



## Agenda

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

9:00 a.m.

\*Meeting will be held via webinar\*

To request an agenda in an alternative format or to request accommodations to facilitate meeting participation, please email the Clerk of the Board, [ClerkoftheBoard@sdmts.com](mailto:ClerkoftheBoard@sdmts.com) at least two working days prior to the meeting. Meeting webinar/teleconference instructions can be accessed under '[Meeting Link and Webinar Instructions](#).' Click the following link to access the meeting: <https://zoom.us/j/98288032362>

Para solicitar la agenda en un formato alternativo o para solicitar acomodaciones de participación, por favor mande un correo a la Secretaria de la Junta, [ClerkoftheBoard@sdmts.com](mailto:ClerkoftheBoard@sdmts.com) al menos dos días hábiles antes de la reunión. Instrucciones para ingresar a la junta virtual están disponibles bajo '[Meeting Link and Webinar Instructions](#).' Use este enlace para acceder la reunión virtual: <https://zoom.us/j/98288032362>

#### ACTION RECOMMENDED

1. Roll Call
2. [Approval of Minutes - December 16, 2021](#) 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. [Elect Vice Chair, Chair Pro Tem, and Committee Appointments \(Sharon Cooney\)](#) Elect  
Action would: 1) Elect a Vice Chair and Chair Pro Tem for 2022; and 2) Consider the nominating slate proposed by the Ad Hoc Nominating Committee for the appointment of representatives to MTS committees for 2022 and vote to appoint representatives to those committees.



CONSENT ITEMS

6. [Authorization of Remote Teleconferenced Meetings](#) Approve  
Action would authorize remote teleconferenced meetings for any public meetings held by MTS, including all Brown Act committees, for the next thirty (30) days pursuant to Assembly Bill (AB) 361 and make the following findings: 1) The MTS Board has considered the current circumstances of the COVID-19 pandemic and its impact in San Diego County; and 2) State or local officials continue to recommend measures to promote social distancing. On September 23, 2021, County of San Diego Public Health Officer, Wilma J. Wooten, M.D., M.P.H., issued a recommendation supporting the use of teleconferencing for attendance at public meetings as “a social distancing measure that may help control transmission of the SARS-CoV-2 virus.”
7. [Semiannual Uniform Report of Disadvantaged Business Enterprise \(DBE\) Awards and Payments](#) Informational
8. [Revisions to San Diego Metropolitan Transit System \(MTS\) Ordinance No. 11](#) Approve  
Action would 1) Adopt the proposed amendments to MTS Ordinance No. 11, “An Ordinance Providing for the Licensing and the Regulating of Transportation Services within the City and the County by the Adoption of a Uniform Paratransit Ordinance”; and 2) Upon adoption of the proposed amendments, grant the Chief Executive Officer (CEO) the discretion to enforce MTS Ordinance No. 11 in its amended form.
9. [Purchase Four \(4\) Industrial Battery Powered Scrubbers – Contract Award](#) Approve  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1611.0-22, with Maintex Inc., for the purchase of four (4) industrial battery powered scrubbers as detailed in the scope of work, in the amount of \$110,939.40.
10. [Creative Marketing Branding Services – Contract Amendment](#) Approve  
Action would 1) Ratify Amendment No. 3 to MTS Doc. No. G2053.3-18 with Civilian, Inc., a Small Business (Civilian) in the amount of \$99,000.00; and 2) Authorize the Chief Executive Officer (CEO) to execute Amendment No. 4 to MTS Doc. No. G2053.4-18, with Civilian to add additional funds of \$600,000.00 for on-call creatives services and media buy/ad placement.
11. [First Responder Network Authority \(FIRSTNET\) Services for Five \(5\) Years – Amendment No. 2](#) Approve  
Action would authorize the Chief Executive Officer (CEO) to execute an amendment(s) to MTS Doc. G2377.0-20, with AT&T Corp., in amount of \$647,058.20 for an additional three hundred thirty-five (335) devices that will require FirstNet Services through June 30, 2025, for a new spending authority of \$2,911,348.00.

12. [Purchase and Delivery of Production Switch Tamper – Contract Award](#) Approve  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1604.0-22 with Harsco Metro Rail, LLC, in the amount of \$1,456,010.79 for the purchase and delivery of a production switch tamper.
13. [Massachusetts Upper Parking Lot Paving – Work Order](#) Approve  
Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC275-26 under Job Order Contract (JOC) to MTS Doc. No. PWG275.0-19, with ABC General Contractor, Inc. (ABCGC), in the amount of \$98,656.68 for the mill and overlay of asphalt at the upper Massachusetts Trolley Station parking lot.
14. [On-Call Communication and Low Voltage Wiring Services – Contract Award](#) Approve  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWG339.0-22, with Communication Wiring Specialist (CWS), Inc., a Small Business (SB), for On Call Communication and Low Voltage Wiring Service for a five (5) years base term in the amount of \$303,860.00.
15. [Zero-Emission Bus \(ZEB\) Procurement Project: 60-Foot Low-Floor Electric Buses – Contract Amendment \(New Flyer\)](#) Approve  
Action would 1) Ratify Amendment No. 1 (Attachment A) to MTS Doc. No. B0722.0-21 with New Flyer for a credit in the amount of (\$728,347.95); and 2) Authorize the Chief Executive Officer (CEO) to execute Amendment No. 2 to MTS Doc. No. B0722.0-21 (insubstantially the same format as Attachment B) with New Flyer, in the amount of \$822,188.27 per technical specification changes for the twelve (12) 60-foot low-floor electric battery-powered buses.
16. [Rail Replacement - America Plaza and Kettner Grade Crossing - Work Order](#) Approve  
Action would 1) Execute Change Order MTS JOC 269-11.04 under Job Order Contract (JOC) to MTS Doc. No. PWG269.0-19, with Herzog Contracting Corp. (Herzog), in the amount of \$92,758.90 for additional labor to notch the rubber rail interface to fit over the direct fixation fasteners; and 2) Execute Change Order MTS JOC 269-11.05 under JOC to MTS Doc. No. PWG269.0-19, with Herzog, in the amount of \$31,180.04 for additional contractor administration overhead due to a two-week delay on owner furnished material.
17. [Provision of HPE Configure to Order \(CTO\) Servers and Support for Closed-Circuit Television \(CCTV\) Video Storage of San Diego Metropolitan Transit System \(MTS\) Server Refresh and Mid-Coast Trolley Project – Purchase Order](#) Approve  
Action would authorize the Chief Executive Officer (CEO) to execute a Purchase Order with Nth Generation Computing Inc. for the provision of HPE CTO Servers and ongoing support services for CCTV Video Storage of MTS Server Refresh and Mid-Coast Trolley Extension Project in the amount of \$256,048.91.

18. [Establish Automated Clearing House \(ACH\) Debit Bank Checking Account for Workers' Compensation Third Party Administration Services](#) Approve  
Action would 1) Authorize the Chief Executive Officer (CEO) to amend the Workers' Compensation Third Party Administrator Contract with CorVel Enterprise Comp, Inc. to set up a separate bank checking account to pay workers' compensation related expenses (CorVel Account); and 2) Waive the application of Board Policy 41 (Signature Authority) for payments made from the CorVel Account.
19. [Billboard Lease Consulting Services – Contract Award](#) Approve  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. G2574.0-22 with SignValue, Inc. (SignValue) for Billboard Lease Consulting Services for a ten (10) year base period with a commission-based compensation method of 3% on the gross lease value of the agreements negotiated or a minimum of \$90,000, whichever is greater.

#### CLOSED SESSION

24. a. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(d)(1) David Maldonado & Angel Navarro v San Diego Metropolitan Transit System et al. San Diego Superior Court Lead Case No. 37-2019-00041849-CU-PA-NC Possible Action
- b. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(d)(1) Ten Cases (consolidated): Veronica Doyle, et al. v Vault PK, San Diego Sports Entertainment, San Diego Metropolitan Transit System et al., and all related cross-actions and consolidated actions San Diego Superior Court (SDSC) Lead Case No. 37-2018-00016374-CU-PO-CTL Consolidated w/ Case Nos. 37-2018-00036972-CU-PO-CTL; 37-2018-00042686-CU-PO-CTL; 37-2018-00043106-CU-PO-CTL; 37-2018-00045331-CU-PO-CTL; 37-2018-00056499-CU-PO-CTL; 37-2018-56507-CU-PO-CTL; 37-2018-00055615-CU-PO-CTL; 37-2019-00034764-CU-PO-CTL; and 37-2020-00012795-CU-PO-CTL Possible Action

#### NOTICED PUBLIC HEARINGS

25. None.

#### DISCUSSION ITEMS

30. [TransNet Revenues, Shortfalls, Proposed Solutions](#) Approve  
Action would receive a report on shortfalls in the TransNet Project Specific Transit Operations (8.1%) category, discuss potential ways to address the impact to MTS operations, and provide direction.

REPORT ITEMS

- |     |  |               |
|-----|--|---------------|
| 45. | <a href="#"><u>Bus on Shoulder (BOS) Pilot Project Update (Michael Daney)</u></a>      | Informational |
| 46. | <a href="#"><u>Operations Budget Status Report for October 2021 (Gordon Meyer)</u></a> | Informational |

OTHER ITEMS

- |     |   |               |
|-----|---|---------------|
| 60. | <a href="#"><u>Chair Report</u></a>   | Informational |
| 61. | <a href="#"><u>Chief Executive Officer's Report</u></a>   | Informational |
| 62. | <a href="#"><u>Board Member Communications</u></a>  | Informational |
| 63. | <a href="#"><u>Additional Public Comments Not on the Agenda</u></a><br>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. |               |
| 64. | <a href="#"><u>Next Meeting Date:</u></a> February 10, 2022.  |               |
| 65. | <a href="#"><u>Adjournment</u></a>  |               |

# DRAFT MINUTES

## MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

December 16, 2021

[Clerk's note: Except where noted, public, staff and board member comments are paraphrased. Note that the meeting was conducted via webinar to comply with public health orders].

### 1. Roll Call

Chair Fletcher called the Board meeting to order at 9:03 a.m. A roll call sheet listing Board member attendance is attached.

### SPECIAL PRESENTATION

Chair Fletcher and the Board of Directors provided Rob Schupp, MTS Director of Marketing and Communications, with a proclamation honoring his retirement from MTS.

### 2. Approval of Minutes

Chair Fletcher moved to approve the minutes of the November 18, 2021, MTS Board of Directors meeting. Board Member Whitburn seconded the motion, and the vote was 15 to 0 in favor.

### 3. Public Comment

*Ann Fathy* – Provided a written statement to the Board prior to the meeting. The full copy of the statement is enclosed in the December 16, 2021 meeting materials.

### CONSENT ITEMS:

### 6. Authorization of Remote Teleconferenced Meetings

Action would authorize remote teleconferenced meetings for any public meetings held by MTS, including all Brown Act committees, for the next thirty (30) days pursuant to Assembly Bill (AB) 361 and make the following findings: 1) The MTS Board has considered the current circumstances of the COVID-19 pandemic and its impact in San Diego County; and 2) State or local officials continue to recommend measures to promote social distancing. On September 23, 2021, County of San Diego Public Health Officer, Wilma J. Wooten, M.D., M.P.H., issued a recommendation supporting the use of teleconferencing for attendance at public meetings as “a social distancing measure that may help control transmission of the SARS-CoV-2 virus.”

### 7. Janitorial Services – Contract Amendments

Action would 1) Ratify Amendment 19 to MTS Doc. No. G1931.0-16 with NMS Management Inc. (NMS), a Disadvantaged Business Enterprise (DBE), in the amount of \$91,451.67; 2) Ratify Amendment 20 to MTS Doc. No. G1931.0-16 with NMS, in the amount of \$8,316.74; and 3) Authorize the Chief Executive Officer (CEO) to execute Amendment 21 to MTS Doc. No. G1931.0-16 with NMS, in the amount of \$84,207.00 (in substantially the same format as.

### 8. Ultrasonic Rail Testing Services – Contract Award

Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1602.0-22 with Smith-Emery Laboratories, Inc., for \$691,600.00, for the provision of ultrasonic rail testing services for five (5) years beginning on January 16, 2022.

9. Anti-Graffiti Window Film (Installation and Materials) – Contract Award  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1599.0-22 with Graffiti Shield, Inc., at \$2,606,784.48, for the provision of anti-graffiti window film installation and materials, for seven (7) years beginning on January 1, 2022.
10. Pronto Operations Technical Support – Contract Amendment  
Action would authorize the Chief Executive Officer (CEO) to execute Amendment 9 to MTS Doc. No. G1923.0-16, a Sole Source extension, with Jacobs Engineering Group Inc. (formerly CH2M Hill, Inc.), to provide operations technical support services for the PRONTO fare payment system, in the amount of \$495,963.00 from January 1, 2022 to June 30, 2023.
11. Beyer Blvd Track and Slope – Fund Transfer  
Action would authorize the Chief Executive Officer (CEO) to execute Addendum 17, Scope of Work 101.1 to the Memorandum of Understanding (MOU) between the San Diego Association of Governments (SANDAG) and MTS for the Beyer Blvd. Slope Repair project.
12. Construction Management (CM) Services for South Bay Zero Emission Bus (ZEB) Overhead (OH) Charging Infrastructure Installation  
Action would authorize the Chief Executive Officer (CEO) to execute Work Order WOA2501-CM01 under MTS Doc. No. G2501.0-21, with TRC Engineers Inc. (TRC), for CM services for the ZEB OH Charging Infrastructure Construction Project in the amount of \$796,363.18.
13. Fleet and Ancillary Equipment Inspections, Maintenance and Repair Services – Contract Award  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1594.0-22 with M Power Truck and Diesel Repair (M Power), for \$457,837.71, for the provision of fleet and ancillary equipment inspections, maintenance and repair services for five (5) years from January 1, 2022 to December 31, 2026.
14. Green Line Imperial Avenue Transit (IMT) Double Track Construction – Contract Award  
Action would the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL337.0-21, with WCGG, a Joint Venture (WCGG) for the IMT Double Track Project in the amount of \$11,458,978.00 plus 10% contingency.
15. Service and Maintenance of the In-Ground Light Rail Vehicles (LRV) Hoists - Sole Source Contract Award  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWL346.0-22, a sole source award to BBM Railway Equipment, for annual inspection, service and maintenance of the In-Ground LRV Hoists in the amount of \$133,090.00 for a period of five (5) years from January 1, 2022 to December 31, 2026.
16. South Bay Zero Emission Bus (ZEB) Overhead (OH) Charging Infrastructure Construction – Contract Award  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWB333.0-21, with Palm Engineering Construction, for the ZEB OH Charging Infrastructure Construction Project in the amount of \$8,398,242.92 plus 10% contingency.

17. Douglas Fir Railroad Wood Ties – Contract Award  
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1608.0-22, with Gemini Forest Products (Gemini), for Douglas Fir Railroad Wood Ties as detailed in the scope of work, in the amount of \$112,869.45, effective January 1, 2022.
18. San Diego Metropolitan Transit System (MTS) Clean Natural Gas (CNG) Fueling Station Operation and Maintenance (O&M) Services and Equipment Replacement – Contract Award  
Action would authorize the Chief Executive Officer (CEO) to: 1) Execute MTS Doc. No. B0729.0-21, with Trillium USA Company, LLC (Trillium), for CNG Fueling Station O&M Services and Equipment Replacement and upgrades for a six (6) year base period with two 2-year options inclusive of a 10% contingency on equipment, exercisable at MTS's sole discretion, in the amount of \$13,644,795.35; and 2) Exercise the option periods at CEO's discretion, if deemed to be in the best interest of MTS.
19. Copley Park Division (CPD) Building Revisions – Work Order  
Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC324-08 under Job Order Contract (JOC) to MTS Doc. No. PWG324.0-21, with ABC General Contractor, Inc. (ABCGC), in the amount of \$184,985.01, for CPD building updates including paint, lighting upgrades, and building modifications.
20. On-Call Services, On-Call Appraisal and General Right-Of-Way (ROW) Management Services – Contract Award  
Action would 1) Ratify the Chief Executive Officer's (CEO) execution of Partial Assignment 1 of San Diego Association of Governments (SANDAG) Capacity for On-Call Appraisal and General ROW Services to MTS in the amount of \$100,000.00; 2) Ratify the CEO's execution of master agreement MTS Doc No. G2541.0-22 with Bender Rosenthal Incorporated (BRI) pursuant to the assignment of contract capacity from SANDAG to MTS in the amount of \$100,000.00; 3) Authorize the CEO to execute an additional assignment of SANDAG Capacity for On-Call Appraisal and General ROW Services to MTS in the amount of \$200,000.00; and 4) Authorize the CEO to execute Amendment 1 to master agreement MTS Doc No. G2541.0-22 with BRI pursuant to the assignment of contract capacity from SANDAG to MTS in the amount of \$200,000.00.
21. Centralized Train Control (CTC) System Maintenance Agreement – Sole Source Contract Award  
Action would 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1607.0-22, a Sole Source agreement, with ARINC Incorporated, a part of Collins Aerospace (Collins), in the amount of \$1,568,916.00 for the provision of CTC System Maintenance Services for five (5) years effective January 1, 2022; and 2) Authorize the CEO to execute Work Order Agreement No. 1 (WOA No. 1) to MTS Doc. No. L1607.0-22, with Collins, in an amount not-to-exceed \$452,000.00.
22. Security Services – Contract Amendment  
Action would approve Amendment No. 1 to MTS Doc. No. G2359.0-20 with Inter-Con Security Services, to authorize the Chief Executive Officer (CEO) to allow On-The-Job Training for Year 1 be a billable expense to MTS.

23. Update to Board Policy No. 30, Investment Policy  
Action would approve and adopt the updated Board Policy No. 30, Investment Policy.

BOARD COMMENTS – CONSENT ITEMS 14 and 16

Board Member Montgomery Steppe thanked staff for providing subcontractor names in the agenda items and for agreeing to do this going forward too.

Action on Recommended Consent Items

Board Member Montgomery Steppe moved to approve Consent Agenda Item Nos. 6 to 23. Chair Fletcher seconded the motion, and the vote was 15 to 0 in favor.

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS:

30. 2022 State and Federal Legislative Program (Julia Tuer, Mark Watts, Peter Peyser)

Julia Tuer, MTS Manager of Government Affairs, Mark Watts, State Advocate, and Peter Peyser, Federal Advocate, presented on the 2022 State and Federal Legislative Program. They outlined the following information: legislative program, legislative priorities, 2021 passed legislation, 2021 legislative proposals, legislative updates and staff recommendation.

Ms. Cooney noted an additional staff member was added to the MTS Grants team. She mentioned the Public Employees' Pension Reform Act (PEPRA) litigation and explained the potential for delayed funding of federal grants as a result. She noted that staff is monitoring the case and should know more in early 2022 if there will be delays to any grants.

Chair Fletcher acknowledged the unprecedented nature that affects infrastructure dollars with federal and state funding. He commended MTS's work to maximize the level of funding the agency can attain for the region.

Board Member Elo-Rivera acknowledged the opportunities available and appreciated the inclusion of youth opportunity passes in the program. He suggested including a statement in the program that would support legislation that incentivizes increased transit ridership. Ms. Tuer assured Board Member Elo-Rivera that his proposal would be incorporated into the program.

Board Member Whitburn thanked staff and advocated to pursue funding and resources for the unsheltered population. He acknowledged that doing so was not only a humanitarian issue, but would also benefit the system.

Board Member Galvez commended MTS staff for passing Senate Bill 51 as it would help achieve the region's economic development goals for the E Street project.

Action Taken

Chair Fletcher moved to approve the 2022 State and Federal Legislative Program, with the addition of a statement noting that MTS would support legislation that incentivizes increased transit ridership. Board Member Elo-Rivera seconded the motion, and the vote was 15 to 0 in favor.

31. Trolley to Airport Feasibility Study (Heather Furey and Brent Boyd)

Heather Furey, MTS Director of Capital Projects, and Brent Boyd, MTS Manager of Service Quality – Rail, presented on the Trolley to Airport Feasibility Study. They outlined the following items: Elevate SD, Rail Access at Airports, Regional Efforts, Advantages of Trolley Serving Airport, 2020 Feasibility Study, 2021 Feasibility Study, San Diego Port Authority Master Plan, San Diego International Airport Terminal 1 Project, and staff recommendation.

Chair Fletcher praised the benefits of this new infrastructure project for riders and commuters. He acknowledged the extension as an employment stimulant for the region. Chair Fletcher noted this opportunity would create the fastest connection from a Convention Center to the Airport in the country. He suggested actionable steps with an abundant amount of federal funding allocations and community support. He recognized that this is a multi-stakeholder project and the six-year timeline for the project was optimistic.

Board Member Sandke acknowledged the benefits for both riders and Airport employees. He supported the north to south connection option. He was impressed by the 14-minute competitive timing and the opportunity to stimulate the downtown region's economy. He praised the City of Boston's water taxi connector to the airport and encouraged a similar connection for the San Diego region.

Board Member Galvez asked if there has been collaboration with San Diego Police Department and the City regarding the Pure Water Project. Ms. Furey stated that MTS has coordinated with the Public Utilities District to discuss impacts on the proposed sites, but noted they will need additional coordination to solidify a comprehensive analysis. Board Member Galvez supported the project, but was concerned about the subterranean impacts of the project.

Board Member Aguirre voiced excitement for the project. She was eager to note the efficiency and affordability this addition would bring to the community. She supported the project and its benefits, but also noted her concern with sea level rise and liquefaction in the proposed development areas. Farhad Nourbakhsh, Vice President at Mott McDonald, told the Board that underground development was less concerning compared to above ground infrastructure. He validated environmental composition and utility disturbance concerns and mentioned the environmental resistance with underground infrastructure. Mr. Nourbakhsh noted that additional assessments needed to be conducted for this project.

Board Member Goble acknowledged that the extension was a business force multiplier. He also highlighted that the project would enhance hotel and business occupancy and create government tax revenue. He was excited about transit becoming a viable alternative to cars and hopeful the addition would increase ridership. He asked staff if MTS has spoken with the Convention Center since they would be a benefiting stakeholder. Mr. Boyd clarified that staff has not had any conversations with the Convention Center yet, but will do so in future stakeholder outreach. Chair Fletcher acknowledged that Convention Center stakeholders were excited when the project was proposed as part of the Elevate SD 2020 initiative.

Board Member Elo-Rivera was excited about the project as it helps MTS move closer towards regional climate goals. He emphasized the significant benefits for the San Diego community. He asked staff to conduct an analysis to show the Board the beneficial impacts to the system overall. He noted the analysis would allow for a comprehensive narrative to show benefits to low income residents.

Board Member Montgomery Steppe acknowledged the benefits of the project and its ability to help neighboring cities travel throughout the region in order to meet climate action goals. She was thankful that job creation was mentioned as an economic stimulus and asked staff to explain what factors would determine a six to ten-year construction timeline. Ms. Cooney noted the need to include the program in the MTS Capital Improvement Project (CIP) in order to pursue grant funding. Simultaneously, MTS would work with stakeholders to create clear and concise messaging regarding the project. She noted how critical the Bipartisan Infrastructure Bill funding was to move this project forward. Ms. Furey outlined the initial two years would be allotted to design and preliminary engineering. She noted that depending on the findings, the project may be extended at this point in the timeline. She was optimistic that with early community outreach and stakeholder participation, the timeline would stay on track. The following two years would be allocated to a detailed design and then two years for construction, with a focus on limiting traffic disruption during construction. She stated that once grant funding was secured, the six-year time clock could begin.

#### PUBLIC COMMENTS

*Colin Parent* – Representing Circulate San Diego made a verbal statement to the Board during the meeting. Parent acknowledged Circulate San Diego's 2018 campaign to connect transit to the airport. Parent noted the support of various government agency and elected officials. Parent is in support of the Board's consideration to integrate the project into the CIP list. He highlighted the short implementation timeline the project poses, compared to other proposals.

*Rebecca Rybczyk* – Representing the Downtown San Diego Partnership made a verbal statement to the Board during the meeting. Rybczyk supported the project and asked the MTS Board to ensure the scope of the proposal be aligned with SANDAG's Regional Transportation Plan.

*Gretchen Newsom* – Representing the IBEW 569 made a verbal statement to the Board during the meeting. Newsom voiced excitement and support for the project.

#### BOARD COMMENTS

Board Member Whitburn added that MTS has a strategic advantage with the downtown region being close to the airport. He acknowledged MTS's track record to accomplish infrastructure improvements and the benefits to both tourist and residents.

Board Member Bush supported the motion and added that he shares similar concerns as other Board Members related to climate change and environmental factors. He asked if MTS would move forward with specific development options.

Ms. Cooney acknowledged that all scenarios have their strengths and that the presentation outlined various options to show the project's viability.

Chair Fletcher commended MTS staff along with the partners who assisted with the feasibility presentation.

#### Action Taken

Board Member Aguirre moved to add the Trolley to the Airport Project to the Capital Improvement Plan and actively pursue federal and state grants for further analysis and continue

outreach with stakeholders Chair Fletcher seconded the motion, and the vote was 15 to 0 in favor.

REPORT ITEMS:

45. Fiscal Year (FY) 2021 Performance Monitoring Report (Denis Desmond, Mike Wygant, Wayne Terry)

Denis Desmond, MTS Director of Planning, Mike Wygant, MTS Chief Operating Officer of Bus, and Wayne Terry, MTS Chief Operating Officer of Rail, presented on the FY 2021 Performance Monitoring Report. They provided details on: Policy 42 Evaluation Criteria, Total Passengers, Weekday Average, Monthly Passengers, Passengers Per Revenue Hour, On-Time Performance, Other Metrics, Farebox Recovery, Transit Services Safety, Safety Highlights, ZEB Pilot Project, Fleet Highlights, MTS Access Services, Support Services Highlights, Bus on Shoulder Project (BOS), statewide rail accidents, master concessionaire services FY 2021, FY 2021 event statistics, various infrastructure projects, and retrofit project updates.

Board Member Montgomery Steppe thanked staff for their hard work and dedication to the region and listed the various projects the agency had done to benefit her district.

Action Taken

No action taken. Informational item only.

46. Operations Budget Status Report for September 2021 (Gordon Meyer)

Gordon Meyer, MTS Operating Budget Supervisor, presented on the Operations Budget Status Report for September 2021. He presented on: federal stimulus funding, total operating revenues, total operating expenses, and total operating activities.

Board Member Goble asked about the Board's ability to exercise long term energy contracts. Mr. Meyer replied that MTS has evaluated that strategy and noted it would not be beneficial for the agency due to the high premiums paid to reduce uncertainty. He stated MTS's major energy service provider contract will expire in December 2022 and staff is in the process of writing the scope for that new competitive procurement.

Action Taken

No action taken. Informational item only.

OTHER ITEMS:

60. Chair Report

There was no Chair report.

61. Chief Executive Officer's Report

There was no Chief Executive Officer's Report.

62. Board Member Communications

There were no Board Member communications.

63. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

64. Next Meeting Date

The next regularly scheduled Board meeting is January 20, 2022.

CLOSED SESSION (ITEMS TAKEN OUT OF ORDER):

24. Closed Session Items

The Board convened to Closed Session at 11:30 a.m.

- a. CLOSED SESSION – THREAT TO PUBLIC SERVICES OR FACILITIES PURSUANT TO GOVERNMENT CODE SECTION 54957  
Consultation with: Sharon Cooney, MTS Chief Executive Officer; Emily Outlaw, MTS Chief Information Officer; Karen Landers, MTS General Counsel; Gary Dexter, MTS Information Security and Intelligence Manager; and Rodrigo Alonso, Information Security and Intelligence Engineer
- b. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54957.6  
Agencies: San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI)  
Employee Organization: International Brotherhood of Electrical Workers, Local 465 (IBEW)  
Employee Organization: Amalgamated Transit Union, Local 1309 (ATU)  
Agency- Designated Representative: Jeffrey M. Stumbo, Chief Human Resources Officer (EEO OFFICER)

The Board reconvened to Open Session at 11:59 a.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a. The Board received a report from staff and gave instructions.
- b. The Board ratified a labor agreement with ATU 1309 on a vote 12 in favor, none against with Board Member Frank, Board Member Arapostathis and Board Member Salas absent. The Board also ratified a labor agreement with IBEW 465 related to construction safety flaggers on a vote of 12 in favor, none against with Board Member Frank, Board Member Arapostathis and Board Member Salas absent.

65. Adjournment

The meeting was adjourned at 12:00pm.

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Chairperson  
San Diego Metropolitan Transit System

Filed by:

Approved as to form:

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Clerk of the Board  
San Diego Metropolitan Transit System

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General Counsel  
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
BOARD OF DIRECTORS  
ROLL CALL

MEETING OF (DATE): December 16, 2021 CALL TO ORDER (TIME): 9:03am  
 RECESS: \_\_\_\_\_ RECONVENE: \_\_\_\_\_  
 CLOSED SESSION: 11:30am RECONVENE: 11:59am  
 PUBLIC HEARING: \_\_\_\_\_ RECONVENE: \_\_\_\_\_  
 ORDINANCES ADOPTED: \_\_\_\_\_ ADJOURN: 12:00pm

BOARD MEMBER		(Alternate)		PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
FLETCHER	<input checked="" type="checkbox"/>	(Vargas)	<input type="checkbox"/>	9:03am	12:00pm
SOTELO-SOLIS	<input checked="" type="checkbox"/>	(Bush)	<input checked="" type="checkbox"/>	SS: 9:03am B: 9:37am	9:37am 12:00pm
AGUIRRE	<input checked="" type="checkbox"/>	(Leyba-Gonzalez)	<input type="checkbox"/>	9:03am	12:00pm
ELO-RIVERA	<input checked="" type="checkbox"/>	(LaCava)	<input type="checkbox"/>	9:03am	12:00pm
FRANK	<input checked="" type="checkbox"/>	(Mullin)	<input type="checkbox"/>	9:03am	12:00pm
GALVEZ	<input checked="" type="checkbox"/>	(Cardenas)	<input type="checkbox"/>	9:03am	12:00pm
GASTIL	<input type="checkbox"/>	(Mendoza)	<input checked="" type="checkbox"/>	9:03am	12:00pm
GLORIA	<input type="checkbox"/>	(Whitburn)	<input checked="" type="checkbox"/>	9:03am	12:00pm
GOBLE	<input checked="" type="checkbox"/>	(Ortiz)	<input type="checkbox"/>	9:03am	12:00pm
HALL	<input checked="" type="checkbox"/>	(McNelis)	<input type="checkbox"/>	9:03am	12:00pm
MONTGOMERY STEPPE	<input checked="" type="checkbox"/>	(Von Wilpert)	<input type="checkbox"/>	9:03am	12:00pm
MORENO	<input checked="" type="checkbox"/>	(Campillo)	<input type="checkbox"/>	9:03am	12:00pm
SALAS	<input checked="" type="checkbox"/>	(Cardenas)	<input type="checkbox"/>	9:03am	12:00pm
SANDKE	<input checked="" type="checkbox"/>	(Bailey)	<input type="checkbox"/>	9:03am	12:00pm
ARAPOSTATHIS	<input checked="" type="checkbox"/>	(Shu)	<input type="checkbox"/>	9:30am	11:30am

SIGNED BY THE CLERK OF THE BOARD:

/S/ Dalia Gonzalez



**Metropolitan  
Transit  
System**

## **Agenda Item No. 4**

### **MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS**

January 20, 2022

#### **SUBJECT:**

**ELECT VICE CHAIR, CHAIR PRO TEM, AND COMMITTEE APPOINTMENTS (SHARON COONEY)**

#### **RECOMMENDATION:**

That the San Diego Metropolitan Transit System (MTS) Board of Directors:

- 1) Elect a Vice Chair and a Chair Pro Tem for 2022; and
- 2) Consider the nominating slate (Attachment A) proposed by the Ad Hoc Nominating Committee for the appointment of representatives to MTS committees for 2022 and vote to appoint representatives to those committees.

#### **Budget Impact**

None with this action.

#### **DISCUSSION:**

Public Utilities Code Section 120100 requires the Board of Directors, annually at its first meeting in January, to elect a Vice Chair who shall preside in the absence of the Chair. Policies and Procedures No. 22, "Rules of Procedure" (Attachment B), also provides for the election of a Chair Pro Tem to serve in the absence of the Chair and Vice Chair. In 2021, Board Member Alejandra Sotelo-Solis served as Vice Chair, and Board Member Mary Salas served as Chair Pro Tem.

In addition, each year the Board makes appointments to the following committees:

- Accessible Services Advisory Committee (ASAC)
- Airport Authority Advisory Committee
- Audit Oversight Committee
- Budget Development Committee
- Executive Committee
- Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency (LOSSAN)



- Public Security Committee
- San Diego Association of Governments (SANDAG) Board
- SANDAG Regional Planning Committee
- SANDAG Transportation Committee
- San Diego Regional Building Authority
- Taxicab Advisory Committee

Membership of the Executive Committee is dictated by Board Policy 22. Similarly, membership on the Audit Oversight Committee is dictated by Board Policy 22, which designates all members of the Executive Committee as members of the Audit Oversight Committee, but allows the appointment of other Board members to that Committee at the Board's discretion. A simple majority of the Board present may waive any aspect of Board Policy 22 not required by state law.

The Vice Chair and Chair Pro Tem nomination and election procedures are pursuant to Robert's Rules of Order as follows:

1. The Chair of the Board opens the agenda item.
2. The Chair requests nominations from the floor. Nominations do not require a second.
3. The Chair closes the nominations.
4. The Chair invites the candidate(s) to address the Board for 3 minutes.
5. The Chair asks for any Board discussion.
6. The Chair calls for the vote on each motion for each candidate.
7. The vote is taken on the motion(s) for each candidate based upon the order in which they were nominated. The vote continues until a candidate is elected.

/S/ Sharon Cooney  
Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachments: A. Proposed MTS Nominating Slate for 2022  
B. Board Policy No. 22

**2022 SLATE OF MTS COMMITTEES AND OUTSIDE AGENCY APPOINTMENTS**

Chair Vice Chair Chair Pro Tem	Nathan Fletcher -- Chair Alejandra Sotelo-Solis – Vice Chair Mary Salas – Chair Pro Tem
Accessible Services Advisory Committee (ASAC)	Alejandra Sotelo-Solis – Chair
Airport Authority Advisory Committee	Bill Sandke – Committee Representative Ronn Hall – Alternate
Audit Oversight Committee	Nathan Fletcher – Chair Alejandra Sotelo-Solis – Vice Chair Plus, Executive Committee (listed below)
Budget Development Committee	Vivian Moreno – Chair Todd Gloria – Committee Representative ( <i>Alternate: Stephen Whitburn</i> ) Nathan Fletcher – Committee Representative Mary Salas – Committee Representative Bill Sandke – Committee Representative
Executive Committee	Nathan Fletcher – Chair & County Representative ( <i>County Alternate: Nora Vargas</i> ) Alejandra Sotelo-Solis – Vice Chair Mary Salas – Chair Pro Tem Sean Elo-Rivera – City of San Diego Representative ( <i>Alternate: Monica Montgomery Steppe</i> ) Ronn Hall – East County Representative ( <i>Alternate: Caylin Frank</i> ) Bill Sandke – South Bay Representative ( <i>Alternate: Paloma Aguirre</i> ) Vivian Moreno – SANDAG Transportation Committee Representative ( <i>Alternate: Paloma Aguirre</i> )
Los Angeles - San Diego Rail Corridor Agency (LOSSAN) Board	Caylin Frank – Board Representative Bill Sandke – Alternate
Public Security Committee	Monica Montgomery Steppe – Chair Paloma Aguirre – Vice Chair Todd Gloria – Committee Representative ( <i>Alternate: Stephen Whitburn</i> ) Jill Galvez – Committee Representative Ronn Hall – Committee Representative Sean Elo-Rivera – Committee Representative Steve Goble – Committee Representative
SANDAG Board	Paloma Aguirre – Board Representative Vivian Moreno – Alternate
SANDAG Regional Planning Committee	Jill Galvez – Committee Representative George Gastil – Alternate
SANDAG Transportation Committee	Vivian Moreno – Committee Representative Paloma Aguirre – Alternate
San Diego Regional Building Authority	Steve Goble – Committee Representative
Taxicab Advisory Committee	Sean Elo-Rivera – Chair

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## Policies and Procedures

No. 22

Board Approval: 6/13/19

### SUBJECT:

RULES OF PROCEDURE FOR THE SAN DIEGO METROPOLITAN TRANSIT  
SYSTEM (MTS) BOARD OF DIRECTORS

### PURPOSE:

To define and clarify Board Rules of Procedure and incorporate them in Board Policy.

### BACKGROUND:

In 1977, the Board adopted Rules of Procedure by resolution and from time to time amendments have been adopted. The Rules shall be contained in Board Policy for ease of reference and periodic updating. The Board is established and governed by the Mills-Deddeh Transit Development Act, set forth in the Sections 120000 through 120702 of the California Public Utilities Code ("MTS Enabling Legislation"). Section 120101 requires to the Board to "establish rules for its proceedings." In the event the rules of procedure set forth herein conflict with the MTS Enabling Legislation, or other applicable law, the applicable law shall supersede these rules.

