,896	3.8%
Operating income (loss)	\$ (25,461)	\$ (27,778)	\$ 2,318	8.3%
Total public support and nonoperating revenues	25,461	27,778	(2,318)	-8.3%
Income (loss) before capital contributions	\$ (0)	\$ -	\$ (0)	-

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
MULTIMODAL OPERATIONS (PARATRANSIT)
COMPARISON TO BUDGET - FISCAL YEAR 2009
JUNE 30, 2009
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 1,858	\$ 1,915	\$ (57)	-3.0%
Other Revenue	-	-	-	-
Total Operating Revenue	\$ 1,858	\$ 1,915	\$ (57)	-3.0%
Personnel costs	\$ 142	\$ 141	\$ (1)	-0.8%
Outside services	10,178	10,560	382	3.6%
Transit operations funding	-	-	-	-
Materials and supplies	-	-	-	-
Energy	1,707	2,091	384	18.4%
Risk management	-	-	-	-
General & administrative	4	5	1	14.4%
Vehicle/facility leases	-	2	2	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	29	29	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 12,060	\$ 12,828	\$ 768	6.0%
Operating income (loss)	\$ (10,202)	\$ (10,912)	\$ 710	6.5%
Total public support and nonoperating revenues	10,202	10,912	(710)	-6.5%
Income (loss) before capital contributions	\$ (0)	\$ (0)	\$ 0	-99.9%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
CONSOLIDATED CHULA VISTA TRANSIT OPERATIONS
COMPARISON TO BUDGET - FISCAL YEAR 2009
JUNE 30, 2009
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ 3,680	\$ 4,007	\$ (327)	-8.2%
Other Revenue	-	-	-	-
Total Operating Revenue	\$ 3,680	\$ 4,007	\$ (327)	-8.2%
Personnel costs	\$ 476	\$ 472	\$ (5)	-1.0%
Outside services	5,959	6,018	59	1.0%
Transit operations funding	-	-	-	-
Materials and supplies	7	13	6	48.8%
Energy	493	746	253	33.9%
Risk management	25	25	-	0.0%
General & administrative	18	25	7	28.9%
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	162	162	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 7,140	\$ 7,460	\$ 321	4.3%
Operating income (loss)	\$ (3,460)	\$ (3,454)	\$ (6)	-0.2%
Total public support and nonoperating revenues	3,454	3,454	-	0.0%
Income (loss) before capital contributions	\$ (6)	\$ 0	\$ (6)	-1451293.6%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OPERATIONS
CORONADO FERRY
COMPARISON TO BUDGET - FISCAL YEAR 2009
JUNE 30, 2009
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	-	-	-	-
Total Operating Revenue	\$ -	\$ -	\$ -	-
Personnel costs	\$ -	\$ -	\$ -	-
Outside services	148	148	-	0.0%
Transit operations funding	-	-	-	-
Materials and supplies	-	-	-	-
Energy	-	-	-	-
Risk management	-	-	-	-
General & administrative	-	-	-	-
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	-	-	-	-
Depreciation	-	-	-	-
Total Operating Expenses	\$ 148	\$ 148	\$ -	0.0%
Operating income (loss)	\$ (148)	\$ (148)	\$ -	0.0%
Total public support and nonoperating revenues	148	148	-	0.0%
Income (loss) before capital contributions	\$ 0	\$ 0	\$ -	0.0%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
ADMINISTRATION
CONSOLIDATED
COMPARISON TO BUDGET - FISCAL YEAR 2009
JUNE 30, 2009
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	5,132	6,180	(1,048)	-17.0%
Total Operating Revenue	\$ 5,132	\$ 6,180	\$ (1,048)	-17.0%
Personnel costs	\$ 10,148	\$ 10,083	\$ (65)	-0.6%
Outside services	3,274	3,209	(64)	-2.0%
Transit operations funding	-	-	-	-
Materials and supplies	6	5	(1)	-27.6%
Energy	368	403	35	8.7%
Risk management	413	388	(26)	-6.6%
General & administrative	678	455	(223)	-48.9%
Vehicle/facility leases	8	5	(3)	-53.6%
Amortization of net pension asset	-	-	-	-
Administrative Allocation	(9,225)	(9,225)	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 5,670	\$ 5,324	\$ (347)	-6.5%
Operating income (loss)	\$ (538)	\$ 857	\$ (1,395)	162.8%
Total public support and nonoperating revenues	(463)	(857)	394	-45.9%
Income (loss) before capital contributions	\$ (1,002)	\$ 0	\$ (1,002)	-313188176.4%

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
OTHER ACTIVITIES
CONSOLIDATED
COMPARISON TO BUDGET - FISCAL YEAR 2009
JUNE 30, 2009
(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VARIANCE
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	1,033	908	125	13.7%
Total Operating Revenue	\$ 1,033	\$ 908	\$ 125	13.7%
Personnel costs	\$ 632	\$ 596	\$ (36)	-6.0%
Outside services	122	156	33	21.5%
Transit operations funding	-	-	-	-
Materials and supplies	(1)	9	10	116.2%
Energy	10	17	7	42.9%
Risk management	35	34	(1)	-2.7%
General & administrative	106	111	5	4.4%
Vehicle/facility leases	-	-	-	-
Amortization of net pension asset	-	-	-	-
Administrative Allocation	46	46	-	0.0%
Depreciation	-	-	-	-
Total Operating Expenses	\$ 950	\$ 969	\$ 19	1.9%
Operating income (loss)	\$ 83	\$ (60)	\$ 143	238.1%
Total public support and nonoperating revenues	60	60	-	0.0%
Income (loss) before capital contributions	\$ 143	\$ 0	\$ 143	#####

Metropolitan Transit System FY 2009 - June 2009 Financial Review

MTS Board of Directors Meeting
September 24, 2009



COMBINED MTS TRANSIT OPERATORS COMPARISON TO BUDGET - JUNE 30, 2009 - FY 2009 (in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VAR
Fare Revenue	\$88,872	\$87,411	\$1,461	1.7%
Other Revenue	758	722	36	5.0%
Total Operating Revenue	\$89,630	\$88,133	\$1,497	1.7%

- Fare Revenue comparison to Mid-Year Budget
 - Year to date Ridership 0.2% under budget
 - Average Fares ahead of budget by 1.8%



**COMBINED MTS TRANSIT OPERATORS
COMPARISON TO BUDGET - JUNE 30, 2009 - FY 2009
(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	% VAR
Personnel Costs	\$88,450	\$88,428	(\$22)	0.0%
Purchased Transportation	54,516	55,462	947	1.7%
Other Outside Services	12,904	12,181	(723)	-5.9%
Energy	25,989	28,100	2,111	7.5%
Other Expenses	21,239	21,018	(221)	-1.1%
Total Expenses	\$203,097	\$205,189	\$2,092	1.0%

- Actual Expenses at 99.0% of Budgeted Expenses
- Energy - June year to date rates:
 - CNG averaged \$1.295 per therm vs. budget of \$1.470
 - Diesel averaged \$2.705 per gallon vs. budget of \$2.570
 - Diesel utilization 40.7% under budget



**METROPOLITAN TRANSIT SYSTEM
COMPARISON TO AMENDED BUDGET - FY 2009
Non-Operating Activities
(in \$000's)**

Subsidy Revenue Variances:	
MediCal	(1,071)
TransNet	(314)
Other	268
Total Subsidy Revenue Variance	\$ (1,117)
Total Debt Service Variance	\$ (881)
Total Non-Operating Activities Variance	\$ (1,998)



METROPOLITAN TRANSIT SYSTEM
COMPARISON TO AMENDED BUDGET - FY 2009
TOTAL REVENUE LESS EXPENSES
(in \$000's)

Combined Net Operating Variance		
MTS Operating Revenue	\$	1,497
MTS Operating Expenses		2,092
MTS Administration		(1,395)
FY09 Non-Operating Activities		(1,998)
MTS Revenue Less Expense Variance	\$	196
Plus: SD&AE, Taxicab Variance		143
Total Revenue Less Expense Variance	\$	339

- Budget included \$1,750,000 carry-forward to FY 2010



Metropolitan Transit System
FY 2009 - June 2009
Financial Review

MTS Board of Directors Meeting
September 24, 2009





1255 Imperial Avenue, Suite 1000
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Agenda

Item No. 46

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

September 24, 2009

THIS NUMBER NOT USED

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Metropolitan Transit System (MTS) is comprised of the Metropolitan Transit Development Board (MTDB) a California public agency, San Diego Transit Corp., and San Diego Trolley, Inc., in cooperation with Chula Vista Transit and National City Transit. MTS is Taxicab Administrator for eight cities. MTDB is owner of the San Diego and Arizona Eastern Railway Company. MTDB Member Agencies include: City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, and the County of San Diego.