#### 22.1 Membership and Organization

22.1.1 Membership in this Board is established by Sections 120050 through 120051.6 of the MTS Enabling Legislation.

22.1.2 The Board consists of 15 members selected as follows:

- a. One member of the County of San Diego Board of Supervisors appointed by the Board of Supervisors.
- b. Four members of the City Council of the City of San Diego, one of whom shall be the mayor, appointed by the City Council.
- c. One member of each city council appointed individually by the City Councils of the Cities of Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, and Santee.



- d. Two members of the City Council of the City of Chula Vista, one of whom shall be the mayor, appointed by the City Council.
- e. The chairperson of the board shall be selected from the board membership by a two-thirds vote of the board, a quorum being present. The chairperson shall serve for a term of two years, except that he or she is subject to removal at any time by a two-thirds vote of the board, a quorum being present.

22.1.3 [RESERVED]

22.1.4 Alternate members of the Board shall be appointed as follows:

- a. The County of San Diego Board of Supervisors shall appoint as its alternate member a county supervisor not already appointed as the primary board member under Section 22.1.2(a), who represents one of the two supervisorial districts within MTS's jurisdiction with the greatest percentage of its area within the incorporated area of the County of San Diego.
- b. The City Councils of the Cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego and Santee shall each individually appoint a member of their respective city councils not already appointed as a primary board member to serve as an alternate member for each member of the city on the board.
- c. At its discretion, a city council or the county board of supervisors may appoint a second alternate member to serve on the board in the event that neither a member nor the alternate member is able to attend a meeting of the board.

22.1.5 This Board shall exercise all powers authorized by the laws of the State of California.

22.1.6 Only the duly selected official representative, or in his or her absence his or her duly selected alternate, shall be entitled to represent a member agency in the deliberations of the Board.

22.1.7 Names of the official representatives and alternates shall be communicated in writing to the Board by each participating member agency and shall thereafter be annually communicated or reaffirmed prior to the February meeting of the Board and at such other times as changes in representation are made by member agencies.

- 22.1.8 The Board shall have the authority to appoint committees or subcommittees and may provide for the appointment of alternates to these committees or subcommittees.
- 22.1.9 Standing committees shall be appointed by the Board as may be required to carry out general and continuing functions and shall be abolished only upon specific action by the Board.
- 22.1.10 Ad hoc specialized subcommittees may be appointed by the Board as the need arises to accomplish specific tasks. Upon completion of its assignment, each ad hoc subcommittee shall disband.
- 22.1.11 Board members serving on such subcommittees shall be compensated as provided by Board ordinance. The Chief Executive Officer is authorized to enter into agreements to compensate individuals who were Board members at the time of their appointments to such subcommittees and who continue to serve on such subcommittees after their terms of office as Board members, subject to the same limitations as exist for compensation of Board members, and subject to replacement by the Board.

## 22.2 Meetings

- 22.2.1 On or before the first regular meeting of the Board in December of each year, the Board shall adopt a schedule of its meetings by date, time, and location for the coming year. The schedule of the meetings shall be published in the local newspaper of general circulation prior to the next regular meeting. The schedule of meetings shall also be published on the MTS website and posted at the MTS Executive Offices.
- 22.2.2 The Board may, when necessary, change the time and place of regular meetings. Notice of such change shall be posted pursuant to the Ralph M. Brown Act.
- 22.2.3 The Clerk of the Board shall forward written notice of the annual schedule of regular meetings and any changes thereto stating the dates, times, and locations to each member's agency and to the respective members and alternates of the Board and the standing committees.
- 22.2.4 Special meetings may be called and noticed under the provisions of the Ralph M. Brown Act as applicable and, specifically, Section 54956 of the California Government Code. The call and notice shall be posted in an area accessible to the public at least 24 hours prior to the meeting.

Special meetings normally shall be called by a majority of the Board or Executive Committee only upon a finding that

extraordinary circumstances require Board action prior to the next scheduled Board meeting, such as to discuss a work stoppage or significant litigation, or that a special meeting is necessary to hold a workshop, a joint meeting with another agency, or for other special purposes at a future date beyond the next Board meeting. The Chair may call such meetings only when such extraordinary circumstances arise after the last Board or Executive Committee meeting and Board action is required prior to the next regularly scheduled Board or Executive Committee meeting.

- 22.2.5 A majority of the members of the Board shall constitute a quorum for the transaction of business, and all official acts of the Board shall require the affirmative vote of a majority of the members of the Board present.
- a. After a vote of the members is taken, a weighted vote may be called by the members of any two jurisdictions in accordance with Section 120102.5 of the MTS Enabling Legislation and MTS Board Policy No. 27 (Weighted Vote).
- 22.2.6 Parliamentary procedure at all meetings shall be governed by Robert's Rules of Order Newly Revised except as otherwise modified herein.
- 22.2.7 Prior to each regular meeting, the Clerk of the Board shall forward a copy of the agenda to each member in accordance with the schedule adopted by the Board. The agendas shall also be mailed to each person or entity previously requesting such in writing. The Clerk shall post the agenda in an area accessible to the public at least 72 hours before the meeting in accordance with the Ralph M. Brown Act. Agenda materials shall be available as public record in accordance with the Ralph M. Brown Act and, specifically, Section 54957.5 of the California Government Code.
- 22.2.8 The Board may take action on items of business not appearing on the posted agenda in accordance with the Ralph M. Brown Act.
- 22.2.9 Requests for Board action may be initiated by any member of the Board or any staff officer.
- 22.2.10 Communication requests may be initiated by an individual and submitted to the Clerk by letter or on forms provided by the Clerk and must state the subject matter and the action which the writer wishes the Board to take. The Clerk shall review all communication requests so received and shall list them on the Board's docket under those items which the Clerk deems to be proper areas of discussion or action by the Board. When a Communications item is listed on the docket, it is not debatable and must be referred to an appropriate committee, other public agency, or to staff to prepare a report or response.

- 22.2.11 Any permanent rule of the Board as set forth herein and unless otherwise established by law may be suspended temporarily by a two-thirds vote of the members present.

22.3 Amendments

- 22.3.1 The Board shall be responsible for making all amendments to these rules.
- 22.3.2 Proposed amendments may be originated by the Board, or any member of such, or by the Chief Executive Officer.
- 22.3.3 Each proposed amendment shall be considered by the Board and a copy thereof forwarded by the Clerk of the Board to the official representative of each member agency.

22.4 Ordinances

- 22.4.1 Every ordinance shall be signed by the Chairperson of the Board and attested by the Clerk of the Board.
- 22.4.2 On the passage of all ordinances, the votes of the several members of the Board shall be entered on the minutes.
- 22.4.3 Ordinances shall not be passed at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed at a special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Board members present, all ordinances shall be read in full either at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section.
- 22.4.4 Consistent with Section 120109 of the MTS Enabling Legislation, the Clerk of the Board shall cause a proposed ordinance or proposed amendment to an ordinance, and any ordinance adopted by the Board, to be published at least once, in a newspaper of general circulation published and circulated in the Board's area of jurisdiction.
- 22.4.5 The publication of an ordinance, as required by subdivision 22.4.4, may be satisfied by either of the following actions:
- a. The Board may publish a summary of a proposed ordinance or proposed amendment to an ordinance. The summary shall be prepared by the Clerk of the Board and General Counsel. The summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the

Clerk of the Board at least five (5) days prior to the Board meeting at which the proposed ordinance or amendment is to be adopted. Within 15 days after adoption of the ordinance or amendment, the Board shall publish a summary of the ordinance or amendment with the names of those Board members voting for and against the ordinance or amendment, and the Clerk of the Board shall post in the office of the clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those Board members voting for and against the ordinance or amendment.

- b. If the person designated by the Board determines that it is not feasible to prepare a fair and adequate summary of the proposed ordinance or amendment, and if the Board so orders, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the Board's area of jurisdiction shall be published at least five (5) days prior to the Board meeting at which the proposed ordinance or amendment is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information regarding, the adopted ordinance or amendment, including information sufficient to enable the public to obtain copy of the complete text of the ordinance or amendment and the name of those Board members voting for and against the ordinance amendment.

22.4.6 Ordinances shall take effect thirty days after their final passage. An ordinance takes effect immediately, if it is an ordinance for the immediate preservation of the public peace, health, or safety, containing a declaration of the facts constituting the urgency and is passed by a four-fifths vote of the Board.

22.5 Public Comment

22.5.1 At a public hearing of the Board, persons wishing to provide comment and testimony shall be permitted to address the Board after submitting a written request to speak to the Clerk identifying the person and the subject agenda item. The Chairperson may limit the time for each presentation and may permit additional time to speakers representing a group of individuals or organizations to avoid duplicative testimony. Ordinarily, each speaker will be allowed no more than three minutes.

22.5.2 Persons wishing to comment on agenda items other than a public hearing must submit a written request to speak in advance to the Clerk identifying the person and the subject agenda item. Comments must be limited to issues relevant to the particular agenda item. The Chairperson may limit the time for each presentation and may permit additional time to speakers

representing a group of individuals or organizations to avoid duplicative testimony. Ordinarily, each speaker will be allowed no more than three minutes.

22.5.3 Public comment on matters not on the agenda will be permitted on items of interest to the public that are within the subject matter jurisdiction of the Board. Persons wishing to comment must submit a written request in advance to the Clerk identifying the person and subject matter. The Chairperson may limit the time for each speaker. Ordinarily, each speaker will be allowed no more than three minutes.

22.6 Chairperson

Prior to the expiration of a Chairperson's term, the Executive Committee shall make a recommendation to the Board on whether to reelect the current Chairperson. In the event that the Board does not reelect a chairperson, or in the event of a vacancy in the position of Chairperson, the Executive Committee shall create an ad hoc nominating committee that shall, by whatever means it deems appropriate, recommend to the Board a candidate or candidates for the position of Chairperson. The Board shall then vote to elect a Chairperson in accordance with Section 22.1.2(e).

22.7 Election of Board Officers and Appointments to Committees

22.7.1 On or before the Board's first meeting in November, the Board shall appoint less than a quorum of members to an Ad Hoc Nominating Committee. The Ad Hoc Nominating Committee shall review the list of MTS committees and make recommendations to the Board with respect to the appointment of members of the Board or former Board members to serve on each MTS committee.

22.7.2 The Ad Hoc Nominating Committee shall also review the list of outside boards and/or committees and make recommendations to the Board with respect to the appointment of members of the Board to represent MTS on each outside board or committee.

22.7.3 The Ad Hoc Nominating Committee shall also make a recommendation to the Board with respect to the appointment of the Vice Chairperson and the Chair Pro Tem and any other board officers.

22.7.4 The Ad Hoc Nominating Committee shall forward its recommendations for appointments of officers and committee members on or before the first Board meeting in January.

22.7.5 At its first meeting in January, the Board shall elect a Vice Chairperson and a Chair Pro Tem from amongst its members. The Vice Chairperson shall preside in the absence of the Chairperson. In the event of the absence or inability to act by the Chairperson and Vice Chairperson, the Chair Pro Tem shall preside.

22.7.6 The Board shall then vote on the recommendations made by the Ad Hoc Nominating Committee with respect to all other committee appointments.

22.7.7 In the event that a Board member vacates his or her position on the Board, at the next meeting, the Chairperson shall take nominations from the floor to fill any opening in any Committee positions vacated by that Board member.

22.8 Executive Committee

22.8.1 The Executive Committee of the Board shall consist of the Chairperson, the Vice Chairperson (if he or she is not already a voting member), a member from the County of San Diego, a member from the City of San Diego, the Transportation Committee Representative (if he or she is not already a voting member), one member who represents the cities of Chula Vista, National City, Coronado, and Imperial Beach (the "South Bay Cities' representative"), and one member who represents the cities of Lemon Grove, La Mesa, El Cajon, Poway, and Santee (the "East County Cities' representative"). The South Bay Cities' representative and the East County Cities' representative shall serve as members of the Executive Committee for a term of two years each. The terms of these two members shall be staggered so as to avoid replacement of both members at the same time.

22.8.2 The East County and South Bay representatives shall serve in the following order:

East County: El Cajon, La Mesa, Lemon Grove, Santee, Poway—each serving a two-year term.

South Bay: Chula Vista, Coronado, Imperial Beach, National City—each serving a two-year term.

After each member has served as either the East County or South Bay representative, the rotation schedule shall repeat.

22.8.3 The alternates to the Executive Committee members shall be as follows:

22.8.3.1 The alternate for the County of San Diego shall be the alternate appointed by the County of San Diego to serve as the alternate for the Board.

2.8.3.2 The alternate for the City of San Diego shall be selected by the City of San Diego from amongst the three remaining City of San Diego Board members.

- 2.8.3.3 The alternates for the East County Cities' and the South Bay Cities' representatives shall be the representative from the city that is next in the rotation order set forth in section 22.8.2 above (for example, if the City of El Cajon is currently the primary Executive Committee member, then the City of La Mesa member shall be the alternate Executive Committee member). Alternates shall be appointed for a term of two years or such lesser term as necessary to coincide with the term of the member for whom the alternate is appointed.
- 22.8.4 The Vice Chairperson shall attend each Executive Committee meeting as a voting member. The Vice Chairperson shall serve as the alternate to the Chairperson in his or her absence and as a second alternate at large for any of the Executive Committee representatives and shall be a voting member when serving in this capacity.
- 22.8.5 At its first meeting in January, the Board shall vote on the Ad Hoc Nominating Committee's recommendation for the representative and alternate to the San Diego Association of Governments (SANDAG) Transportation Committee to serve for a term of one year. In the event that the Board votes to appoint a member of the Board who does not serve on the Executive Committee, then the appointed SANDAG Transportation Committee representative, or the alternate in his or her absence, shall attend the Executive Committee meetings as a voting member.
- 22.8.6 The primary purpose of the Executive Committee shall be to review and recommend consent items for the agenda of the next MTS Board of Directors meeting; add or delete items as appropriate; and provide input and direction on emerging policies, plans, and issues, in advance, for Board consideration. The Executive Committee shall have the authority to create ad hoc subcommittees for purposes of carrying out its duties and responsibilities.
- 22.8.7 Three members shall constitute a quorum of the Executive Committee, and a majority vote of the members present shall be required to approve any item. In the absence of a quorum, the Chairperson may review and recommend consent items for the agenda, establish the order of items, and add or delete items.
- 22.8.8 The Executive Committee shall adopt operating procedures as are necessary for the conduct of its business.
- 22.9 Audit Oversight Committee
- 22.9.1 The Audit Oversight Committee shall be comprised of the same members that make up the Executive Committee and such other

individuals as the Board may appoint at the first MTS Board meeting each calendar year. The Board may also appoint individuals who are not members of the Board to serve as non-voting advisory members to the Audit Oversight Committee

22.9.2 No additional compensation shall be paid to the members of the Audit Oversight Committee unless a meeting takes place on a day other than a regularly scheduled MTS Board meeting or MTS Executive Committee meeting. Compensation shall be paid to any additional voting members who are appointed to serve on the Audit Oversight Committee. No compensation shall be paid to any non-voting advisory member appointed by the MTS Board.

22.9.3 The primary duties and responsibilities of the Audit Oversight Committee shall be to ensure that management is maintaining a comprehensive framework of internal control, to ensure that management's financial reporting practices are assessed objectively, and to determine to its own satisfaction that the financial statements are properly audited and that any problems uncovered in the course of the audit are properly reported and resolved.

22.9.4 The Audit Oversight Committee shall:

- a. Review the scope of the annual financial statement audit and any other audits the committee feels are appropriate. The financial statement or CAFR audit should be conducted by an external, independent, public accounting firm experienced in municipal financial audits (external auditor).
- b. Review the purpose and scope of any nonaudit services to be performed by the external auditor.
- c. Oversee the procurement of the external auditor and any related advisory services with final approval by the Board.
- d. Oversee the preparation of annual financial statements, the annual financial reporting process, internal controls, and the external auditor using an appropriate degree of professional skepticism.
- e. Assess the performance of the external auditor.
- f. Provide a forum for internal auditor(s) to report findings during committee meetings. Internal auditor(s) are MTS employee(s) who report to management and primarily perform operational and compliance audits. In unusual circumstances involving significant fraud, waste, or abuse, the internal auditors must contact the Chairperson of the Audit Oversight Committee.

- g. Establish a procedure for receipt, retention, and treatment of complaints regarding accounting, internal controls, or auditing matters.

22.9.5

The Audit Oversight Committee shall perform the following tasks each year and, to the extent possible, adhere to this timetable:

- a. Prior to the fiscal year end, review the independent audit engagement letter.
- b. Prior to the fiscal year end establish a plan for review of the audits with external auditor.
- c. In October or November, review a draft of the Comprehensive Annual Financial Report
- d. Prior to the fiscal year end, review the management letter and management's response to the letter from the previous year.

22.9.6

At a minimum, and no later than the MTS Board meeting for the CAFR final adoption, the Audit Oversight Committee shall publically ask the following questions of MTS management and/or the external auditors:

- a. What is the name of the audit firm performing the audit, and how long has such firm been under contract to perform such audits?
- b. Was the audit performed in accordance with generally accepted auditing standards and generally accepted government auditing standards? If not, why?
- c. Has the external auditor prepared an unqualified opinion regarding the financial statements? If not, what type of opinion was issued and why?
- d. Did the external auditor issue a management letter?
- e. Did the external auditor find any nonmaterial weaknesses or reportable conditions?
- f. How did the external audit firm maintain its independence during the course of the audit?
- g. Describe, in general, the audit procedures performed.
- h. Were any new accounting principles adopted? If so, what was their effect?

- i. Does the external auditor recommend any changes in the accounting policies used or their application? Did management apply the best accounting principles or merely permitted ones?
- j. Describe any significant accounting adjustments affecting the financial statements (prior year as well as current year).
- k. Did the external auditor encounter any difficulties in dealing with management in performing the audit?
- l. Were there any disagreements with management regarding any accruals, estimates, reserves, or accounting principles?
- m. Did the external auditor have the full cooperation of MTS management and staff?
- n. Assess the quality of the accounting, internal controls, and the competency of staff.
- o. Were there any accounting issues on which the audit firm sought the advice of other audit firms or regulatory bodies?
- p. Are there new pronouncements and/or risks affecting future financial statements which the Audit Oversight Committee should be aware of?

22.9.8 A majority of the members of the Audit Oversight Committee shall constitute a quorum, and a majority vote of the members present shall be required to approve any item.

22.9.9 The Audit Oversight Committee shall adopt operating procedures as are necessary for the conduct of its business.

#### 22.10 Board Member Standards of Conduct

22.10.1 The purpose of this policy is to emphasize that each Board member occupies a position of public trust that demands the highest moral and ethical standard of conduct.

22.10.2 This policy shall be supplemental and in addition to the Conflict of Interest Code of the Board and any applicable laws or regulations (including, but not limited to, the Brown Act, Government Code section 1090 and the Political Reform Act) and is not intended to supersede any provisions thereof.

22.10.3 Board members shall not engage in any business or transaction or have a financial or other personal interest, actual, potential, or

apparent, which is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of such duties. Such business, transaction, or interest shall constitute a conflict of interest.

22.10.4

No Board member shall engage in any enterprise or activity that shall result in any of the following:

- a. Using the prestige or influence of the Board office for private gain or advantage of the member or another person.
- b. Using time, facilities, equipment, or supplies of the Board for the private gain or advantage of the member or another person.
- c. Using official information not available to the general public for private gain or advantage of the member or another person.
- d. Receiving or accepting money or other consideration from anyone other than the Board for the performance of acts done in the regular course of duty.
- e. Receiving or accepting, directly or indirectly, any gift or favor from any one doing business with the Board under circumstances from which it could reasonably be inferred that such was intended to influence such person in such person's duties or as a reward for official action.
- f. Soliciting any gift or favor in such person's official capacity, either directly or indirectly, when such solicitation might reasonably be inferred as to have a potential effect on such person's duties or decision, or when the individual's position as a Board member would in any way influence the decision of the person being solicited.
- g. Engaging in or accepting private employment or rendering services for private interest, direct or indirect, which may conflict with such person's responsibility or duty, or which, because of that person's position, may influence a decision to the benefit of the organization in which such person has an interest.

22.10.5

If a Board member has an actual, potential, or apparent conflict of interest in the subject of an agenda item, and the Board will make a decision regarding this agenda item during an open session meeting, the Board member must recuse himself or herself or, in the case of uncertainty, request a binding determination from the Board's General Counsel. If the Board member has a conflict, he

or she may observe, but not participate, in the decision-making process.

- 22.10.6 If a Board member has an actual, potential, or apparent conflict of interest in the subject of an agenda item to be discussed during a closed session meeting, the Board member shall be disqualified and not present during such discussion so as not to make, participate in making, or in any way attempt to use his or her official position to influence the discussion or decision. In such case, the Board member must recuse himself or herself or, in the case of uncertainty, request a binding determination from the Board's General Counsel. In accordance with the Brown Act, the Board member would be entitled to any information that is publicly reported. The Board member would not, however, be privy to any confidential or privileged information or communications pertaining to the closed session agenda item.
- 22.10.7 No Board member shall disclose to any person, other than members of the Board and other Board staff designated to handle such confidential matters, the content or substance of any information presented or discussed during a closed session meeting unless the Board authorizes such disclosure by the affirmative vote by a majority of the Board.
- 22.10.8 No Board member may disclose confidential or privileged information or communications to any person other than a Board member, General Counsel to the Board, or other Board staff designated to handle such matters, unless disclosure is mandated by law or the Board authorizes such disclosure by the affirmative vote of a majority of the Board.
- 22.10.9 A Board member shall not be privy to confidential or privileged information or communications concerning threatened, anticipated, or actual litigation affecting the Board where the Board member has an actual, potential, or apparent conflict of interest. In the case of uncertainty as to whether a conflict of interest exists, the Board's General Counsel shall issue a binding determination.
- 22.10.10 No Board member shall represent a position on an issue to be the Board's unless the Board has formally adopted such position at a public meeting.
- 22.10.11 Any violation of this policy shall constitute official misconduct if determined by an affirmative vote of the majority of the Board in an open and public meeting. The Board may elect to censure the Board member and the violation may be subject to criminal and/or civil penalties as provided for by applicable law.

Original Policy approved on 4/5/84.  
Policy revised on 1/12/84.

Policy revised on 7/11/85.  
Policy revised on 1/8/87.  
Policy revised on 1/11/90.  
Policy revised on 8/23/90.  
Policy revised on 1/10/91.  
Policy revised on 3/24/94.  
Policy revised on 1/14/99.  
Policy revised on 6/14/01.  
Policy revised on 1/10/02.  
Policy revised on 1/24/02.  
Policy revised on 5/8/03.  
Policy revised 2/26/04.  
Policy revised 1/12/06.  
Policy revised 3/9/06.  
Policy revised 3/23/06.  
Policy revised 6/14/07.  
Policy revised 7/19/07.  
Policy revised 2/21/08.  
Policy revised 12/11/08.  
Policy revised 2/12/15.  
Policy revised 11/10/16.  
Policy revised 11/9/2017, changes effective 1/1/2018.  
Policy revised 6/13/2019.



## Agenda Item No. 6

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

#### SUBJECT:

AUTHORIZATION OF REMOTE TELECONFERENCED MEETINGS

#### RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize remote teleconferenced meetings for any public meetings held by MTS, including all Brown Act committees, for the next thirty (30) days pursuant to Assembly Bill (AB) 361 and make the following findings:

- 1) The MTS Board has considered the current circumstances of the COVID-19 pandemic and its impact in San Diego County; and
- 2) State or local officials continue to recommend measures to promote social distancing. On September 23, 2021, County of San Diego Public Health Officer, Wilma J. Wooten, M.D., M.P.H., issued a recommendation supporting the use of teleconferencing for attendance at public meetings as “a social distancing measure that may help control transmission of the SARS-CoV-2 virus.” (Attachment A)

#### Budget Impact

None with this action.

#### DISCUSSION:

On March 17, 2020, Governor Newsom issued Executive Order N-29-20, suspending the teleconferencing rules set forth under the Ralph M. Brown Act (Brown Act), Government Code Section 54950 et seq. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, clarifying the suspension of the teleconferencing rules set forth in the Brown Act, noting that those provisions would remain suspended through September 30, 2021. On September 16, 2021, Governor Newsom signed AB 361, which allows legislative bodies subject to the Brown Act to continue meeting by teleconference, provided they make certain findings, including that meeting in person would present imminent risks to the health or safety of attendees. AB 361 requires that certain findings be made by the legislative body every 30 days.



The purpose of this agenda item is for the MTS Board of Directors to make findings supporting the continuation of a teleconference option for Board or committee members and for teleconference attendance by members of the public at MTS Board and committee meetings consistent with the requirements of AB 361.

AB 361 added subdivision (e) to Government Code section 54953 (emphasis added), providing for streamlined teleconference attendance at public meetings subject to the Brown Act, subject to the governing board making specified findings:

**(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:**

**(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.**

**(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.**

**(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.**

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

**(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:**

**(A) The legislative body has reconsidered the circumstances of the state of emergency.**

**(B) Any of the following circumstances exist:**

**(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.**

**(ii) State or local officials continue to impose or recommend measures to promote social distancing.**

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

\*\*\*

The circumstances set forth in Government Code section 54953(e)(1)(A) and (e)(3) still apply and support the continuation of a teleconference option for Board or committee members and for teleconference attendance by members of the public at MTS Board and committee meetings for the upcoming 30-day period. Staff recommends that the Board make the following findings:

- 1) The MTS Board has considered the current circumstances of the COVID-19 pandemic and its impact in San Diego County; and
- 2) State or local officials continue to recommend measures to promote social distancing. On September 23, 2021, County of San Diego Public Health Officer, Wilma J. Wooten, M.D., M.P.H., issued a recommendation supporting the use of teleconferencing for attendance at public meetings as “a social distancing measure that may help control transmission of the SARS-CoV-2 virus.” (Attachment A)

/S/ Sharon Cooney  
Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachment: A. September 23, 2021 County of San Diego Health Officer Teleconferencing Recommendation



# County of San Diego

NICK MACCHIONE, FACHE  
AGENCY DIRECTOR

HEALTH AND HUMAN SERVICES AGENCY  
PUBLIC HEALTH SERVICES

WILMA J. WOOTEN, M.D.  
PUBLIC HEALTH OFFICER


## HEALTH OFFICER TELECONFERENCING RECOMMENDATION

COVID-19 disease prevention measures, endorsed by the Centers for Disease Control and Prevention, include vaccinations, facial coverings, increased indoor ventilation, handwashing, and physical distancing (particularly indoors).

Since March 2020, local legislative bodies—such as commissions, committees, boards, and councils—have successfully held public meetings with teleconferencing as authorized by Executive Orders issued by the Governor. Using technology to allow for virtual participation in public meetings is a social distancing measure that may help control transmission of the SARS-CoV-2 virus. Public meetings bring together many individuals (both vaccinated and potentially unvaccinated), from multiple households, in a single indoor space for an extended time. For those at increased risk for infection, or subject to an isolation or quarantine order, teleconferencing allows for full participation in public meetings, while protecting themselves and others from the COVID-19 virus.

Utilizing teleconferencing options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 disease. This recommendation is further intended to satisfy the requirement of the Brown Act (specifically Gov't Code Section 54953(e)(1)(A)), which allows local legislative bodies in the County of San Diego to use certain available teleconferencing options set forth in the Brown Act.

September 23, 2021

  
Wilma J. Wooten, M.D., M.P.H.  
Public Health Officer  
County of San Diego



## Agenda Item No. 7

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

#### SUBJECT:

SEMIANNUAL UNIFORM REPORT OF DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
AWARDS AND PAYMENTS

#### INFORMATIONAL ONLY

##### Budget Impact

None.

#### DISCUSSION:

As a Federal Transit Administration (FTA) grantee, San Diego Metropolitan Transit System (MTS) complies with the federal regulations set forth in 49 CFR Part 26 regarding participation by DBEs in the U.S. Department of Transportation (DOT) Program.

##### I. Goals of MTS's DBE Program

The goals of MTS's race-neutral DBE 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.

##### II. MTS's DBE Triennial Overall Goal for FFY 2019-2021



The DBE regulations require MTS to prepare a DBE Triennial Overall Goal. The DBE Triennial Overall Goal is established upon the number of ready, willing, and able DBE contractors within MTS's geographic market area that are available to bid on MTS's federally assisted procurements (excludes transit vehicle procurements). For the previous triennial reporting period (October 1, 2018, to September 30, 2021), MTS had an aspirational overall goal of **2.9%** DBE participation on federally funded contracts. Our final achievement towards this DBE Overall Goal was **1.24%**, which is described further in Section VIII below.

Please note, procurements awarded effective October 1, 2021 and after will be in the next triennial period. The *next triennial period* of FFY 2022-2024 (October 1, 2021 to September 30, 2024), MTS's DBE Overall Goal is **6.3%** on federally funded contracts.

### III. Participation by certified DBEs

For purposes of reporting DBE participation to the FTA, MTS may only count participation by certified DBE contractors. In order to be certified as a DBE through the California Unified Certification Program, contractors must:

- (1) have a majority owner who is **socially and economically disadvantaged** (Native Americans, African Americans, Hispanics, Asian-Pacific, Subcontinent Asian Americans and women are currently presumed to be socially and economically disadvantaged by the DOT);
- (2) the majority owner must have a personal net worth of less than **\$1,320,000**; and
- (3) the business must be a **small business** and, for *most* types of businesses, have average annual gross receipts less than **\$26,290,000**.

Per DOT DBE Regulations, MTS *may not* count participation from certified minority owned businesses (MBE), disabled veteran owned businesses (DVBE), women owned businesses (WBE), small businesses (SB) or lesbian gay bisexual transgender owned businesses (LGBTBE) (collectively referred to as SBEs) toward meeting its DBE Triennial Overall Goal. Nonetheless, MTS encourages participation from, conducts outreach to, and tracks awards to SBEs.

### IV. Race-Neutral Outreach Measures to Increase DBE and SBE Participation

A race-neutral DBE program means that there are no DBE contract specific goals and no advantages provided to interested DBE contractors when submitting bids or proposals. Successful bidders are chosen using race-neutral means, generally through a low-bid or best-value procurement process.

To increase DBE participation on MTS's federally assisted procurements, as well as SBE participation on all MTS's contracts, MTS conducts outreach to DBEs and SBEs in an effort to inform them of upcoming MTS procurements. The following are some of the race-neutral measures MTS has implemented:

1. outreach to past and current MBEs, DVBES, WBEs, SBs and LGBTBEs to discuss the benefits of DBE certification and what qualifications are necessary to become DBE certified, as some may already qualify;
2. outreach to past and current DBEs, MBEs, DVBES, WBEs, SBs and LGBTBEs requesting that they register on PlanetBids so they can receive automatic notification of upcoming MTS formal procurements;
3. for small purchase procurements in which MTS must seek out three (3) bids, MTS aims to advertise more of these procurement on PlanetBids so as to increase the potential of DBEs, MBEs, DVBES, WBEs, SBs or LGBTBEs learning of the procurement, if such a contractor is available to perform the work;
4. for small purchase procurements in which MTS must seek out three (3) bids, seeking at least one (1) of those bids from a DBE or SBE, if available; and
5. attend and actively promote small business conferences and programs to alert DBEs, MBEs, DVBES, WBEs, SBs or LGBTBEs of upcoming MTS contracting opportunities and to educate about MTS's procurement and DBE program.

Due to the COVID-19 public health emergency, in-person outreach events have been cancelled until further notice. MTS was able to attend various virtual outreach events (e.g. Caltrans Procurement Fair, San Diego Airport Meet the Primes, San Diego Unified School District Construction Expo).

MTS also continued to attend San Diego Public Agency Consortium bi-monthly meetings, virtually. At these meetings, San Diego County public agencies discussed upcoming planned virtual outreach events amongst the members and best practices regarding their agency's DBE and SB programs.

#### V. Federally Funded Procurements

Only contracts awarded and paid by MTS using federal funds (or a portion of federal funds) are reported to the FTA per DOT DBE Regulations. MTS generally reserves federal funds for transit vehicle procurements, transit facility improvements, state-of-good-repair vehicle or system preventative maintenance projects, and contracted fixed route and paratransit bus services. MTS generally uses local and state funds for capital projects (e.g. construction, engineering), administrative costs and other expenses (e.g. marketing expenses, land management, office supplies).

#### VI. Summary of Semi-Annual DBE Report Achievement (Federal Funds Only)

The FTA Semi-Annual Report for April 1, 2021 to September 30, 2021 is the sixth of six reports in the triennial period of FFY 2019-2021.

a. Contracts Awarded

For this reporting period, MTS **did not achieve** its DBE Triennial Overall Goal of 2.9% for contracts awarded. MTS achieved **0.20%** DBE participation for contracts awarded, as shown below in Table 1.

Table 1: Federal Contracts Awarded

Federal Contract Awards/Commitments				Goal
REPORTING PERIOD	Total Federal \$\$	DBE \$\$	DBE %	vs 2.9%
Federal Funds: Apr 1 2021 to Sept 30 2021	\$14,414,238.39	\$28,380.72	<b>0.20%</b>	-2.70%

The main reasons for why MTS was not able to meet its DBE Triennial Overall Goal for contracts awarded was due to the award of several large contracts to non-DBE firms. The most significant were:

- Contract award to **Calpine Energy Solutions**, a **non-DBE**, for energy commodity purchases and management fees in Fiscal Year 2022, in the amount of \$8,303,000.00 (96% federally funded). Please note, this project was not included in our FFY 2019-2021 DBE Overall Goal Methodology. At the time of developing MTS's FFY 2019-2021 DBE Overall Goal Methodology, electricity costs were not federally funded. Now with CARES/ARP stimulus funds, MTS includes electricity costs in our stimulus fund draw calculations.
- A five (5) year base contract award to **Cummins Pacific**, a **non-DBE**, for bus engine overhaul services, in the amount of \$4,573,884.05 (80% federally funded). Please note, this project was not included in MTS's FFY 2019-2021 DBE Overall Goal Methodology. At the time of developing MTS's FFY 2019-2021 DBE Overall Goal Methodology, it was anticipated that MTS would exercise remaining option years. Instead, staff decided to go out to bid for a new base contract to ensure that if future federal funds were to be used to pay for this contract, that the new contract included all required federal contract clauses and bid forms.
- A five (5) year base contract award to **Prudential Overall Supply**, a **non-DBE**, for uniform rental services, in the amount of \$783,884.36 (80% federally funded). This project was included in MTS's FFY 2019-2021 DBE Overall Goal Methodology. Request for Proposal (RFP) process was used. Three (3) proposals were received, none of which were from a DBE. Awarded to the firm with the best value proposal, Prudential Overall Supply.

These large federally funded contracts substantially dilute any potential DBE participation that could have been achieved.

b. Contracts Open

For this reporting period, MTS **did not achieve** its DBE Triennial Overall Goal of 2.9% for contracts opened. MTS achieved **2.61%** DBE participation for contracts open, as shown below in Table 2.

Table 2: Federal Contracts Open

Federal Contracts Open/Payments During Reporting Period				Goal
REPORTING PERIOD	Total Federal \$\$	DBE \$\$	DBE %	vs 2.9%
<b>Federal Funds: Apr 1 2021 to Sept 30 2021</b>	\$32,139,822.79	\$838,061.58	<b>2.61%</b>	-0.29%

The main reason why MTS was not able to meet its DBE Triennial Overall Goal for contracts opened was due to payments to **Transdev**, a **non-DBE** firm, for fixed route services in the amount of \$32,348,836.72 (60% federally funded) paid between April 1st to September 30th, 2021. This Transdev contract is being paid with more federal grant dollars than in previous reporting periods. These large payments to Transdev is diluting the significant dollars being paid out to **NMS Management**, a **DBE** firm, for janitorial and anti-graffiti services, in the amount of \$1,028,097.53 (80% federally funded), paid between April 1st to September 30th, 2021.

c. Contracts Completed

For this reporting period, MTS **did achieve** its DBE Triennial Overall Goal of 2.9% for contracts completed. MTS achieved **8.42%** DBE participation for contracts completed, as shown below in Table 3.

Table 3: Federal Contracts Completed

Federal Contracts Completed/Total Payments				Goal
REPORTING PERIOD	Total Federal \$\$	DBE \$\$	DBE %	vs 2.9%
<b>Federal Funds: Apr 1 2021 to Sept 30 2021</b>	\$582,079.76	\$49,031.77	<b>8.42%</b>	+5.59%

The main reason why MTS was able to meet its DBE Triennial Overall Goal for contracts completed was due to closing out a contract for VMS Dual Monitors to **My Electrician**, a **DBE** firm, for \$448,711.87 (7% federally funded). Please note, MTS decides contract performance periods based on MTS business and operational needs. Every reporting period will differ on the number, type and dollar amount of contracts closed out.

VII. Summary of Annual Achievement Toward Meeting MTS's DBE Triennial Overall Goal for FFY 2021

The FTA requires a Shortfall Analysis and Corrective Action Plan whenever the DBE Triennial Overall Goal is not met within a FFY. MTS **did not achieve** its DBE Triennial Overall Goal of 2.9% for FFY 2021. MTS achieved only **0.04%** DBE participation for FFY 2021, as shown below in Table 4.

Table 4: Federal Contracts Awarded in FFY 2021

<b>DBE Achievement for FFY 2021</b>					
<b>FFY</b>	<b>Reporting Period</b>	<b>Total Fed Awarded</b>	<b>Total DBE Awarded</b>	<b>DBE %</b>	<b>Shortfall %</b>
FFY 2021	Oct 1, 2020 to Mar 31, 2021	\$182,514,682.65	\$45,759.00	0.03%	
FFY 2021	Apr 1, 2021 to Sept 30, 2021	\$14,414,238.39	\$28,380.72	0.20%	
<b>TOTAL FFY 2021</b>		<b>\$196,928,921.04</b>	<b>\$74,139.72</b>	<b>0.04%</b>	<b>-2.86%</b>

On December 23, 2020, MTS submitted to the FTA a Shortfall Analysis and Corrective Action Plan that explains the reasons for the shortfall, as well as what steps MTS will be taking that are aimed to increase DBE participation in the future. The Shortfall Analysis and Corrective Action Plan is enclosed (Attachment A). Please note, there is an error within the dollar amounts listed on the Shortfall Analysis and Corrective Action Plan, as it relates to MTS's DBE Semi-Annual Report for Apr 1, 2021 to Sept 30, 2021. The FTA has been alerted of this error.

As discussed in more detail in the enclosed Shortfall Analysis and Corrective Action Plan, MTS plans to complete the following corrective actions in the coming FFY: creating a digital MTS DBE Program Pamphlet, in both English and Spanish, that explains how to work with MTS and information on MTS's DBE program, that will be posted on MTS's Website and be provided to vendors and other public agencies; include a link to City of San Diego's Business Relief and Support Webpage on MTS's DBE Webpage as an additional resource for DBE and SB firms looking for financial assistance; developing monitoring mechanisms and ways to better track data to determine if MTS's outreach measures are being implemented as trained and if they are effective at assisting DBEs and SBs.

MTS also plans to use a Small Business Set Aside on more procurements moving forward. MTS hopes to implement a Small Business Set Aside on projects where there is many known DBE and SB firms available to perform the work, with a particular emphasis on certain preventative maintenance type services.

VIII. Summary of Triennial Achievement Toward Meeting MTS's DBE Triennial Overall Goal for FFY 2019 – FFY 2021

While the specific DBE participation rate for each six (6) month reporting period may fluctuate, the goal of the MTS DBE program is to achieve the 2.9% DBE Triennial Overall Goal as an average for the FFY 2019-2021 triennial period. MTS achieved **1.24%** toward its DBE Triennial Overall Goal, as shown below in Table 5.

Table 5: Federal Contracts Awarded in FFY 2019-2021

<b>DBE Achievement for FFY 2019 - FFY 2021</b>				
<b>FFY</b>	<b>Reporting Period</b>	<b>Total Fed Awarded</b>	<b>Total DBE Awarded</b>	<b>DBE %</b>
FFY 2019	Oct 1 18 to Mar 31 19	\$8,603,476.55	\$204,022.26	<b>2.37%</b>
FFY 2019	April 1 19 to Sept 30 19	\$9,005,016.32	\$3,884,727.66	<b>43.14%</b>
FFY 2020	Oct 1 19 to Mar 31 20	\$7,065,591.07	\$84,861.22	<b>1.20%</b>
FFY 2020	April 1 20 to Sept 30 20	\$130,881,224.89	\$135,337.29	<b>0.10%</b>
FFY 2021	Oct 1 20 to Mar 31 21	\$182,514,682.65	\$45,759.00	<b>0.03%</b>
FFY 2021	April 1 21 to Sept 30 21	\$14,414,238.39	\$28,380.72	<b>0.20%</b>
<b>Achievement Toward Meeting FFY 2019-2021 DBE Triennial Overall Goal of 2.9%</b>  (FFY 2019-2021 Total DBE Awarded ÷ FFY 2019-2021 Total Fed Awarded)		<b>COMPLETED: 1.24%</b>  Achieved 1.24% towards DBE Overall Triennial Goal of 2.9%		

The main reason why MTS did not meet its 2.9% Overall Goal over the entire triennial period was because of two (2) large contract awards for paratransit services and fixed route services. If not for these two (2) large contract awards, MTS would have exceeded its DBE Overall Goal of 2.9% for FFY 2019-2021. For reference purposes only, if the total federal dollar value of these two (2) contracts were removed from Table 2 (a total of \$298,029,603), MTS would have achieved 8.05% towards its FFY 2019-2021 DBE Overall Goal of 2.9%.

IX. Summary of DBE, WBE, MBE, DVBE, LGBTBE and SB Participation for all Contracts (Regardless of Funding Source)

Although MTS may not count participation of MBE, DVBE, WBE, SB and LGBTBE (collectively referred to as SBEs) towards achievement of its DBE Overall Triennial Goal, MTS does record the participation of these businesses to gauge the success of its program to foster small business participation. MTS encourages the participation of DBEs and SBEs on all of its contracts, no matter the funding source.

To highlight just a couple of the many contracts awarded to a SBE firm this reporting period is a contract to **Inter-con Security Systems**, a **MBE** firm, for contracted security services, in the amount of \$38,438,349.00 (100% locally funded); and a contract to **Veterans Engineering Services**, a **DVBE** firm, for grade crossing improvements, in the amount of \$2,358,317.36 (100% federally funded).

MTS's DBE and SBE participation rates for the reporting period, *using both local and federal funds*, are included below in Table 6.

Table 6: All Contracts Awarded

All Contract Awards/Commitments (All Funding Sources)					
REPORTING PERIOD	Total \$\$	DBE \$\$	DBE %	SBE \$\$ (MBE, DVBE, WBE, SB and LGBTBE)	SBE %
<b>Total Funds: Apr 1 2021 to Sept 30 2021</b>	\$96,111,004.32	\$461,370.54	0.48%	\$44,133,244.12	45.92%

To compare MTS's current achievements with past reporting periods, enclosed is a History of Semi-Annual Reports (Attachment B).

/S/ Sharon Cooney  
Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachments: A. Shortfall Analysis and Corrective Action Plan  
B. History of Semi-Annual DBE Reports

MTS History of DBE Semi Annual Reports

Att. A, AI 7, 01/20/2022

Contract Awards/Commitments*							
	<u>Federal DBE GOAL</u>	<u>REPORTING PERIOD</u>	<u>TOTAL DOLLARS AWARDED (fed &amp; local)</u>	<u>Total DBE \$\$</u>	<u>Total DBE %</u>	<u>Total SBE \$\$</u>	<u>Total SBE %</u>
<b>FFY16</b>	<b>3.75%</b>	Oct 1 15 to Mar 31 16	\$ 63,883,438.52	\$ 298,902.02	0.47%	\$ 2,929,504.04	4.59%
		Apr 1 16 to Sept 30 16	\$ 32,178,592.14	\$ 976,115.34	3.03%	\$ 996,434.97	3.10%
<b>FFY17**</b>		Oct 1 16 to Mar 31 17	\$ 92,516,929.91	\$ 5,611,166.70	6.07%	\$ 3,735,641.71	4.04%
		Apr 1 17 to Sept 30 17	\$ 40,939,010.42	\$ 478,288.92	1.17%	\$ 1,622,764.06	3.96%
<b>FFY18</b>		Oct 1 17 to Mar 31 18	\$ 31,874,559.08	\$ 754,167.60	2.37%	\$ 3,002,750.48	9.42%
		Apr 1 18 to Sept 30 18	\$ 68,024,202.91	\$ 1,725,734.24	2.54%	\$ 4,982,014.37	7.32%
<b>FFY16-18</b>	<b>3.75%</b>	Oct 1, 2015 thru Sept 30, 2018 (6 semi-annual reports)	\$ 329,416,732.98	\$ 9,844,374.82	2.99%	\$ 17,269,109.63	5.24%
	<u>Federal DBE GOAL</u>	<u>REPORTING PERIOD</u>	<u>Total Federal \$\$</u>	<u>Federal DBE \$\$</u>	<u>Federal DBE %</u>	<u>Federal SBE \$\$</u>	<u>Federal SBE %</u>
<b>FFY16</b>	<b>3.75%</b>	Oct 1 15 to Mar 31 16	\$ 4,094,298.13	\$ 11,859.89	0.29%	\$ 246,645.99	6.02%
		Apr 1 16 to Sept 30 16	\$ 6,418,545.41	\$ 255,760.97	3.98%	\$ 148,325.08	2.31%
<b>FFY17**</b>		Oct 1 16 to Mar 31 17	\$ 19,827,518.60	\$ 3,781,098.94	19.07%	\$ 196,188.57	0.99%
		Apr 1 17 to Sept 30 17	\$ 3,326,175.53	\$ 31,444.62	0.95%	\$ 405,594.52	12.19%
<b>FFY18</b>		Oct 1 17 to Mar 31 18	\$ 5,888,603.26	\$ 107,876.47	1.83%	\$ 716,139.92	12.16%
		Apr 1 18 to Sept 30 18	\$ 5,453,720.86	\$ 977,533.90	17.92%	\$ 267,303.01	4.90%
<b>FFY16-18</b>	<b>3.75%</b>	Oct 1, 2015 thru Sept 30, 2018 (6 semi-annual reports)	\$ 45,008,861.79	\$ 5,165,574.79	11.48%	\$ 1,980,197.09	4.40%
	<u>Federal DBE GOAL</u>	<u>REPORTING PERIOD</u>	<u>Total Local \$\$</u>	<u>Local DBE \$\$</u>	<u>Local DBE %</u>	<u>Local SBE \$</u>	<u>LOCAL SBE %</u>
<b>FFY16</b>	<b>3.75%</b>	Oct 1 15 to Mar 31 16	\$ 59,789,140.39	\$ 287,042.13	0.48%	\$ 2,682,858.05	4.49%
		Apr 1 16 to Sept 30 16	\$ 25,760,046.73	\$ 720,354.37	2.80%	\$ 848,109.89	3.29%
<b>FFY17**</b>		Oct 1 16 to Mar 31 17	\$ 72,689,411.31	\$ 1,830,067.76	2.52%	\$ 3,539,453.14	4.87%
		Apr 1 17 to Sept 30 17	\$ 37,612,834.89	\$ 446,844.30	1.19%	\$ 1,217,169.54	3.24%
<b>FFY18</b>		Oct 1 17 to Mar 31 18	\$ 25,985,955.82	\$ 646,291.13	2.49%	\$ 2,286,610.56	8.80%
		Apr 1 18 to Sept 30 18	\$ 62,570,482.05	\$ 748,200.34	1.20%	\$ 4,714,711.36	7.54%
<b>FFY16-18</b>	<b>3.75%</b>	Oct 1, 2015 thru Sept 30, 2018 (6 semi-annual reports)	\$284,407,871.19	\$ 4,678,800.03	1.65%	\$ 15,288,912.54	5.38%

	<u>Federal</u> <u>DBE</u> <u>GOAL</u>	<u>REPORTING PERIOD</u>	<u>TOTAL DOLLARS</u> <u>AWARDED (fed &amp; local)</u>	<u>Total DBE \$\$</u>	<u>Total DBE</u> <u>%</u>	Att. A, At 7, 01/20/2022 <u>Total SBE \$\$</u>	<u>Total SBE</u> <u>%</u>
<b>FFY19</b>	<b>2.9%</b>	<b>Oct 1 18 to Mar 31 19</b>	\$ 73,790,097.91	\$ 606,817.10	0.82%	\$ 5,715,068.36	7.75%
		<b>Apr 1 19 to Sept 30 19</b>	\$ 40,005,268.47	\$ 6,243,719.33	15.61%	\$ 1,796,894.06	4.49%
<b>FFY20</b>		<b>Oct 1 19 to Mar 31 20</b>	\$ 52,022,126.82	\$ 4,330,163.32	8.32%	\$ 4,831,911.79	9.29%
		<b>Apr 1 20 to Sept 30 20</b>	\$ 230,588,830.67	\$ 636,712.08	0.28%	\$ 2,322,909.77	1.01%
		<i>Apr 1 20 to Sept 30 20 w/o First Transit contract (*for reference only*)</i>	\$ 47,280,121.00	\$ 636,712.08	1.35%	\$ 2,322,909.77	4.91%
<b>FFY21</b>		<b>Oct 1 20 to Mar 31 21</b>	\$ 546,248,722.19	\$ 428,054.08	0.08%	\$ 5,511,166.79	1.01%
		<i>Oct 1 20 to Mar 31 21 w/o Transdev contract (*for reference only*)</i>	\$ 39,863,273.69	\$ 428,054.08	1.07%	\$ 5,511,166.79	13.83%
		<b>Apr 1 21 to Sept 30 21</b>	\$ 96,111,004.32	\$ 461,370.54	0.48%	\$ 44,133,244.12	45.92%
	<u>Federal</u> <u>DBE</u> <u>GOAL</u>	<u>REPORTING PERIOD</u>	<u>Total Federal \$\$</u>	<u>Federal DBE \$\$</u>	<u>Federal</u> <u>DBE %</u>	<u>Federal SBE \$\$</u>	<u>Federal</u> <u>SBE %</u>
<b>FFY19</b>	<b>2.9%</b>	<b>Oct 1 18 to Mar 31 19</b>	\$ 8,603,476.55	\$ 204,022.26	<b>2.37%</b>	\$ 182,110.81	2.12%
		<b>Apr 1 19 to Sept 30 19</b>	\$ 9,005,016.32	\$ 3,884,727.66	<b>43.14%</b>	\$ 644,406.58	7.16%
<b>FFY20</b>		<b>Oct 1 19 to Mar 31 20</b>	\$ 7,065,591.07	\$ 84,861.22	<b>1.20%</b>	\$ 1,309,065.78	18.53%
		<b>Apr 1 20 to Sept 30 20</b>	\$ 130,881,224.89	\$ 135,337.29	<b>0.10%</b>	\$ 242,071.52	0.18%
		<i>Apr 1 20 to Sept 30 20 w/o First Transit contract (*for reference only*)</i>	\$ 14,306,408.31	\$ 135,337.29	0.95%	\$ 242,071.52	1.69%
<b>FFY21</b>		<b>Oct 1 20 to Mar 31 21</b>	\$ 182,514,682.65	\$ 45,759.00	<b>0.03%</b>	\$ 369,213.11	0.20%
		<i>Oct 1 20 to Mar 31 21 w/o Transdev contract (*for reference only*)</i>	\$ 1,059,896.95	\$ 45,759.00	4.32%	\$ 369,213.11	34.83%
		<b>Apr 1 21 to Sept 30 21</b>	\$ 14,414,238.39	\$ 28,380.72	<b>0.20%</b>	\$ 160,846.69	1.12%

	<u>Federal DBE GOAL</u>	<u>REPORTING PERIOD</u>	<u>Total Local \$\$</u>	<u>Local DBE \$\$</u>	<u>Local DBE %</u>	Att. A, AI 7, 01/20/2022 <u>Local SBE \$</u>	<u>LOCAL SBE %</u>
<b>FFY19</b>	<b>2.9%</b>	<b>Oct 1 18 to Mar 31 19</b>	\$ 65,186,621.36	\$ 402,794.84	0.62%	\$ 5,532,957.55	8.49%
		<b>Apr 1 19 to Sept 30 19</b>	\$ 31,000,252.15	\$ 2,358,991.67	7.61%	\$ 1,152,487.48	3.72%
<b>FFY20</b>		<b>Oct 1 19 to Mar 31 20</b>	\$ 44,956,535.75	\$ 4,245,302.10	9.44%	\$ 3,522,846.01	7.84%
		<b>Apr 1 20 to Sept 30 20</b>	\$ 99,707,605.78	\$ 501,374.79	0.50%	\$ 2,080,838.25	2.09%
		<i>Apr 1 20 to Sept 30 20 w/o</i>	\$ 32,973,712.69	\$ 501,374.79	1.52%	\$ 2,080,838.25	6.31%
<b>FFY21</b>		<b>Oct 1 20 to Mar 31 21</b>	\$ 363,734,039.54	\$ 382,295.08	0.11%	\$ 5,141,953.68	1.41%
		<i>Oct 1 20 to Mar 31 21</i>	\$ 38,803,376.74	\$ 382,295.08	0.99%	\$ 5,141,953.68	13.25%
		<b>Apr 1 21 to Sept 30 21</b>	\$ 81,696,765.93	\$ 432,989.82	0.53%	\$ 43,972,397.43	53.82%
	<u>Federal DBE GOAL</u>	<u>REPORTING PERIOD</u>	<u>TOTAL DOLLARS AWARDED (fed &amp; local)</u>	<u>Total DBE \$\$</u>	<u>Total DBE %</u>	<u>Total SBE \$\$</u>	<u>Total SBE %</u>
<b>FFY19-21</b>	<b>2.9%</b>	<b>Oct 1, 2018 thru Sept 30, 2021 (6 semi-annual reports)</b>	\$ 1,038,766,050.38	\$ 12,706,836.45	1.22%	\$ 64,311,194.88	6.19%
		<i>Oct 1, 2018 thru Sept 30, 2021 (6 semi-annual reports) w/o First Transit or Transdev contract (*for reference only*)</i>	\$ 349,071,892.21	\$ 12,706,836.45	3.64%	\$ 64,311,194.88	18.42%
	<u>Federal DBE GOAL</u>	<u>REPORTING PERIOD</u>	<u>Total Federal \$\$</u>	<u>Federal DBE \$\$</u>	<u>Federal DBE %</u>	<u>Federal SBE \$\$</u>	<u>Federal SBE %</u>
<b>FFY19-21</b>	<b>2.9%</b>	<b>Oct 1, 2018 thru Sept 30, 2021 (6 semi-annual reports)</b>	\$ 352,484,229.87	\$ 4,399,088.15	1.24%	\$ 3,459,508.16	0.82%
		<i>Oct 1, 2018 thru Sept 30, 2021 (6 semi-annual reports) w/o First Transit or Transdev contract (*for reference only*)</i>	\$ 54,454,627.59	\$ 4,399,088.15	8.05%	\$ 3,459,508.16	5.34%

	<u>Federal DBE GOAL</u>	<u>REPORTING PERIOD</u>	<u>Total Local \$\$</u>	<u>Local DBE \$\$</u>	<u>Local DBE %</u>	Att. A, AI 7, 01/20/2022 <u>Local SBE \$</u>	<u>LOCAL SBE %</u>
<b>FFY19-21</b>	<b>2.9%</b>	<b>Oct 1, 2018 thru Sept 30, 2021 (6 semi-annual reports)</b>	<b>\$ 686,281,820.51</b>	<b>\$ 8,307,748.30</b>	<b>1.21%</b>	<b>\$ 60,851,686.72</b>	<b>8.95%</b>
		<i>Oct 1, 2018 thru Sept 30, 2021 (6 semi-annual reports) w/o First Transit or Transdev contract (*for reference only*)</i>	<i>\$ 294,617,264.62</i>	<i>\$ 8,307,748.30</i>	<i>2.83%</i>	<i>\$ 60,851,686.72</i>	<i>20.84%</i>
	<u>Federal DBE GOAL</u>	<u>REPORTING PERIOD</u>	<u>TOTAL DOLLARS AWARDED (fed &amp; local)</u>	<u>Total DBE \$\$</u>	<u>Total DBE %</u>	<u>Total SBE \$\$</u>	<u>Total SBE %</u>
<b>FFY22</b>	<b>6.30%</b>	<b>Oct 1 21 to Mar 31 22 Apr 1 22 to Sept 30 22</b>	<i>In Progress</i>				
<b>FFY23</b>		<b>Oct 1 22 to Mar 31 23 Apr 1 23 to Sept 30 23</b>					
<b>FFY24</b>		<b>Oct 1 23 to Mar 31 24 Apr 1 24 to Sept 30 24</b>					
<b>FFY22-24</b>	<b>6.30%</b>	<b>Oct 1, 2021 thru Sept 30, 2024 (6 semi-annual reports <i>IN PROGRESS</i>)</b>	<b>\$ -</b>	<b>\$ -</b>		<b>\$ -</b>	

	<u>Federal DBE GOAL</u>	<u>REPORTING PERIOD</u>	<u>Total Federal \$\$</u>	<u>Federal DBE \$\$</u>	<u>Federal DBE %</u>	Att. A, AI 7, 01/20/2022 <u>Federal SBE \$\$</u>	<u>Federal SBE %</u>
FFY22	6.30%	Oct 1 21 to Mar 31 22 Apr 1 22 to Sept 30 22	In Progress				
FFY23		Oct 1 22 to Mar 31 23 Apr 1 23 to Sept 30 23					
FFY24		Oct 1 23 to Mar 31 24 Apr 1 24 to Sept 30 24					
FFY22-24		Oct 1, 2021 thru Sept 30, 2024 (6 semi-annual reports <i>IN PROGRESS</i> )					
	<u>Federal DBE GOAL</u>	<u>REPORTING PERIOD</u>	<u>Total Local \$\$</u>	<u>Local DBE \$\$</u>	<u>Local DBE %</u>	<u>Local SBE \$</u>	<u>LOCAL SBE %</u>
FFY22	6.30%	Oct 1 21 to Mar 31 22 Apr 1 22 to Sept 30 22	In Progress				
FFY23		Oct 1 22 to Mar 31 23 Apr 1 23 to Sept 30 23					
FFY24		Oct 1 23 to Mar 31 24 Apr 1 24 to Sept 30 24					
FFY22-24		Oct 1, 2021 thru Sept 30,	\$ -	\$ -		\$ -	

\*Transit Vehicle Procurements (buses, trolleys) from Transit Vehicle Manufacturers (TVM) are not included in this Report per DOT DBE Regulations. TVMs have their own DBE Program, Goals and Reporting requirements. Inventory procurements are also not included. Only at time an inventory item is issued from store room will the federal/local breakdown be known, not at the time of purchase. \*



Metropolitan  
Transit  
System

Att. B, AI 7, 01/20/2022

December 23, 2021

Federal Transit Administration (FTA)

[FTAShortfallAnalyses@dot.gov](mailto:FTAShortfallAnalyses@dot.gov)

Re: SHORTFALL ANALYSIS AND CORRECTIVE ACTION PLAN - FEDERAL FISCAL YEAR (FFY) 2021

To whom it may concern:

As one of the nation's 50 largest transit agencies, San Diego Metropolitan Transit System (MTS) must submit a shortfall analysis and corrective action plan within 90 days of the end of the FFY (i.e. December 29, 2021) if the awards and commitments shown on MTS's Uniform Report at the end of any FFY are less than the overall goal applicable to that FFY.

I. Race-Neutral DBE Program

MTS operates a strictly race-neutral DBE program and only uses race-neutral measures to increase DBE participation. MTS's FTA Disadvantaged Business Enterprise (DBE) Triennial Overall Goal for FFY 2019 – 2021 (October 1, 2018 – September 30, 2021) was 2.9%. MTS's DBE Triennial Overall Goal of 2.9% includes a 100% race-neutral component and 0% race-conscious component<sup>1</sup>.

II. Shortfall Percentage for FFY 2021

To determine the DBE percentage of awarded contracts for FFY 2021 (October 1, 2020 – September 30, 2021), MTS divided DBE Awards and Commitments by the total Awards and Commitments made to all contractors in FFY 2021 (using the June 1, 2021 and December 1, 2021 DBE Semi-Annual Uniform Reports).

Total federal dollars awarded to a DBE firm for FFY 2021 was \$90,140. Total federal awards and commitments to all contractors for FFY 2021 was \$197,466,881. Therefore, MTS's percentage of awarded contracts to DBEs for FFY 2021 was 0.05%, less than MTS's DBE Triennial Overall Goal of 2.9%. As shown in Table 1, the difference between MTS's DBE Triennial Overall Goal and the DBE Awards and Commitments for FFY 2021 was a 2.85% shortfall.

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<sup>1</sup> MTS's DBE Triennial Overall Goal for FFY 2022-2024 is 6.3%, which includes a 100% race-neutral component.



Table 1: FFY 2021 Contract Awards/Commitments

Reporting Period	Total Federal \$	Total DBE \$	DBE %	Shortfall %
Oct 1, 2020 to Mar 31, 2021	\$182,514,683	\$45,759	0.03%	
Apr 1, 2021 to Sept 30, 2021	\$14,952,198	\$44,381	0.30%	
<b>TOTAL FFY 2021</b>	<b>\$197,466,881</b>	<b>\$90,140</b>	<b>0.05%</b>	<b>-2.85%</b>

### III. Specific Reasons for the Shortfall in FFY 2021

The reasons for the shortfall between MTS's DBE Triennial Overall Goal and the Awards and Commitments obtained in FFY 2021 are described below.

#### A. Large Contract Award for Fixed Routed Bus Services

MTS awarded a large, six (6) year base contract for fixed route bus services to Transdev, a non-DBE, in the amount of \$506,385,449 (36% federally funded). This project was not included in MTS's DBE Overall Triennial Goal. At the time of developing the Overall Goal in 2018, it was anticipated that MTS would exercise existing option years available on MTS's previous contract for fixed route bus services. However, staff later decided it would be in MTS's best interest to procure a new contract instead of executing remaining option years.

Since this resulted in substantially more federal dollars being awarded than anticipated when developing the Overall Goal, it made MTS's ability to meet its Overall Goal of 2.9% significantly more difficult. This large contract substantially dilutes any potential DBE participation that could have been achieved.

There is also limited DBE potential within this contract because it primarily pays for labor costs (i.e. bus operator and other administrative personnel costs). In addition, due to the specifications needed for these contracts, there are no ready, willing and able DBEs available that perform these specific services.

#### B. Overall Goal is a Triennial Goal, Not an Annual Goal

MTS's DBE Triennial Overall Goal is an aspirational goal for DBE participation over a three (3) year period. It may be deceiving to only view one (1) FFY out of the entire three (3) year period. The timing of when MTS awards certain contracts, specifically large, unique or specialized contracts that have low DBE potential, has a significant effect on whether MTS meets its DBE Triennial Overall Goal in any given FFY. As shown in Table 2, the DBE utilization percentage for any given reporting period can swing greatly, depending on the size and type of contracts awarded at any given time.

Table 2: DBE Achievement for FFY 2019 - FFY 2021

FFY	Reporting Period	Total Fed Awarded	Total DBE Awarded	DBE %
FFY 2019	Oct 1 18 to Mar 31 19	\$8,603,477	\$204,022	<b>2.37%</b>
FFY 2019	April 1 19 to Sept 30 19	\$9,005,016	\$3,884,728 <sup>2</sup>	<b>43.14%</b>
FFY 2020	Oct 1 19 to Mar 31 20	\$7,065,591	\$84,861	<b>1.20%</b>
FFY 2020	April 1 20 to Sept 30 20	\$130,881,225 <sup>3</sup>	\$135,337	<b>0.10%</b>
FFY 2021	Oct 1 20 to Mar 31 21	\$182,514,683 <sup>4</sup>	\$45,759	<b>0.03%</b>
FFY 2021	April 1 21 to Sept 30 21	\$14,952,198	\$44,381	<b>0.30%</b>
<b>Achievement Toward Meeting FFY 2019-2021 DBE Triennial Overall Goal of 2.9%</b>  (FFY 2019-2021 Total DBE Awarded ÷ FFY 2019-2021 Total Fed Awarded)		Achieved <b>1.25%</b> towards DBE Overall Triennial Goal of 2.9% <sup>5</sup>		

C. Federal Funds Generally are Allocated Towards Paying for Unique, Specialized Services

MTS generally reserves federal funds for transit vehicle procurements (excluded from DBE Triennial Overall Goal and Semi-Annual Reports per FTA DBE Regulations), contracted bus services, and state-of-good-repair vehicle and system preventative maintenance activities. These procurements usually have very low DBE potential, as they involve specialized and unique goods and services.

In addition, San Diego Association of Governments (SANDAG), the Metropolitan Planning Organization for the San Diego region, is generally responsible for the large MTS-related construction projects. Construction projects have historically been one of the most effective ways to achieve DBE participation through the use of DBE subcontractors. For those small construction projects that MTS is

<sup>2</sup> In FFY 2019, MTS awarded three (3) option years for janitorial services to NMS Management, a DBE, totaling \$4,222,956 (80% federally funded).

<sup>3</sup> In FFY 2020, MTS awarded a large contract for paratransit and minibuses to First Transit, a non-DBE, totaling \$116,574,817 in federal dollars.

<sup>4</sup> In FFY 2021, MTS awarded a large contract for fixed route services to Transdev, a non-DBE, totaling \$181,454,786 in federal dollars.

<sup>5</sup> As shown in Table 2, in FFY 2020 and FFY 2021 there were two (2) large federally funded contracts awarded to non-DBEs (a contract award for paratransit services to First Transit and a contract award for fixed route services to Transdev). But for these two (2) contract awards, MTS would have exceeded its DBE Overall Goal of 2.9% for FFY 2019-2021. For reference purposes only, if the total value for these two (2) contracts were removed from Table 2 (a total of \$298,029,603), MTS would have achieved 8.0% towards its DBE Overall Goal of 2.9% for FFY 2019-2021.

responsible for, MTS typically uses local and state funds. Thus, how MTS allocates its federal funds makes it increasingly difficult to achieve our DBE Triennial Overall Goal.

IV. Procurements Awarded in FFY 2021 that were included within MTS'S DBE Triennial Overall Goal

The following projects awarded during FFY 2021 were used to establish the DBE Triennial Overall Goal for FFY 2019 - 2021. These projects are of a nature that are very specialized and which have very little or no DBEs in San Diego County, MTS's geographic market area, that are available to perform. As shown in Table 3, MTS did not award any of these projects to a DBE and the estimated DBE% Weighted Ratio were either 0.0% or 0.1%.

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Table 3: Overall DBE Goal Projects Awarded in FFY 2021

Project	Estimated Federal \$ to be Awarded, as used in Overall Goal	Per NAICS, Estimated DBE% Weighted Ratio, as used in Overall Goal	If Contract Awarded to DBE	Actual Federal \$ Awarded	Notes
<b>Crane Inspections</b>	\$32,000	0.1%	No. Invitation for Bid (IFB) process was used. Two (2) bids were received, none of which were from a DBE. Awarded to lowest, responsive and responsible bidder, <b>Advanced Industrial Solutions.</b>	\$74,238	5-year base contract awarded. The proposal amount was higher than MTS's 2018 estimate for how much the contract would cost, which may account for the difference between the estimated and actual awarded amounts.
<b>Uniform Purchase SDTI</b>	\$56,000	0.0%	No. Request for Quote (RFQ) process was used. Single bid received. Awarded to the lowest responsive and responsible bidder, <b>Ace Uniforms.</b>	\$8,000	3-year base contract awarded. When developing Overall Goal in 2018, it was estimated the entire uniform purchase for trolley staff would be 80% federally funded. Instead, only uniform purchases relating to Mid-Coast were federally funded, which may account for the difference between the estimated and actual awarded amounts.

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Project	Estimated Federal \$ to be Awarded, as used in Overall Goal	Per NAICS, Estimated DBE% Weighted Ratio, as used in Overall Goal	If Contract Awarded to DBE	Actual Federal \$ Awarded	Notes
<b>Portable Toilet Services</b>	\$600,000	0.0%	No. IFB process was used. Two (2) bids were received, none of which were from a DBE. Awarded to the firm with the lowest, responsive and responsible bidder, <b>United Site Services of Calif.</b>	\$75,592	3-year base contract awarded. When developing Overall Goal in 2018, it was anticipated that the portable toilet services for bus operations would be federally funded. Instead, only the portable toilet services for trolley operations was coded to a federally funded cost center, which may account for the difference between the estimated and actual awarded amounts.
<b>Rail Welding Services</b>	\$200,000	0.1%	No. IFB process was used. Two (2) bids were received, none of which were from a DBE. Awarded to the firm with the lowest, responsive and responsible bidder, <b>Railworks Track Services.</b>	\$221,737	5-year base contract awarded.

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Project	Estimated Federal \$ to be Awarded, as used in Overall Goal	Per NAICS, Estimated DBE% Weighted Ratio, as used in Overall Goal	If Contract Awarded to DBE	Actual Federal \$ Awarded	Notes
<b>Uniform Rental Services Bus and Trolley Maintenance / Facilities</b>	\$800,000	0.0%	No. Request for Proposal (RFP) process was used. Three (3) proposals were received, none of which were from a DBE. Awarded to the firm with the best value proposal, <b>Prudential Overall Supply</b>	\$626,879	5-year base contract awarded.
<b>Pest Control Services for Bus Operations</b>	\$40,000	0.0%	No. RFP process was used. Six (6) proposals were received, none of which were from a DBE firm. Awarded to the firm with the best value proposal, <b>Pestmaster Services.</b>	\$47,675	5-year base contract awarded.
<b>Towing Services for Buses and Non-Revenue Vehicles</b>	\$160,000	0.0%	No. RFP process was used. Single bid received. Awarded to the firm with the best value proposal, <b>A to Z Enterprises.</b>	\$268,800	Exercised three, 1-year option years. The proposal amount was higher than MTS's 2018 estimate for how much the project would cost, which may account for the difference between the estimated and actual awarded amounts.

V. Proposed Corrective Action Plan

The following list describes the effectiveness of race-neutral measures used in FFY 2021, MTS's proposed corrective actions to increase DBE participation in the future, and the time line in which MTS aims to implement these corrective actions.

A. Outreach Measure of Advertising Events and Other Resources

The first main outreach measure MTS performs is participating in conferences, which may include teaming opportunities between prospective prime contractors and prospective subcontractors, which may include certified firms, such as DBEs, Small Businesses (SB), Woman Owned Businesses (WBE), Minority Owned Businesses (MBE), Disabled Veteran Business Enterprise (DVBE), and Lesbian, Gay, Bisexual and Transgender Businesses (LGBTBE) (collectively referred as "SB"). MTS also actively promotes DBE and SB conferences, programs, and support services offered by other agencies.

1. Events and Other Resources - How implemented in FFY 2021:

MTS's goal was to attend six (6) virtual outreach events; host one (1) virtual outreach event; continue to attend Public Agency Consortium (PAC) bi-monthly meetings; advertise other agencies' outreach events to MTS's bidder list; and adding an optional survey question on PlanetBids to learn how newly registered firms heard about MTS.

MTS attended six (6) outreach events since October 1, 2020 (California Department of Transportation (Caltrans) Small Business Council Event on June 23, 2021; San Diego Unified School District Construction Expo on July 13-15, 2021; San Diego Airport Meet the Primes on September 14-30, 2021; WSP Outreach Event on September 28, 2021; Regional Construction Procurement Committee on October 6, 2021; and Caltrans Procurement Fair on October 19, 2021).

MTS also hosted one (1) virtual outreach event on June 22, 2021, with the aim that DBE and SB firms could learn about MTS's DBE Program and tips on how to successfully complete and compete on MTS's solicitation.

MTS also participated in five (5) PAC virtual meetings since October 1, 2021 (attended meeting on October 14, 2020; December 9, 2020; February 10, 2021; April 14, 2021; and October 14, 2021). PAC is a partnership of

many San Diego local public agencies focused on increasing bidding opportunities and the likelihood of success of SBs on public agency contracts.

In addition, MTS advertised other public agencies' outreach events by sending information for the outreach event via email to firms on MTS's Bidder List, as requested.

Lastly, MTS added the following question to PlanetBids website, "How did you hear about registering with MTS?" to learn which outreach event that MTS attended was the most effective to increase the number of registered vendors on MTS's PlanetBids website.

## 2. Events and Other Resources - Effectiveness of Measure in FFY 2021:

MTS has limited data to determine the effectiveness of MTS's attendance at outreach events. Based on previous years, MTS has found that many contractors did not know that MTS advertises its formal procurements on PlanetBids; the difference between the various certification programs (i.e. DBE, SB, WBE, MBE, LGBTBE and DVBE) and the different benefits that come with each; and what type of services and goods MTS procures. Attending these events and advertising MTS's DBE Program likely helps contractors understand that MTS may be a potential contracting partner in the future and increase their likelihood of registering on PlanetBids. MTS will continue to maintain the goal of attending six (6) outreach events.

MTS hosted its own virtual outreach event which included information on MTS's DBE Program, information on how to bid with MTS, presentations from certifying agencies, as well as presentations from SANDAG, NCTD and the Port of San Diego regarding their upcoming projects. This event was well-received. However, due to staffing changes in the Procurement Department, MTS will hold off hosting another virtual outreach event until a new Contract Specialist is hired and fully trained.