1255 Imperial Avenue, Suite 1000
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Agenda

Item No. 47

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

SRTP 825

September 24, 2009

SUBJECT:

MTS: REPORT ON AUTOMATIC PASSENGER COUNTERS FOR LIGHT RAIL DATA
COLLECTION AND CAPITAL IMPROVEMENT PROJECT FUNDS TRANSFER FOR
THEIR PURCHASE

RECOMMENDATION:

That the Board of Directors receive a report on Automatic Passenger Counters (APCs) as a tool for data collection for trolley operations and approve the transfer of State Transit Assistance (STA) funds and MTS Capital Improvement Program (CIP) project, South Bay Land Acquisition (11272), to create a CIP project for Trolley Automated Passenger Counters (APC's).

Budget Impact

The transfer of \$1.5 million from MTS CIP 11272 to create CIP project to allow all the needed trolley APC's to be procured and installed in a timely manner. The price of the base contract is estimated at \$1,325,000.

DISCUSSION:

Background

Ridership on the trolley is currently estimated through a program administered by the San Diego Association of Governments (SANDAG) called the Trolley Ridership Estimation Program (TREP). The ridership is estimated by counting the number of one-way tickets sold at ticket vending machines and multiplying that number by a ratio of passengers using one-way tickets. The ratio is determined by ridership surveyors who



check and record ticket usage. With the elimination of transfers in January 2008, less one-way tickets are purchased by passengers who now favor the Day Pass since it costs the same as a round-trip on the trolley and is also good on bus routes. As a result of this change in ticket purchasing habits, the smaller number of one-way tickets purchased and the variability of how many one-way tickets are purchased means there is a larger margin of error.

In February 2009, SANDAG commissioned a statistician to verify the reliability of the TREP due to changes in the system since the program was implemented, including the addition of the Green Line and changes to the fare structure.

The ridership estimated on the weekend for all routes is highly variable. For instance, the variability on Sundays for the Blue Line was shown to be 39%. On weekdays, the Green and Orange Lines have a variability of over 15%. This variability means that ridership can be reported higher or lower than actual ridership by up to 15%; therefore, the TREP in 2008 is providing estimates with significant margin of errors.

This variability analysis is consistent with results of a comparison of one-day counts and TREP results. Each year, SANDAG counts each weekday trolley trip once during the month of October by placing human counters on board who record the actual number of passengers boarding and alighting at each stop. Staff compared the annual onboard trolley ridership count to the average weekday ridership estimates from the TREP for the month of October 2008.

Average Weekday Ridership (October 2008)

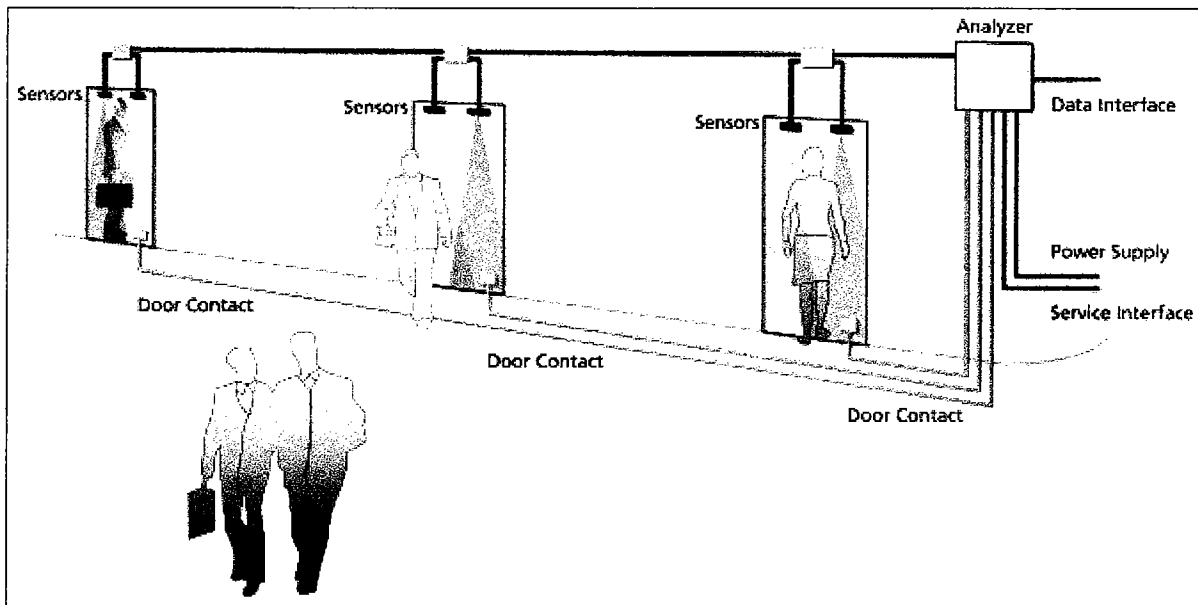
	TREP	One-day Counts	Difference
Blue Line	61,028	67,860	11.2%
Orange Line	22,309	31,140	39.6%
Green Line	20,112	24,399	21.3%
Total	103,449	123,399	19.3%

Based on this analysis, the TREP possibly underestimated daily ridership by 19.3% per day for the month of October 2008.

The reliability of the TREP ridership estimates has led staff to seek a new method for counting passengers. In addition to providing a tool to match service levels to passenger demand and to track system productivity, ridership counts impact MTS's funding since ridership is a factor in the proportion of federal funding for rail operations that an agency receives. Due to the reliability issues in the current TREP, MTS staff has been researching the purchase of Automatic Passenger Counters (APCs) as a way to gain a more concrete ridership count for the Trolley.

APC Technology

APCs work by sensing the movement of passengers in and out of vehicle doors using either infrared or laser beams. A central processing unit stores the data on board along with the GPS coordinate of the stop until the vehicle returns to the yard. At the yard, a wireless connection is made between the base station and the vehicle, and the ridership data is transferred into the database on the base station. Reports can then be run to see ridership by station, line, time of day, and many other factors.



A typical APC installation on a light rail vehicle (image provided by Init)

MTS has been using APC technology on board buses operated by MTS Bus for three years. The larger sample sizes that APC-equipped vehicles are able to gather have assisted greatly in the planning and evaluation of MTS routes. The data have been strong and have enabled MTS to make decisions about which parts of a route might have lower ridership at what time of day, which bus stops to remove, and even how long it takes the bus to travel from stop to stop.

APC technology has been in use for years on several other light rail systems in the United States, such as VTA in San Jose, Muni in San Francisco, TriMet in Portland, and more recently, Valley Metro in Phoenix. The North County Transit District (NCTD) is in the process of processing an APC system for its Sprinter operations.

Data Sampling and Purchasing of APCs

After creating a statistical sampling plan and taking into consideration the trolley yard layout, the composition of train consists, the size of the trains, and other operations-related factors, staff has determined that approximately 53 cars (40% of the fleet) should be equipped with APCs. This number of cars will allow MTS to sample each weekday and weekend trip at least once in every two-week period. Using these samples, MTS will be able to make a more accurate estimation of ridership numbers that will be less susceptible to swings in ridership due to school vacations, statutory holidays, and special events. The statistical variability would become smaller, and ridership numbers should therefore be more accurate.

Cost

The cost per vehicle for APCs is estimated to be between \$20,000 and \$25,000 per vehicle. Based on 53 vehicles, the possible budget impact is \$1,325,000. There could also be options to outfit the remaining 26 SD 100 vehicles for an additional cost of up to \$625,000 and a total cost of \$1,950,000.