As for the PAC meetings, MTS has found this group to be very helpful. MTS has learned the best practices from each agency on how they increase participation from DBEs, SBs and emerging businesses. MTS will continue to maintain the goal of attending PAC bi-monthly meetings.

It is unclear how effective advertising other agency's outreach events is on increasing DBE and SB participation, as MTS does not receive feedback from other agencies on whether firms from MTS's Bidder List attended their events or not. Nonetheless, MTS will continue to implement this measure to be a good partner with other public agencies.

Lastly, MTS's PlanetBids Survey Question that was implemented has not yielded any helpful results as of yet. The majority of responses to the question of how they heard about registering on MTS's PlanetBids website was: "PlanetBids". Either the question or the optional responses provided to firms to choose from are confusing to firms and MTS will be reviewing this survey question more closely.

### 3. Events and Other Resources - How to improve in FFY 2022:

In previous years when outreach events were in person, MTS would provide interested vendors with a physical pamphlet that explained MTS's DBE Program, upcoming procurements and how to register on MTS's PlanetBids website. Now that outreach events are virtual, MTS will create a digital version of MTS's DBE pamphlet that MTS will upload on its webpage and email to vendors or other public agencies upon request. MTS will also create a Spanish version of this digital MTS DBE Pamphlet.

In addition, MTS will further review MTS's PlanetBids Survey Question to see how we can yield more helpful data and how we can export all responses into a spreadsheet, which can assist with data analysis.

### 4. Events and Other Resources – Time line of Corrective Action in FFY 2022:

By June 30, 2022, MTS aims to upload onto MTS's DBE Webpage a digital MTS DBE pamphlet in both English and Spanish; and review ways to improve the MTS PlanetBids Survey Question.

## B. Outreach Measure of Advertising Bonding and Financial Assistance

The second main outreach measure is providing information to contractors on how to obtain bonding or financing assistance.

### 1. Bonding and Financial Assistance - How implemented in FFY 2021:

MTS, through its webpage and contract language, refers the DBE and SB contracting community to the federal Small Business Administration Bonding Assistance Program (SBA), which has delivered millions of loans, loan guarantees, contracts, counseling sessions and other forms of assistance to SBs and San Diego Small Business Development Center (SBDC), which provides a vast array of no- and low-cost support to entrepreneurs and SB. In addition, on MTS's DBE Webpage, MTS encourages businesses to use minority and women-owned banks when seeking financial services.

2. Bonding and Financial Assistance - Effectiveness of Measure in FFY 2021:

Generally, DBE and SB firms do not report to MTS on whether they have used these bonding or financial resources. Therefore, it is unclear how effective this measure was to increase DBE and SB participation. One way to indirectly measure the effectiveness of this outreach measure is by reviewing the number of views of MTS's DBE Webpage, using Google Analytics.

According to MTS's Marketing Department, the MTS DBE Webpage averages about 39 visits a month. This is the same number of average visits as compared to last year. However, in November 2021, there was 79 views of the MTS DBE Webpage. This spike in views may be related to MTS's use of a small business set-aside on MTS's A&E on-call procurement. Therefore, it does appear that MTS's DBE Webpage is being consistently viewed by the contracting community, with particular spikes when MTS has an on-going procurement with a small business set-aside.

3. Bonding and Financial Assistance - How to Improve in FFY 2022:

MTS will continue to maintain its DBE Webpage with up-to-date resources. To improve, MTS will update its DBE Webpage to include information on the City of San Diego's Business Relief and Support Webpage. As part of the City of San Diego's COVID-19 relief measures for businesses, the City of San Diego summarized in one place all local, state and federal economic assistance measures available for small businesses, which includes loans, grants, debt relief, money advances, tax credits and more.

4. Bonding and Financial Assistance – Time line of Corrective Action in FFY 2022:

By February 1, 2022, MTS aims to update its DBE Webpage to include a link to the City of San Diego's Business Relief and Support Webpage.

### C. Outreach Measure of Soliciting DBEs and SBs

The third main outreach measure MTS performs is soliciting DBEs and other SB participation on upcoming contract opportunities.

#### 1. Soliciting DBEs and SBs - How implemented in FFY 2021:

Whenever MTS posts a solicitation on PlanetBids, the procurement is sent to all MTS's registered vendors (which includes DBEs and other SBs). In addition, MTS uses a "broadcast" feature which allows the solicitation to be sent to any DBE registered firm on any other local public agency's PlanetBids website.

MTS also uses the Caltrans DBE database to find DBEs who may not be registered on MTS's PlanetBids website but perform the category work related to the solicitation and ask that they register on PlanetBids and/or review an upcoming solicitation.

When seeking three (3) quotes for federal procurements within the small purchase threshold that are not posted on PlanetBids, if there are DBEs available and it is not a sole source procurement, MTS requests that its Buyers and Contracting Officers contact at least 1 DBE. In the instances where there is no available DBE that performs that type of work, Buyers and Contracting Officers are requested to alternatively seek at least 1 quote from an SB contractor. The Contract Specialist assists the Procurement Department in identifying DBEs and/or SBs.

In addition, MTS used a small business set-aside for a portion of MTS's on-call architectural and engineering (A&E) procurement. This was the first time MTS used a small business set-aside.

Further, MTS makes available to prime contractors information on how to view a listing of potential DBE and other SB subcontractors by including a link to DBE and other SB databases on MTS's DBE Webpage and in MTS's contracting language.

Lastly, during construction related pre-bid meetings as well as during kickoff meetings with Job Order Contracting (JOC) Contractors, MTS presents information on MTS's DBE Program and encourages prime contractors to utilize DBE and SBE subcontractors if subcontracting opportunity and explains how to find such subcontractors.

## 2. Soliciting DBEs and SBs - Effectiveness of Measure in FFY 2021:

Since October 1, 2020, MTS has posted 16 federally funded solicitations on PlanetBids. Of those 16 solicitations, there were five (5) solicitations that received individual proposals from DBE firms. Of these (5) proposals, two (2) DBEs were successful in being awarded contracts (i.e. best value/lowest bid). That was more DBE proposals than received in FFY 2020. Between October 1, 2019 to September 30, 2020, MTS posted 12 federally funded solicitations, of which MTS only received (2) proposals from DBE firms. Therefore, MTS's increased efforts toward notifying DBEs about procurements on PlanetBids did directly result in increased bids being received from DBEs.

As for the effectiveness of MTS's use of a small business set-aside, the A&E proposals are currently being evaluated by staff. Data on its success will be available once notice to awards are made.

There has been a limited number of JOC work orders or construction projects that were funded with federal funds, but that could be due to how MTS allocates its federal funds and not whether or not MTS's efforts to increase the use of subcontractors on JOCs have been effective or not. In FFY 2021, there were two (2) federally funded JOCs, one (1) of which used a non-DBE subcontractor. In FFY 2020, there were two (2) federally funded JOCs that used non-DBE subcontractors.

## 3. Soliciting DBEs and SBs - How to improve in FFY 2022:

Data to determine whether MTS outreach measures related to notifying DBEs and SBs about upcoming procurements is limited. To improve, MTS will be reviewing what monitoring mechanisms MTS can implement to better review whether these measures (e.g. when conducting an RFQ, confirming that staff is requesting 1 quote from a DBE, if a DBE is available) are being implemented as trained and whether they are an effective method to increase the number of bids received from DBEs and SBs.

4. Soliciting DBEs and SBs -Time line of Corrective Action in FFY 2022:

MTS aims to create monitoring mechanisms and data-tracking protocols by June 30, 2022 for its outreach efforts related to notifying DBEs and SBs about MTS's upcoming procurements.

D. Informing Firms about DBE and SB Certifications

The fourth main outreach measure is informing contractors of the benefits of becoming certified as a DBE or SB, the eligibility requirements, and the link to the Certifying Agency's online directory.

1. Informing Firms about DBE and SB Certifications - How Implemented in FFY 2021:

MTS provides this information on MTS's DBE Webpage, as well as in its DBE and SB contract clauses, with links to where a firm can apply or learn more about the various certifications. In addition, upon request from a contractor, or when MTS identifies that a contractor it works with may be eligible for a certification, MTS contacts the firm to provide information on how to become eligible, the eligibility criteria, and other resources that may assist them in the application process.

To reach an increased number of firms, MTS also sends e-blasts to current and/or past vendors to alert them of the benefits of becoming certified.

2. Informing Firms about DBE and SB Certifications - Effectiveness of Measure in FFY 2021:

Providing certification resources on MTS's DBE Webpage and contract language, as well as sending e-blasts to all of MTS's vendors, has been an ineffective way to increase DBE or SB participation. MTS has no data to show any of the vendors that were emailed or that used of any MTS certification resources, subsequently pursued DBE or SB certification in the last FFY. DBE certification in particular can take many months to complete and thus it is difficult to determine whether an email blast sent to vendors was the actual trigger for a firm to begin the application process for a certification. In addition,

it is not common for a newly certified DBE firm to reach out to MTS to inform MTS of their recent change in certification status.

3. Informing Firms about DBE and SB Certifications - How to Improve in FFY 2022:

MTS will continue to provide this information on its DBE Webpage, within its DBE and SB contract clauses, and upon request to vendors. However, MTS will no longer send mass emails to all of its current and past vendors to notify them of the availability of DBE and SB certifications, as the majority are likely not eligible for certification and/or are uninterested.

Instead, MTS will pursue targeted email communications to vendors that MTS likely knows are interested in DBE and/or SB certifications. Specifically, this includes when firms fill out MTS's New Vendor Form. On MTS's New Vendor Form, the firm is requested to fill out any DBE or SB certifications they maintain. In the instances where they state they are a DBE or SB, but after review of relevant databases, MTS cannot locate a certification, MTS will email these vendors information on how to become DBE or SB certified.

4. Informing Firms about DBE and other SB Certifications – Time line of Corrective Action in FFY 2022:

MTS aims to start emailing new vendors that incorrectly list they are certified on MTS's New Vendor Form information about DBE and SB certification by February 1, 2022. MTS also aims to develop a tracking mechanism to see how often this measure is performed.

E. Outreach Measure of Advertising More Procurements on PlanetBids

The last main outreach measure is advertising more MTS procurements on PlanetBids to better outreach to the DBE and SB community of potential MTS contracting opportunities.

1. Advertising More Procurements on PlanetBids - How implemented in FFY 2021:

For procurements within the simplified acquisition threshold (i.e. estimated value between \$3,500 to \$100,000 for goods and services and

\$1,000 to \$50,000 for construction), MTS is required to seek at least three (3) bids or proposals. As part of MTS's outreach measure to advertise more procurements on PlanetBids, it was MTS's goal to post all federally funded procurements (except for sole-source procurements) estimated at over \$20,000 on PlanetBids. Posting on PlanetBids advertises to significantly more contractors, including DBE and SB contractors, that might not have otherwise received notice of the procurement if MTS just asked for quotes directly from only three (3) vendors.

MTS has a limited number of federal procurements that are estimated between \$20,000 and \$50,000/\$100,000. In FFY 2021, MTS awarded 27 federally funded contracts within this dollar range, out of a total of 1,333 federally funded contracts. It appears not all of these federally funded solicitations were posted on PlanetBids for various reasons (e.g. sole source contracts are not posted on PlanetBids; staff was aware of only 3 or less vendors able to complete the work and thus solicitation was not posted on PlanetBids).

2. Advertising on PlanetBids - Effectiveness of Measure in FFY 2021:

Only two (2) DBE federally funded contracts were awarded in FFY 2021 that were above the micro-purchase threshold. Both of these successful DBE solicitations were posted on PlanetBids and the winning bid/proposal was received through PlanetBids. Thus, PlanetBids does appear to be effective platform for DBEs to submit bids to MTS.

3. Advertising on PlanetBids - How to Improve in FFY 2022:

More data to determine whether MTS outreach measures related to posting more procurements on PlanetBids is needed. To improve, MTS will be reviewing what monitoring mechanisms it can implement to internally review whether these measures are being followed as trained and whether they are effective.

4. Advertising on PlanetBids – Time line of Corrective Action in FFY 2022:

MTS aims to create monitoring mechanisms and data-tracking protocols by June 30, 2022 for its outreach efforts related to procurements posted on PlanetBids.

These corrective actions, as well as continuing to implement outreach measures that aim to increase participation of DBEs and SBs, should have a positive impact with DBEs and SBs. If you have any further questions regarding MTS's DBE Program, please contact me at 619-557-4539 or [Samantha.Leslie@sdmts.com](mailto:Samantha.Leslie@sdmts.com).

Sincerely,

*/s/ Samantha Leslie*

Samantha Leslie  
Deputy General Counsel / DBE Liaison Officer



## Agenda Item No. 8

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

#### SUBJECT:

REVISIONS TO SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS) ORDINANCE NO.  
11

#### RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors:

- 1) Adopt the proposed amendments to MTS Ordinance No. 11, "An Ordinance Providing for the Licensing and the Regulating of Transportation Services within the City and the County by the Adoption of a Uniform Paratransit Ordinance" (Attachment A); and
- 2) Upon adoption of the proposed amendments, grant the Chief Executive Officer (CEO) the discretion to enforce MTS Ordinance No. 11 in its amended form.

#### Taxicab Advisory Committee Recommendation

At its December 8, 2021 meeting, the Taxicab Advisory Committee voted 15 to 0 (Committee Members: Sean Elo-Rivera, Akbar Majid, Alfred Banks, Antonio Hueso, Brian Hilemon Daryl Mayekawa, David Tasem, George Abraham, Guillermo Morquecho, Hamid Amini, Marc Nichols, Margo Tanguay, Michael Trimble, Peter Zschiesche, Nancy Gudiño, with Committee Members Nasser Tehrani absent) to recommend that the Board of Directors approve the staff recommendation.

#### Budget Impact

None with this item.

#### DISCUSSION:

MTS Ordinance No. 11 provides for the licensing and regulation of taxicab and other for-hire transportation services. The proposed revisions to MTS Ordinance No. 11 are as follows:

#### MTS Ordinance No. 11, Section 2.3(c)

Currently, Section 2.3 requires permit holders display one of two allowable exterior marking schemes on each taxicab. The proposed revision will allow a third "light vehicle branding"



scheme option, allowing the permit holder's trade name (DBA) and medallion number to be affixed to the vehicle's front and rear windshields. Implementing this proposed marking scheme is optional, could lower the costs for owners to place a taxicab vehicle in service, provides for a clean, modern look and could help attract transportation network company (e.g. Lyft, Uber) drivers as there would be limited changes needed to be done to their vehicle in order to begin operating it as a taxicab.

MTS Ordinance No. 11, Section 2.3 (d)(1)

Currently, Section 2.3(d)(1) allows permit holders the option to display the trade name logo so long as it is posted on the rear portion of both side rear quarter panels. The proposed revision would also allow the placement of the trade name logo on the bottom parts of the front or rear windshields farthest removed from the driver.

MTS Ordinance No. 11, Section 2.3(d)(3)

Currently, Section 2.3(d)(3) allows permit holders the option to display the dispatch service telephone number so long as it is posted on the top front portion of both front side quarter panels. The proposed revision will also allow the dispatch service telephone number to be displayed also in the lower part of left and right rear windows.

All other proposed revisions to MTS Ordinance No. 11 that are not described here are minor and non-substantive (e.g. removing gender specific language and replacing with gender neutral language).

/S/ Sharon Cooney  
Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachment: A. Proposed Revisions to MTS Ordinance No. 11 (red-line)

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11

(as amended through ~~November 12, 2020~~ January 20, 2022)

An Ordinance Providing for the Licensing and the Regulating of  
Transportation Services Within the City and County by the Adoption of  
a Uniform Paratransit Ordinance

## MTS CODIFIED ORDINANCE NO. 11

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SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11

(as amended through ~~January 20, 2022~~ **November 12, 2020**)

An Ordinance Providing for the Licensing and the Regulating  
of Transportation Services Within the City and County By the Adoption of  
a Uniform Paratransit Ordinance

SECTION 1.0 - GENERAL REGULATIONS

Section 1.1 - Definitions

The following words and phrases, wherever used in this section, shall be construed as defined in this section, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.

(a) "Board" shall mean the Board of Directors of the San Diego Metropolitan Transit System.

(b) "Charter vehicle" shall mean every vehicle which:

(1) Transports passengers or parcels or both over the public streets of the City;

(2) Is routed at the direction of the hiring passenger;

(3) Is prearranged in writing for hire;

(4) Is not made available through "cruising"; and

(5) Is hired by and at the service of a person for the benefit of ~~himself or herself~~themselves or a specified group.

(c) "Chief Executive Officer" shall mean the Chief Executive Officer of MTS or ~~his or her~~the designated representative.

(d) "City" and "Cities" shall mean the incorporated areas of the Cities of Chula Vista, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee and any other City that has entered into a contractual agreement with MTS for the licensing and regulation of transportation services.

(e) "Compensation" shall mean any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted, or received by the driver or owner of any vehicle in exchange for transportation of a person, or persons; whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

(f) "County" shall mean the unincorporated area of the County of San Diego located within MTS's jurisdictional boundaries if entered into a contractual agreement with MTS for the licensing and regulation of transportation services.

(g) "Cruising" shall mean the movement over the public streets of a taxicab or low-speed vehicle (LSV) in search of prospective passengers; except the term does not include either the

travel of a taxicab or LSV proceeding to answer a call for service received by telephone or radio from an intended passenger or the travel of such a vehicle, having discharged a passenger or passengers, returning to the owner's place of business or to its established point of departure.

(h) "Days" shall mean working days, exclusive of weekends and holidays for which MTS offices are closed.

(i) "Doing business" shall mean accepting, soliciting or transporting passengers for hire or compensation in a City or County.

(j) "Driver" shall mean every person operating any for-hire vehicle.

(k) "Driver's identification card" shall mean license, issued pursuant to this Ordinance, which permits a person to drive a for-hire vehicle within the City or County.

(l) "Employ" as used in this Ordinance includes any form of agreement or contract under which the driver may operate the permit holder's for-hire vehicle.

(m) "Exclusive ride" shall mean exclusive use of a for-hire vehicle by one or more related passengers at a time.

(n) "For-hire vehicle" shall mean every vehicle, other than public transit vehicles or vehicles involved in an organized carpool not available to the general public, which is operated for any fare for compensation and used for the transportation of passengers over public streets, irrespective of whether such operations extend beyond the boundary limits of said City or County. Such for-hire vehicles shall include taxicabs, vehicles for charter, jitneys, nonemergency medical vehicles, sightseeing vehicles, and LSVs.

(o) "Group ride" shall mean shared use of a taxicab or LSV where a group of related passengers enter at the same point of origin and disembark at the same destination and pay a single fare for the trip.

(p) "Hearing officer" shall mean any person or entity that meets the requirements of this Ordinance and that has been retained to conduct administrative hearings.

(q) "Jitney" shall mean every vehicle which:

(1) Transports passengers or parcels or both over the public streets of the City;  
and

(2) Follows a fixed route of travel between specified locations along its route on a variable schedule -or operates a flexible route within a geographic boundary and specific timeframes as approved by MTS, with the fare based on a per capita charge established in its permit.

(r) A "low-speed vehicle" or "LSV" is a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface. It shall only operate within a geographic boundary as approved by MTS. For the purposes of this section, a "low-speed vehicle" or "LSV" is not a golf cart, except when operated pursuant to California Vehicle Code Section 21115 or 21115.1.

(s) "Medallion" shall mean the numbered plate, sticker, or decal issued by MTS to the permit holder which is displayed on a for-hire vehicle to indicate the authorized use or uses of that vehicle.

(t) "MTS" shall mean the San Diego Metropolitan Transit System, a public agency created pursuant to Public Utilities Code Section 120050 et seq.

(u) "MTS inspector" shall mean those individuals, regardless of job title, who are authorized by the Board, by ordinance, to enforce the provisions of this Ordinance.

(v) "Nonemergency medical vehicle" shall mean every vehicle which: transports persons, regardless of whether specialized transportation equipment or assistance is needed, for primarily medical purposes, over the public streets of the City. Medical purposes is defined as providing transportation services to or from the following places: hospitals, convalescent homes, retirement homes, homes receiving funding for the board and care of residents living in those homes, medical or rehabilitation clinics, senior citizen centers, and any other like social service category, over the public streets of the City. It shall be the responsibility of the transportation provider to determine if the service is primarily for medical purposes.

(w) "Operate" or "Operating" shall refer to the solicitation or acceptance of a fare within City or County for compensation or providing passenger transportation for compensation, regardless if such compensation is obtained from the passenger or a third party. It shall also include, as the context may require, the act of driving, managing or directing the utilization of one or more for-hire vehicles.

(x) "Owner" shall mean the person, partnership, association, firm or corporation that is the registered owner of any for-hire vehicle and that holds the right to use the vehicle for its advantage.

(y) "Passenger" shall mean every occupant other than the driver of the for-hire vehicle.

(z) "Permit" shall mean the authority under which a person, firm, partnership, association, or corporation may operate a for-hire vehicle as a business.

(aa) "Permit holder" shall mean any person or approved entity operating a business under a for-hire vehicle permit.

(bb) "Shared ride" shall mean nonexclusive use of a for-hire vehicle by two or more unrelated passengers traveling between different points of origins and/or destination, and traveling in the same general direction.

~~(cc) "Shifts" shall mean the minimum number of hours a permit holder or driver operates a for-hire vehicle.~~

(dd) "Sightseeing vehicle" shall mean every vehicle which:

(1) Transports passengers for sightseeing purposes of showing points of interest over the public streets of the City; and

(2) Charges a fee or compensation therefor; regardless of whether any fee or compensation is paid to the driver of such sightseeing vehicle, either by the passenger or by the owner or by the person who employs the driver or contracts with the driver or hires such sightseeing vehicle with a driver to transport or convey any passenger; and irrespective of

whether or not such driver receives any fee or compensation for ~~his or her~~their services as driver.

(ee) "Stands" shall mean public areas designated for specific use of for-hire vehicles.

(ff) "Street" shall mean any place commonly used for the purpose of public travel.

(gg) "Substantially Located" shall mean where the primary business address of the taxicab permit holder is located and/or the jurisdiction where the largest share of the taxicab permit holder's total number of prearranged and non-prearranged trips originate over the previous calendar year, as determined annually. Trip logs and/or other documentation shall be used to substantiate the jurisdiction where the largest share of taxicab permit holder's total number of originating trips occur over the applicable time period.

(hh) "Taxicab" shall mean every vehicle other than a vehicle-for-charter, a jitney, a nonemergency medical vehicle, a sightseeing vehicle, or LSV which:

(1) Carries not more than eight (8) passengers excluding the driver;

(2) Transports passengers or parcels or both over City or County public streets;

(3) Is made available for hire on call or demand through "cruising," at taxi stands, ~~or~~ by telephone, mobile telephone application, or other communication devices to destination(s) specified by the hiring passenger; and

(4) Is Substantially Located within the jurisdiction of City and/or County.

(ii) "Taximeter" shall mean any instrument, appliance, device, or machine by which the charge for hire of a passenger-carrying vehicle is calculated, either for distance traveled or time consumed, or a combination of both, and upon which such charge is indicated by figures. Includes both a Hard Meter and a Soft Meter.

(1) A Hard Meter is a Taximeter that has a prefixed fare with an external seal approved by the County of San Diego Agriculture, Weights and Measures and mileage is calculated based on distance and time.

(2) A Soft Meter is a Taximeter that is provided through a smartphone or tablet that uses GPS or other on-board diagnostics approved by the California Department of Food and Agriculture Division of Measurement Standards to calculate distance and rates.

(jj) "Vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a street, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(kk) "Vehicle for Developmentally Disabled Persons (VDDP) driver certificate" shall mean certificate issued by California Highway Patrol pursuant to Vehicle Code section 12523.6, which is required for any driver who primarily transports persons with developmental disabilities on a for-hire basis. A VDDP driver certificate with a commercial driver's license may be used in lieu of a driver identification card to drive a for-hire vehicle within the City or County, unless for a taxicab.

**(Section 1.1 amended 1/20/2022)**  
**(Section 1.1 amended 11/12/2020)**  
**(Section 1.1 amended 10/10/2019)**

**(Section 1.1 amended 2/14/2019)**  
**(Section 1.1 amended 11/8/2018, effective 1/1/2019)**  
**(Section 1.1 amended 9/20/2018)**  
**(Section 1.1 amended 12/14/2017)**  
**(Section 1.1 amended 5/12/2016)**  
**(Section 1.1 amended 8/7/2003)**  
**(Section 1.1 amended 11/14/2002)**  
**(Section 1.1 amended 6/24/1999)**  
**(Sections 1.1(d), 1.1(R)(1) amended 6/22/1995)**  
**(Section 1.1 amended 1/12/1995)**  
**(Section 1.1 amended 6/27/1991; effective 7/27/1991)**  
**(Section 1.1 amended 5/23/1991; effective 6/23/1991)**

### Section 1.2 - Operating Permits

(a) No person shall engage in the business of operating any for-hire vehicle or in the business of providing any vehicle for the operation of vehicle for-hire services within the Cities or County without first having obtained an operating permit from the Chief Executive Officer or designated representative, which permit has not been revoked, suspended or otherwise canceled or terminated by operation of law or otherwise. A separate permit is required for each for-hire vehicle operated or provided for operation.

(b) An operating permit represents the granting of a privilege to operate a for-hire vehicle within the Cities, County or zones specified by the permit for the purpose of the public convenience and necessity. This privilege may be rescinded at any time by operation of law or otherwise.

(c) A person who obtains an operating permit shall be responsible for the provision of vehicle-for-hire services in accordance with the provisions of this Ordinance and shall exercise due diligence to assure that drivers of the permitted vehicles adhere to all pertinent requirements of this ordinance.

**(Section 1.2 amended 11/8/2018, effective 1/1/2019)**  
**(Section 1.2 amended 12/14/2017)**  
**(Section 1.2 amended 8/7/2003)**  
**(Section 1.2 amended 11/14/2002)**  
**(Section 1.2 amended 6/24/1999)**

### Section 1.3 - Application for Permit

(a) All persons applying to the Chief Executive Officer for new permit(s) for the operation of one or more for-hire vehicles shall file with the Chief Executive Officer -a sworn application -on forms provided by the Chief Executive Officer, stating as follows:

(1) The applicant name, company name, doing business as ("DBA") name if different than company name, mailing and business address (a business address or mailing address may include, but is not limited to, a Post Office [PO] Box or dispatch service address), e-mail address, and telephone number of the permit applicant. If a taxicab permit applicant, the business address will also serve the purpose of establishing where Substantially Located;

(2) The name and address of all legal and registered owner(s) of the vehicle(s);

- (3) The number of vehicle(s) for which a permit(s) is desired;
- (4) The rates of fare which the applicant proposes to charge for vehicle-for-hire services. This requirement does not apply to taxicab permit applicants;
- (5) If the application is for a jitney or LSV, a detailed description of the geographic area in which said permit shall be in existence; and
- (6) Such other information as the Chief Executive Officer may in ~~his or her~~their discretion require.

b) The applicant shall also submit, with the application, a nonrefundable application fee prior to the permit approval. Upon issuance of the permit, the applicant shall also pay an initial nonrefundable permit vehicle regulatory fee to be determined by the Chief Executive Officer in order to recover the cost of processing such applications.

**(Section 1.3 amended 1/20/2022)**

**(Section 1.3 amended 11/12/2020)**

**(Section 1.3 amended 11/8/2018, effective 1/1/2019)**

**(Section 1.3 amended 12/14/2017)**

**(Section 1.3 amended 2/12/2015)**

**(Section 1.3 amended 11/15/2012)**

**(Section 1.3 amended 8/7/2003)**

**(Section 1.3 amended 11/14/2002)**

**Section 1.4 - Issuance of Permit**

(a) Before a permit may be approved or renewed, the applicant shall pay an initial regulatory fee in an amount to be determined by the Chief Executive Officer.

(b) The Chief Executive Officer shall deny the approval of a permit upon making a finding:

- (1) That the applicant is under twenty-one (21) years of age; or
- (2) That within the five (5) years immediately preceding the processing of the application, the applicant has been convicted of, or held by any final administrative determination to have been in violation of any statute, ordinance, or regulation reasonably and rationally pertaining to the same or similar business operation which would have resulted in suspension or revocation of the permit in accordance with Section 1.13 of this Ordinance. For purposes of this section, a plea or verdict of guilty, a finding of guilty by a court, a plea of nolo contendere or a forfeiture of bail shall be deemed a conviction; or
- (3) That the applicant provided false information of a material fact in an application within the past five (5) years.

(c) No permit shall be approved or renewed unless evidence of compliance with applicable MTS regulations.

(d) When the permit has been approved and upon determination by the Chief Executive Officer that the for-hire vehicle, after appropriate inspection, meets the requirements of this Ordinance, the Chief Executive Officer will issue a numbered medallion(s) to be affixed to the for-hire vehicle.

**(Section 1.4 amended 11/12/2020)**  
**(Section 1.4 amended 11/8/2018, effective 1/1/2019)**  
**(Section 1.4 amended 12/14/2017)**  
**(Section 1.4 amended 2/12/2015)**  
**(Section 1.4 amended 11/15/2012)**  
**(Section 1.4 amended 11/14/2002)**

Section 1.5 - Transfer and Administration of Permits

(a) Each permit issued pursuant to the provisions of this section is separate and distinct and shall be transferable from the permit holder to another person or entity only with the approval of the Chief Executive Officer, and upon meeting the requirements of this Ordinance.

(b) The proposed transferee shall file with the Chief Executive Officer a sworn application for the transfer and shall comply with the requirements of Section 1.3. The permit holder shall certify in writing that the permit holder has notified the proposed transferee of the requirements of this section pertaining to the transfer of a permit. Whenever an application for a transfer of permit is filed, the Chief Executive Officer shall process the application for transfer in accordance with Section 1.4 of this Ordinance.

(c) The Chief Executive Officer shall charge regulatory fees to affect the full cost recovery of activities associated with the administration, regulation, issuance, or transfer of for-hire vehicle permits and associated records.

(1) Changes in fee schedules affecting permits shall be posted, at a minimum, on the MTS website and notice of such posting will be sent to all permit holders' email address. Changes shall be effective thirty (30) calendar days thereafter.

(2) Any person objecting to a particular fee or charge may file, within ten (10) calendar days of posting of such changes, an appeal for review with the Chief Executive Officer who shall thereafter process it in accordance with Section 1.17; provided, however, that the sole issue to be determined on review is whether the fee or charge exceeds the reasonable costs for personnel salaries and administrative overhead associated with the particular administrative service or function.

**(Section 1.5 amended 11/12/2020)**  
**(Section 1.5 amended 11/8/2018, effective 1/1/2019)**  
**(Section 1.5 amended 12/14/2017)**  
**(Section 1.5 amended 2/12/2015)**  
**(Section 1.5 amended 8/7/2003)**  
**(Section 1.5 amended 11/14/2002)**

Section 1.6 - Blank

The text of Section 1.6 is deleted in its entirety effective February 12, 2015.

**(Section 1.6 deleted 2/12/2015)**  
**(Section 1.6 amended 11/14/2002)**

Section 1.7 - Blank

The text of Section 1.7 is deleted in its entirety effective October 24, 1998.

**(Section 1.7 was deleted 9/24/1998)**

Section 1.8 - Equipment and Operating Regulations

(a) No medallion shall be issued for a vehicle unless the vehicle conforms to all the applicable provisions of this Ordinance.

(b) The privilege of engaging in the business of operating a for-hire vehicle in a City or County granted in the permit is personal to the permit holder, who must be the owner of the for-hire vehicle. The rights, requirements, and responsibilities which attach to the permit remain with the holder at all times the for-hire vehicle is operated under the authority of the permit. These rights, requirements and responsibilities, which include, but are not limited to, the requirements of this Ordinance, will remain unaffected by any agreement or contractual arrangement between the permit holder and those persons who operate for-hire vehicles, irrespective of the form or characterization of the agreement under which the driver operates the for-hire vehicle.

(c) The permit holder shall maintain an email address, mailing address that can accept mail directed to company, and a business telephone in which the permit holder can be reached during reasonable business hours and during all hours of operation. The permit holder shall, in the case of any change in ~~his or her~~their email address, mailing address, or business telephone, notify the Chief Executive Officer in writing of such change within forty-eight (48) hours of the effective date of this change.

(d) If a taxicab, permit holders must participate in the pull-notice program pursuant to Section 1808.1 of the Vehicle Code and enroll all employed or contracted drivers who drive a vehicle for permit holder.

(1) Upon the termination of the employee or contractor driver, the permit holder shall notify the Department of Motor Vehicles (DMV) to discontinue the driver's enrollment in the pull notice system.

(2) Permit holders shall present upon request, during regular business hours, to MTS and/or the Sheriff's Department, as well as during annual permit renewal, proof of enrollment and names of any and all drivers enrolled in the DMV driver pull-notice program pursuant to Section 1.8(d) of this Ordinance.

(3) Permit holders who fall under one or more of the following categories must enroll in the DMV pull-notice program: if registered with the State of California as a Corporation and or LLC; if own more than one vehicle; employs or contracts a lease driver(s); and/or vehicle is otherwise driven by more than one driver.

(e) Before a for-hire vehicle is placed in service and at least annually thereafter, the for-hire vehicle shall be delivered to a certified Automotive Service Excellence or Bureau of Automotive Repair registered facility for mechanical inspections, or other place designated by the Chief Executive Officer for inspection. Certified mechanics and MTS inspectors shall inspect the for-hire vehicle and its equipment to ascertain whether the vehicle complies with the provisions of this Ordinance. Failure to produce the vehicle for inspection within a timeframe determined by MTS shall be cause for suspension or revocation of the permit for such vehicle.

(f) Any MTS inspector or peace officer, after displaying proper identification, may make reasonable and periodic inspections of any for-hire vehicle operating under an MTS permit for the purpose of determining whether the vehicle is in compliance with the provisions of this Ordinance.

(g) Any for-hire vehicle which fails to meet the requirements of the California Vehicle Code or this section after inspection shall be immediately ordered out-of-service by an MTS inspector or peace officer if it is unsafe for service. Ordering a vehicle out-of-service does not constitute a suspension or revocation of the permit. A vehicle is deemed unsafe for service when any of the following conditions exists:

- (1) Tires fail to meet the requirements of the California Vehicle Code;
- (2) Headlights, taillights or signal lights are inoperable during hours of darkness (sunset to sunrise);
- (3) Windshield wipers are inoperable during rainy conditions;
- (4) Taximeter is not working, the Taximeter displays signs of tampering, the seal of a Hard Meter is broken, the County of San Diego seal of a Hard Meter is more than thirteen (13) months old from the date of issuance, a Service Agent's temporary seal of a Hard Meter is more than ninety (90) days old from the date of issuance, or a Soft Meter displays technology not approved by the California Department of Food and Agriculture Division of Measurement Standards or does not appear to be operating as is intended or approved;
- (5) Brakes, brake lights or brake system are inoperable or otherwise fail to meet the requirements of the California Vehicle Code;
- (6) Excessive play in steering wheel exceeding three (3) inches;
- (7) Windshield glass contains cracks or chips that interfere with driver's vision;
- (8) Any door latch is inoperable from either the interior or exterior of the vehicle;
- (9) Any seat is not securely fastened to the floor;
- (10) Seat belts, when required, fail to meet requirements of the California Vehicle Code;
- (11) Either side or rearview mirrors are missing or defective;
- (12) Any vehicle safety system light is activated; and
- (13) Any other condition which reasonably and rationally pertains to the operating safety of the vehicle or to passenger or pedestrian safety.

(h) If the vehicle is not unsafe but is unsuitable or otherwise in violation of this Ordinance or any vehicle condition/equipment section of the California Vehicle Code, the operator or permit holder, as appropriate, shall be subject to a seventy-two (72) hours correction notice.

(1) Failure to correct such violation within the seventy-two (72) hours shall then be cause to order the vehicle out-of-service. When a vehicle is ordered out-of-service, the medallion shall be immediately removed.

(2) Before the vehicle may again be placed in service, the violation shall be corrected and the vehicle shall be inspected by a ~~an~~ certified mechanics or MTS inspector

(3) The medallion shall be reaffixed when the MTS inspector finds that the vehicle meets prescribed standards.

(i) The interior and exterior of the for-hire vehicle shall be maintained in a safe and efficient operating condition, and meet California Vehicle Code requirements and the requirements of this Ordinance at all times when in operation. The following minimum vehicle standards must be maintained to comply with this section:

(1) Wheels. Hubcaps or wheel covers shall be on all wheels for which hubcaps or wheel covers are standard equipment.

(2) Body Condition. There shall be no tears or rust holes in the vehicle body and no loose pieces hanging from the vehicle body. Fenders, bumpers, and light trim shall be securely fixed to the vehicle. No extensive unrepaired body damage shall be allowed and exterior paint shall be free from excessive fading. The vehicle shall be equipped with front and rear bumpers. The exterior of the vehicle shall be maintained in a reasonably clean condition so as not to obscure approved vehicle markings.