The funds needed for the South Bay Land Acquisition Project (CIP 11272) have been reduced due to falling property values. As a result, a total of \$2 million in STA funding has become available, and \$1.5 million can be transferred for use in this project.

The new S70 Ultra Short vehicles that MTS has under option from Siemens would come equipped with the system that would be chosen through an MTS procurement if the agency decides to replace the existing TREP.


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Chief Executive Officer

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SEPT24-09.47.TROLLEY APCS.DBRAUN.doc

Trolley Automatic Passenger Counters

MTS Board of Directors Meeting
September 24, 2009



Automatic Passenger Counters (APCs)

Ridership Estimation

- SANDAG runs the Trolley Ridership Estimation Program
- Single-ride ticket sales and ridership percentages are used to estimate the number of total boardings
- After transfers and round trip tickets were eliminated, day passes became a preferred purchase and single ride ticket sales dropped

Single Ride
Ticket
Sales



Ridership
Variability



Automatic Passenger Counters (APCs)

Ridership Estimation

- Variability up to 39% on weekend days for the Blue Line
- Orange and Green Lines have 15% variability on weekdays
- Manual counts by stop and line are taken once a year on weekdays

October 2009
Weekday Manual Count

123,399

October 2009
Weekday TREP Estimate

103,449



3

Automatic Passenger Counters (APCs)

Ridership Estimation

- Accurate estimates are essential because federal funding formulas are based on ridership figures.
- We can better manage service levels (frequency, timing, and train consists) with proper ridership figures

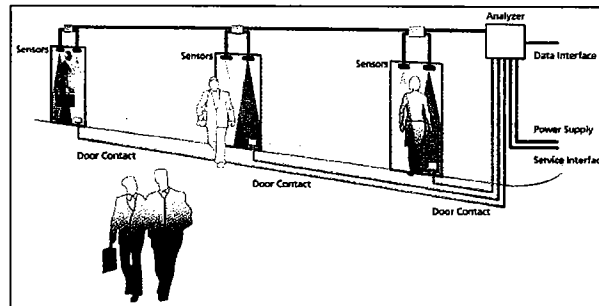


4

Automatic Passenger Counters (APCs)

Technology

- Lasers or infrared beams mounted in the doorway are used to count passengers boarding and alighting the vehicle



5



Automatic Passenger Counters (APCs)

Technology

- Boardings and alightings are tagged with a GPS coordinate and assigned to a station
- 95% accuracy is guaranteed by vendors
- Some other systems using APCs on Light Rail are San Jose VTA, Portland Trimet, Phoenix Valley Metro, and Denver RTD
- We already use APCs on about 130 Buses



6



Automatic Passenger Counters (APCs)

Data Sampling Plan

- APCs on 53 vehicles (40% of the fleet) would allow at least two samples of each weekday trip and one sample of each weekend trip every two weeks
- Ridership estimates would be less variable due to sampling plan



7

Automatic Passenger Counters (APCs)

Specifications/RFP

- A specification document has been completed based on other agency specifications and recommendations
- An RFP is being prepared in order to equip 53 cars and possibly 26 optional cars
- The approximate cost per car will be \$20,000 to \$25,000 per car, for a total budget impact of up to \$1,325,000 for 53 cars



8

Recommendation

Receive a report on the purchase of Automatic Passenger
Counters

And

Approve the transfer of \$1.5 million in STA funds and MTS
CIP project funds from the South Bay Land Acquisition
Project to create a CIP project for Trolley APCs





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Agenda

Item No. 48

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

S RTP 830 (PC 50451)

September 24, 2009

SUBJECT:

MTS: ANNUAL SERVICE PERFORMANCE MONITORING REPORT

RECOMMENDATION:

That the Board of Directors receive a report for information.

Budget Impact

None.

DISCUSSION:

MTS Board Policy No. 42 establishes a process for evaluating existing transit services to achieve the objective of developing a customer-focused, competitive, integrated, and sustainable system. The policy states that services will be evaluated annually and provides a set of measures for evaluation. This report represents the annual service evaluation for FY 2009.

FY 2009 was the second full fiscal year in which the system operated under the results of the Comprehensive Operational Analysis (COA). There were service adjustments in FY 2009 due to budget considerations which impacted some of the data in this report. Those changes had the greatest impact on weekend service.

Attachment A provides route-specific details. Routes are designated into seven service categories based on route characteristics and compared against other similar services in the same category.



Develop a Customer-Focused and Competitive System

The following measures of productivity and service quality are used to ensure that services are focused on providing competitive and attractive transportation that meets MTS's customers' needs.

- **Total Passengers** - *Percent change in passengers should equal or exceed percent change in average daily traffic within the MTS urban network area*

Route Categories	FY 2007	FY 2008	FY 2009	Chg. 07-08	Chg. 08-09
Premium Express	254,099	280,691	303,549	10.5%	8.1%
Express	2,077,456	2,217,331	2,439,897	6.7%	10.0%
Light Rail	35,114,385	37,620,944	36,928,284	7.1%	-1.8%
Urban Frequent	34,464,253	37,005,041	39,113,634	7.4%	5.7%
Urban Standard	12,091,618	11,949,335	11,830,577	-1.2%	-1.0%
Circulator	1,279,247	1,179,296	1,059,706	-7.8%	-10.1%
Rural	24,323	25,822	24,425	6.2%	-5.4%
Demand-Responsive	372,619	374,500	372,373	0.5%	-0.6%
Total MTS Passengers	85,678,000	90,652,960	92,072,445	5.8%	1.6%

System-wide ridership increased 1.6 percent (1,419,485 passengers) between FY 2008 and FY 2009. The greatest ridership increase (2,108,593) was experienced in the Urban Frequent route category while the trolley had the largest decrease (-692,660).

MTS is investigating the accuracy and variability of the current Trolley Ridership Estimation Program (TREP) run by the San Diego Association of Governments (SANDAG). Trolley ridership numbers can fluctuate a great deal based on sample size under the current TREP. As a result of this variability and due to inconsistencies in surveying riders for which type of pass or fare was paid to ride the trolley, the ridership numbers reported for FY 2009 are questionable. MTS and SANDAG are evaluating alternative estimation programs to gain a more accurate passenger count.

In terms of percentages, the Express route category had the largest gains in ridership (10%). These services offer a competitive travel time and cost, which makes the faster services an attractive alternative to driving.

The Circulator category had the largest percentage decrease in ridership (-10.1%, or 119,590 passengers). This is primarily due to service reductions in Circulator routes over the previous year (an 8.6% reduction in hours), which included reductions in the Sorrento Valley Coaster Connection service. The Urban Standard routes are slightly down reflecting service cuts made to those routes and anticipated passenger preference for using Urban Frequent routes to complete trips. These trends reflect the strategies of the COA, which anticipated that passengers would prefer routes with better frequencies.

(Average Daily Traffic (ADT) statistics for the San Diego region are not available for FY 2009; therefore, the increase in ridership cannot be compared to the ADT for this report.)

- **Average Weekday Passengers - Improve ratio between ridership and average daily traffic within the MTS urban network area**

Route Categories	FY 2007	FY 2008	FY 2009	Chg. 07-08	Chg. 08-09
Premium Express	977	1,108	1,192	13.3%	7.6%
Express	7,403	7,936	8,645	7.2%	8.9%
Light Rail	104,037	114,119	109,882	9.4%	-3.7%
Urban Frequent	106,384	119,396	124,892	12.2%	4.6%
Urban Standard	38,148	39,573	39,094	3.7%	-1.2%
Circulator	4,214	4,283	3,868	-1.9%	-9.7%
Rural	130	144	139	10.7%	-3.9%
Demand-Responsive	1,264	1,381	1,347	-9.6%	-2.5%
Avg. Weekday Passengers	252,706	287,940	289,057	3.9%	0.4%

Average weekday ridership increased 0.4% (1,117 passengers) between FY 2008 and FY 2009. The greatest increase occurred in the Urban Frequent category with an increase of 5,495 daily passengers. In terms of percentages, the Express routes increased 8.9 % over the previous year due to passenger preference for faster services. Daily ridership on Circulator routes decreased substantially due to service reductions, higher fares, and higher unemployment.

(Transit's percent of Average Daily Traffic (ADT), or mode split, cannot be calculated at this time since ADT statistics are not available for FY 2009.)

- **Passengers per Revenue Hour – Improve route category average**

Route Categories	FY 2007	FY 2008	FY 2009	Chg. 07-08	Chg. 08-09
Premium Express	20.9	21.6	24.5	3.4%	13.2%
Express	22.4	25.3	28.9	13.3%	13.9%
Light Rail	198.5	212.4	223.6	7.0%	5.3%
Urban Frequent	31.9	32.9	34.9	2.9%	6.2%
Urban Standard	22.6	23.1	25.2	2.4%	9.0%
Circulator	16.9	14.9	14.7	-11.4%	-1.7%
Rural	5.7	5.6	5.64	-3.0%	1.5%
Demand-Responsive	2.2	2.1	2.0	-5.1%	-3.3%
MTS System	39.9	41.5	43.5	3.9%	4.9%

Passengers per revenue hour is an industry standard for assessing service productivity. Revenue hours include the time that vehicles are transporting passengers (in service) as well as the recovery time at the end of each trip.

Overall, passengers per revenue hour for the system improved by 4.9% from 41.5 to 43.5. Fixed-route bus service improved from 28.8 to 31.0 passengers per revenue hour or a 7.7% increase over FY 2008. Demand-Responsive services exhibited the largest percent decline in passengers per hour (-3.3%), which is in part reflective of the elimination of the remaining DART services. While there was a 3.3% decrease for the Demand-Responsive category, the numeric drop was only .1 passenger per hour.

- **Passengers per In-Service Hour – Improve route category average**

Route Categories	FY 2007	FY 2008	FY 2009	Chg. 07-08	Chg. 08-09
Premium Express	18.2	22.5	26.0	23.5%	15.5%
Express	28.8	32.3	37.5	12.3%	16.0%
Light Rail	228.0	249.6	241.4	9.5%	-3.5%
Urban Frequent	38.1	42.4	43.8	11.4%	3.3%
Urban Standard	30.7	31.6	34.4	2.8%	9.2%
Circulator	32.6	26.4	25.2	-19.1%	-8.0%
Rural	4.5	5.78	5.6	25.2%	-3.9%
Demand-Responsive					
MTS System	52.9	57.5	59.0	8.7%	2.6%

Passengers per in-service hour represents a more accurate picture of productivity because in-service hours only include hours of operation solely dedicated to transporting passengers and does not include recovery time. This statistic is only available for FY 2007 and beyond.

Premium Express and Express routes exhibited the greatest increase in riders per in-service hour (15.5% and 16.0%, respectively) while Light Rail, Circulator, and Rural had slight decreases. The Light Rail decrease can be attributed to lower ridership due to the economy as well as possible inaccuracies in the estimated ridership. The overall lower demand for Circulator routes has caused the decrease in productivity for those routes and, while Rural routes are down 3.9%, this is only a .18 riders per in-service hour decrease.

- **Passenger Load Factor – No more than 20% of revenue hours exceeding one standee per 4 ft² on local street operation (55 passengers on a standard bus and 90 passengers on an articulated bus) and seating capacity on freeway operations and minibus service**

Route	Type of Route	% Trips With Overcrowding
20	Freeway	1.9%
28	Regular	2.6%
115	Regular	1.8%
150	Freeway	2.0%
701	Regular	0.9%
709	Regular	5.4%
712	Regular	1.7%
901	Freeway	3.0%
929	Regular	4.6%
932	Regular	1.6%
933	Regular	1.3%
955	Regular	2.4%
960	Freeway	28.6%

Due to a change in the passenger reporting system administered by SANDAG, overcrowding is only available on the trip level for FY 2008 and beyond; therefore, a figure for overcrowding is not available. As a result, the number of trips that had overcrowding at some point during the trip is reported above. These figures do not mean that buses were overcrowded for the whole trip, but rather at some time during the trip they experienced overcrowding.

Overcrowded trips are uncommon, and when overcrowding becomes chronic, MTS adds tripper buses where needed and appropriate to pick up the extra passengers. Typically, buses are overcrowded on one or two trips during the peak periods of the above-listed routes.

-
- **On-Time Performance** – 85% for Urban Frequent and 90% for all other route categories
-

Route Categories	Service Changes					
	Jun-07	Sep-07	Jan-08	Jun-08	Sep-08	Jan-09
Premium Express	64%	79%	66%	86%	90%	92%
Express	82%	81%	86%	86%	85%	89%
Light Rail	97%	96%	96%	95%	95%	97%
Urban Frequent	84%	84%	86%	81%	83%	84%
Urban Standard	83%	85%	89%	87%	86%	87%
Circulator	95%	88%	89%	89%	91%	91%
Rural	N/A	N/A	N/A	N/A	N/A	N/A
Demand-Responsive	N/A	N/A	N/A	N/A	N/A	N/A
MTS System	85%	86%	87%	86%	86%	87%

On-time performance is calculated as departing within 5 minutes of the scheduled time.

On-time performance is reported for service change periods in order to isolate the changes made to routes so that we can monitor the impact of scheduling changes on on-time performance and adjust as needed.

MTS system-wide on-time performance has been consistent from service change to service change and varies only slightly when summer services begin or when schools are in or out of session. Both the Planning and Scheduling and Bus Operations Departments have been working to improve on-time performance through driver counseling, improved running times, and strict oversight of contract operations. The Planning and Scheduling Department has been able to use new technologies in place on routes operated by MTS Bus to analyze running times in order to provide more realistic times. Furthermore, through the use of “ghost riders,” the Planning and Scheduling Department monitors contracted bus routes to get on-time performance figures on a regular basis.

Urban Frequent routes are just below their 85% threshold and Urban Standard and Express routes are a bit further from their on-time performance goal of 90%. Each of these types of service are heavily impacted by urban congestion and other factors that slow down a bus route. The Planning and Scheduling Department will continue to monitor these routes and make schedule adjustments as the budget and resources allow.

• **Accidents per 100,000 Miles – Improve operator average**

Operator	FY 2007	FY 2008	FY 2009	Chg 07-08	Chg 08-09
MTS Bus	1.57	1.53	1.76	-2.5%	15.0%
MTS Contract Services	2.19	2.56	1.73	16.5%	-32.4%
MTS Rail	0.00	0.03	0.00	100%	-100%

Accidents reported are preventable accidents. MTS Rail experienced zero preventable accidents in FY 2009. MTS Bus had a slight increase in the preventable accident rate. Continued operator retraining and improved driver safety-awareness programs and materials were used throughout the year to maintain relatively low incident levels for bus and trolley operators. Staff will continue to strive to improve the operator average.

• **Complaints per 100,000 Passengers – Improve operator average**

Operator	FY 07	FY 08	FY 09	Chg 07-08	Chg 08-09
MTS Bus	11.4	13.6	10.7	19.5%	-21.6%
MTS Contract Services FR	7.3	14.7	11.1	100.6%	-24.5%
MTS Contract Services DR	16.6	27.8	N/A	67.4%	N/A
MTS Rail	1.25	.94	1.79	-0.25%	51.9%

The rate of complaints per 100,000 passengers has fallen for MTS Bus and for MTS Contract Services fixed-route buses. Complaints for MTS Rail have increased by 51.9%, which is attributable to better record-keeping due to a new in-house system for tracking complaints. Now all operators are using the same automated tracking system for complaints and will begin to report complaint levels on a consistent basis.

Staff will continue to aggressively address complaints and seek to drive down the number of incidents.

Develop a Sustainable System

The following measures are used to ensure that transit resources are deployed as efficiently as possible and do not exceed budgetary constraints.

• **In-Service Miles - Not to exceed budget**

Operator	FY 2009		Difference	
	Actual	Budget	Number	Percent
MTS Bus	9,231,478	9,244,668	-13,190	-0.1%
MTS Contract Service FR	10,052,688	10,098,967	-46,279	-0.5%
MTS Rail	7,894,528	8,092,000	-197,472	-2.4%

In FY 2009, actual in-service miles were slightly below budget for all operators.