(3) Lights. Headlights shall be operable on both high and low beam. Taillights, parking lights, signal lights, and interior lights shall all be operable.

(4) Wipers. Each vehicle shall be equipped with adequate windshield wipers maintained in good operating condition.

(5) Brakes. Both the parking and hydraulic or other brake system must be operable.

(6) Steering. Excessive play in the steering mechanism shall not exceed three (3) inches free play in turning the steering wheel from side to side.

(7) Engine. The engine compartment shall be reasonably clean and free of uncontained combustible materials.

(8) Mufflers. Mufflers shall be in good operating condition.

(9) Windows. The windshield shall be without cracks or chips that could interfere with the driver's vision. All other windows shall be intact and able to be opened and closed as intended by the manufacturer. The windows and windshield shall be maintained in a reasonably clean condition so as not to obstruct visibility.

(10) Door Latches. All door latches shall be operable from both the interior and exterior of the vehicle.

(11) Suspension. The vehicle's suspension system shall be maintained so that there are no sags because of weak or broken springs or excessive motion when the vehicle is in operation because of weak or defective shock absorbers.

(12) Seats. All seats shall be securely fastened. Seat belts, when required by the California Vehicle Code, shall be installed. The upholstery shall be free of grease, holes, rips, torn seams, and burns.

(13) Interior. The interior of each vehicle and the trunk or luggage area shall be maintained in a reasonably clean condition, free of foreign matter, offensive odors, and litter. The seats shall be kept reasonably clean and without large wear spots. The door handles and doors shall be intact and clean. The trunk or luggage area shall be kept empty except for spare tire and personal container for the driver not exceeding one (1) cubic foot in volume and emergency equipment, to allow maximum space for passenger luggage and belongings.

(j) Each for-hire vehicle, except taxicabs and ~~Low-Speed Vehicles~~ LSVs, shall contain:

(1) A fire extinguisher of the dry chemical or carbon dioxide type with an aggregate rating of at least 5 B/C units and a current inspection card affixed to it.

(2) A minimum of three (3) red emergency reflectors.

(3) A first-aid kit containing medical items to adequately attend to minor medical problems.

k) In the event that a for-hire vehicle for which a permit has been approved is taken out of service, by the permit holder for maintenance or any purpose, other than a violation of any provision of this Ordinance, a spare vehicle operating permit may be granted. The spare vehicle operating permit shall only be valid for the vehicle for which it was issued. The permit holder may only utilize a spare for-hire vehicle which has been duly inspected by an MTS inspector and approved prior to use. The permit holder must immediately inform an MTS inspector when a spare for-hire vehicle is in use and the location of the disabled vehicle. The spare vehicle will be issued a "spare vehicle" sticker which must be affixed to the left rear portion of the for-hire vehicle for which it is approved, in plain view from the rear of the for-hire vehicle. The permit holder may utilize one (1) spare for-hire vehicle for a period not to exceed thirty (30) calendar days from the date of issuance. This subsection shall not be construed, nor deemed to replace, those provisions in this Ordinance which apply to permanent replacement of a for-hire vehicle.

(l) The medallion issued to the permit holder must be affixed by an MTS inspector on the for-hire vehicle for which the permit is approved in plain view from the rear of the for-hire vehicle. The permit holder must immediately report the loss, destruction, or defacing of a medallion to the Chief Executive Officer. Except as provided in Subsection (k), it shall be unlawful to operate a for-hire vehicle without the medallion affixed and visible.

(m) There shall be displayed in the passenger compartment of each for-hire vehicle between the sun visors, in full view of the passengers in the front and rear seats, a card not less than ten (10) inches wide by six (6) inches high in size. Posted on this card, utilizing "Universe" font in black ink on white background, shall be:

1) The first line of the card, 3/4 inch in height, shall say one of the following according to permit type: TAXICAB, SIGHTSEEING, CHARTER, NONEMERGENCY, LOW-SPEED VEHICLE, OR JITNEY LOST AND FOUND.

2) Below this, the card shall include the vehicle medallion number in three-inch numerals.

3) Below the medallion number, the name, address, and phone number of the MTS For-Hire Vehicle Administration and the permit holder and/or permit holder trade name shall be printed, 1/4-inch in height.

4) Without approval from MTS, no other signs, markings, lettering, decals, or any type of information shall be displayed within 18 inches around the card.

(n) Advertisements, whether displayed on the inside or outside of the vehicle, shall be posted in accordance with MTS Board Policy No. 21, Revenue-Generating Display Advertising, Concessions, and Merchandise, any guidelines developed by the Chief Executive Officer, and the provisions of this Ordinance. Advertisements shall not be displayed without prior approval from MTS.

(o) The driver of each for-hire vehicle may either carry: a map of the City or County, published within the past two (2) years; or an electronic device equipped with a GPS enabled map, which shall be displayed to any passenger upon request.

(p) The maximum rates of fare charged for for-hire vehicle services shall be clearly and conspicuously displayed in the passenger compartment, unless if a taxicab which shall comply with Section 2.2(d) of this Ordinance.

(q) Each for-hire vehicle licensed to operate in the City or County shall have located on the passenger side dashboard area a driver identification card provided by the County of San Diego Sheriff or provide upon a request a valid VDDP driver certificate with a commercial driver's license. The driver identification card shall have no alterations or information covered. The driver identification card shall be visible to passengers, peace officers and MTS inspectors so they can easily view the driver identification card from either inside or outside the vehicle. The driver identification card issued by the Sheriff shall bear the following information:

- (1) The number of the license of the driver;
- (2) The name and business address of the driver;
- (3) The name of the owner of the vehicle; and
- (4) A small photograph of the driver.

(r) Each for-hire vehicle shall be equipped with a rearview mirror affixed to the right side of the vehicle, as an addition to those rearview mirrors otherwise required by the California Vehicle Code.

(s) The driver shall offer each passenger a printed receipt upon payment of the fare. The receipt shall accurately show the date, the amount of the fare, the driver's name and ID number, the taxicab number, the company (DBA) name, and the dispatch service name with phone number if a taxicab.

(t) All disputes to fare shall be determined by the peace officer or MTS inspector most readily available where the dispute is had. It shall be unlawful for any person to fail or refuse to comply with such determination by the peace officer or MTS inspector.

(u) It is unlawful for any person to refuse to pay the lawful fare of a for-hire vehicle after employing or hiring the same.

(v) The driver of any for-hire vehicle shall promptly obey all lawful orders or instructions of any peace officer, fire fighter, or MTS inspector.

(w) No driver of any for-hire vehicle shall transport any greater number of persons, including the driver, than the manufacturer's rated seating capacity for the vehicle.

(x) It shall be unlawful for any person to solicit business for a for-hire vehicle by making a contract or agreement with any owner of any hotel, apartment house, motel, inn, rental units, restaurant, or bar, or with the agent or employees of such owner, by which the owner, agent or employee receives any type of payment or commission for recommending or directing any passenger to a specific for-hire vehicle or company. It shall be unlawful for any permit holder, association, or driver to have or make a contract or agreement with any owner of any hotel, apartment house, motel, inn, rental units, restaurant, or bar, or with the agents or employees of such owner, by which the permit holder, association or driver receives any type of payment or commission for recommending or directing any passenger to an establishment operated by a specific owner.

(y) The driver of a for-hire vehicle shall wear, in a manner clearly visible on their person, an identification card approved by the Chief Executive Officer.

(z) The Board specifically finds that the dress, grooming, and conduct of for-hire vehicle drivers affect the public health and safety, particularly as it relates to visitors and the tourist industry. Therefore, while driving or operating a for-hire vehicle, drivers shall be hygienically clean, well-groomed, and neat and suitably dressed. Violations of this subsection are administrative in nature and shall not be the subject of criminal prosecution.

(1) The term "hygienically clean" shall refer to that state of personal hygiene, body cleanliness, and absence of offensive body odor normally associated with bathing or showering on a regular basis.

(2) The term "well-groomed" shall mean that ~~male drivers shall be clean-shaven, except for those parts of the face where a beard or mustache is worn and their hair shall be neatly trimmed; beards or mustaches shall be groomed and neatly trimmed at all times in order not to present a ragged appearance. For all drivers, it shall mean that~~ scalp or facial hair shall be combed or brushed and that all clothing is clean, free from soil, grease and dirt, and without unrepaired rips or tears.

(3) The term "neat and suitably dressed" shall be interpreted to ~~require mean~~ that: driver is wearing appropriate clothing to operate a for-hire vehicle; a driver shall be fully covered by clothing at a minimum from a point not to exceed four (4) inches above the center of the kneecap to the base of the neck, excluding the arms. ~~d~~ Drivers shall wear shoes; ~~It shall not be permissible for any driver to cannot~~ wear as an outer garment any of the following: undershirt or underwear, tank tops, body shirts (see-through mesh), swim wear, jogging or warm-up suits or sweatshirts or similar attire, jogging or bathing shorts or trunks, or sandals; ~~and t~~ Trouser-type shorts that are no shorter than four inches above the center of the kneecap are permissible.

(aa) For-hire vehicles shall comply with the California Vehicle Code, e.g., not impede traffic, and, where applicable, not operate on streets where posted speed limits are above 35 miles per hour. For-hire vehicle drivers, including taxicab, shall not load or unload passengers in traffic lanes.

(bb) Smoking is not permitted at any time inside a MTS-permitted vehicle.

(cc) A driver or permit holder shall not prejudice, disadvantage, or require a different rates or provide different service to a person because of race, national origin, religion, color,

ancestry, physical disability, medical condition, occupation, marital status or change in marital status, sex or any characteristic listed or defined in Section 11135 of the Government Code.

(dd) A driver shall not use rude or abusive language toward a passenger(s) or conduct any physical action that a reasonable person would construe as threatening or intimidating.

(ee) A driver may refuse a fare if it is readily apparent that the prospective or actual fare is a hazard to the driver or operator. A driver is not obligated to transport any person who is verbally or otherwise abusive to the driver. Such incidents shall also be noted on the trip log and notification shall be immediately sent to the dispatch service organization, if a taxicab, which shall record the incident and keep the record for the minimum of 6 months.

(ff) No driver shall stop, park, or otherwise leave standing any MTS permitted vehicle within fifteen (15) feet of any fire plug except as modified in Section 2.5 of this Ordinance.

(gg) No driver shall stop, park or otherwise leave standing any MTS permitted vehicle in a disabled parking zone except as authorized per California Vehicle Code section 22507.8.

(hh) If a taxicab, proof that vehicle(s) meet California Air Resources Board criteria for zero emissions/low emissions.

**(Section 1.8 amended 1/20/2022)**

**(Section 1.8 amended 11/12/2020)**

**(Section 1.8 amended 10/10/2019)**

**(Section 1.8 amended 11/8/2018, effective 1/1/2019)**

**(Section 1.8 amended 12/14/2017)**

**(Section 1.8 amended 10/13/2016)**

**(Section 1.8 amended 5/12/2016)**

**(Section 1.8 amended 2/12/2015)**

**(Section 1.8 amended 8/7/2003)**

**(Section 1.8 amended 11/14/2002)**

**(Section 1.8 amended 9/24/1998)**

**(Section 1.8 amended 2/13/1997)**

**(Section 1.8 amended 6/24/1993)**

#### **Section 1.9 - Public Liability**

(a) It shall be unlawful to operate a for-hire vehicle unless the permit holder establishes and maintains in effect one of the forms of financial responsibility specified in this section.

(1) This requirement may be met by maintaining a valid policy of insurance executed and delivered by a company authorized to carry on an insurance business, the financial responsibility of which company has been approved by the Chief Executive Officer. The terms of the policy shall provide that the insurance company assumes financial responsibility for injuries to persons or property caused by the operation of the for-hire vehicle in an amount determined by the Chief Executive Officer.

(2) The permit holder may also meet this requirement by obtaining a certificate of self-insurance for a specified amount approved by the Board and pursuant to the applicable provisions of the California Vehicle Code.

(b) A valid proof of insurance issued by the company providing the insurance policy required under Subsection (a) (1) of this section shall be filed with and approved by the Chief

Executive Officer. This certificate shall provide that MTS is a named certificate holder and shall be placed in each vehicle, per California Vehicle Code Section 16020. It shall also provide that the insurer will notify MTS of any cancellation and that the cancellation notice be received at least thirty (30) days prior to cancellation of the policy. The certificate shall also state:

- (1) The full name of the insurer;
- (2) The name and address of the insured;
- (3) The insurance policy number;
- (4) The type and limits of coverage;
- (5) The specific vehicle(s) insured;
- (6) The effective dates of the certificate; and
- (7) The certificate issue date.

**(Section 1.9 amended 11/12/2020)**

**(Section 1.9 amended 9/17/2015)**

**(Section 1.9 amended 11/14/2002)**

Section 1.10 - Financial Ownership and Operating Records: Reporting Requirements

(a) Every person engaged in the business of operating a for-hire vehicle within the City under a permit granted by the Chief Executive Officer shall maintain:

(1) Financial records, including but not limited to the current executed taxicab driver lease agreement that includes all aspects of the business relationship between the permit holder and the lessee, and written receipts of all payments from lessee in accordance with good accounting practices;

(2) Ownership records; and

(3) Operating records in a form, and at intervals, which shall be determined from time to time by the Chief Executive Officer.

(b) Ownership and operating records shall be made available to the Chief Executive Officer upon demand at any reasonable time. The permit holder shall retain operating records for a minimum of six (6) months from the date the records are created.

(c) For purposes of this section, ownership records shall include, but are not limited to, the following:

(1) Copies of the Articles of Incorporation as filed with the Secretary of State of California;

(2) Records identifying all corporate officers and members of the corporation's Board of Directors. A corporation shall report any change in corporate officers or members of its Board of Directors to MTS within ten (10) days of the effective date.

(3) A stock register recording the issuance or transfer of any shares of the corporate stock; and

(4) The registration cards issued by the State of California Department of Motor Vehicles to the vehicle owner for all for-hire vehicles operated under the authority of an MTS for-hire vehicle permit. Valid proof of registration shall be maintained in the vehicle at all times.

(d) For purposes of this section, operating records shall include, but are not limited to, the following:

(1) Typed or written dispatch records for taxicab companies which operate their own dispatch service;

(2) Any logs which a for-hire vehicle driver keeps describing the trips carried by a for-hire vehicle other than a taxicab;

(3) Copies of the daily trip log required by taxicab or LSV drivers under Section 2.4 (o); and

(4) Any other similar records.

(e) As a condition of permit renewal, upon permit renewal every permit holder shall file with the Chief Executive Officer a signed statement which shall report and attest to the accuracy of the following information:

(1) The individual name(s), business name, business mailing address, e-mail address, and telephone number of the permit holder(s);

(2) The name and address of all legal and registered owner(s) of the for-hire vehicle(s);

(3) The name and address of each person with a financial interest in the business which operates the vehicle(s);

(4) The year, manufacturer, model, vehicle identification number, license plate, and medallion number affixed to the permitted vehicle(s); and

(5) Proof of enrollment and names of any and all drivers enrolled in the DMV driver pull-notice program pursuant to Section 1.8(d) of this Ordinance.

(f) If the permit holder is an individual, the permit holder must email, mail or appear in person in the offices of MTS to file the statement; if the permit holder is a partnership, one of the partners must email, mail or appear in person in the offices of MTS to file the statement; if the permit holder is a corporation or LLC, an officer of the corporation, or a member of the LLC, authorized to represent the company, must email, mail or appear in person in the offices of MTS to file the statement. If email or mail is used, the email address or mailing address used by the permit holder must be an email address or mailing address that is on file with the Chief Executive Officer. Failure to produce the statement may result in permit suspension or denial of permit renewal.

***(Section 1.10 amended 11/12/2020)***

***(Section 1.10 amended 11/8/2018, effective 1/1/2019)***

***(Section 1.10 amended 5/12/2016)***

***(Section 1.10 amended 2/12/2015)***

***(Section 1.10 amended 8/7/2003)***

***(Section 1.10 amended 11/14/2002)***

***(Section 1.10 amended 6/24/1993)***

Section 1.11 - Destruction, Permanent Replacement, Retirement or Inactive Status of For-Hire Vehicles

(a) Whenever a for-hire vehicle is destroyed, rendered permanently inoperative, is sold, or the permit holder is no longer the owner of the for-hire vehicle, the permit holder shall notify the Chief Executive Officer in writing within forty-eight (48) hours.

(b) If a taxicab permit holder plans to change where it is Substantially Located, the permit holder shall notify the Chief Executive Officer and the new jurisdiction in which it will become Substantially Located within six (6) months or as soon as practicable prior to making that change.

(c) A permit holder may place a for-hire vehicle under inactive status after written permission is obtained from the Chief Executive Officer. The following guidelines are to be used in granting permission for a for-hire vehicle to be placed and kept on inactive status:

- (1) No laps in payment of annual regulatory fees during any time of inactive status;
- (2) Permit must be in good standing (e.g. no pending disciplinary or enforcement action); and
- (3) Annual statement must be filed in accordance with Section 1.10(e).

(d) At any time a permit holder may bring a for-hire vehicle under inactive status back into service after written permission is obtained from the Chief Executive Officer. The following guidelines are to be used in granting permission to return a for hire vehicle under inactive status back to service:

- (1) Permit holder must notify Chief Executive Officer in writing of their intent to place their vehicle back into service;
- (2) Permit holder must show proof of a valid vehicle insurance policy as required by Section 1.9;
- (3) Permit holder must show proof of current vehicle registration;
- (4) Permit holder must show proof of current subscription to a dispatch service organization, if a taxicab; and
- (5) Vehicle must pass MTS required inspection.

(e) The Chief Executive Officer shall, as a matter of owner right, allow the replacement of a vehicle which is destroyed, rendered inoperative, sold or transferred, provided that the permit holder has complied with, and the for-hire vehicle is in conformance with, all applicable provisions of this Ordinance. An owner must remove the markings from the vehicle that indicate it is a taxicab or LSV before the owner disposes of it.

**(Section 1.11 amended 2/14/2019)**  
**(Section 1.11 amended 10/13/2016)**  
**(Section 1.11 amended 8/7/2003)**  
**(Section 1.11 amended 11/14/2002)**

**(Section 1.11 amended 2/13/1997)**

Section 1.12 - Driver's Identification Cards

(a) No person shall drive or operate any for-hire vehicle under the authority of a permit granted under this Ordinance unless such person: displays a valid driver's identification card obtained annually through the Sheriff of the County of San Diego; or provides upon request a VDDP driver certificate with a commercial driver's license.

(b) No permit holder shall employ as a for-hire vehicle driver or operator any person who has not obtained a for-hire vehicle driver's identification card through the Sheriff of the County of San Diego or VDDP driver certificate with a commercial driver's license.

(c) No permit holder shall employ as a driver or operator any person whose privilege to operate a for-hire vehicle within the City has expired, or has been revoked, denied or suspended or prohibited.

(d) A driver may drive for more than one permit holder. The driver must, however, have on file with and accepted by the Sheriff of the County of San Diego, a separate application on forms provided by the Sheriff, for each permit holder with whom he has a current driving agreement. A driver may have on file with the Sheriff a maximum of four (4) such applications at any one time. It shall be unlawful for a driver to accept or solicit passengers for hire in the City or County while operating the taxicab or LSV of any permit holder for whom the driver does not have such an application on file with the Sheriff.

(e) No person shall drive or operate any for-hire vehicle, under the authority of a permit granted under this Ordinance unless such person has successfully completed an MTS-approved driver safety training course concerning driver safety rules and regulations, map reading, crime prevention, courtesy and professionalism, and compliance with the ADA. As determined by the Chief Executive Officer, a corresponding qualification examination may be required.

(f) No person who has received a notice of prohibition pursuant to Section 1.14, or whose privilege to operate a for-hire vehicle within the City has expired, or has been suspended, revoked or denied by the Sheriff, California Highway Patrol, or the Chief Executive Officer shall drive or operate a for-hire vehicle within the City.

(g) No for-hire vehicle driver's identification card shall be issued or renewed by the Sheriff to any of the following persons:

(1) Any person under the age of twenty-one (21) years.

(2) Any person who has been convicted of a felony involving a crime of force or violence against any person, or the theft of property, unless five (5) years have elapsed since ~~his or her~~their discharge from a penal institution or satisfactory completion of probation for such conviction during which period of time ~~his or her~~their record is good.

(3) Any person who has been convicted of assault, battery, resisting arrest, solicitation of prostitution, any infraction, misdemeanor, or felony involving force and violence, or any crime reasonably and rationally related to the paratransit industry or any similar business operation which bears upon the integrity or ability of the driver to operate a for-hire vehicle business and transport passengers, unless five (5) years shall have elapsed from the date of discharge from a penal institution or the satisfactory completion of probation for such conviction.

(4) Any person who, within the five (5) years immediately preceding the processing of the application, has been convicted of or held by any final administrative determination to have been in violation of any statute, ordinance, or regulation reasonably and rationally related to the for-hire vehicle industry or any similar business operation which would have authorized the suspension or revocation of the driver's identification card in accordance with Section 1.14 of this Ordinance.

(5) Any person who is required to register as a sex offender pursuant to the California Penal Code.

(6) Any person who has provided false information of a material fact in their application within the past five (5) years.

(7) No person shall obtain or renew a driver's identification card unless such person has successfully completed a driver safety training course approved by the Chief Executive Officer.

(8) When a driver permanently no longer drives for an MTS For-Hire Vehicle Administration permit holder, the permit holder shall report this to the Sheriff's Department within ten (10) calendar days.

(h) The Sheriff is authorized to issue temporary for-hire vehicle driver identification cards pending the approval or denial of an application for a regular for-hire vehicle driver identification card. No temporary for-hire vehicle driver identification card shall be issued without the satisfactory completion of a local law enforcement agency record check of the applicant. Any temporary identification card so issued shall be valid for a period not to exceed ninety (90) days or until the date of approval or denial of the application for a regular for-hire vehicle driver identification card, whichever shall occur first. The issuance of a temporary identification card hereunder shall not authorize the operation of a for-hire vehicle following the denial of the application while pending the resolution of any appeal otherwise provided for in Section 1.16 of this Ordinance. The Sheriff or the Chief Executive Officer shall establish nonrefundable filing fees to defray the costs of processing regular and temporary driver identification cards.

**(Section 1.12 amended 1/20/2022)**

**(Section 1.12 amended 11/12/2020)**

**(Section 1.12 amended 10/10/2019)**

**(Section 1.12 amended 11/8/2018, effective 1/1/2019)**

**(Section 1.12 amended 12/14/2017)**

**(Section 1.12 amended 5/12/2016)**

**(Section 1.12 amended 11/15/2012)**

**(Section 1.12 amended 8/7/2003)**

**(Section 1.12 amended 11/14/2002)**

**(Section 1.12 amended 9/24/1998)**

**(Section 1.12 amended 10/30/1997)**

**(Section 1.12 amended 11/9/1995)**

#### **Section 1.13 - Suspension and Revocation of Permit**

(a) Permits may be suspended or revoked by the Chief Executive Officer at any time in case:

(1) The Chief Executive Officer finds the permit holder's past record to be unsatisfactory with respect to satisfying the provisions of this Ordinance.

(2) The permit holder fails to comply with the applicable provisions of this Ordinance.

(3) The drivers of the for-hire vehicle or vehicles fail to act in accordance with those provisions of this Ordinance which govern driver actions. The permit holder shall have strict liability in this regard; however, this provision shall not restrict the Chief Executive Officer's ability to penalize a driver for violations of those provisions of this Ordinance which govern driver actions.

(4) The owner ceases to operate a for hire vehicle without having obtained written permission from the Chief Executive Officer.

(5) The permit holder is found to be operating a for-hire vehicle that is under inactive status.

(6) The for-hire vehicle or vehicles, if operated as other than a taxicab, are operated at a rate of fare other than those fares on file with the Chief Executive Officer.

(7) The for-hire vehicle or vehicles, if operated as a LSV, are operated at a rate of fare greater than those fares on file with the Chief Executive Officer or posted on the taxicab or LSV pursuant to Section 2.2 (~~ab~~) of this Ordinance.

(8) The for-hire vehicle or vehicles, if operated as a taxicab, are operated at a rate of fare greater than current maximum rate established by the Board pursuant to Section 2.2(a) of this Ordinance or the applicable rate provided to passenger pursuant to Section 2.4 (q) of this Ordinance.

(9) The permit holder fails to begin operating the for-hire vehicle for which the permit is first approved within ninety (90) days after the approval date.

(10) The permit holder has been convicted of assault, battery, resisting arrest, solicitation of prostitution, any infraction, misdemeanor, or felony involving force and violence, or any crime reasonably and rationally related to the paratransit industry or any similar business operation which bears upon the integrity or ability of the applicant or permit holder to operate a for-hire vehicle business and transport passengers, unless five (5) years shall have elapsed from the date of discharge from a penal institution or the satisfactory completion of probation for such conviction.

(11) The permit holder has been convicted of a crime that would require a person to register as a sex offender under the California Penal Code. For purposes of this section, a plea or verdict of guilty, a finding of guilt by a court, a plea of nolo contendere or a forfeiture of bail shall be considered a conviction.

(b) A permit holder shall be notified in writing within 10 working days when a credible complaint has been filed with the Chief Executive Officer by a member of the public where such complaint involves the permit holder, the driver of the permitted for-hire vehicle, or the dispatch service to which the permit holder is subscribed. It shall be the responsibility of the permit holder to investigate the complaint and report in writing to the Chief Executive Officer within 30 days the result of the investigation and any corrective action taken or proposed. Where the complainant has

agreed to the sharing of their identity, the results of the investigation, findings, and actions shall be communicated to the complainant.

(c) In the event the Chief Executive Officer finds a permit holder has failed to responsibly respond to notification of complaints or to initiate corrective action, the Chief Executive Officer shall issue a notice of proposed adverse action to the permit holder. If the circumstances of the complaint or subsequent investigation so warrant, the Chief Executive Officer may issue a notice of adverse action to a driver independently of or in conjunction with any adverse action proposed to the permit holder. The Chief Executive Officer shall refer to the Administrative Penalty Guidelines in determining a proposed adverse action.

(d) The permit holder or driver in receipt of a notice of proposed adverse action shall be given the opportunity to appear for an informal hearing before the Chief Executive Officer or designated representative. Failure to appear will constitute waiver of the hearing. Following the hearing or waiver thereof, the Chief Executive Officer shall issue the notice of adverse action if justified by the facts. If the Chief Executive Officer determines that the performance of the permit holder or driver involves criminal activity or constitutes a serious degradation of the public safety, convenience, or necessity, a notice of adverse action may be issued and the action effected without hearing.

(e) Upon a finding by the Chief Executive Officer that a permit holder falls within the provisions of this section, the permit holder or driver shall be notified that ~~his or her~~their permit has been subjected to an adverse action and that the matter is such that the action may be appealed. In lieu of an action provided for in the Administrative Penalty Guidelines, the Chief Executive Officer may impose a fine or a fine and a period of suspension for any violation(s) of this Ordinance.

**(Section 1.13 amended 1/20/2022)**

**(Section 1.13 amended 2/14/2019)**

**(Section 1.13 amended 11/8/2018, effective 1/1/2019)**

**(Section 1.13 amended 12/14/2017)**

**(Section 1.13 amended 10/13/2016)**

**(Section 1.13 amended 5/12/2016)**

**(Section 1.13 amended 8/7/2003)**

**(Section 1.13 amended 11/14/2002)**

**(Section 1.13 amended 6/24/1999)**

#### **Section 1.14 - Suspension and Revocation of Driver's Identification Cards**

(a) Driver's identification cards issued by the Sheriff may be suspended or revoked by the Chief Executive Officer at any time in case:

(1) The Chief Executive Officer finds the driver's past record to be unsatisfactory with respect to satisfying the provisions of this Ordinance; or

(2) The driver fails to comply with the applicable provisions of this Ordinance; or

(3) Circumstances furnish grounds for the denial, suspension, revocation or refusal to renew the driver's identification card by the Sheriff under the terms of the applicable Ordinance of the County of San Diego; or

(4) ~~His/her~~Their California Driver's License is revoked or suspended; or

(5) The driver is convicted of reckless driving or driving while under the influence of intoxicating liquors and/or narcotics; or

(6) The driver has been convicted of assault, battery, resisting arrest, solicitation of prostitution, any crime involving force and violence, or reasonably and rationally is related to the ability or integrity of the driver to operate a for-hire vehicle or transport passengers; or

(7) The driver has ever been convicted of a crime that requires registration under the California Penal Code as a sex offender.

(b) For purposes of Subsections (a) (1) through (a) (6) of this section, a plea of nolo contendere, or a forfeiture of bail shall be considered a conviction if it occurred within the five (5) years immediately preceding the date of application for a permit or identification card.

(c) Notwithstanding a driver's possession of a valid taxicab or LSV driver identification card, the Chief Executive Officer may deny, suspend, revoke, or refuse to renew the driver's privilege to operate a for-hire vehicle in the City if the driver falls within the provisions of this section. The Chief Executive Officer shall send a notice of prohibition the date postmarked to operate a taxicab or LSV to any holder of a Sheriff's driver identification card who is ineligible under Subsection (a) to operate a for-hire vehicle within the City limits. The notice of prohibition shall be appealable in accordance with Section 1.16.

**(Section 1.14 amended 1/20/2022)**

**(Section 1.14 amended 10/10/2019)**

**(Section 1.14 amended 5/12/2016)**

**(Section 1.14 amended 8/7/2003)**

**(Section 1.14 amended 11/14/2002)**

**(Section 1.14 amended 6/24/1999)**

#### **Section 1.15 - Surrender of Medallion**

(a) When a permit has been suspended or revoked, the operation of any for-hire vehicle authorized by such permit shall cease, and its medallion surrendered immediately to the Chief Executive Officer.

**(Section 1.15 amended 11/14/2002)**

#### **Section 1.16 - Right of Administrative Appeal from Denial, Suspension or Revocation of Permit or Driver's Identification Card or Related Adverse Action**

(a) The permit holder or driver shall be notified that ~~he or she~~they may file with the Chief Executive Officer a written administrative appeal ten (10) days after delivery of the notice of revocation or suspension, or the denial of a license, permit, or driver's identification card issued by the Sheriff, the notice of prohibition to operate or the imposition of a fine. The permit holder or driver shall set forth in the appeal the reasons why such action is not proper.

(b) If no administrative appeal is filed within the proper time, the permit or driver's identification card issued by the Sheriff shall be considered revoked, suspended or denied, and shall be surrendered, the fine be imposed, as applicable, or the notice of prohibition to operate take effect.

(c) Except as provided in Subsection (d), once an administrative appeal is filed, the revocation or suspension of the permit or driver's identification card issued by the Sheriff, the effect

of the notice of prohibition to operate, or the imposition of the fine shall be stayed pending the final determination of the administrative appeal.

(d) If, in the Chief Executive Officer's opinion, the continued operation of a for-hire vehicle or possession of a driver's identification card issued by the Sheriff represents an unsafe condition for any passenger or pedestrian, the revocation or suspension of the related permit, driver's identification card, or the effect of any notice of prohibition to operate shall not be stayed. A revocation or suspension of a permit imposed for failure to comply with Section 1.8 (g) or Section 1.9 is rebuttably presumed to represent an unsafe condition pending the determination of the appeal or the correction of the violation, whichever shall occur first. Notwithstanding, no medallion shall be reaffixed to a vehicle until the violation under Sections 1.8 (g) or 1.9 has been corrected.

**(Section 1.16 amended 1/20/2022)**

**(Section 1.16 amended 11/12/2020)**

**(Section 1.16 amended 10/10/2019)**

**(Section 1.16 amended 8/7/2003)**

**(Section 1.16 amended 11/14/2002)**

#### **Section 1.17 - Procedure Upon Administrative Appeal**

(a) When an appeal is filed, the Chief Executive Officer shall review the appeal, and based on additional information provided therein, may revise the findings and penalty; in accordance with the additional information provided; or cause the appeal to be assigned to a Hearing Officer, who shall expeditiously schedule the hearing before him/her.

(1) The Chief Executive Officer shall use California Department of General Services, Office of Administrative Hearings Administrative Law Judges as Hearing Officers. The assignment of Administrative Law Judges as Hearing Officers shall be determined by the California Department of General Services, Office of Administrative Hearings.

(2) The Hearing Officer shall be a member of the California State Bar and shall not be an MTS employee.

(b) The appellant and the Chief Executive Officer or designate shall each have the right to appear in person and be represented by legal counsel, to receive notice, to present evidence, to call and cross-examine witnesses under oath, and to present argument.

(c) An appellant may select an individual to interpret for them. MTS will not pay any costs or be held responsible for any aspect of the interpreter's ability to accurately interpret the hearing.

(1) The Hearing Officer shall have the power to compel attendance of witnesses and documents by subpoena, in accordance with state law.

(2) The formal rules of evidence need not apply, and any relevant evidence that is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs shall be admissible. Hearsay evidence may be considered by the Hearing Officer, but no findings may be based solely on hearsay evidence unless supported or corroborated by other relevant and competent evidence. The formal exceptions to the hearsay rule shall apply.

(d) The Chief Executive Officer shall promulgate supplementary rules and procedures for the conduct of the hearing, the forms of notice and proceedings, and the preparation and submission of the record.

(e) The decision of the Hearing Officer shall be the final administrative remedy and shall be binding upon the parties to the appeal.

(f) If the Hearing Officer decides to suspend or revoke a permit or driver's identification card, the appellant shall immediately surrender the medallion or driver's identification card to the Chief Executive Officer.

**(Section 1.17 amended 5/12/2016)**

**(Section 1.17 amended 11/15/2012)**

Section 1.18 - Exceptions to Provisions

(a) The provisions of this Ordinance do not apply to:

(1) a vehicle properly licensed under the jurisdiction of the California Public Utilities Commission (CPUC) unless such vehicle also provides transportation services regulated by MTS under this Ordinance;

(2) public transit vehicles owned, operated, or contracted for by MTS and operators and drivers of such vehicles;

(3) a vehicle properly licensed by the State or County as an ambulance, and its driver if properly licensed by the California Highway Patrol pursuant to Vehicle Code section 12527 (i.e. for-hire driver for an ambulance); or

(4) a vehicle properly regulated by the California Highway Patrol pursuant to Vehicle Code sections 34500 et seq. (i.e. bus, schoolbuses, school pupil activity buses, or youth buses), and its driver if properly licensed by the California Highway Patrol pursuant to Vehicle Code sections 12523.6 (i.e. for-hire driver of vehicles for developmentally disabled) or 12517.3 (i.e. for-hire driver for a schoolbus, school pupil activity bus, or youth bus).

(b) For compliance purposes, MTS inspectors may inspect all vehicles listed in Section 1.18 (a) to ensure they are not exceeding the authority granted by their license or operating as unlicensed private- hire transportation provider.

**(Section 1.18 amended 10/10/2019)**

**(Section 1.18 amended 12/14/2017)**

**(Section 1.18 amended 5/12/2016)**

**(Section 1.18 amended 11/15/2012)**

**(Section renumbered to 1.18 9/24/1998)**

**(Section 1.17 amended 1/12/1995)**

**(Section 1.17 amended 6/24/1993)**

Section 1.19 - Chief Executive Officer's Authority to Adopt Rules and Promulgate a Schedule of Fines

(a) Except where Board action is specifically required in this Ordinance, the Chief Executive Officer may adopt any rules and regulations reasonable and necessary to implement the provisions of this Ordinance. The Chief Executive Officer shall promulgate a schedule of

administrative fines and penalties for violations of this Ordinance in lieu of the revocation or suspension of a permit or identification card issued by the Sheriff, a copy of which schedule shall be filed with the Clerk of the Board.

**(Section 1.19 amended 10/10/2019)**  
**(Section renumbered to 1.19 9/24/1998)**

Section 1.20 - Americans with Disabilities Act

(a) Permit holders, vehicles, and drivers are required to comply with the requirements of the federal Americans with Disabilities Act (ADA), and ADA regulations are hereby incorporated into MTS Ordinance No. 11 by reference. A violation of ADA requirements is a violation of this Ordinance and subject to a fine or suspension or revocation or a combination.

**(Section renumbered to 1.20 9/24/1998)**  
**(Section 1.19(a) was added 4/10/1997)**

SECTION 2.0 - TAXICABS AND/OR LSVs

Section 2.1 - Types of Service

(a) A taxicab or LSV is authorized to provide exclusive ride and group ride service.

**(Section 2.0 and 2.1 amended 8/7/2003)**

Section 2.2 - Rates of Fare

(a) After a noticed and open public hearing of the Taxicab Advisory Committee, MTS shall establish a maximum rate of fare for exclusive ride and group ride hire of taxicabs and/or LSVs. A permit holder may petition the Board for any desired change in the maximum taxicab or LSV rates for exclusive ride and/or zone rates and group ride hire.