- **In-Service Hours - *Not to exceed budget***

Operator	FY 2009		Difference	
	Actual	Budget	Number	Percent
MTS Bus	843,791	845,355	(1,564)	-0.2%
MTS Contract Service FR	905,676	913,364	(7,688)	-0.8%
MTS Rail	409,516	436,777	(27,261)	-6.2%

In FY 2009, actual in-service hours were slightly below budget for all operators.

- **Peak-Vehicle Requirement - *Not to exceed budget***

Operator	Jan 2008	Jan 2009	June 2009	Chg Jan-Jan	Chg Jan-Jun
MTS Bus	199	193	193	-6	0
MTS Contract Services FR	238	233	231	-5	-2
MTS Rail	94	93	94	-1	1

The weekday peak-vehicle requirement is the maximum number of vehicles available to provide scheduled service during the heaviest service period of the week. Peak vehicles have seen a decline for MTS Bus and MTS Contract Service fixed-route due to the reduction of some services as well as efficiencies caused by better scheduling and vehicle-blocking.

- **In-Service Speeds - *Improve operator average***

Operator	Jan 2008	Jan 2009	June 2009	Chg Jan-Jan	Chg Jan-Jun
MTS Bus	13.3	13.4	13.4	-0.7%	0.0%
MTS Contract Services FR	14.1	14.3	14.0	-1.4%	2.1%
MTS Rail	21.1	21.1	21.1	0.0%	0.0%

In-service speeds were almost neutral for all modes of service between the January 2008 and June 2009 service periods. This demonstrates that traffic and increased ridership have not caused an increase in the bus running time from service change to service change.

- **In-Service Miles/Total Miles - *Improve operator average***

Operator	Jan 08	Jan 09	June 09	Chg Jan-Jan	Chg Jan-Jun
MTS Bus	89.2%	89.0%	88.2%	0.2%	0.9%
MTS Contract Services FR	N/A	N/A	N/A	N/A	N/A
MTS Rail	98.7%	98.8%	98.5%	-0.1%	0.3%

In-service miles per total miles is only calculated for MTS in-house bus operations as the contractor is responsible for bus and driver assignments (run-cutting), which determines total mileage. MTS bus ratios have been generally consistent over time with only a minor decrease in the ratio. As services have been reduced on weekends, it is often a

better and more efficient solution to route a bus out of service to another location to complete a trip than to sit and wait at the terminal for the next trip. MTS Rail operates only minimal out-of-service miles.

• **In-Service Hours/Total Hours - Improve operator average**

Operator	Jan 08	Jan 09	June 09	Chg Jan-Jan	Chg Jan-Jun
MTS Bus	77.8%	78.3%	77.7%	-0.6%	0.8%
MTS Contract Services FR	N/A	N/A	N/A	N/A	N/A
MTS Rail	98.7%	98.4%	97.4%	-0.3%	1.0%

As with the mileage statistic, in-service hours per total hours can only be calculated for MTS in-house bus operations. Efficiency of scheduling has shown that the in-service to total vehicle hours has remained steady for MTS Bus. MTS Rail operates only minimal out-of-service hours.

• **Farebox Recovery Ratio - TDA requirement of 31.9 percent system wide for fixed-route (excluding regional routes that have a 20 percent requirement)**

Operator	FY 2007	FY 2008	FY 2009	Chg 07-08	Chg 08-09
MTS FR (No Prem Exp)	32.1%	32.1%	38.3%	0.1%	19.3%
Premium Express	32.0%	45.0%	46.4%	40.9%	3.0%
MTS Rail	49.0%	55.4%	57.2%	13.2%	3.2%
System	37.0%	38.7%	43.9%	1.7%	13.5%

For both system-wide and Premium Express services, farebox recovery ratios continue to exceed the Transportation Development Act (TDA) target and are improving. This is due to more efficient service based on an increase in ridership for bus, fare adjustments, and the trimming of unproductive services at night and on weekends.

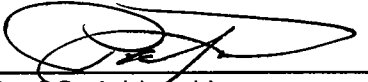
• **Subsidy per Passenger - Improve route category average**

Route Categories	FY 07	FY 08	FY 09	Chg 07-08	Chg 08-09
Premium Express	\$5.72	\$3.38	\$3.60	-40.9%	6.5%
Express	\$3.68	\$2.76	\$2.19	-25.0%	-20.5%
Light Rail	\$0.81	\$0.66	\$0.68	-18.3%	2.0%
Urban Frequent	\$1.42	\$1.55	\$1.32	9.2%	-14.5%
Urban Standard	\$1.75	\$1.90	\$1.50	8.5%	-21.3%
Circulator	\$2.47	\$2.68	\$2.46	8.5%	-8.1%
Rural	\$21.41	\$24.11	\$23.50	12.6%	-2.5%
Demand-Responsive	\$22.23	\$25.21	\$25.92	13.4%	2.8%
Fixed-Route Bus Average	\$1.65	\$1.71	\$1.43	3.6%	-10.6%
MTS System	\$1.40	\$1.38	\$1.24	-1.4%	-16.4%

Overall, system-wide subsidy per passenger has improved from \$1.38 in FY 2008 to \$1.24 in FY 2009. For fixed-route bus service, subsidy per passenger decreased from \$1.71 in FY 2007 to \$1.43 in FY 2009. Light rail increased slightly to \$0.68 (+\$0.02)

over the last year, which is a result of decreases in the estimated ridership and increased costs to operate the trolley.

Due to its high rate of increase for ridership, the Express category has seen a dramatic decrease in subsidy per passenger figures (-20.5%). Even though Urban Standard category routes had lower ridership, the subsidy per passenger decreased the most (-21.3%) due to the trimming of unproductive service in response to budget cuts.



Paul C. Jablonski
Chief Executive Officer

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Attachment: A. Key Route Statistics

FY 2009 ANNUAL ROUTE STATISTICS

Updated: 9/15/2009

Route	Annual Passengers	Avg. Weekday Passengers	Passengers/ Revenue Hour	Subsidy per Passenger	Farebox Recovery
1	1,497,287	4,802	30.8	\$2.02	32.2%
2	1,745,244	5,423	38.9	\$1.40	40.7%
3	1,990,091	6,502	42.5	\$1.15	45.4%
4	900,290	2,880	39.6	\$1.39	40.0%
5	849,772	2,842	43.2	\$1.20	43.5%
6	623,030	1,914	33.8	\$1.80	33.8%
7	3,793,588	11,843	46.2	\$1.06	46.4%
8	703,681	1,975	30.0	\$2.23	27.0%
9	695,390	1,937	29.9	\$2.22	27.5%
10	1,546,119	4,772	36.9	\$1.53	38.6%
11	2,847,068	9,147	34.4	\$1.70	36.1%
13	1,875,882	6,019	41.1	\$1.31	41.2%
14	262,747	853	16.6	\$4.57	17.1%
15	1,702,120	5,329	39.1	\$1.43	39.8%
18	36,607	143	12.7	\$2.96	25.2%
20	1,371,512	4,515	27.4	\$2.29	27.5%
25	113,363	434	16.9	\$1.94	34.8%
27	294,420	983	17.8	\$1.82	35.6%
28 (Note A)	442,794	1,429	33.0	\$0.17	85.4%
30	2,314,528	7,228	29.7	\$2.14	30.8%
31	106,174	400	21.9	\$3.25	22.4%
35	510,892	1,570	29.2	\$0.22	82.1%
41	1,301,811	4,310	37.7	\$1.46	39.8%
44	1,212,944	3,876	35.2	\$1.66	36.2%
48/49	122,046	2,508	49.0	\$0.18	83.0%
50	348,900	1,357	26.2	\$2.55	27.2%
83	51,905	201	15.5	\$2.22	31.5%
84	56,713	187	13.2	\$2.74	27.6%
86	28,037	97	7.7	\$5.59	15.5%
88	5,054	307	19.9	\$3.85	16.4%
105	444,491	1,320	23.8	\$2.91	24.2%
115 (Note B)	432,754	1,521	27.8	\$1.57	39.1%
120	1,050,511	3,394	30.0	\$2.13	30.3%
150	531,282	2,057	35.8	\$1.63	36.3%
201	5,476	407	6.1	\$14.14	6.7%
202	5,368	399	6.0	\$14.38	6.5%
210	87,758	340	30.0	\$2.08	32.0%
Blue Line	20,412,493	61,142	293.3	\$0.51	63.8%
Orange Line	8,356,440	25,671	156.6	\$1.14	44.2%
Green Line	8,159,351	23,069	193.3	\$0.61	59.8%
701	701,592	2,420	26.4	\$1.19	45.6%
704	517,274	1,731	23.8	\$1.67	38.2%
705	309,602	1,057	26.1	\$0.92	52.6%
707	54,140	210	22.5	\$1.95	35.8%
709	1,089,816	3,802	37.1	\$0.75	57.9%
712	929,079	3,283	35.9	\$0.60	63.1%
810 (Note D)	114,387	449	21.9	\$4.38	41.9%
815 (Note B)	347,474	1,035	30.5	\$0.38	72.6%
115/815/848 (Note B)					
816	314,392	1,217	29.5	\$0.84	55.0%
820 (Note D)	51,200	201	27.0	\$3.58	46.3%
832	73,263	255	17.4	\$2.66	27.7%
833	133,191	419	17.5	\$1.83	36.3%
834	24,238	94	20.7	\$2.68	28.9%
844/845	208,901	955	14.0	\$2.54	30.2%
848 (Note B)	381,082	1,268	26.4	\$1.16	48.3%
850 (Note D)	62,866	247	34.9	\$2.14	59.1%
851	101,140	424	21.7	\$1.23	47.1%
854	166,817	568	18.7	\$2.51	28.1%
855	286,618	954	29.6	\$0.79	56.0%
856 (Note C)	965,219	3,167	37.9	\$0.79	55.9%
860 (Note D)	61,844	243	27.2	\$3.08	49.9%