(b) Taxicab trips from San Diego International Airport shall not be charged more than the authorized maximum rate of fare. Notwithstanding, rates for trips originating at the airport may include an extra charge equal to the Airport Access Fee assessed against the individual taxicab operator by the San Diego County Regional Airport Authority. The extra may not be charged on any trip that does not originate at the airport or on any trip where the taxicab operator does not pay the fee to the San Diego County Regional Airport Authority. The extra charge may only be charged to the passenger by visually identifying the Airport Access Fee on the taxicab meter. A driver may not verbally request payment. All taxicabs utilizing the Airport Access Fee must have a decal, approved by the Chief Executive Officer and the County of San Diego Office of Weights and Measures. The decal shall identify and accurately describe the extra charge consistent with regulatory requirements.

(c) All taxicabs shall accept major credit cards including, but not limited to, VISA, MasterCard, American Express, and Discover. Credit Card fees shall not be passed onto passengers.

(d) The taxicab permit holder or taxicab driver shall disclose fares, fees or rates to the passenger. The taxicab permit holder or taxicab driver may disclose by website, mobile telephone application or telephone orders.

(e) It shall be unlawful for a permit holder or driver to operate any taxicab in the City or County, unless the vehicle is equipped with a Taximeter that meets the requirements of the State of California.

(1) If Hard Meter, each taxicab permit holder shall have the Taximeter set by properly licensed personnel for the rate that he/she will charge and have the Taximeter sealed and inspected.

(2) If Soft Meter, a certificate of approval must be provided by the California Department of Food and Agriculture Division of Measurement Standards

(3) The Taximeter shall calculate fares upon the basis of a combination of mileage traveled and time elapsed. When operative with respect to fare indication, the fare-indicating mechanism shall be actuated by the mileage mechanism whenever the vehicle is in motion at such a speed that the rate of mileage revenue equals or exceeds the time rate, and may be actuated by the time mechanism whenever the vehicle speed is less than this, and when the vehicle is not in motion.

(4) Waiting time shall include all time when a taxicab occupied or engaged by a passenger is not in motion or is traveling at a speed which is slow enough for the time rate to exceed the mileage rate. Waiting time will also include the time consumed while standing at the direction of the passenger or person who has engaged the taxicab.

(5) It shall be the duty of every permit holder operating a taxicab to keep the Taximeter in proper condition so that the Taximeter will, at all times, correctly and accurately indicate the charge for the distance traveled and waiting time. The Taximeter shall be at all times subject to the charge for the distance traveled and waiting time.

(6) The Taximeter shall be at all times subject to inspection by an MTS inspector or any peace officer. The MTS inspector or peace officer is hereby authorized at ~~his or her~~their instance or upon complaint of any person to investigate or cause to be investigated the Taximeter, and upon discovery of any inaccuracy in the Taximeter, or if the Taximeter is unsealed, to remove or cause to be removed the vehicle equipped with this taximeter from the streets of the City until the Taximeter has been correctly adjusted and sealed. Before being returned to service, the vehicle and Taximeter must be inspected and approved by the Chief Executive Officer.

(7) Any device repairperson who places into service, repairs, or recalibrates a Taximeter shall record the tire size and pressure of the drive wheels of that vehicle, as tested, on the repair person's sticker.

(8) It shall be the duty of the permit holder to ensure the proper device repair person's sticker is affixed to the Taximeter and to ensure the tires are the proper size.

(f) It shall be unlawful for any driver of a taxicab, while carrying exclusive or group ride passengers, to display the flag or device attached to the Taximeter in such a position as to denote that the vehicle is for hire, or is not employed, or to have the flag or other attached device in such a position as to prevent the Taximeter from operating. It shall be unlawful for any driver to throw the flag into a position which causes the Taximeter to record when the vehicle is not actually employed, or to fail to throw the flag or other device into non-recording position at the termination of each and every service.

(g) The Taximeter shall be so placed in the taxicab that the reading dial showing the amount of fare to be charged shall be well-lighted and easily readable by the passenger riding in such taxicab.

(h) It shall be unlawful for any permit holder and/or driver of a taxicab or LSV to demand of a passenger a charge for hire which is greater than the current maximum rate approved by the Board pursuant to Section 2.2 (a) or (b) of this Ordinance.

(i) Except as provided in this section, it shall be unlawful for any permit holder and/or driver to demand of a passenger a charge for hire which is greater than the authorized permit holder's meter maximum rate pursuant to Sections ~~2.1 (a), or~~ 2.2 (~~ae~~) of this Ordinance.

(j) Nothing in this Ordinance shall preclude a dispatch service, permit holder, or driver from agreeing with prospective passenger(s) to a rate of fare which is equal to or less than the maximum rates of fare if the agreement is entered into in advance of the passenger(s) hiring the taxicab for the trip. To ensure the fare agreement is equal to or less than the maximum rates of fare, the taximeter shall remain in recording position until the termination of the trip.

**(Section 2.2 amended 1/20/2022)**

**(Section 2.2 amended 12/12/2019)**

**(Section 2.2 amended 11/8/2018, effective 1/1/2019)**

**(Section 2.2 amended 12/14/2017)**

**(Section 2.2 amended 5/12/2016)**

**(Section 2.2(c)(2) amended 11/15/2012)**

**(Section 2.2(b) amended 4/19/2012)**

**(Section 2.2 amended 8/7/2003)**

**(Section 2.2 amended 5/8/2003)**

**(Section 2.2 amended 11/14/2002)**

**(Section 2.2 amended 6/24/1999)**

**(Section 2.2 amended 9/24/1998; Section 2.2c operative May 1, 1999)**

**(Section 2.2 amended 10/30/1997)**

**(Section 2.2 amended 4/10/1997)**

### **Section 2.3 - Equipment and Specifications**

(a) No taxicab shall be operated until the taximeter thereon has been inspected, tested, approved and sealed, if applicable, by an authorized representative of the State of California, and thereafter so maintained in a manner satisfactory to the Chief Executive Officer.

(b) Each taxicab may be equipped with a device which plainly indicates to a person outside the taxicab whether the taximeter is in operation or is not in operation.

(c) **Mandatory Exterior Markings:** The permit holder must display one of the following exterior markings schemes on each taxicab:

(1) **Exterior Marking Scheme 1:** The following must be displayed if in use of Exterior Marking Scheme 1:

(A) The permit holder's trade name shall be painted or permanently affixed in letters and numerals four (4) inches high all on one line on the upper third part of both rear doors or both rear quarter panels utilizing "Univers" or other Chief Executive Officer pre-approved font in any solid color-black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the

event the trade name does not fit on one line utilizing four (4) inch lettering, the trade name lettering must be as large as possible, up to four (4) inches in height, to enable the trade name to fit on one line.

(B) The medallion number shall be painted or permanently affixed, on both rear doors or both rear quarter panels, one (1) inch below the permit holder's trade name, six (6) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in any solid color black or white lettering to produce maximum contrast adequately spaced for maximum readability.

(2) Exterior Marking Scheme 2: The following must be displayed if in use of Exterior Marking Scheme 2:

(A) The permit holder's trade name shall be painted or permanently affixed in letters and numerals four (4) inches high all on one line on the upper third part of both front doors utilizing "Univers" or other Chief Executive Officer pre-approved font in any solid color black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the trade name does not fit on one line utilizing four (4) inch lettering, the trade name lettering must be as large as possible, up to four (4) inches in height, to enable the trade name to fit on one line.

(B) The medallion number shall be painted or permanently affixed, on both front doors, one (1) inch below the permit holder's trade name, six (6) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability.

(C) The permit holder's trade name and medallion number shall be painted or permanently affixed on the rear of the taxicab, four (4) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the rear of the vehicle does not have four inches of vertical space for the trade name and medallion number, the rear lettering may be less than four inches, provided that it is easily readable from a distance of 50 feet.

(3) —Exterior Marking Scheme 3: Shall only apply to taxicab vehicles with an ~~n~~ unladen weight of 6,000 pounds or less. The following must be displayed if in use of Exterior Marking Scheme 3:

:

(A) —The permit holder's trade name shall be permanently affixed to the upper edge of the front and rear windshields and lower part of both left and right rear windows, three (3) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in any solid color to produce maximum contrast adequately spaced for maximum readability.

(B) —The medallion number shall be permanently affixed on the upper right side of the front windshield, upper left part of the rear windshield, and both right and left rear glass panels. The Medallion number shall be a minimum of (4) inches high utilizing "Univers" or other Chief Executive Officer pre-approved font any

in any solid color to produce maximum contrast adequately spaced for maximum readability.

(d) Optional Exterior Vehicle Markings. The permit holder has the option of choosing to post any combination of the below-listed five options on ~~his or her~~their taxicab which must be posted only at the specific location and in the size noted.

(1) Trade Name Logo. If the permit holder chooses to display ~~his or her~~their trade name logo, the trade name logo shall be posted only on the rear portion of both side rear quarter ~~panels~~panels or bottom parts of the front or rear windshields- farthest removed from the driver. The logo shall not exceed (6) six inches in diameter.

(2) Dispatch Service Provider. If the permit holder chooses to display the dispatch service provider name or logo, the dispatch service provider name or logo cannot utilize the words "cab" or taxi." The dispatch service provider name or logo must be displayed only on the rear portion of both side rear quarter panels.

(3) Dispatch TelephoneService Telephone Number. If permit holder chooses to display the dispatch service a telephone number, the telephone number must be no more than three (3) inches in height and posted only on the top front portion of both front side quarter panels or lower part of left and right rear windows-

(4) "Driver Carries Only \$ \_\_\_\_\_ Change". If the permit holder chooses to post "Driver Carries only \$ \_\_\_\_\_ Change", postings must be located only on rear quarter panels near the rear door but clear of the rates of fare.

(5) "Leased to Driver". If permit holder chooses to post "Leased to Driver," it must be posted only on both side rear quarter panels near the rear door but clear of the rate of fares in lettering no larger than 1 inch.

(6) Body Numbers. If the permit holder chooses to post an internally assigned body number, different from the medallion number, the body number shall be posted in one (1) inch numerals on the front and rear bumpers.

(e) All other exterior vehicle markings are prohibited unless they are directly related to the permit holder's business and pre-approved by the Chief Executive Officer.

(f) All taxicabs shall be equipped and operated so that they may be dispatched by two-way radio or two-way electronic communication, monitored by a dispatcher, in response to a telephone or other request for service by a prospective passenger.

(1) Means of dispatch device must be turned on, and audible to driver, at all times the taxicab is in service.

(2) Dispatch equipment, such as a two-way radio, cellular phone or tablet, shall be securely mounted within the vehicle in such a way to be visible to peace officers and MTS inspectors and allow for hands-free operation while the vehicle is in motion.

(g) If radio dispatch capability is utilized, the dispatch service must abide by the following: the radio dispatch capability described in paragraph (d) of this section must be provided so as to conform to the regulations of the Federal Communications Commission (FCC) pertaining to Land Transportation Radio Services. Failure to conform to those regulations will additionally constitute a failure to meet the requirements of this section.

- (1) The current valid FCC license shall be on file with MTS.
- (2) Taxicab permit holder shall provide current proof the radio or electronic device has passed inspection by an MTS-approved inspector.
- (3) Taxicab radios shall have the capability to receive or transmit only on frequencies specified in the FCC license of the radio service subscribed to by the permit holder.

(h) Each permit holder shall equip each permitted taxicab with a device capable of electronically processing credit card transactions. The device must be visible to all passengers and must allow the passenger to operate the payment device independently of the driver, without having to hand the credit card to the driver. The device must be fully operational at all times. The permit holder dispatch service, or driver shall be the merchant of record associated with the device. Any means of electronic credit card acceptance is acceptable so long as it complies with the provisions set forth in Section 1.8 (s).

**(Section 2.3 amended 1/20/2022)**

***(Section 2.3 amended 11/12/2020)***

***(Section 2.3 amended 12/12/2019)***

***(Section 2.3 amended 11/8/2018, effective 1/1/2019)***

***(Section 2.3 amended 12/14/2017)***

***(Section 2.3 amended 10/13/2016)***

***(Section 2.3 amended 5/12/2016)***

***(Section 2.3 amended 2/12/2015)***

***(Section 2.3 amended 11/15/2012)***

***(Section 2.3 amended 6/27/2002)***

***(Section 2.3 amended 9/24/1998; Section 2.3c operative May 1, 1999)***

***(Section 2.3 amended 6/27/1991; effective 7/27/1991)***

***(Section 2.3 amended 4/10/1997)***

**Section 2.4 - Operating Regulations**

- (a) Operating regulations shall be promulgated and adopted from time to time by resolution of the Board. These resolutions will have the force of law and will be published and processed as though set forth in this Ordinance.
- (b) Any driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to the destination safely and expeditiously.
- (c) A failure of the driver of any taxicab or LSV to assist a passenger with the loading or unloading of a reasonable size, number, and kind of passenger luggage or other items, when requested to do so, shall be specifically defined as a violation of this section.
  - (1) A driver is not required to lift any single piece of passenger luggage or other item that exceeds 25 pounds in weight. The requirement for loading or unloading assistance shall be limited to retrieval from or deposit onto the nearest curbside adjacent to the legally parked taxicab or LSV. A sign in the form of a transparent decal may be affixed to the rear-door, side window stating that, "DRIVER IS NOT REQUIRED TO LOAD LUGGAGE IN EXCESS OF 25 POUNDS PER ITEM OR OF A SIZE OR KIND THAT WILL NOT SAFELY FIT IN THE DESIGNATED LUGGAGE AREA OF THIS VEHICLE."

~~(2) — (2)~~ A driver with a ~~lawful~~ disability that prevents ~~them~~him/her from handling items as defined in subsection (12) above must receive prior approval from MTS and provide ~~is, upon submission of proof of such disability, relieved of responsibility for the requirements of subsection (12) — supporting documentation of such a disability. After receiving MTS approval, Aa~~ driver ~~so situated~~ may affix a small sign either in the passenger section of the vehicle to be clearly visible to a rear seat passenger or on the inside of the trunk cover lid stating that, "DRIVER HAS DISABILITY THAT PREVENTS HANDLING OF LUGGAGE."

(d) It shall be unlawful for taxicab operators to refuse or discourage a prospective or actual fare based upon trip length within City or County, or method of payment. Driver shall not refuse payment by credit card.

(1) A vehicle designated as an LSV may refuse a prospective or actual fare if the trip distance is outside allowed areas of operations.

(2) A failure to promptly dispatch (within the standards required by Sections 2.6(a)(1), (2), and (3) of this Ordinance), or any action by a driver of any taxicab or LSV to refuse or discourage a prospective or actual passenger who must transport foodstuffs or who must meet a medical appointment, irrespective of trip length, shall be specifically defined as a violation of this section so long as that prospective passenger has notified the dispatch service of this circumstance at the time a request for taxi service was made.

(e) No driver of any taxicab or LSV shall stop, park, or otherwise leave standing a taxicab or LSV on the same side of the street in any block in which taxicabs or LSVs are already stopped, parked, or otherwise standing except the taxicab or LSV may actively unload in a passenger loading zone or be parked in a marked taxi/LSV stand.

(f) No driver shall stop, park or otherwise leave standing a taxicab or LSV within one-hundred (100) feet of any other taxicab or LSV except in a marked taxi/LSV stand or while actively loading or unloading passengers.

(g) An out-of-service sign must be displayed when the taxicab or LSV is not available for hire and is being operated or is lawfully parked for purposes of maintenance, inspection, or personal use. The sign must be placed in a location in the vehicle that is clearly visible from the exterior of the vehicle. The sign must be of durable material and written in block letters in black ink and easily readable from a distance of not less than ten (10) feet.

(h) A taxicab driver may seek passengers by driving through any public street or place without stops, other than those due to obstruction of traffic, and at such speed as not to interfere with or impede traffic.

(i) It shall be unlawful, however, for the driver to seek passengers by stopping at or driving slowly in the vicinity of an entertainment center or transportation center or any other location of public gathering, in such a manner as to interfere with public access to or departure from that center or location, or so as to interfere with or impede traffic.

(j) It shall also be unlawful for a taxicab or LSV driver, having parked and left ~~his or her~~their taxicab or LSV, to solicit patronage among pedestrians on the sidewalk, or at any entertainment center, transportation center, or other location of public gathering.

(k) No person shall solicit passengers for a taxicab or LSV other than the driver thereof; however, the Chief Executive Officer may authorize a dispatcher to solicit passengers and assist in

loading passengers at such times and places as, in ~~his or her~~their discretion, public service and traffic conditions require.

(l) It shall be unlawful for the driver or operator of any taxicab or LSV to remain standing in any established taxicab or LSV stand or passenger loading zone, unless the driver or operator remains within twelve (12) feet of ~~his or her~~their taxicab or LSV, except when the driver or operator is actually engaged in assisting passengers to load or unload.

(m) Only paying passengers and persons specifically authorized by the Chief Executive Officer may occupy a taxicab or LSV that is already occupied by a paying passenger. No driver, once a paying passenger has occupied the taxicab or LSV, shall permit any other nonpaying passenger to occupy or ride in the taxicab or LSV.

(n) It shall be unlawful to respond to a call for service dispatched to another operator except when an LSV refers service to another operator because the trip distance is outside of the approved area of jurisdiction.

(o) The taxicab or LSV driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer or MTS inspector. The trip log will accurately show the driver's name, taxicab or LSV number, date, time, beginning odometer reading, starting and ending locations, type of service provided, and fare paid for each trip provided.

(1) The daily trip log shall consist, at a minimum, of a five- by seven-inch paper form retained on a stiff-board writing surface with ruled lines and columns sufficient to contain the required information. All entries will be in black or dark blue ink, block letters, and be clearly legible. Colored paper that is lightly shaded is allowed provided there is sufficient contrast for entries to be easily read. Onboard electronically generated reports that meet the legibility requirements are acceptable.

(2) The driver shall deliver trip logs to the permit holder upon request or at a weekly interval, whichever is less.

(3) If a taxicab, the trip log shall be retained for at least 18 months.

(p) All operating regulations set forth in Section 1.8 apply.

(q) The permit holder or the driver of the taxicab shall notify the passenger of the applicable rate prior to the passenger accepting the ride for walkup rides and street hails. The rate may be provided on the exterior of the vehicle, with an application of a mobile phone, device, or other internet-connected device, or be clearly visible in either print or electronic form inside the taxicab.

**(Section 2.4 amended 1/20/2022)**

**(Section 2.4 amended 11/8/2018, effective 1/1/2019)**

**(Section 2.4 amended 12/14/2017)**

**(Section 2.4 amended 10/13/2016)**

**(Section 2.4 amended 5/12/2016)**

**(Section 2.4 amended 2/12/2015)**

**(Section 2.4 amended 11/15/2012)**

**(Section 2.4 amended 8/7/2003)**

**(Section 2.4 amended 11/14/2002)**

**(Section 2.4 amended 6/24/1999)**

**(Section 2.4 amended 2/13/1997)**

**(Section 2.4 amended 6/27/1991; effective 7/27/1991)**

**Section 2.5 - Stands**

(a) The Chief Executive Officer may establish, locate and designate shared use taxicab/LSV stands for one or more taxicabs/LSVs, which stands when so established shall be appropriately designated "Taxis/LSVs Only." The operating regulations of this Ordinance shall apply to such stands and to taxicab/LSV stands established by the San Diego Unified Port District in areas under its jurisdiction within the City.

(b) Each taxicab or LSV stand established hereunder may be in operation twenty-four (24) hours of every day, unless otherwise specified by the Chief Executive Officer.

(c) Any individual, partnership, association, or other organization may petition MTS requesting that a new taxicab/LSV stand be established, or that the location of an existing taxicab/LSV stand be changed to another location. A nonrefundable filing fee to be determined by the Chief Executive Officer must be paid at the time the petition is submitted.

(d) It shall be unlawful for a vehicle other than a taxicab or LSV with a proper MTS taxicab or LSV permit to occupy a taxi/LSV stand.

(e) LSVs may only occupy taxicab stands that are specially signed, designated their approved use.

**(Section 2.5 amended 11/15/2012)**

**(Section 2.5 amended 8/7/2003)**

**Section 2.6 - Dispatch Services**

(a) In order to provide taxicab dispatch service required by Section 2.3(d, e), the dispatch service organization adding or changing subscribers after July 1, 1991 shall establish and conform to written policies and procedures concerning the following:

- (1) Standard time elapse for answering the telephone service-request line(s).
- (2) Standard time elapse for the taxicab's arrival at requested pick-up location.
- (3) Passenger's request for a specific driver ("personals").
- (4) Additional two-way communication devices (mobile or cellular phones) in taxicabs
- (5) Lost and found for passengers' items.
- (6) Assignment of vehicle body numbers.
- (7) Immediately notify the permit holder of all lost items and inquiries.

Current written policies and procedures shall be available to subscribers from the radio dispatch organization, and on file with MTS.

(b) Dispatch service organizations shall, be able to receive and respond to service requests or other operational questions 24 hours a day, have dispatch staff on duty for lost and

found pick-ups and drop offs during reasonable hours or by appointment, at a preapproved physical commercial business location, answer telephone-request line(s), properly dispatch those requests to all members, provide radio response to all licensed radio frequencies/channels, and respond to direct requests from drivers, permit holders, and MTS as well as law enforcement and local regulatory agencies.

(c) Dispatch services shall keep written records of all requests for taxi service, calls dispatched, and the time(s) each taxicab goes in and out of service. These records shall be kept on file for a minimum of six (6) months, and made available to MTS, upon request.

(d) No person, partnership, corporation, association, other organization providing radio or other dispatch service shall dispatch a request for service to a driver, owner, or vehicle unless the driver, owner, and vehicle are properly licensed to provide the service requested.

(e) The Chief Executive Officer may, at any time, revoke or suspend the taxicab privileges of or fine any person, partnership, corporation, association, other organization providing radio or other dispatch service that violates a provision of this ordinance.

***(Section 2.6 amended 11/12/2020)***

***(Section 2.6 amended 11/8/2018, effective 1/1/2019)***

***(Section 2.6 amended 12/14/2017)***

***(Section 2.6 amended 10/13/2016)***

***(Section 2.6 amended 11/15/2012)***

***(Section 2.6 amended 8/7/2003)***

***(Section 2.6 amended 9/24/1998)***

***(Section 2.6 added 6/27/1991; effective 7/27/1991)***

#### **Section 2.7 - Driver Safety Requirements**

(a) No taxicab vehicle shall be operated unless such vehicle is equipped with an emergency signaling or any other emergency electronic communication device approved by the Chief Executive Officer.

(b) No taxicab vehicle may be operated with window tinting, shades, or markings that could interfere with a clear view of the cab interior from the outside, unless equipped by the vehicle manufacturer and approved by an MTS inspector.

(c) Taxicab dispatch services required by Section 2.3 shall at all times have a dispatch staff person on duty who has successfully completed a driver safety training course approved by the Chief Executive Officer.

(d) The use of a cellular phone or other similar electronic device by drivers is prohibited at all times when the vehicle is in motion. Otherwise, California Vehicle Code rules apply.

***(Section 2.7 amended 11/12/2020)***

***(Section 2.7 amended 11/8/2018, effective 1/1/2019)***

***(Section 2.7 amended 12/14/2017)***

***(Section 2.7 amended 10/13/2016)***

***(Section 2.7 amended 5/12/2016)***

***(Section 2.7 amended 11/15/2012)***

***(Section 2.7 amended 8/7/2003)***

***(Section 2.7 added 9/24/1998)***

## Section 2.8 – Prearranged Trips by Taxicabs

(a) A Prearranged Trip shall mean a trip using an online enabled application, dispatch or Internet Web site.

(b) A MTS taxicab permit holder may provide Prearranged Trips anywhere within San Diego County.

(c) A taxicab not permitted by MTS, but permitted by another authorized agency within San Diego County, may provide Prearranged Trips within City or County. MTS will not require such a taxicab to apply for a permit with MTS if the taxicab is not Substantially Located in City or County. MTS will require such a taxicab to comply with mechanical safety regulations within Section 1.8 (g) as a public health, safety and welfare measure.

***(Section 2.8 amended 11/12/2020)***

***(Section 2.8 amended 2/14/2019)***

***(Section 2.8 added 11/8/2018, effective 1/1/2019)***

## SECTION 3.0 - CHARTER VEHICLES

### Section 3.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for charter services.

(b) If a permit holder desires to change the rates of fare being charged for charter services during any calendar year, ~~he~~they shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for charter services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

(d) The rates of fare shall be established by a prearranged written contract on a per-mile or per-hour basis.

***(Section 3.1 amended 1/20/2022)***

***(Section 3.1 amended 4/10/1997)***

### Section 3.2 - Operating Regulations

(a) It shall be unlawful for any charter vehicle to remain standing on any public street in the City, except such reasonable time necessary when enabling passengers to load or unload.

(b) It shall be unlawful for any person, either as owner, driver, or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or airport, or light rail transit station.

(c) The charter for-hire vehicle driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer or MTS inspector. The trip log will accurately show the driver's name and the medallion number on the vehicle. In addition, the trip log

shall identify the scheduling parties by name, date, and time of the prearranged hire. If the trip is medical in nature, the passenger's name may be omitted.

- (d) All other operating regulations defined in Section 1.8 apply.

***(Section 3.2 amended 12/14/2017)***

***(Section 3.2 amended 11/14/2002)***

## SECTION 4.0 - SIGHTSEEING VEHICLES

### Section 4.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder of sightseeing vehicle services.

(b) If a permit holder desires to change the rates of fare being charged for sightseeing services during any calendar year, the permit holder shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said changes.

(c) No permit holder shall charge any rate of fare for sightseeing services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

- (d) The rate of fare shall be established on a per capita or per event basis.

***(Section 4.1 amended 11/8/2018, effective 1/1/2019)***

***(Section 4.1 amended 4/10/1997)***

### Section 4.2 - Operating Regulations

(a) It shall be unlawful for any sightseeing vehicle to remain standing on any public street in the City, except such reasonable time necessary when enabling passengers to load or unload.

(b) It shall be unlawful for any person, either as owner, driver, or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or airport, or light rail transit station.

- (c) All other operating regulations defined in Section 1.8 apply, except Section 1.8 (x).

***(Section 5.0 amended 11/12/2020)***

## SECTION 5.0 - NONEMERGENCY MEDICAL VEHICLES

### Section 5.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for nonemergency medical vehicle services.

(b) If a permit holder desires to change the rates of fare being charged for nonemergency medical vehicle services during any calendar year, ~~he~~they shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for nonemergency medical vehicle services unless said rates are on file with the Chief Executive Officer as aforesaid.

(d) The rate of fare for exclusive ride service shall be established on a per capita plus per mile basis.

(e) The rates of fare for shared ride service shall be established on a per capita plus per mile basis, or on a per capita plus per zone basis.

**(Section 5.1 amended 1/20/2022)**  
**(Section 5.1 amended 12/14/2017)**  
**(Section 5.1 amended 4/10/1997)**

#### **Section 5.2 - Operating and Equipment Regulations**

(a) It shall be unlawful for any nonemergency medical vehicle to remain standing on any public street in the City, except when enabling passengers to load or unload.

(b) All other operating regulations defined in Section 1.8 apply.

(c) Special equipment on a nonemergency medical vehicle shall, at all times the vehicle is in operation, be in proper working order. Such vehicles equipped with wheelchair ramps or lifts shall have proper device(s) to secure each wheelchair on board.

(d) The permit holder is responsible for ensuring that the driver of a nonemergency medical vehicle is properly trained:

(1) in the use of any of the vehicle's special equipment;

(2) concerning supervision of or assistance to the disabled passengers whom the driver is to transport.

**(Section 5.2 amended 6/22/1995)**  
**(Section 5.2 amended 6/24/1993)**

#### **Section 5.3 - Driver Identification Cards**

In addition to the requirements set forth in Section 1.12, nonemergency medical vehicle drivers shall acquire and maintain valid proof of proper first-aid and CPR training.

**(Section 5.3 added 6/24/1993)**

### **SECTION 6.0 - JITNEY VEHICLES**

#### **Section 6.1 - Rates of Fare**

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for jitney services.

(b) If a permit holder desires to change the rates of fare being charged for jitney services during any calendar year, ~~he~~they shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for jitney services unless said rates are on file with the Chief Executive Officer and duly displayed.

(d) The rates of fare shall be established on a per capita basis.

**(Section 6.1 amended 1/20/2022)**

**(Section 6.1 amended 11/8/2018, effective 1/1/2019)**

**(Section 6.1 amended 4/10/1997)**

#### Section 6.2 - Jitney Routes

(a) A permit holder who wishes to provide a fixed route service shall apply to the Chief Executive Officer for authorization to serve a defined route with a specific vehicle. No for-hire vehicle may be operated as a jitney until it has met all other requirements of this Ordinance and has been approved for service on a specific fixed route. A jitney may be authorized to serve more than one route; however, a jitney may provide fixed route service on only those routes which the Chief Executive Officer has approved in writing for that vehicle.

(b) The application for a fixed route shall be in writing and shall contain the following information:

(1) A description of the vehicle(s) which will be utilizing the route;

(2) A detailed written description of the route, to include starting location, ending location, and the street name and direction of travel for all streets to be used in the route;

(3) A map in sufficient detail to clearly indicate the proposed route;

(4) The fare to be charged; and

(5) Such other information as the Chief Executive Officer may, in ~~his or her~~their discretion, require.

(c) Upon approval of a fixed route by the Chief Executive Officer, the permit holder shall display a representation of the route, the fare, and the permit holder's trade name on each side of the vehicle in letters large enough to be easily read by potential customers in accordance with the standards established by the Chief Executive Officer under Section 6.5 of this Ordinance. Only one (1) route may be displayed on a vehicle at any time.

(d) If a permit holder wishes to alter ~~his or her~~their approved fixed route(s), ~~he or she~~they must apply in writing to the Chief Executive Officer, submitting the information required in Section 6.2 (b).

(e) The Chief Executive Officer may, in ~~his or her~~their discretion, place conditions on the approval of fixed routes.

(f) The Chief Executive Officer may change a route that has been approved previously when the Chief Executive Officer finds it necessary to do so. A change of route may be necessary when a street has been closed temporarily or permanently because of construction, or the direction of a street has been changed, or a street has been vacated, or for similar reasons as determined by the Chief Executive Officer. The Chief Executive Officer shall notify in writing any permit holder whose route has been changed. The Chief Executive Officer's change of a route is subject to appeal under Section 1.16 of this Ordinance.

(g) Except as provided for within this subsection, an approved fixed route may not be transferred to another vehicle or permit holder. A permit holder may receive approval for a vehicle that is replacing a jitney already in service to use the approved fixed routes of the replaced vehicle.

(h) A permit holder may apply for a non-fixed, flexible route within an MTS determined geographic boundary and operational timeframe that MTS determines to be beneficial to passengers and businesses located within such boundaries. The application for a non-fixed, flexible route shall be in writing and shall contain the following information:

(1) A description of the vehicle(s) which will be utilizing the route;

(2) A map in sufficient detail to clearly indicate the proposed operation within the MTS approved geographic boundary;

(3) The fare to be charged; and

(4) Such other reasonable information as the Chief Executive Officer may, ~~in his or her~~their discretion, require.

**(Section 6.2 amended 1/20/2022)**  
**(Section 6.2 amended 11/12/2020)**  
**(Section 6.2 amended 11/14/2002)**

### **Section 6.3 – Operating Regulations**

(a) It is unlawful for any jitney to remain standing on any public street in the City, except when enabling passengers to load or unload, or except when standing in a jitney holding zone for the time period established by MTS.

(b) It is unlawful for any person including, but not limited to, a jitney owner, driver, or agent thereof, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway, airport, or light rail transit station.

(c) A peace officer or MTS inspector may authorize a dispatcher to solicit passengers and assist with loading passengers at such times and places as, in his/her discretion, public service and traffic conditions require.

(d) Except when a driver or operator is actually engaged in assisting passengers to load or unload, a jitney driver or operator must remain within twelve (12) feet of his/her jitney while the jitney is in service.

(e) It is unlawful for a jitney vehicle to operate a fixed route service on other than that route designated by the Chief Executive Officer.

(f) It shall be unlawful for a jitney driver to load or unload passengers in any place other than an authorized jitney stop, bus stop, or passenger loading zone.

(g) All other operating regulations defined in Section 1.8 apply.

***(Section 6.3 amended 11/14/2002)***

**Section 6.4 - Jitney Holding Zones**

(a) The Chief Executive Officer may, by resolution, locate and designate holding zones for one (1) or more jitneys, which holding zones when so established, shall be designated by appropriate signs. The operating regulations of Section 6.3 shall apply to any holding zones so established, and to holding zones established by the San Diego Unified Port District in areas under its jurisdiction. The Chief Executive Officer may, by ~~his or her~~their discretion, establish the maximum number of jitneys permitted to remain standing at one time in a holding zone.

(b) Each holding zone established hereunder shall be in operation twenty-four (24) hours of every day, unless otherwise specified by the Chief Executive Officer. The Chief Executive Officer shall adopt written standards to determine whether to allow holding zones to be in operation fewer than twenty-four (24) hours every day. If a holding zone is to be in operation fewer than twenty-four (24) hours every day, the Chief Executive Officer shall cause signs to be posted at or near the holding zone indicating the hours and days of operation.

(c) The Chief Executive Officer may, on ~~his or her~~their own motion, establish holding zones.

(d) Any individual, partnership, corporation, association or other organization may petition MTS requesting that a new holding zone be established. The petition must be filed in writing with the Chief Executive Officer or his/her designee. The petition must state the reason for the request and the proposed location(s). The Board may approve, deny, or modify the request.

(e) Whether initiated by the Chief Executive Officer under Subsection (c) of this section or by persons described in Subsection (d) of this section, before any holding zone is established, the proposed location of any holding zone must be reviewed by the Traffic Engineer of the City. The Traffic Engineer shall report his/her recommendations to approve, deny, or modify the proposed location in writing to the Chief Executive Officer. The Traffic Engineer's report shall include a statement of reasons supporting the recommendation to the Chief Executive Officer.

(f) The Chief Executive Officer shall, by resolution, establish a maximum time limit for individual jitneys to remain standing in any holding zone. The time limit shall apply uniformly to all holding zones.

(g) It shall be unlawful for a vehicle other than a jitney with a proper MTS jitney permit to occupy a jitney holding zone.

***(Section 6.4 amended 1/20/2022)***  
***(Section 6.4 amended 11/15/2012)***

**Section 6.5 - Equipment and Specifications**

(a) Each jitney shall bear on the outside, signs clearly designating the route which it serves. The specifications of the sign are subject to the approval of the Chief Executive Officer. The Chief Executive Officer shall adopt written standards for approval or denial of the size of the signs, the location of the signs on the vehicle, the size of the lettering or graphics on the signs, and other specifications that the Chief Executive Officer finds necessary.

(b) All jitney vehicles must bear a trade name and shall be assigned a body number by the permit holder. The trade name and body number so assigned shall be placed on the vehicle in accordance with written standards adopted by the Chief Executive Officer.

Any violation of this Ordinance shall constitute an infraction unless otherwise specified.

## SECTION 7.0 – LOW-SPEED VEHICLES

### Section 7.1 – Low-Speed Vehicle (LSV) Definition

Low-Speed Vehicles (LSV) shall mean every vehicle that is designated per the requirements of Ordinance No. 11, Section 1.1(r). LSVs may operate by zones and/or a prearranged basis as set forth in Section 1.1 (b) (1)-(5).

**(Section 7.1 amended 2/14/2019)**

**(Section 7.1 amended 11/8/2018, effective 1/1/2019)**

**(Section 7.0 and 7.1 added 8/7/2003)**

### Section 7.2 – Establishment of Zones

The Chief Executive Officer shall establish and authorize the use of zones of operation.

**(Section 7.2 added 8/7/2003)**

### Section 7.3 – Zone Rates of Fare

(a) All vehicles permitted as LSV may use two methods of seeking compensation, either by zone rates or on a prearranged basis. Either method may be used when working inside of an approved zone. However, when operating on a prearranged charter basis, within an approved zone, no operator may exceed the maximum number of vehicles that are permitted.

(b) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for LSV services.

(c) When a permit holder desires to change the rates of fare being charged for LSV services during any calendar year, ~~he~~they shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(d) No permit holder shall charge any rate of fare for LSV services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

(e) The rates of fare shall be established by a zone and/or prearranged written contract on a per-mile or per-hour basis.

(f) The maximum rates of fare shall be established pursuant to Section 2.2.

**(Section 7.3 amended 1/20/2022)**  
**(Section 7.3 amended 10/13/2016)**  
**(Section 7.3 added 8/7/2003)**

**Section 7.4 – Spare Vehicle Policy**

(a) The following sets out procedures for LSV permit holders to place a spare vehicle into service as either a temporary replacement for a permitted vehicle that is out of service for recharging or mechanical problems.

(1) Spare LSVs must be marked with the approved company markings.