Route	Annual Passengers	Avg. Weekday Passengers	Passengers/ Revenue Hour	Subsidy per Passenger	Farebox Recovery
864	485,099	1,509	18.0	\$3.56	23.4%
870 (Note D)	11,023	43	12.9	\$7.49	29.9%
871/872	228,923	730	17.3	\$1.69	38.7%
874/875	492,208	1,421	24.8	\$1.47	41.2%
880 (Note D)	2,229	21	6.4	\$1.14	73.2%
888	1,809	15	3.2	\$48.96	2.7%
891	1,254	22	3.7	\$36.95	5.2%
892	1,081	22	3.3	\$38.94	6.5%
894	20,281	80	6.5	\$19.57	13.9%
901	1,137,624	3,526	23.6	\$2.28	30.5%
904	42,659	122	13.5	\$0.88	57.4%
905	415,079	1,456	25.3	\$2.03	38.4%
916/917	281,231	897	18.4	\$2.33	29.0%
921	405,188	1,446	25.8	\$1.22	44.8%
923	301,091	1,010	18.6	\$1.51	40.6%
928	358,662	1,236	22.5	\$1.89	34.3%
929	3,063,486	9,889	33.8	\$0.51	65.9%
932	2,267,395	7,310	35.7	\$0.57	63.7%
933/934	2,133,446	6,913	32.7	\$1.10	46.9%
936 (Note C)	327,693	1,216	16.4	\$2.18	30.6%
955	1,613,319	5,126	37.9	\$0.40	70.8%
960	100,445	376	29.0	\$2.70	31.1%
961/962/963	1,357,533	4,614	31.4	\$0.86	53.2%
964	136,794	527	18.9	\$1.60	40.0%
965	77,943	256	10.2	\$3.78	20.7%
967	73,577	237	13.7	\$2.66	26.7%
968	84,185	284	15.6	\$2.69	26.5%
992	417,967	1,243	17.4	\$1.58	40.3%
ADA SUBURBAN	165,198	592	2.1	See Access	See Access
MTS ACCESS	207,175	755	1.9	\$25.92	14.5%
SVCC	130,780	467	10.2	\$4.21	28.3%

SERVICE CATEGORY	Annual Passengers	Avg. Weekday Passengers	Passengers/ Revenue Hour	Subsidy per Passenger	Farebox Recovery
Premium Express	303,549	1,192	24.5	\$3.60	46.4%
Express	2,439,897	8,645	28.9	\$2.19	29.4%
Light Rail	36,928,284	109,882	223.6	\$0.68	57.2%
Urban Frequent	39,113,634	124,892	34.9	\$1.32	42.0%
Urban Standard	11,830,577	39,094	25.2	\$1.50	40.2%
Circulator	1,059,706	3,868	14.7	\$2.46	31.4%
Rural	24,425	139	5.6	\$23.50	11.2%
Demand-Responsive	372,373	1,347	2.0	\$25.92	14.5%

MODE	Annual Passengers	Avg. Weekday Passengers	Passengers/ Revenue Hour	Subsidy per Passenger	Farebox Recovery
Light Rail	36,928,284	109,882	223.6	\$0.68	57.2%
Fixed Route Bus	54,747,363	177,691	31.1	\$1.43	40.6%
Demand-Responsive	372,373	1,347	2.0	\$25.92	14.5%
Rural	24,425	139	5.6	\$23.50	11.2%

Notes

- A: Routes 28 and 960 have possible erroneous passenger and revenue counts due to farebox issues related to interlining
- B: Routes 115, 815, and 848 were interlined in FY08 and farebox limitations related to interlining caused the routes to be combined for that year, but are correct in FY09.
- C: Routes 856 and 936 have erroneous passenger and revenue counts due to farebox issues related to interlining.
- D: I-15 station maintenance costs were assigned to the Premium Express routes.

FY 2009 Annual Service Performance Monitoring Report

MTS Board of Directors Meeting
September 24, 2009



Evaluation Criteria

CUSTOMER FOCUSED/COMPETITIVE		SUSTAINABLE	
PRODUCTIVITY	QUALITY	RESOURCES	EFFICIENCY
<ul style="list-style-type: none">• Total Passengers• Average Weekday Passengers• Passengers/Revenue Hour• Passengers/In Service Hour	<ul style="list-style-type: none">• Passenger Load Factor• On Time Performance• Accidents/100,000 Miles• Complaints/100,000 Passengers	<ul style="list-style-type: none">• In Service Miles• In Service Hours• Peak Vehicle Requirement	<ul style="list-style-type: none">• In Service Speeds• In Service/Total Miles• In Service/Total Hours• Farebox Recovery Ratio• Subsidy/Passenger



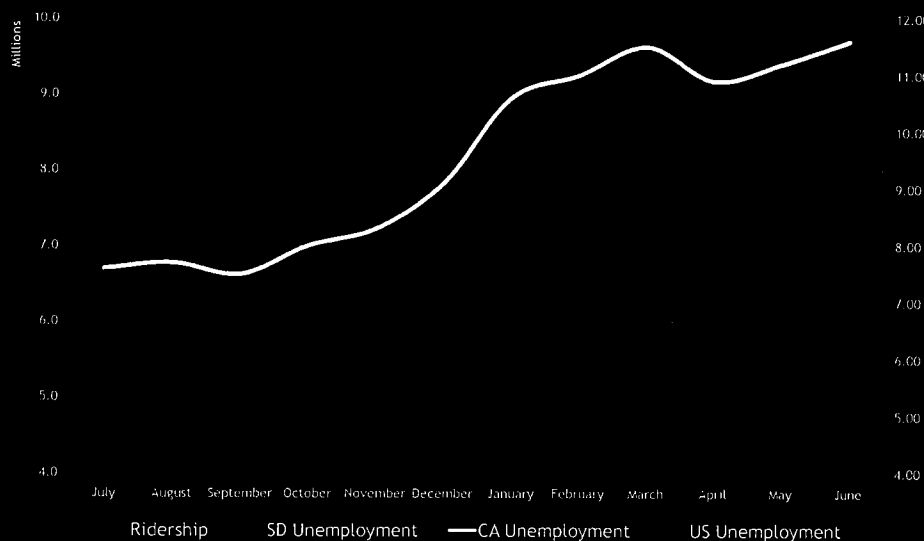
Total Passengers

Percent change in passengers should equal or exceed percent change in average daily traffic within the MTS urban network area