(2) In place of the medallion number, the spare LSV must be marked "Spare LSV." Where more than one spare LSV is being requested, under the provisions of paragraph 9, the LSVs will be marked "Spare LSV 1," "Spare LSV 2," and so on. The "Spare LSV" marking should be sized to fit in approximately the same space as the medallion number would otherwise be placed with legibility and visibility being the primary criteria.

(3) Spare LSVs must be inspected upon initial issuance and annually thereafter.

(4) All spare LSVs must meet all MTS insurance requirements.

(5) To use a spare LSV that meets the requirements of 1 through 4 above, the permit holder must communicate in writing (facsimile is acceptable), a request to place a spare LSV into service.

The request must state:

(A) the medallion number of the LSV being taken out of service, the reason for being out of service, and the location of the out-of-service LSV; and

(B) the estimated time the spare LSV will be in use.

(6) When the out-of-service LSV is ready to re-enter service, the permit holder must immediately notify MTS in writing (facsimile is acceptable).

(7) The out-of-service LSV may not be required to be reinspected to be placed back into service.

(8) The spare LSV must be removed from service at the time the LSV it has been replacing is placed back into service.

(9) Under normal circumstances, a permit holder may utilize spare LSVs. Permit holders may utilize spare LSVs in a ratio of 3:1 permits held.

(10) Spare LSVs that are placed in service may only operate inside of the MTS-approved zone or zones. A permit holder shall not operate more spare vehicles than he/she has regular permitted vehicles.

(11) A permit holder found to have operated a spare LSV in deliberate violation of these procedures will be subject to immediate suspension/revocation of the permit and the loss of the spare LSV utilization privilege.

**(Section 7.4 amended 10/13/2016)**  
**(Section 7.4 amended 10/16/2003)**  
**(Section 7.4 added 8/7/2003)**

Section 7.5 – LSV Driver Identification Cards

(a) Refer to Section 1.12 of this Ordinance to reference driver and permit holder ID requirements.

**(Section 7.5 added 8/7/2003)**

Section 7.6 - Equipment and Specifications

(a) Each LSV shall display whether out of service in accordance with section 2.4 (g) of this Ordinance, which shall indicate to a person outside the LSV whether the LSV is in operation or is not.

(b) Exterior Markings

(1) Mandatory Exterior Vehicle Markings. The medallion number shall be painted or permanently affixed, on the front of the vehicle, one (1) inch below the permit holder's trade name, two (2) inches high, utilizing "Univrs" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability.

(2) Optional Exterior Vehicle Markings. The permit holder has the option of choosing to post any combination of the below-listed five options on ~~his or her~~their LSV which must be posted only at the specific location and in the size noted and are subject to the Chief Executive Officer's approval.

(A) Trade Name Logo. If the permit holder chooses to display ~~his or her~~their trade name logo, the trade name logo shall be posted only on the rear portion of both side rear quarter panels.

(B) Radio Service Provider. If the permit holder chooses to display the radio service provider name or logo, the radio service provider name or logo cannot utilize the words "cab" or taxi." The radio service provider name or logo must be displayed only on the rear portion of both side rear quarter panels.

(C) Telephone Number. If permit holder chooses to display a telephone number, the telephone number must be no more than two (2) inches in height and posted only on the top front portion of both front side quarter panels.

(D) "Driver Carries Only \$\_\_\_\_\_ Change". If the permit holder chooses to post "Driver Carries only \$\_\_\_\_\_ Change", postings must be located only on panels near the rear door but clear of the rates of fare.

(E) "Leased to Driver". If permit holder chooses to post "Leased to Driver," it must be posted only on both rear quarter panels near the rear door area but clear of the rate of fares in lettering no larger than 1 inch.

(3) All other exterior vehicle markings are prohibited unless they are directly related to the permit holder's business and pre-approved by the Chief Executive Officer.

(c) All LSVs shall be equipped and operated so that they have adequate means of electronic communication during business hours. The LSV company business address shall serve as the storefront for the purpose of handling lost and found items. All other operational requirements shall be met as set forth in section 1.8 (c).

**(Section 7.6 amended 1/20/2022)**

**(Section 7.6 amended 11/8/2018, effective 1/1/2019)**

**(Section 7.6 amended 12/14/2017)**

**(Section 7.6 amended 10/4/2016)**

**(Section 7.6 added 8/7/2003)**

## SECTION 8 - EFFECTIVE DATE OF ORDINANCE

This Ordinance shall be effective 30 days after adoption, and before the expiration of 15 days after its passage, this Ordinance shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of San Diego.

**Amended: 1/20/2022**

Amended: 11/12/2020

Amended: 12/12/2019

Amended: 10/10/2019

Amended: 2/14/2019

Amended: 11/8/2018

Amended: 9/20/2018

Amended: 12/14/2017

Amended: 10/13/2016

Amended: 5/12/2016

Amended: 9/17/2015

Amended: 2/12/2015

Amended: 11/15/2012

Amended: 4/19/2012

Amended: 10/16/2003

Amended: 8/7/2003

Amended: 5/8/2003

Amended: 11/14/2002

Amended: 6/27/2002

Amended: 5/23/2002

Amended: 6/24/1999

Amended: 9/24/1998

Amended: 10/30/1997

Amended: 4/10/1997

Amended: 2/13/1997

Amended: 11/9/1995

Amended: 6/22/1995

Amended: 1/12/1995

Amended: 6/24/1993

Amended: 6/27/1991

Amended: 5/23/1991

Amended: 10/11/1990

Repealed & Readopted: 8/9/1990  
Amended: 4/12/1990  
Amended: 4/27/1989  
Adopted: 8/11/1988



## Agenda Item No. 9

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

#### SUBJECT:

PURCHASE FOUR (4) INDUSTRIAL BATTERY POWERED SCRUBBERS – CONTRACT  
AWARD

#### RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1611.0-22 (in substantially the same format as Attachment A), with Maintex Inc., for the purchase of four (4) industrial battery powered scrubbers as detailed in the scope of work (Attachment B), in the amount of \$110,939.40 (Attachment C).

#### Budget Impact

The total budget for this project shall not exceed \$110,939.40. This project is funded by MTS Capital Improvement Project (CIP) 2008114801- Station Cleaning Equipment.

#### DISCUSSION:

San Diego Trolley, Inc. (SDTI) Facilities Department is purchasing four (4) industrial battery powered scrubbers. These are used to clean various SDTI properties, and will replace old scrubbers that have exceeded their useful life.

On November 4, 2021 MTS issued an Invitation for Bids (IFB) for the scrubbers. Three (3) bids were received by the deadline of December 9, 2021 and are summarized as follows:

Company	Cost	Tax	Total	Certifications
Maintex Inc.	\$102,960.00	\$7,979.40	<b>\$110,939.40</b>	N/A
Brady Industries DBA Mission Janitorial & Abrasive Supplies	\$103,596.00	\$8,028.69	<b>\$111,624.69</b>	N/A
Aviate Enterprises Inc.	\$108,708.48	\$8,424.91	<b>\$117,133.39</b>	Small Business (SB); Disabled Veteran Business Enterprise (DVBE)

MTS staff has deemed Maintex to be the lowest responsive and responsible bidder.



Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No. L1611.0-22 (in substantially the same format as Attachment A), with Maintex Inc., for the purchase of four (4) industrial battery powered scrubbers as detailed in the scope of work (Attachment B), in the amount of \$110,939.40 (Attachment C).

/S/ Sharon Cooney

Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachments: A. Draft Agreement MTS Doc. No. L1611.0-22  
B. Scope of Work  
C. Bid Pricing

**STANDARD AGREEMENT****FOR****MTS DOC. NO. L1611.0-22****PURCHASE FOUR (4) INDUSTRIAL BATTERY POWERED SCRUBBERS**

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022 in the State of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following, hereinafter referred to as "Contractor":

Name: Maintex Inc. Address: 13300 E Nelson Avenue  
City of Industry CA 91746  
City State Zip  
Form of Business: Corporation  
(Corporation, Partnership, Sole Proprietor, etc.) Email: stu@maintex.com  
Telephone: (800) 446-1888

Authorized person to sign contracts Stuart Silverman CEO  
Name Title

The Contractor agrees to provide services as specified in the conformed Scope of Work (Exhibit A), Contractor's Bid Pricing Form (Exhibit B), and in accordance with the Standard Agreement, including Standard Conditions (Exhibit C), and signed MTS Forms (Exhibit D).

The contract is effective February 1, 2022. Delivery of the scrubbers shall be fourteen (14) weeks from issuance of the Notice to Proceed letter. The termination date of the contract shall be June 30, 2022.

Payment terms shall be net 30 days from invoice date. The total cost of this contract shall not exceed \$110,939.40 without the express written consent of MTS.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	MAINTEX INC.
By: <u>Sharon Cooney, Chief Executive Officer</u>	By _____
Approved as to form:	Title: _____
By: <u>Karen Landers, General Counsel</u>	

## SCOPE OF WORK/TECHNICAL SPECIFICATIONS

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### 1.1. INTRODUCTION

Contractor shall furnish four (4) new (never used), Tennant Model T12XP Cylindrical Battery Powered Scrubbers.

Delivery will be eight (8) weeks or less after Notice to Proceed.

Payment terms shall be net 30 days from delivery and acceptance of the units by the MTS PM.

### 1.2. TECHNICAL SPECIFICATIONS AND SALIENT CHARACTERISTICS



#### A. The scrubber shall:

- i. Have a spacious operator compartment and will allow the operator to enter or exit the machine from either side of the machine. The operator shall have a speed pedal as well as a brake pedal.
- ii. Have a 36-volt battery system. The machine shall include a heavy duty battery package of at least 360 AH. The machine shall include a 110 volt Built in Battery Charger.
- iii. Have standard electronic controls, visible and easily accessible to the operator. The machine display shall include an hour meter and battery discharge indicator. Instrument circuit protection shall be with resettable circuit breakers. The machine shall have standard on-board self-diagnostic capabilities. Machine scrubbing functions shall be controlled via an electronic touch panel. The machine shall be capable of scrubbing with one-button operation to control all scrubbing functions.
- iv. Have 12 inch minimum diameter solid rear tires. The machine shall have a 10 inch minimum diameter solid, non-marking front tire.
- v. Be powered by a 1.2 horsepower/.89 kW propel motor. The propelling motor shall be an AC brushless power motor rather than a higher maintenance DC powered motor.

- vi. Be capable of making a U-turn in a 73 inch/1,855 mm aisle.
- vii. Have adjustable flow drain cuffs on the recovery tank drain hose that prevents splashing on the operator.
- viii. Be equipped with a deluxe seat with a seat belt.
- ix. Have a cleaning path of 32 inches/810 mm with two cylindrical brushes. The machine shall have a Side Scrubbing Brush with a cleaning path of 41 inches with two cylindrical brushes and a scrubbing side brush. The cylindrical brushes shall have up to 250 pounds/114 kg of down pressure. The cylindrical brushes shall be able to be changed without the use of tools. The cylindrical scrub head shall be entirely within the machine frame. The cylindrical brushes shall be powered by two (2) 1.0 horsepower / 0.75 kW drive 600 rpm motors.
- x. Be equipped with a .3 cubic foot/10 L debris hopper.
- xi. Have an instant solution control on the steering wheel. By tapping the instant water on off bar on the steering wheel shuts down the solution on turns. By tapping it again, turns back on the water. The machine shall have a solution tank with minimum capacity of 35 gallon. The machine shall have a 44 gallon recovery tank and includes a 9 gallon demisting chamber. The recovery tank shall have a debris tray to remove any vacuumed up debris. The solution and recovery tanks shall be hygienic allowing full clean out and inspection of the interior of the tanks.
- xii. Have a parabolic breakaway squeegee design. The squeegee shall automatically lift when machine is reversed to prevent damage. The squeegee blades shall be able to be changed without the use of tools. The machine shall have a 0.8 hp/ 0.6 kW 14,500 rpm vacuum fan with 65 inches/1,650 mm of water lift.
- xiii. Have corner rollers to protect the machine from an accidental impact.
- xiv. The vacuum fan shall be protected by an in-line synthetic filter.
- xv. Have a solution empty and recovery tank full indicator.
- xvi. Have a recovery tank debris tray.
- xvii. Have a built in storage space on the machine.
- xviii. Have an internal, welded steel frame for structure and strength. The machine frame shall be no wider than 37.25 inches. The machine frame shall be painted with a powder-coated paint. The machine shall have stainless steel hardware in vital components below the bumper. The machine shall have color-coded and numbered wiring. The machine shall be equipped with LED headlights. The machine shall meet Underwriter Laboratory's specifications for Type E and have a UL certification label affixed to the machine.
- xix. Have a seat switch which prohibits machine operation when the seat is unoccupied. The machine shall have an automatic parking brake. The machine shall have a steering wheel that allows all scrubbing functions be completed without taking your hands from the steering wheel. The machine shall have propelling and brake pedals laid out for a single foot operation like an automobile.

- xx. Be equipped with protective soft front corner rollers. The machine shall have an audible chime when the machine is in reverse to alert operator of switch position.
  - xxi. Have routine maintenance functions that are color coded yellow for quick and easy identification. The machine shall be equipped with a rear safety Audio visual LED back up alarm.
- B. Ec-H2O Scrubbing System – The machine must be equipped with an electrically activated water scrubbing system. This requires the machine to clean without the use of detergent. Scrubbers that solely rely on detergent to clean are not acceptable. The machine shall be capable of continuously scrubbing for up to 110 minutes before an empty/fill cycle. The machine shall have a switch on the operator console that allows the operator to change between the electrical activated water scrubbing technology and conventional scrubbing modes. The machine shall have an on-board delivery system certified by the National Floor Safety Institute.
- C. Rear Squeegee Protection -- The machine shall be equipped with a tubular heavy duty rear squeegee guard. Front Bumper Protection -- The machine shall be equipped with a tubular steel front bumper that bolts directly to the steel frame of the unit.
- D. Spray Hose -- The machine shall be equipped with a 10 foot spray hose. The hose shall retract on a retractable reel.
- E. Vacuum Wand -- The machine shall have a vacuum wand to get around obstructions and other areas. The unit shall have a 2 inch diameter hose that is 7.25 feet long.
- F. Battery Watering System -- The machine shall have a battery watering system designed to extend the battery life by maintaining the appropriate water levels.
- G. The machine shall carry a 36-month or 2,000 hours (whichever comes first) factory parts warranty. The machine shall carry a 24-month labor and 6 months travel factory warranty. The machine shall carry a full satisfaction guarantee – If not satisfied with the performance of the machine within the first six months, machine may be returned for a full refund, including any freight charges. Warranty shall begin upon delivery and acceptance of the machines. If the manufacturer offers a warranty with a term in excess of the warranty specified in this IFB, the machines shall be subject to the full term of that warranty. All transportation of machines for warranty repairs shall be at the expense of the bidder/manufacturer. Bidder shall submit with bid a copy of the manufacturer's standard warranty and identify a single point warranty, and repair facility.
- H. The manufacturer shall have local Factory-Direct Service. The manufacturer shall provide an operator's manual and training video at no charge within fifteen (15) days of receipt of the PO. The manufacturer shall have parts and service manuals readily available at time of machine purchase. The machine shall be delivered complete and ready for operation. The machine shall include service level reminders for the operator. Once delivered, a factory-direct sales representative shall install the machine on-site.

### **1.3. INVOICES**

Invoices must be sent to the MTS Accounting Department, via email, at [ap@sdmts.com](mailto:ap@sdmts.com). All invoices must have the Purchase Order and/or contract number clearly displayed to ensure timely payment. MTS will not pay on packing slips, receiving documents, delivery documents, or other similar documents. Invoices must be submitted for payment.

Contractors must also indicate if any of the invoiced amount(s) is for service or work provided by a subcontractor and indicate the amount that will be paid to the subcontractor. Contractors must also comply with the prompt payment requirements in the *Prompt Progress Payments* section of the Standard Conditions.

**1.4. WARRANTY**

Bidders shall outline in detail their warranty on the equipment offered, including the method of adjustment in cases of equipment, component or parts failure. Warranty shall also be stated for installation labor, materials, and method of adjustment.

**1.5. REPLACEMENT PARTS**

Replacement parts and technical support for the specified equipment must be guaranteed by the manufacturer; to be available for a ten (10) year period from the date of purchase. Manufacturer shall keep parts books and maintenance manuals up-to-date for that period.

**1.6. DELIVERY AND ACCEPTANCE**

Equipment or any deliverable provided under this contract shall be delivered F.O.B. to SDTI, 1341 Commercial Street, San Diego, California 92113 unless otherwise specified, in first class condition, complete and ready for operation, and the Contractor shall assume all responsibility and risk of loss incident to said delivery.

Contractor shall indicate delivery date on the Bid Form unless already specified, in which case, shall be made within the time set forth. Delivery is part of the consideration and must be adhered to as specified.

Contractor will not be held liable for failure to make delivery because of strikes, construction of property, governmental regulations, acts of God or any other causes beyond his control, provided a written extension of time is obtained from MTS.

Upon delivery, MTS will acknowledge receipt of said items or products. Delivery shall not constitute acceptance. Upon inspection and testing (if necessary) by MTS, a determination will be made whether said items or products are in conformance with contract requirements. If found in conformance, MTS shall approve the Contractor's invoice for payment; thereby constituting acceptance. Payment terms begin from this point. If the delivered items or products are found not in compliance, MTS will immediately notify the Contractor, and furnish all details of deficiencies. Contractor shall correct the deficiencies or supply new items or products (at the discretion of MTS), and resubmit for inspection and testing (if necessary).

FURNISH FOUR (4) INDUSTRIAL SCRUBBERS

MTS DOC. NO. L1611.0-22

		MAINTEX INC.	
Description	Qty	Unit Cost	Extended Total
Powered Scrubbers	4	\$ 25,740.00	\$ 102,960.00
		Sales Tax	\$ 7,979.40
Delivery cost for all four units (if applicable)		\$	-
Overall Total		\$	110,939.40



## Agenda Item No. 10

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

**SUBJECT:**

**CREATIVE MARKETING BRANDING SERVICES – CONTRACT AMENDMENT**

**RECOMMENDATION:**

That the San Diego Metropolitan Transit System (MTS) Board of Directors:

- 1) Ratify Amendment No. 3 to MTS Doc. No. G2053.3-18 with Civilian, Inc., a Small Business (Civilian) in the amount of \$99,000.00 (Attachment A); and
- 2) Authorize the Chief Executive Officer (CEO) to execute Amendment No. 4 to MTS Doc. No. G2053.4-18 (in substantially the same format as Attachment B), with Civilian to add additional funds of \$600,000.00 for on-call creatives services and media buy/ad placement.

**Budget Impact**

The total budget for this project shall not exceed \$3,092,150 (\$2,492,150 current contract value plus \$600,000 for Amendment No. 2). This project is funded by the Marketing department operating budget account 551010-571140.

Description	On Call Creative Services	Media Buy/Ad Placement	Total Amount
Current Board Approved Amount	\$990,150.00	\$1,403,000.00	\$2,393,150.00
Ratify Amendment 3 – Increase funds for on-call creative services	\$99,000.00	-	\$99,000.00
Today's Board action - Approve Amendment 4 – Increase funds for on-call creative services and media buy	\$140,000.00	\$460,000.00	\$600,000.00
<b>New Board Approved Amount</b>			<b>\$3,092,150.00</b>



## DISCUSSION:

On June 14, 2018 (AI 30), the MTS Board approved a five-year, \$486,100 contract with Civilian, Inc. for On-Call Creative, Marketing, and Branding Services, from July 1, 2018 to June 30, 2023. On July 25, 2019 (AI 10), the Board authorized increasing the contract funding by \$1,907,050, for a new contract total of \$2,393,150. This additional funding was approved to accommodate costs related to the Elevate SD 2020 community outreach efforts and to allow Civilian to directly buy advertisements on MTS's efforts as part of the campaigns underway. During that time, MTS and Civilian also developed MTS's *Choose Transit* and *Free Ride Day* promotions.

Since 2019, MTS's creative marketing and communication needs have further increased beyond staff's original estimates in order to communicate with our ridership and the community throughout the COVID-19 pandemic. On July 26, 2021, under her Board Policy 41 authority, the CEO authorized an additional \$99,000 in funding for these services (Attachment A), which the Board is asked to ratify today. Today's proposed action would further increase the contract funding to provide sufficient funding to meet MTS's creative communication needs through contract end in June 2023.

MTS's primary goal during the term of this contract has been to work with Civilian to develop a variety of marketing, branding, communications and public outreach strategies as part of a five-year ridership campaign to coincide with major service changes in an effort to reverse the decline in ridership. Civilian's expertise has helped MTS gain millions of impressions and exposure through various advertising mediums such as digital displays, online videos, paid media, radio and TV partnerships, billboards, and more.

With Civilian's assistance, MTS has implemented and will implement a number of marketing campaigns and communication efforts that were not anticipated when the original contract and on-call creative service needs were established. The need for increased local marketing and communication campaigns resulted in the funds in this contract being exhausted more quickly than originally anticipated. The additional campaigns not included in original plans included:

- COVID-19 response – this includes the Clean Ride campaign and the Eat, Shop, Play business support program
- Ridership recovery campaign (anticipated to last through 2023 and possibly longer)
- Public education efforts for potential transit funding initiatives in November 2022
- Youth Opportunity Pass promotion

Funds will be added to the following:

- On-Call Services

Efforts included many tasks that have already been completed and/or are currently in the works, such as marketing planning, special event planning and implementation, community advisory committee support, PRONTO, Mid-Coast launch and more. However, since a large portion of the approved on-call services budget has been allocated for COVID-19 response and other strategic support, MTS is seeking an additional budget of \$140,000.00 for on-call services for the remainder of the contract (January 2022 through June 2023). The added funding will continue to pay for on-call services through the remainder of the contract.

- Media Buy Commissions

In order for Civilian to perform the advertising buys on behalf of MTS, we would need to continue to include a standard 15% agency commission fee (on ad buy dollars spent) as payment for those services. The \$150 hourly rate for on-call services would not apply, since the industry standard and mark up on media buying efforts is based on a universal 15% commission.

- Ad Placement Budget

MTS spent approximately \$461,000.00 in FY21 for advertising campaigns which included efforts to launch PRONTO and the Mid-Coast Extension of the UC San Diego Blue Line. Marketing anticipates a similar annual advertising budget of approximately \$460,000.00 to pay for advertising associated with ridership recovery and public education efforts for a potential transit funding measure in the final year of this contract.

The table below shows the anticipated annual cost for the 15% media buy-agency commission fees and the ad placement budget for Fiscal Year 2022 and 2023. Funding will be used for media buy commission and ad placement among a variety of channels including digital, mobile, social, print, outdoor, television, radio, direct mail.

	FY22	FY23	TOTAL
<b>Ad Placement</b>	\$200,000	\$200,000	\$400,000
<b>Media Buy (15%)</b>	\$30,000	\$30,000	\$60,000
	<b>\$230,000</b>	<b>\$230,000</b>	<b>\$460,000</b>

Once amendments are approved, staff will develop specific work plans and task orders for these various initiatives, which may include future subcontracting opportunities.

Therefore, staff recommends that the MTS Board of Directors:

- 1) Ratify Amendment No. 3 to MTS Doc. No. G2053.3-18 in the amount of \$99,000.00 (Attachment A); and
- 2) Authorize the Chief Executive Officer (CEO) to execute Amendment No. 4 to MTS Doc. No. G2053.4-18 (in substantially the same format as Attachment B), with Civilian, Inc., to add additional funds of \$600,000.00.

/S/ Sharon Cooney

Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachments: A. Amendment 3, MTS Doc No. G2053.3-18  
B. Amendment 4, Draft MTS Doc No. G2053.4-18



Metropolitan Transit System

Att. A, AI 10, 01/20/2022

1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101  
Tel 619.231.1466 Fax 619.234.3407

## Amendment 3

Effective Date: July 26, 2021

MTS Doc No. G2053.3-18

### CREATIVE, MARKETING, BRANDING SERVICES

Civilian Inc.  
Stacey Nelson Smith  
Chief Operating Officer  
2468 Historic Decatur Road, Suite 250  
San Diego, CA, 92106

This shall serve as Amendment No.3 to the original contract G2053.0-18 as further described below.

### SCOPE

There is no change to the scope of work. Consultant shall continue to provide services in accordance with the terms and conditions of the original contract and amendments.

### SCHEDULE

There is no change to the schedule of this contract.


### PAYMENT

This contract amendment shall authorize additional costs for on-call creative marketing and brand service, as specified in the scope of work in the original agreement, not to exceed \$99,000. The total value of this contract including this amendment shall be in the amount of \$2,492,150. This amount shall not be exceeded without prior written approval from MTS.

Please sign and return a copy to the Contract Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copies for your records.


Sincerely,

Agreed:

 for  
Sharon Cooney  
Chief Executive Officer

  
Stacey Nelson Smith  
Chief Operating Officer  
Civilian Inc.

Date:



1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 • (619) 231-1466 • sdmts.com



San Diego Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc. and San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations). 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. MTS is also the For-Hire Vehicle administrator for nine cities.

## Amendment 4

Effective Date: January 20, 2022

MTS Doc No. G2053.4-18

### CREATIVE, MARKETING AND BRANDING SERVICES

Civilian, Inc.  
Stacey Nelson Smith  
Chief Operating Officer  
2468 Historic Decatur Road, Suite 250  
San Diego, CA

This shall serve as Amendment No.4 to the original agreement G2053.0-18 as further described below.

### SCOPE

Pursuant to the contract, MTS shall add funds for on-call services and media buy/ad commissions.

### SCHEDULE

There is no change to the schedule of this contract.

### PAYMENT

This contract amendment shall authorize an additional \$600,000.00 (\$140,000.00 for on-call services and \$460,000.00 for media buy). The total value of this contract including this amendment shall be in the amount of \$3,092,150. This amount shall not be exceeded without prior written approval from MTS.

Please sign and return the copy to the Contract Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copies for your records.

Sincerely,

Agreed:

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Sharon Cooney, Chief Executive Officer

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Stacey Nelson Smith  
Chief Operating Officer  
Civilian, Inc.

Date: \_\_\_\_\_



## Agenda Item No. 11

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

#### SUBJECT:

FIRST RESPONDER NETWORK AUTHORITY (FIRSTNET) SERVICES FOR FIVE (5) YEARS  
– AMENDMENT NO. 2

#### RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute an amendment(s) to MTS Doc. G2377.0-20, with AT&T Corp., in amount of \$647,058.20 for an additional three hundred thirty-five (335) devices that will require FirstNet Services through June 30, 2025, for a new spending authority of \$2,911,348.00.

#### Budget Impact

The total cost for the additional devices through June 30, 2025 shall not exceed \$647,059.20. This project is funded by the Information Technology (IT) Operations Budget 661010-571250 and PRONTO Operations Budget 531010-599901.

Funding Source	Description	Subtotal
661010-571250	<b>39 Bus Devices SIMs</b>	\$75,329.28
<b>IT Operating Budget</b>	FirstNet Services including fees/taxes/surcharge - \$40.24/device per month	
661010-571250	<b>150 Trolley Devices SIMs</b>	\$289,728.00
<b>IT Operating Budget</b>	FirstNet Services including fees/taxes/surcharge - \$40.24/device per month	
535010-571250	<b>146 Pronto Devices SIMs</b>	\$282,001.92
<b>Pronto Operating Budget</b>	FirstNet Services including fees/taxes/surcharge - \$40.24/device per month	
<b>Additional Devices Grand Total (devices activated July 1, 2021 through June 30, 2025)</b>		<b>\$647,059.20</b>



<b>Existing Board Authority (through June 30, 2025)</b>	<b>\$2,264,288.80</b>
<b>New Board Authority Total (through June 30, 2025)</b>	<b>\$2,911,348.00</b>

#### DISCUSSION:

The FirstNet Services is a nationwide wireless broadband network for first responders being built and deployed through a first-of-its-kind public-private partnership between the federal government and AT&T. FirstNet offers a public safety communications network built and customized to meet their needs. As a member of FirstNet, MTS will have dedicated, reliable, and prioritized communications during any emergency situation such as earthquakes, fires, or blackouts.

In March 2017, FirstNet awarded a 25-year, \$6.5 billion contract solely to AT&T to build and maintain the nationwide network for public safety. FirstNet provided AT&T with 20 megahertz (MHz) of the broadband spectrum, which AT&T can monetize for public safety and non-public safety use.

On April 16, 2020 (AI 8), the MTS Board authorized an agreement with AT&T Corp. to provide FirstNet broadband services to 902 devices for a five-year period, for a total of \$2,264,288.80. The current contract term began July 1, 2020 and extends to August 11, 2024. Staff will extend the contract to June 30, 2025 (the full five-year term) once the underlying master agreement (discussed below) is extended through that date.

State and federal rules allow agencies like MTS to meet competitive procurement requirements in some instances by accessing cooperative purchasing programs that have been competitively negotiated by other public agencies. For this contract, MTS utilized the State of Utah Master Agreement with AT&T under the National Association of State Procurement Officers (NASPO) Value point Cooperative Purchasing Program effective December 6, 2019. The stated pricing is based on Master Agreement No. MA149-1 with Participating Addendum for San Diego MTS which allows MTS to acquire FirstNet Service at a competitive rate.

Today's proposed additional spending/contracting authority would provide FirstNet Services for an additional three hundred thirty-five (335) devices that MTS purchased to accommodate the upgrade of the MTS fleet and Fare Systems. MTS upgraded the mobile communications on the Bus fleet. The update includes installing cellular routers and establishing a private and secure network. The devices were deployed beginning in July 1, 2021 using the existing contract spending capacity. However, the contract needs to be amended to formally add these devices to the contract and secure sufficient funding for the full five-year period.

If approved, today's action would result in revised contract totals as follows:

	<b>Current AT&amp;T Contract Term (aligned with NASPO termination date) July 1, 2020 to August 11, 2024</b>	<b>Amount Remaining for August 12, 2024 to June 30, 2025 Extension Term</b>	<b>Total Cost – 5 Years</b>
<b>One-Time Fees</b>	\$2,500.00	\$ 0	\$ 2,500.00
<b>Monthly Interconnect Service</b>	\$70,000.00	\$ 14,000.00	\$ 84,000.00
<b>FirstNet Services + Tax/Fee/Surcharge (902 devices)</b>	\$1,814,824.00	\$ 362,964.80	\$ 2,177,788.80
<b>This Agenda Item - add 335 devices beginning July 1, 2021</b>	\$ 512,255.20	\$ 134,804.00	\$ 647,059.20
<b>TOTALS</b>	\$ 2,399,579.20	\$ 511,768.80	\$ 2,911,348.00

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute an amendment(s) to MTS Doc. G2377.0-20 with AT&T Corp., in amount of \$647,058.20 for an additional three hundred thirty-five (335) devices that will require FirstNet Services for through June 30, 2025, for a new spending authority of \$2,911,348.00.

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Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)



## Agenda Item No. 12

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

#### SUBJECT:

PURCHASE AND DELIVERY OF PRODUCTION SWITCH TAMPER – CONTRACT AWARD

#### RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1604.0-22 (in substantially the same format as Attachment A) with Harsco Metro Rail, LLC, in the amount of \$1,456,010.79 for the purchase and delivery of a production switch tamper (Attachment B).

#### Budget Impact

The total budget for this project shall not exceed at \$1,456,010.79. This project is funded by the MTS Capital Improvement Budget (CIP) 2005114901 - On-Track Equipment Replacement.

#### DISCUSSION:

MTS is looking for a Contractor to purchase and deliver a new production switch tamper for Maintenance of Way's (MOW) Track Department. It will replace the current outdated tamper that is beyond its useful life.

A production switch tamper is a critical piece of track equipment used to correct surface and alignment problems on the track. This helps prevent the risk of trains derailing and makes a train ride smooth. It also increases staff response time to weather related track issues such as washouts and heat kinks. Overall, it helps ensure that the tracks stay in a state of good repair.

On September 23, 2021, MTS issued an Invitation for Bids (IFB) seeking a contractor to purchase and deliver a production switch tamper. Two bids were received by the deadline of November 29, 2021 and are summarized as follows:

Name	Firm Certification	Total Cost
Harsco Metro Rail, LLC	n/a	\$1,456,010.79
Plasser American Corporation	n/a	\$2,509,978.58
<i>MTS Independent Cost Estimate (ICE)</i>		<i>\$1,254,654.73</i>



Based on the bids received, and in comparison with the ICE, MTS staff recommends awarding the contract to Harsco Metro Rail, LLC. Staff has determined the price to be fair and reasonable.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No. L1604.0-22 (in substantially the same format as Attachment A) with Harsco Metro Rail, LLC, in the amount of \$1,456,010.79 for the purchase and delivery of a production switch tamper (Attachment B).

/S/ Sharon Cooney

Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachments: A. Agreement Draft MTS Doc. No. L1604.0-22  
B. Scope of Work  
C. Costs

**STANDARD AGREEMENT  
FOR  
MTS DOC. NO. L1604.0-22  
PURCHASE & DELIVER A PRODUCTION SWITCH TAMPER**

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022 in the State of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following, hereinafter referred to as "Contractor":

Name: Harsco Metro Rail, LLC Address: 3440 Toringdon Way  
Charlotte NC 28277  
 Form of Business: Corporation City State Zip  
 (Corporation, Partnership, Sole Proprietor, etc.) Email: dcombs3@harsco.com  
 Telephone: (803) 822-7558

Authorized person to sign contracts Douglas Combs President  
 Name Title

The Contractor agrees to provide services as specified in the conformed Scope of Work (Exhibit A), Contractor's Bid Pricing Form (Exhibit B), and in accordance with the Standard Agreement, including Standard Conditions (Exhibit C), and signed MTS Forms (Exhibit D).

The contract is effective February 1, 2022. Delivery of all orders must be shipped in a timely manner. MTS has determined that 180 calendar days or less from the date of Notice to Proceed (NTP) is a satisfactory time for delivery. The contract will terminate September 30, 2022.

Payment terms shall be net 30 days from invoice date. The total cost of this contract shall not exceed \$1,456,010.79 without the express written consent of MTS.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	HARSCO METRO RAIL, LLC
By: _____ Sharon Cooney, Chief Executive Officer	By _____
Approved as to form:	
By: _____ Karen Landers, General Counsel	Title: _____

# 1. SCOPE OF WORK/TECHNICAL SPECIFICATIONS

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## PART 1 – GENERAL SPECIFICATIONS

### 1.1. DESCRIPTION OF WORK

The work consists; in general, of furnishing and delivering a new production / switch tamper.

### 1.2. SPECIFICATIONS

Contractor will purchase and deliver a Tamper, Cummins 6.7L **Tier IV** 250 HP Diesel Engine Model MK4 Tamper or an approved equal meeting the following minimum requirements:

- A. Hydraulic drive with 2-speed drive axles
- B. Variable displacement propel motors
- C. Full time 4-wheel drive with trunnion-mounted front axle and rear elastomeric suspension springs
- D. 28" wheels (insulated)
- E. 16 tamping tines, with hydraulically driven vibrators operating at 50 Hz
- F. Positive tool displacement of 3/8 inch
- G. Variable tamping depth with in-cabin control
- H. Single rail clamp with ability to lift from ball or base of rail
- I. Single operator cab with:
  - i. Joystick controls
  - ii. Touch screen monitor(s)
  - iii. Jump Seat for Two Secure Rider Positions
- J. Safety Glass Windshield and Wipers
- K. Enclosed Cab with Hydraulic Driven Air Conditioner
- L. Light-based surfacing and lining system with Bullet Projectors
- M. Lumbar support suspension with seat belt and swivel base
- N. Dual facing air horns
- O. Paint AREA work equipment yellow
- P. Operation and Maintenance and Parts manuals on pdf format.

### 1.3. SPECIFIC REQUIREMENTS

- A. **FRAME:** High strength box beam welded steel construction. Computer designed and analyzed for stress and deflection. The boxed beam type frame shall be welded in fixtures to assure accurate fits and high-quality welds.
- B. **WHEELS & AXLES:** 28-inch (711 mm) diameter single-wear solid steel wheels mounted on heavy duty solid railroad type axles.
- C. **SUSPENSION:** Trunnion mounted front axle. Rear axle is fitted with elastomeric suspension springs.
- D. **DRIVE TRAIN:** Each axle fitted with a two-speed gearbox directly driven by a variable displacement drive motor providing full time four-wheel drive with automatic speed control. The low gear used in work mode and the high gear is used in travel mode.

Variable displacement motors provide high torque for starting on grades and seamless transition through travel speeds up to 30 mph (48 kph). Full time 4 wheel drive to be standard feature in work and travel.