Route Categories	FY 2007	FY 2008	FY 2009	Chg. 07-08	Chg. 08-09
Premium Express	254,099	280,691	303,549	10.5%	8.1%
Express	2,077,456	2,217,331	2,439,897	6.7%	10.0%
Light Rail	35,114,385	37,620,944	36,928,284	7.1%	-1.8%
Urban Frequent	34,464,253	37,005,041	39,113,634	7.4%	5.7%
Urban Standard	12,091,618	11,949,335	11,830,577	-1.2%	-1.0%
Circulator	1,279,247	1,179,296	1,059,706	-7.8%	-10.1%
Rural	24,323	25,822	24,425	6.2%	-5.4%
Demand-Responsive	372,619	374,500	372,373	0.5%	-0.6%
Total MTS Passengers	85,678,000	90,652,960	92,072,445	5.8%	1.6%



Ridership v. Unemployment
FY2009



Average Weekday Passengers

Improve ratio between ridership and average daily traffic within the MTS urban network area

Route Categories	FY 2007	FY 2008	FY 2009	Chg. 07-08	Chg. 08-09
Premium Express	977	1,108	1,192	13.3%	7.6%
Express	7,403	7,936	8,645	7.2%	8.9%
Light Rail	104,037	113,858	109,882	9.4%	-3.7%
Urban Frequent	106,384	119,396	124,892	12.2%	4.6%
Urban Standard	38,148	39,573	39,094	3.7%	-1.2%
Circulator	4,214	4,133	3,868	-1.9%	-9.7%
Rural	130	144	139	10.7%	-3.9%
Demand-Responsive	1,142	1,381	1,347	20.9%	-2.5%
Avg. Weekday Passengers	262,438	287,530	289,057	9.6%	0.4%



Passengers per Revenue Hour

Improve route category average

Route Categories	FY 2007	FY 2008	FY 2009	Chg. 07-08	Chg. 08-09
Premium Express	20.9	21.6	24.5	3.4%	13.2%
Express	22.4	25.3	28.9	13.3%	13.9%
Light Rail	198.5	212.4	223.6	7.0%	5.3%
Urban Frequent	31.9	32.9	34.9	2.9%	6.2%
Urban Standard	22.6	23.1	25.2	2.4%	9.0%
Circulator	16.9	14.9	14.7	-11.4%	-1.7%
Rural	5.7	5.6	5.64	-3.0%	1.5%
Demand-Responsive	2.2	2.1	2.0	-5.1%	-3.3%
MTS System	39.9	41.5	43.5	3.9%	4.9%



Passengers per In-Service Hour

Improve route category average

Route Categories	FY 2007	FY 2008	FY 2009	Chg 07-08	Chg 08-09
Premium Express	18.2	22.5	26.0	23.5%	15.5%
Express	28.8	32.3	37.5	12.3%	16.0%
Light Rail	228.0	249.6	241.4	9.5%	-3.5%
Urban Frequent	38.1	42.4	43.8	11.4%	3.3%
Urban Standard	30.7	31.6	34.4	2.8%	9.2%
Circulator	32.6	26.4	25.2	-19.1%	-8.0%
Rural	4.5	5.78	5.6	25.2%	-3.9%
Demand-Responsive					
MTS System	52.9	57.5	59.0	8.7%	2.6%



On-Time Performance

85% for Urban Frequent, and 90% for all other route categories

Service Changes						
Route Categories	Jun-07	Sep-07	Jan-08	Jun-08	Sep-08	Jan-09
Premium Express	64%	79%	66%	86%	90%	92%
Express	82%	81%	86%	86%	85%	89%
Light Rail	97%	96%	96%	95%	95%	97%
Urban Frequent	84%	84%	86%	81%	83%	84%
Urban Standard	83%	85%	89%	84%	86%	87%
Circulator	95%	88%	89%	89%	91%	91%
Rural	N/A	N/A	N/A	N/A	N/A	N/A
Demand-Responsive	N/A	N/A	N/A	N/A	N/A	N/A
MTS System	85%	86%	87%	86%	86%	87%



Preventable Accidents per 100,000 Miles

Improve operator average

Operator	FY 2007	FY 2008	FY 2009	Chg 07-08	Chg 08-09
MTS Bus	1.57	1.53	1.76	(2.5%)	15.0%
MTS Contract Services	2.19	2.56	1.73	16.5%	-32.4%
MTS Rail	0.00	0.03	0.00	N/A	-100.0%



Complaints per 100,000 Passengers

Improve operator average

Operator	FY 07	FY 08	FY 09	YTD FY09	Chg 07-08	Chg 08-09
MTS Bus	11.4	13.6	10.7	13.0	19.5%	-21.6%
MTS Contract Services FR	7.3	14.7	11.1	14.0	100.6%	-24.5%
MTS Contract Services DR	16.6	27.8	N/A	2.9	67.4%	N/A
MTS Rail	1.25	0.94	1.79	N/A	(0.25%)	51.9%



In-Service Miles

Not to exceed budget

Operator	FY 2009		Difference	
	Actual	Budget	Number	Percent
MTS Bus	9,231,478	9,244,668	(13,190)	(0.1%)
MTS Contract Service FR	10,052,688	10,098,967	(46,279)	(0.5%)
MTS Rail	7,894,528	8,092,000	(197,472)	(2.4%)

In-Service Hours

Not to exceed budget

Operator	FY 2009		Difference	
	Actual	Budget	Number	Percent
MTS Bus	843,791	845,355	(1,564)	(0.2%)
MTS Contract Service FR	905,676	913,364	(7,688)	(0.8%)
MTS Rail	409,516	436,777	(27,261)	(6.2%)



Peak Vehicle Requirement

Not to exceed budget

Operator	Jan 08	Jan 09	June 09	Chg Jan-Jan	Chg Jan-June
MTS Bus	199	193	193	(6)	0
MTS Contract Services FR	238	233	231	(5)	(2)
MTS Rail	94	93	94	(1)	1



Farebox Recovery Ratio

Meet TDA Requirement of 31.9% system-wide for fixed-route, excluding regional routes which only require 20%

Operator	FY 2007	FY 2008	FY 2009	Chg 07-08	Chg 08-09
MTS (excluding Premium Exp)	32.1%	32.1%	38.3%	0.1%	19.3%
Premium Express (Regional Route)	32.0%	45.0%	46.4%	40.9%	3.0%
MTS Rail	49.0%	55.4%	57.2%	13.2%	3.2%
System	37.0%	38.7%	43.9%	1.7%	13.5%



Subsidy per Passenger

Improve Route Category Average

Route Categories	FY 07	FY 08	FY 09	Chg 07-08	Chg 08-09
Premium Express	\$5.72	\$3.38	\$3.60	(40.9%)	6.5%
Express	\$3.68	\$2.76	\$2.19	(25.0%)	(20.5%)
Light Rail	\$0.81	\$0.66	\$0.68	(18.3%)	2.0%
Urban Frequent	\$1.42	\$1.55	\$1.32	9.2%	(14.5%)
Urban Standard	\$1.75	\$1.90	\$1.50	8.5%	(21.3%)
Circulator	\$2.47	\$2.68	\$2.46	8.5%	(8.1%)
Rural	\$21.41	\$24.11	\$23.50	12.6%	(2.5%)
Demand-Responsive	\$22.23	\$25.21	\$25.92	13.4%	2.8%
<i>Fixed-Route Bus Average</i>	<i>\$1.65</i>	<i>\$1.71</i>	<i>\$1.43</i>	<i>3.6%</i>	<i>(10.6%)</i>
MTS System	\$1.40	\$1.38	\$1.24	(1.4%)	(16.4%)



Metropolitan Transit System

FY 2009 Annual Service Performance Monitoring Report

September 24, 2009





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

Agenda

Item No. 62

Chief Executive Officer's Report

ADM 121.7

September 24, 2009

In accordance with Board Policy No. 52, Procurement of Goods and Services, attached are listings of contracts, purchase orders, and work orders that have been approved within the CEO's authority (up to and including \$100,000) for the period August 11, 2009, through September 10, 2009.

[gail.williams/agenda item 62](#)



Metropolitan Transit System (MTS) is comprised of the Metropolitan Transit Development Board (MTDB) a California public agency, San Diego Transit Corp., and San Diego Trolley, Inc., in cooperation with Chula Vista Transit and National City Transit. MTS is Taxicab Administrator for eight cities. MTDB is owner of the San Diego and Arizona Eastern Railway Company. MTDB Member Agencies include: City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, and the County of San Diego.

REVENUE CONTRACTS				
Doc #	Organization	Subject	Amount	Day
S200-10-423	SIM J. HARRIS	ROE PERMIT AC ST PAVING CITY SD IRIS/DAI	(1800)	8/24/2009
L0896.0-09	SAN DIEGO METROPOLITAN CREDIT	LEASE AGREEMENT FOR ATM MACHINE @ 12TH &	(500)	8/24/2009
S200-10-420	CARRIZO GORGE RAILWAY INC	DEPOSIT AGREE FOR GROUND LEASE NEGOTIATI	(10000)	8/24/2009
S200-09-418	BIKE THE BAY	ROE CROSS TRACKS VARIOUS LOCATIONS	(500)	8/27/2009
G1006.5-06	ASSOC STUDENTS SDSU	ECO PASS RENEWAL 9 MONTHS	(52358.4)	8/31/2009
G1198.3-09	HOTEL DEL CORONADO	ECO PASS RENEWAL 9 MONTHS	(67392)	8/31/2009
G0668.10-02	EMBASSY SUITES	ECO PASS 9 MONTH RENEWAL	(23328)	8/31/2009
G0975.6-06	EVANS HOTELS	ECO PASS RENEWAL 9 MONTHS	(54,432)	8/31/2009
G1153.4-08	NASSCO	ECO PASS 9 MONTH RENEWAL	(318330)	9/7/2009
G0878.8-03	SCRIPPS HEALTH CORP	ECO PASS 9 MONTH RENEWAL	(77760)	9/8/2009
L0913.0-10	OLYMPIQUE INC	ROE PERMIT SMART CORNER OWNER ASSOC WIND	(1500)	9/8/2009
G1275.0-09	SDSU CONTRACTS/PROCUREMENT	PARTNERSHIP AGREEMENT TO SELL DAY PASS	(40000)	9/8/2009
G1273.0-09	DIA PIPPER, LLP	LEGAL SVCS INTELLECTUAL PROPERTY, PATENT	25000	9/8/2009
S200-09-415	CBS OUTDOOR	LEASE AGREEMENT/BILLBOARD AT IMPERIAL/ME	(13500)	9/8/2009
S200-09-413	CBS OUTDOOR	LEASE AGREEMENT/BILLBOARD AT HARBOR/CIVI	(10500)	9/8/2009
S200-09-414	CBS OUTDOOR	LEASE AGREEMENT/BILLBOARD AT 28TH ST	(19500)	9/8/2009
S200-09-383	CBS OUTDOOR	LEASE AGREEMENT BILLBOARD AT EUCLID/MRKT	(4500)	9/8/2009
B0515.1-09	NORTH COUNTY TRANSIT DISTRICT	FIRST AMEND TO SORRENTO COASTER MOU	(5000)	9/10/2009
G1241.3-09	THE SOFIA HOTEL	ECO PASS RENEWAL 9 MONTHS	(14742)	9/10/2009
L5705.0-09	NEW WAY LANDSCAPE & TREE SVCS	ROE PERMIT BREEZE OWNERS ASSN	(500)	9/10/2009

EXPENSE CONTRACTS					
Doc #	Organization	Subject	Amount	Day	
PWL113.0-09	KONE ELEVATOR	ELEVATOR MAINTENANCE AND REPAIR	47160.2	8/31/2009	
G1284.0-10	CHEVRON USA LLC	TOLLING AGREE FOR H STREET REMEDIATION	0	9/8/2009	
L0909.0-10	CASCADE DRILLING INC	ROE PERMIT (ETIC SUB) SOIL BORINGS ANALY	0	9/8/2009	
G1278.0-10	VISITOR INDUSTRY CONSULTANT	CONSULTANT FOR VIC GROUP SALES AND SPONS	25000	9/8/2009	
G1273.0-09	DIA PIPPER, LLP	LEGAL SVCS INTELLECTUAL PROPERTY, PATENT	25000	9/8/2009	
G1280.0-10	KICK GAS FESTIVAL, LLC	TITLE SPONSORS FOR THE FESTIVAL OCT 09	12500	9/10/2009	
G1282.0-10	BP WEST COAST PRODUCTS, LLC	TOLLING AGREE FOR H STREET REMEDIATION	0	9/10/2009	
G1285.0-10	WORLD OIL CORP	TOLLING AGREEMENT FOR H STREET REMEDIATI	0	9/10/2009	

PURCHASE ORDERS			
DATE	Organization	Subject	AMOUNT
8/24/2009	BORDEAUX PRINTERS	MTS BUS AND TROLLEY PUNCH	\$3,316.88
8/24/2009	MESA PRESS	1/4 PAGE COLOR ADS	\$3,250.00
8/24/2009	USD VISTA	1/4 PAGE 1-SPOT COLOR ADS	\$3,144.00
8/24/2009	GROSSMONT COLLEGE	1/4 PAGE 4 COLOR ADS	\$3,840.00
8/24/2009	THE UCSD GUARDIAN	1/4 PAGE 1 SPOT COLOR ADS	\$5,214.45
8/24/2009	THE DAILY AZTEC	1/4 PAGE 1 SPOT COLOR ADS	\$8,400.00
8/24/2009	CITY COLLEGE CITY TIMES	1/4 PAGE 1 SPOT COLOR ADS	\$3,187.50
8/24/2009	WEST COAST CABLING	REMOVE POINT TO POINT DEVICE IN MIL	\$1,992.00
8/24/2009	SOUTHWESTERN COMMUNITY	1/4 PAGE 1 SPOT COLOR ADS	\$2,407.70
8/27/2009	SOUTH BAY FENCE INC	INSTALL 120 FT OF FENCE & DEMO	\$1,986.00
8/27/2009	KONE INC	LABOR TO REPAIR ESCALATOR #2 SDSU	\$16,650.00
8/27/2009	INC. AANCO FENCE	REPLACE EXISTING GATE AND ADD VTRAC	\$1,750.00
8/27/2009	WOOD'S VILLAGE CARPET'S INC	REPLACE CARPET AT 304 FRONT ST	\$3,223.66
8/27/2009	WEST COAST LANYARDS	RECYCLED LANYARDS WITH COCA COLA/MT	\$2,066.25

PURCHASE ORDERS			
DATE	Organization	Subject	AMOUNT
8/31/2009	PACIFICA HEALTH AND MEDICAL	FLU SHOTS AT 3 LOCATIONS FOR 6 HRS	\$6,132.50
8/31/2009	ASSOCIATED POSTERS INC	MTS/TROLLEY DANCES BUS KINGS	\$709.25
9/8/2009	RICHARDS-WILCOX INC	7-TIER LETTER SIZE STARTER UNIT	\$6,280.31
9/8/2009	CEMENT CUTTING INC	CEMENT GRINDING AT EL CAJON TRANSIT	\$2,483.00
9/8/2009	FRANKLIN COVEY	PARTICIPANT MANUALS FOR 7 HABITS WK	\$1,400.01
9/8/2009	ONTIRA	MAINTENANCE AND SUPPORT RENEWAL	\$11,845.00
9/8/2009	BOCKS AWARDS	YEARS OF SERVICE PLAQUES	\$690.58
9/8/2009	ELECTRO SPECIALTY SYSTEMS	DVR EQUIPMENT VIDEO STORAGE UNIT	\$24,542.06

WORK ORDERS

Doc.#	Organization	Subject	Amount	Day
G1246.0-09.06	DAVID EVANS & ASSOC	CONCEPTUAL DESIGN OF MILLS SECURITY	\$29,624.65	8/31/2009
G1246.0-09.05	DAVID EVANS & ASSOCS	FINAL DESIGN AND SPECS FOR 8 TROLLE	\$99,506.02	8/31/2009