- E. BRAKES: Air operated, tread type brakes feature high friction, composition shoe acting on each wheel. Spring applied, air released secondary brake operation provides automatic brake actuation in case of air pressure loss. Spring applied brake to also function as a parking brake.
- F. ENGINE: Cummins QSB Tier IV Final Certified, 6 cylinder, 6.7 liter turbocharged diesel that develops 250 BHP (186kW) @ 2200 rpm (BHP rating adjustable to optimize Tier IV Performance).
- G. CAB: Large, fully enclosed and climatized rear cab accessible from either side of the machine via a rear platform and rear entry door. Excellent visibility in work and travel.
- H. ELECTRICAL SYSTEM: 24 VDC with a 175-amp alternator.
- I. CONTROL SYSTEM: A distributed I/O control system. Ergonomic operator control through arm panel keypads, joysticks, a keyboard, and a 17-inch LCD color monitor as a graphical interface.

Based on a primary computer located in the cab that performs the role of system controller to a group of networked I/O modules. The primary computer provides the processing power for controlling the user interface, the machine control logic and the lining system, including measuring, recording, analyzing and lining curves.

An industrial network cable connecting to a series of I/O modules that are remotely located around the machine, each local to their interacting devices. Standard electrical system diagnostics, use of "pop-out" graphical diagnostic screens providing ability for operators/technicians to rapidly locate and solve most control system problems without the use of a schematic or multi-meter.

To include:

- i. All output channels detect, report and count short circuits
  - ii. All output channels detect, report and count open circuits
  - iii. Output channels monitor and display load current in Amps
  - iv. Short circuit "testing" of digital input channels
  - v. All digital I/O channels include status LED indicators
  - vi. Module status is monitored and reported in the case of failure
  - vii. Network communication is monitored and reported in case of failure
  - viii. Component and cable number listings for each module channel
- J. HYDRAULIC SYSTEM: Two variable displacement piston pumps and 7 fixed displacement gear pumps. Hydraulic solenoid valves are 24 volts.
- K. AIR SYSTEM: Engine-mounted air compressor that can produce up to 28 SCFM depending on speed and turbo boost pressure. The nominal operating pressure is 100 psi. The system should include a 3 cubic foot reservoir with ASME certification.

- L. HYDRAULIC TANK CAPACITY: 696.5 liters (184 gallons).
- M. FUEL TANK CAPACITY: 700 liters (185 gallons).
- N. TRAVEL SPEED: 30 mph (48 kph) on level track.
- O. COMBO CLAMP SYSTEM: A Combo Clamp multi-purpose lifting and lining assembly capable of clamping and jacking the track in both production and switch tamping modes. Lifting from the ball of the rail during production work and can lift as required from either the ball or base of the rail with the same clamp in switch tamping. Clamping pressure is adjustable from the cab.
- P. TAMPING SYSTEM: Four (4) heavy duty hydro mechanical vibrators which drive sixteen (16) abrasion-resistant tamping tools. The hydraulically driven vibrators should operate at 3000 V.P.M. (50 Hz) and develop a positive tool displacement of 3/8 inch (9.5 mm). Workheads to feature lateral traverse extension to enable tamping the majority of the switch area.

Manually adjustable tamping tool positions for skewed or unevenly spaced ties. Tamping tools for individual workheads can be positioned closer together (squeezed in) prior to the work cycle, allowing insertion in areas of tight tie spacing.

Workhead depth variable from within the cab using operator defined settings on a pop-out workhead panel. This panel to include current workhead position according to the workhead transducer along with the upper (standby) position and lower (squeeze) position for each workhead. Automatically returning the workheads to a lower standby position when indexing during production runs (production mode), and to a higher position when moving workheads through a switch (switch mode).

Tamps per cycle to be individually set for each workhead. Enabling changing cross level in a curve by a large amount where the lift is minimal on one side and double tamping that side may be undesirable.

Workhead squeeze pressure graphically monitored during tamping, allowing the operator to discern tamping quality and the potential need for additional tamps per cycle due to varied ballast conditions. Squeeze pressure setting adjusted with the computer from the operator's position.

- Q. LEVELLING SYSTEM: A leveling system utilizing an infrared light source, 2 receivers, and a shadowboard to form a three-point reference system. An Inclinator on the receiver buggy measures track crosslevel. Automatic ramp-in and ramp-out capabilities and automatic correction of lift and crosslevel are featured.
- R. LINING SYSTEMS: A three-point Lining system providing automatic "best fit" of curves with the ability to easily adjust the fits and print out curve data and graphs.

Based on pre-plotting of the curve either by the tamper or any other source and utilization of this alignment data to program the correction of the track prior to performing corrections. The current position of the track, the corrected alignment, the anticipated "throws" of the track, the time, data and track position can be plotted on board the machine or viewed on the operator's display screen.

The machine control processor will perform an analysis of this curve data and generate a best correction of the curve for consideration. If not acceptable, this can be manually modified by "rubberbanding" to the desired position. The graphic output of the system highlights, using colors, the various on-screen information.

A solid-state removable USB flash drive to be used for the transfer of track recordings and production reporting data. Curves that have been recorded may be transferred to this device and subsequently read by a PC equipped with an optional office version (USB port required). The alignment of curves may be viewed in the office environment, modified or engineered as desired, saved to removable flash drive and returned to the machine for use. Upon insertion of the USB flash drive, curve data files shall transfer automatically.

The proposal shall include the option to integrate a non-contact, inertial track geometry measurement system into the tamper. The system shall measure and record a full complement of track geometry including: gauge, curvature, superelevation, cross-level, twist, left/right alignment, and surface. Following measurement, the system shall determine smoothed geometry and automatically calculate throws.

## **PART 2 – EXECUTION**

### **1.4. HANDLING AND DELIVERY**

All materials are to be delivered to the MTS C Yard located at 1535 Newton Ave, San Diego, CA 92113. Contractor to notify MTS 48 hours prior to delivery. Contact info will be released upon contract award.

Delivery of all orders must be shipped in a timely manner. MTS has determined that 180 calendar days or less from the date of Notice to Proceed (NTP) is a satisfactory time for delivery.

## **PART 3 – MEASUREMENT AND PAYMENT**

### **1.5. MEASUREMENT AND PAYMENT**

The contract price paid for the one (1) tamper shall include full compensation for furnishing and delivering as specified.

### **1.6. INVOICES**

Invoices must be sent to the MTS Accounting Department, via email, at [ap@sdmts.com](mailto:ap@sdmts.com). All invoices must have the Purchase Order and contract number clearly displayed to ensure timely payment. MTS will not pay on packing slips, receiving documents, delivery documents, or other similar documents. Invoices must be submitted for payment.

Contractors must also indicate if any of the invoiced amount(s) is for service or work provided by a subcontractor and indicate the amount that will be paid to the subcontractor. Contractors must also comply with the prompt payment requirements in the *Prompt Progress Payments* section of the Standard Conditions.

### **1.7. WARRANTY**

Bidders shall outline in detail their warranty on the equipment offered, including the method of adjustment in cases of equipment, component or parts failure. Warranty shall also be stated for installation labor, materials, and method of adjustment.

**1.8. REPLACEMENT PARTS**

Replacement parts and technical support for the specified equipment must be guaranteed by the manufacturer; to be available for a ten (10) year period from the date of purchase. Manufacturer shall keep parts books and maintenance manuals up-to-date for that period.

**1.9. DELIVERY AND ACCEPTANCE**

Equipment or any deliverable provided under this contract shall be delivered F.O.B. to the address above, in first class condition, complete and ready for operation, and the Contractor shall assume all responsibility and risk of loss incident to said delivery.

Contractor shall indicate delivery date on the Bid Form unless already specified, in which case, shall be made within the time set forth. Delivery is part of the consideration and must be adhered to as specified.

Contractor will not be held liable for failure to make delivery because of strikes, construction of property, governmental regulations, acts of God or any other causes beyond his control, provided a written extension of time is obtained from MTS.

Upon delivery, MTS will acknowledge receipt of said items or products. Delivery shall not constitute acceptance. Upon inspection and testing (if necessary) by MTS, a determination will be made whether said items or products are in conformance with contract requirements. If found in conformance, MTS shall approve the Contractor's invoice for payment; thereby constituting acceptance. Payment terms begin from this point. If the delivered items or products are found not in compliance, MTS will immediately notify the Contractor, and furnish all details of deficiencies. Contractor shall correct the deficiencies or supply new items or products (at the discretion of MTS), and resubmit for inspection and testing (if necessary).

L1604.0-22  
 PURCHASE & DELIVER A PRODUCTION/SWITCH TAMPER  
 HARSCO METRO RAIL, LLC

Description	Total
Harsco Rail Model Mark IV (or Approved Equal)	\$ 1,000,415.00
Option – Training	\$ 104,960.00
Laser Alignment System (or Approved Equal)	\$ 63,785.00
Surface Fit	\$ 15,205.00
Production Reporting	\$ 4,160.00
Dual Reference Lining w Double Barrel Receivers (or Approved Equal)	\$ 18,280.00
Dual Power Kit - 15 AMP, no radio (or Approved Equal)	\$ 985.00
Mobile Asset Reporting System	\$ 2,900.00
Option - Inertial Track Geometry System	\$ 98,675.00
Sub-Total	\$ 1,309,365.00
Tax	\$ 101,475.79
Delivery Cost of Tamper to MTS	\$ 45,170.00
<b>Overall Not-to-Exceed Amount</b>	<b>\$ 1,456,010.79</b>



## Agenda Item No. 13

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

#### SUBJECT:

MASSACHUSETTS UPPER PARKING LOT PAVING – WORK ORDER

#### RECOMMENDATION:

That the San Diego Metropolitan System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute Work Order MTSJOC275-26 under Job Order Contract (JOC) to MTS Doc. No. PWG275.0-19 (in substantially the same format as Attachment A), with ABC General Contractor, Inc. (ABCGC), in the amount of \$98,656.68 for the mill and overlay of asphalt at the upper Massachusetts Trolley Station parking lot.

#### Budget Impact

The total budget for this work order shall not exceed \$98,656.68. Under separate MTS Doc No. L1282.0-16 with The Gordian Group, MTS will pay a 1.95% JOC software license fee in the amount of \$1,923.81. This project is funded by the Facilities Operations Budget 380016-536300.

#### DISCUSSION:

The existing asphalt concrete at the upper Massachusetts Trolley Station parking lot is beyond useful service life, and thus, needs to be repaved. This project generally consists of mill and overlay of approximately 33,268 square feet (sq. ft.) of the existing parking lot, installation of new pavement markings and removal and installation of wheel stops. This work will bring the parking lot up to a state of good repair, thus mitigating potential risks and costs to MTS in the future.

On April 12, 2019, MTS issued an Invitation for Bids (IFB) seeking a contractor to provide on-call JOC General Civil Construction services that primarily consists of repair, remodeling, or other repetitive work for general civil and site improvements, including earthwork, utilities, paving, concrete, drainage, landscaping mitigation, site clearing, and all required incidental professional and technical services.



JOC is a procurement method under which public agencies may accomplish frequently encountered repairs, maintenance, and construction projects through a single, competitively procured long-term agreement.

The JOC program includes a catalogue of pricing for a variety of potential tasks to be performed under the contract that have been pre-priced by the contractor, the Gordian Group. All potential contractors are subject to the pricing within this catalogue. Each contractor then includes an adjustment factor, escalating their proposed price from the catalogue price, to determine the total cost of the task order. The adjustment factor represents an average percentage increase over the catalogue price (i.e. 1.25 adjustment factor represents 25% above the catalogue price) for that respective task within the project. In order to select the lowest responsive and responsible bidder, MTS staff compares each contractor's proposed adjustment factor.

Three (3) bids were received and MTS determined that ABCGC was the lowest responsive and responsible bidder. On June 13, 2019, the MTS Board of Directors authorized the CEO to execute MTS Doc. No. PWG275.0-19 with ABCGC for Civil Construction Services.

Today's proposed action would issue a work order to ABCGC under this JOC master agreement. Pricing for this repair work order was reviewed and determined to be fair and reasonable. ABCGC will provide all materials, labor, and equipment for the mill and overlay of the asphalt at the upper Massachusetts Trolley Station parking lot. Work is expected to be completed by March 2022.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute Work Order MTSJOC275-26 under Job Order Contract (JOC) to MTS Doc. No. PWG275.0-19 (in substantially the same format as Attachment A), with ABC General Contractor, Inc. (ABCGC), in the amount of \$98,656.68 for the mill and overlay of asphalt at the upper Massachusetts Trolley Station parking lot.

/S/ Sharon Cooney  
Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachment: A. Draft Work Order MTSJOC275-26, MTS Doc No. PWG275.0-19

JOB ORDER CONTRACT  
WORK ORDER

PWG275.0-19  
CONTRACT NUMBER

MTSJOC275-26  
WORK ORDER NUMBER

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2022, in the state of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following, hereinafter referred to as "Contractor":

Name: ABC General Contractor, Inc. Address: 3120 National Avenue

Form of Business: Corporation San Diego, CA 92113  
(Corporation, partnership, sole proprietor, etc.)

Telephone: (619) 247-7113

Authorized person to sign contracts: Kenneth Czubernat President  
Name Title

Pursuant to the existing Job Order Contract (MTS Doc. No. PWG275.0-19), MTS issues a Work Order to Contractor to complete the detailed Scope of Work (attached as Exhibit A.), the Cost Breakdown for the Scope of Work (attached as Exhibit B.), and the subcontractor listing form applicable to this Work Order (attached as Exhibit C.)

TOTAL PAYMENTS TO CONTRACTOR SHALL NOT EXCEED \$98,656.68

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	ABC GENERAL CONTRACTOR, INC.
By: <u>Sharon Cooney, Chief Executive Officer</u>	Firm: _____
Approved as to form:	By: _____ Signature
By: <u>Karen Landers, General Counsel</u>	Title: _____



## Agenda Item No. 14

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

#### SUBJECT:

ON-CALL COMMUNICATION AND LOW VOLTAGE WIRING SERVICES – CONTRACT  
AWARD

#### RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWG339.0-22 (in substantially the same format as Attachment A), with Communication Wiring Specialist (CWS), Inc., a Small Business (SB), for On Call Communication and Low Voltage Wiring Service for a five (5) years base term in the amount of \$303,860.00.

#### Budget Impact

The total budget for this project shall not exceed \$303,860.00 (inclusive of CA Sales Tax). This project is funded by the Information Technology (IT) Operations Budget 661010-571250.

<b>Year</b>	<b>Budget Amount</b>
Base Year 1 (FY22)	\$59,922.00
Base Year 2 (FY23)	\$59,922.00
Base Year 3 (FY24)	\$60,782.00
Base Year 4 (FY25)	\$60,782.00
Base Year 5 (FY26)	\$62,452.00
<b>Grand Total</b>	<b>\$303,860.00</b>

#### DISCUSSION:

MTS has a need for a well-experienced service provider to render both routine and urgent low voltage systems wiring services to support its business operations. The work will include communications wiring installations, routine maintenance services for MTS's telephone and fiber optic systems, cabling services relative to the support of MTS's network, wireless Local-Area Network (LAN) transmission systems, and expert wiring assistance in the course of equipment transfers and relocation of IT infrastructure.

Because demand for expert wiring services has significantly increased at MTS, staff has recognized that a multi-year competitively procured service agreement will be better suited to meet MTS's near and mid-term needs. MTS will gain time and labor efficiencies and achieve



significant cost savings by having an on-call contract for this service rather than generating individual, one-time purchase orders for each requirement.

On September 14, 2021, MTS released a Request for Proposals (RFP) for On-Call Communication and Low Voltage Wiring Service for five (5) years.

On October 22, 2021, MTS received a total of three (3) proposals from the following firms: CWS, NetXperts Inc. and National Electric Works Inc.

A selection committee consisting of representatives from the Capital Projects, Finance and IT departments met and scored the proposals based on the following:

1. Qualifications, Related Experience and Reference of Proposer	25%
2. Proposed Staffing, Organizational Structure, and Service Management Plan	15%
3. Work Plan	20%
4. Cost and Price	40%
Total	100%

The following table illustrates the initial scores and ranking of each firm:

Proposer Name	Firm Certification	Total Avg. Tech Score	Cost Score	Total Avg. Score (max. 100)	Ranking
Communication Wiring Specialist	Small Business (SB)	53.00	40.00	93.00	1
NetXperts Inc.	SB	45.33	26.71	72.04	2
National Electric Works Inc.	Minority Business Enterprise (MBE)	44.00	22.31	66.31	3

Based upon consideration of both technical and cost factors, the selection committee determined that CWS, Inc. is the highest ranked proposer and presented the overall best value to MTS.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No. PWG339.0-22 (in substantially the same format as Attachment A), with Communication Wiring Specialist (CWS), Inc., for On Call Communication and Low Voltage Wiring Service for a five (5) years base term in the amount of \$303,860.00.

/S/ Sharon Cooney  
Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachments: A. Draft Agreement, MTS Doc. No. PWG339.0-22  
B. Cost Proposal

**STANDARD AGREEMENT  
FOR  
MTS DOC. NO. PWG339.0-22**

**ON CALL COMMUNICATION AND LOW VOLTAGE WIRING SERVICES**

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022 in the State of California by and between San Diego Metropolitan Transit System ("MTS"), a California public agency, and the following, hereinafter referred to as "Contractor":

Name: <u>Communication Wiring Specialist, Inc.</u>	Address: <u>8909-F Complex Drive</u>
	<u>San Diego</u> <u>CA</u> <u>92123</u>
	City                      State                      Zip
Form of Business: <u>Corporation</u> (Corporation, Partnership, Sole Proprietor, etc.)	Email: <u>eric@cwssandiego.com</u>
Telephone: <u>(858) 278-4545</u>	
Authorized person to sign contracts _____	Eric Templin                      President
	Name                                      Title

The Contractor agrees to provide services as specified in the conformed Scope of Work (Exhibit A), Contractor's Cost/Pricing Form (Exhibit B), and in accordance with the Standard Agreement, including Standard Conditions (Exhibit C), Federal Requirements and signed MTS Forms (Exhibit D), Policy 44C Travel Guidelines for Contractors (Exhibit E).

The contract term is for a 5-year base period and shall be effective February 1, 2022 through January 31, 2027.

Payment terms shall be net 30 days from invoice date. The total cost of this contract shall not exceed \$303,860.00 without the express written consent of MTS.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	COMMUNICATION WIRING SPECIALIST INC.
By: _____ Sharon Cooney, Chief Executive Officer	By _____
Approved as to form:	
By: _____ Karen Landers, General Counsel	Title: _____

\*MTS may ask for a breakdown of the markup %

Proposers are responsible for verifying the formulas and numbers

IMPORTANT: Do not edit this section within the red border				Year 2		
	Description	Estimated Materials Amount \$30,000	Qty Estimated Hours	*Markup %	Hourly Rate	Extended Total
1	Straight Time Hourly Rate Labor 8:00 AM to 5:00 PM <i>*full burden rates all inclusive of all other charges, including travel, expenses, administrator cost etc.</i>		800		\$ 68.00	\$ 54,400.00
2	Saturday Hourly Rate Labor 8:00 AM to 5:00 PM <i>*full burden rates all inclusive of all other charges, including travel, expenses, administrator cost etc.</i>		10		\$ 100.00	\$ 1,000.00
3	Sunday and Holiday Hourly Rate Labor 8:00 AM to 5:00 PM <i>*full burden rates all inclusive of all other charges, including travel, expenses, administrator cost etc.</i>		10		\$ 120.00	\$ 1,200.00
4	After Standard Business Hours, Hourly Rate Labor <i>*full burden rates all inclusive of all other charges, including travel, expenses, administrator cost etc.</i>		10		\$ 73.00	\$ 730.00
5	*Mark-up % on materials/supplies in the amount estimated at \$30,000 annually	\$ 30,000		8.00%		\$ 2,400.00
6	<b>SUB TOTAL</b>					\$ 59,730.00
7	8% CA Sales Tax (on materials/supplies lines 5)					\$ 192.00
8	<b>TOTAL</b>					\$ 59,922.00

\*MTS may ask for a breakdown of the markup %

Proposers are responsible for verifying the formulas and numbers

IMPORTANT: Do not edit this section within the red border				Year 3		
	Description	Estimated Materials Amount \$30,000	Qty Estimated Hours	*Markup %	Hourly Rate	Extended Total
1	Straight Time Hourly Rate Labor 8:00 AM to 5:00 PM <i>*full burden rates all inclusive of all other charges, including travel, expenses, administraton cost etc.</i>		800		\$ 69.00	\$ 55,200.00
2	Saturday Hourly Rate Labor 8:00 AM to 5:00 PM <i>*full burden rates all inclusive of all other charges, including travel, expenses, administraton cost etc.</i>		10		\$ 102.00	\$ 1,020.00
3	Sunday and Holiday Hourly Rate Labor 8:00 AM to 5:00 PM <i>*full burden rates all inclusive of all other charges, including travel, expenses, administraton cost etc.</i>		10		\$ 122.00	\$ 1,220.00
4	After Standard Business Hours, Hourly Rate Labor <i>*full burden rates all inclusive of all other charges, including travel, expenses, administraton cost etc.</i>		10		\$ 75.00	\$ 750.00
5	*Mark-up % on materials/supplies in the amount estimated at \$30,000 annually	\$ 30,000		8.00%		\$ 2,400.00
6	<b>SUB TOTAL</b>					\$ 60,590.00
7	8% CA Sales Tax (on materials/supplies lines 5)					\$ 192.00
8	<b>TOTAL</b>					\$ 60,782.00

\*MTS may ask for a breakdown of the markup %

Proposers are responsible for verifying the formulas and numbers

IMPORTANT: Do not edit this section within the red border				Year 4		
	Description	Estimated Materials Amount \$30,000	Qty Estimated Hours	*Mark-up %	Hourly Rate	Extended Total
1	Straight Time Hourly Rate Labor 8:00 AM to 5:00 PM <i>*full burden rates all inclusive of all other charges, including travel, expenses, administrator cost etc.</i>		800		\$ 69.00	\$ 55,200.00
2	Saturday Hourly Rate Labor 8:00 AM to 5:00 PM <i>*full burden rates all inclusive of all other charges, including travel, expenses, administrator cost etc.</i>		10		\$ 102.00	\$ 1,020.00
3	Sunday and Holiday Hourly Rate Labor 8:00 AM to 5:00 PM <i>*full burden rates all inclusive of all other charges, including travel, expenses, administrator cost etc.</i>		10		\$ 122.00	\$ 1,220.00
4	After Standard Business Hours, Hourly Rate Labor <i>*full burden rates all inclusive of all other charges, including travel, expenses, administrator cost etc.</i>		10		\$ 75.00	\$ 750.00
5	*Mark-up % on materials/supplies in the amount estimated at \$30,000 annually	\$ 30,000		8.00%		\$ 2,400.00
6	<b>SUB TOTAL</b>					\$ 60,590.00
7	8% CA Sales Tax (on materials/supplies lines 5)					\$ 192.00
8	<b>TOTAL</b>					\$ 60,782.00

\*MTS may ask for a breakdown of the markup %

Proposers are responsible for verifying the formulas and numbers

IMPORTANT: Do not edit this section within the red border				Year 5		
	Description	Estimated Materials Amount \$30,000	Qty Estimated Hours	*Mark-up %	Hourly Rate	Extended Total
1	Straight Time Hourly Rate Labor 8:00 AM to 5:00 PM <i>*full burden rates all inclusive of all other charges, including travel, expenses, administrator cost etc.</i>		800		\$ 71.00	\$ 56,800.00
2	Saturday Hourly Rate Labor 8:00 AM to 5:00 PM <i>*full burden rates all inclusive of all other charges, including travel, expenses, administrator cost etc.</i>		10		\$ 104.00	\$ 1,040.00
3	Sunday and Holiday Hourly Rate Labor 8:00 AM to 5:00 PM <i>*full burden rates all inclusive of all other charges, including travel, expenses, administrator cost etc.</i>		10		\$ 125.00	\$ 1,250.00
4	After Standard Business Hours, Hourly Rate Labor <i>*full burden rates all inclusive of all other charges, including travel, expenses, administrator cost etc.</i>		10		\$ 77.00	\$ 770.00
5	*Mark-up % on materials/supplies in the amount estimated at \$30,000 annually	\$ 30,000		8.00%		\$ 2,400.00
6	<b>SUB TOTAL</b>					\$ 62,260.00
7	8% CA Sales Tax (on materials/supplies lines 5)					\$ 192.00
8	<b>TOTAL</b>					\$ 62,452.00

\*MTS may ask for a breakdown of the markup %

Proposers are responsible for verifying the formulas and numbers

**TOTALS SUMMARY**

**Base Years**

Year 1    \$ 59,922.00

Year 2    \$ 59,922.00

Year 3    \$ 60,782.00

Year 4    \$ 60,782.00

Year 5    \$ 62,452.00

(BASIS OF AWARD) GRAND TOTAL (All Inclusive of all  
charges e.g Tax etc.):

\$ 303,860.00

**Proposers: Do not edit this page. Totals will auto-populate.**

\*MTS may ask for a breakdown of the markup %

Proposers are responsible for verifying the formulas and numbers



**Metropolitan  
Transit  
System**

## **Agenda Item No. 15**

### **MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS**

January 20, 2022

#### **SUBJECT:**

**ZERO-EMISSION BUS (ZEB) PROCUREMENT PROJECT: 60-FOOT LOW-FLOOR  
ELECTRIC BUSES – CONTRACT AMENDMENT (NEW FLYER)**

#### **RECOMMENDATION:**

That the San Diego Metropolitan Transit System (MTS) Board of Directors:

- 1) Ratify Amendment No. 1 (Attachment A) to MTS Doc. No. B0722.0-21 with New Flyer for a credit in the amount of (\$728,347.95); and
- 2) Authorize the Chief Executive Officer (CEO) to execute Amendment No. 2 to MTS Doc. No. B0722.0-21 (insubstantially the same format as Attachment B) with New Flyer, in the amount of \$822,188.27 per technical specification changes for the twelve (12) 60-foot low-floor electric battery-powered buses.

#### **Budget Impact**

The total budget for this project is **\$18,652,085.72**, and the total Amendment 2 shall not exceed \$822,188.27 (inclusive of 3.8125 % partial sales tax exemption-ZEB). This project is funded by Capital Improvement Project (CIP) 1009113201 – Iris Rapid ZEB Bus Procurement and 1001105501 – ZEB Pilot Program. Costs will be paid by Transit and Intercity Rail Capital Program (TIRCP), Low Carbon Transit Operations Program (LCTOP) and Transportation Development Act (TDA) funding.

Description	Amount
<b>Current Board Approved Amount</b>	<b>\$18,558,245.40</b>
Ratify Amendment 1 (Training credit)	(\$728,347.95)
Subtotal	\$17,829,897.45
<i>Approve Amendment 2 (Pricing adjustment per technical specification changes)</i>	\$822,188.27
<b>New Board Approved Amount</b>	<b>\$18,652,085.72</b>
<b>Difference from Original Board Approved Amount</b>	<b>\$93,840.32</b>



**DISCUSSION:**

In February 2021, the Board authorized the purchase of twelve (12) 60-foot articulated ZEB buses from New Flyer from the California State Bus Contract (ref: RFP #0000014840), to service a Rapid route connecting passengers from the Otay border to Trolley service in Imperial Beach (Iris Transit Center). This electric bus purchase will be supported by the first scalable/modular overhead charging infrastructure built at MTS's South Bay Division.

The ZEBs will be utilized on a designated Rapid route from the Otay border to the Iris Transit Center. This project is considered the beginning of MTS's ZEB fleet transition that will be the next step in understanding charging infrastructure technology and build-out. Staff will also analyze characteristics such as route profiles, passenger loads, operator performance, and battery capacity with this bus type. In order to run the buses, overhead pantograph depot chargers will be installed to primarily charge buses overnight. The Phase I and II design was completed and bid was awarded for the infrastructure construction.

**Amendment No. 1**

This amendment was issued to correct an inadvertent error on the proposed cost of training. The original quote for training was in the amount of \$66,213.45 per bus (total of \$794,561.40) but this is only a one-time cost at \$66,213.45 ( $\$794,561.40 - \$66,213.45 = \$728,347.95$  credit) for all 12 buses.

**Amendment No. 2**

Today's proposed action would authorize Amendment 2 for the price adjustment per the technical specification changes for the twelve (12) 60-foot articulated ZEB buses from New Flyer from the California State Bus Contract.

The vehicles are expected to be delivered in mid-2022. As part of the technical changes and price change adjustments, the New Flyer buses will include the following:

Description
ADD Full INIT farecard reader system with one PROXmobil reader.
ADD Full Conduent system including APC installed at factory.
ADD Viriciti data logger with Basic Electric, Insights, and Smart Driving packages
ADD Genfare Odyssey farebox Odyssey (part #C24003+0529)
NF-supplied Goodyear G652 tires - 305/70R/22.5
ADD streetside depot charger port

The buses are equipped with 611 KW of stored energy and will be charged through overhead depot chargers at South Bay operating facilities. Buses will also be equipped with plug in charging options to allow for remote charging at other MTS facilities, if necessary.

The buses are equipped with 611 KW of stored energy and will be charged through overhead depot chargers at South Bay operating facilities. Buses will also be equipped with plug in charging options to allow for remote charging at other MTS facilities, if necessary.

Therefore, staff is requesting that the MTS Board of Directors:

- 1) Ratify Amendment No. 1 (Attachment A) to MTS Doc. No. B0722.0-21 with New Flyer for a credit in the amount of (\$728,347.95); and

- 2) Authorize the Chief Executive Officer (CEO) to execute Amendment No. 2 to MTS Doc. No. B0722.0-21 (insubstantially the same format as Attachment B) with New Flyer, in the amount of \$822,188.27 per technical specification changes for the twelve (12) 60-foot low-floor electric battery-powered buses.

/S/ Sharon Cooney

Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachments: A. Amendment No. 1, MTS Doc. No. B0722.1-21  
B. Draft Amendment No. 2, MTS Doc. No. B0722.2-21

1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101  
Tel 619.231.1466

## Amendment 1

Date: July 8, 2021  
12 60FT BATTERY ELECTRIC BUSES (BEB)

MTS Doc No. B0722.1-21

New Flyer of America, LLC  
Ms. Jennifer McNeill  
V.P., Sales and Marketing  
711 Kernaghan Avenue  
Winnipeg, Manitoba, CANADA R2C 3T4

This shall serve as Amendment No. 1 to the original agreement B0722.0-21 (Ref: PO #4500040166) as further described below.

### TECHNICAL SPECIFICATIONS

This amendment is to authorize the following changes for the 12 60-foot battery electric buses (BEB):

1. Correction on total cost of Training from \$794,561.40 to \$66,213.45 (a reduction of \$728,347.95, non-taxable).

### SCHEDULE

There shall be no change to the schedule.

### PAYMENT

This contract amendment shall authorize a reduction of costs not to exceed \$728,347.95. The total value of this contract including this amendment shall be in the amount of \$17,829,897.45 (\$18,558,245.40 - \$728,347.95). This amount shall not be exceeded without prior written approval from MTS.

Please sign and return the copy marked *original* to the Contract Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copies for your records.

Sincerely,

Agreed:

  
Sharon Cooney, Chief Executive Officer

  
Ms. Jennifer McNeill, V.P., Sales and  
Marketing  
New Flyer of America, LLC

Date: July 22, 2021



# Metropolitan Transit System

## Amendment 2

Date: January 14, 2022  
12 60FT BATTERY ELECTRIC BUSES (BEB)

MTS Doc No. B0722.2-21

New Flyer of America, LLC  
Ms. Jennifer McNeill  
V.P., Sales and Marketing  
711 Kernaghan Avenue  
Winnipeg, Manitoba, CANADA R2C 3T4

This shall serve as Amendment No. 2 to the original agreement B0722.0-21 (Ref: PO #4500040166) as further described below.

### TECHNICAL SPECIFICATIONS

This amendment is to authorize the technical specification changes for the 12 60-foot battery electric buses (BEB) per attached Price Change Summary.

### SCHEDULE

There shall be no change to the schedule.

### PAYMENT

This contract amendment shall authorize an increase in the amount of \$822,188.27. The total value of this contract including this amendment shall be in the amount of \$18,652,085.72 (\$17,829,897.45 + \$822,188.27). This amount shall not be exceeded without prior written approval from MTS.

Please sign and return the copy marked *original* to the Contract Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copies for your records.

Sincerely,

Agreed:

\_\_\_\_\_  
Sharon Cooney, Chief Executive Officer

\_\_\_\_\_  
Ms. Jennifer McNeill, V.P., Sales and  
Marketing  
New Flyer of America, LLC

Date: \_\_\_\_\_

Attachment(s): New Flyer Price Summary dated 1/7/22

Cc: M. Wygant, T. Pascarella, W. Wells, K. Whatley, M. Daney, E. Cheng, C. Aquino, Procurement file





## Price Change Summary

<b>Property:</b>	San Diego
<b>Option Origin:</b>	19-017
<b>Sales Release No.:</b>	TBD
<b>Quantity:</b>	12
<b>Type:</b>	XE60
<b>Price Change No.:</b>	1
<b>Revision:</b>	D
<b>Date:</b>	07-Jan-22

	Each	Total
<b>Original Contract Price Base Coach</b>	\$ 1,218,484	\$ 14,621,807
Base Bus Price Change Total	\$ 209,765	\$ 2,517,174
PPM Changes	\$ 65,999	\$ 791,994
Contract Spares Base Bus Price Change Total	\$ -	\$ -
<b>Revised Price Base Bus (including ADA &amp; delivery)</b>	<b>\$ 1,494,248</b>	<b>\$ 17,930,975</b>
ADA components	\$ 41,532	\$ 498,385
Delivery	\$ 21,250	\$ 255,000
Bus Price Excluding ADA and Delivery	\$ 1,431,466	\$ 17,177,590
Sales Tax 3.8125%	\$ 54,575	\$ 654,896
Total Bus Price with Tax	\$ 1,548,823	\$ 18,585,871
<b>Tooling Costs (Included in Base Bus Price) Total</b>	<b>\$ 162,472</b>	<b>\$ 162,472</b>
Revised Contract Spares Priced Separately		\$ 162,472
<b>Original Contract Price for Miscellaneous (If priced separately)</b>		\$ -
Miscellaneous Price Change Total (Training)	\$ 66,213.45	\$ 66,213.45
Revised Miscellaneous Priced Separately		\$ 66,213.45
<b>Original Total Contract Price</b>		<b>\$ 14,621,807.28</b>
Total Contract Price Changes		\$ 3,375,381.36
<b>Revised Total Contract Price including Tax</b>		<b>\$ 18,652,084.27</b>



## Agenda Item No. 16

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

#### SUBJECT:

RAIL REPLACEMENT - AMERICA PLAZA AND KETTNER GRADE CROSSING - WORK ORDER

#### RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to:

- 1) Execute Change Order MTS JOC 269-11.04 under Job Order Contract (JOC) to MTS Doc. No. PWG269.0-19 (in substantially the same format as Attachment A), with Herzog Contracting Corp. (Herzog), in the amount of \$92,758.90 for additional labor to notch the rubber rail interface to fit over the direct fixation fasteners; and
- 2) Execute Change Order MTS JOC 269-11.05 under JOC to MTS Doc. No. PWG269.0-19 (in substantially the same format as Attachment B), with Herzog, in the amount of \$31,180.04 for additional contractor administration overhead due to a two-week delay on owner furnished material.

#### Budget Impact

The total budget for this project shall not exceed \$1,024,133.85. Under MTS Doc No. L1282.0-16 with The Gordian Group, MTS will pay a 1.95% JOC software license fee in the amount of \$19,517.05 for the overall project costs. The project is funded by MTS Capital Improvement Project (CIP) budget number 2005112201 (Rail Replacement – America Plaza & Kettner).

#### DISCUSSION:

The UC San Diego Blue Line previously terminated service at America Plaza. With the opening of the Mid-Coast extension in November 2021, Blue Line Trolley service continues through America Plaza, across the Kettner Blvd. grade crossing, and continues north to the new terminal at the University Town Center (UTC).

To minimize the potential risk of future service disruptions, this project replaced approximately 800 track feet of existing rail, including waterproofing, fasteners, and rubber rail interface at the



America Plaza Trolley Station, and replace the existing grade crossing at Kettner Blvd. The Board approved the initial Work Order for this project on June 27, 2021 (AI 9).

Following execution of the original work order, the designer and contractor performed some field investigation, and jointly determined that some of the elastic fasteners needed to be switched to rigid. The rigid fasteners are more expensive than the elastic, resulting in the Change Order 01 cost increase. The Board approved Change Order for this project on September 16, 2021 (AI 12), which included \$150,000 contingency reserve for unforeseen conditions on the job site, so as to avoid any work slowdown.

Utilizing the aforementioned contingency, staff will issue Change Orders 02 and 03 for the procurement of shims for the fastener assemblies, and for the installation of the conduit and junction boxes for future loop detectors, the removal and replacement of ties and ballast, and the replacement of an insulated joint, respectively.

Today's proposed action will authorize the issuance of Change Orders 04 and 05 for additional labor to notch the rubber rail interface to fit over the direct fixation fasteners, and additional contractor administration overhead due to a two-week delay on owner-furnished material, respectively. Furthermore, Change Order 05 will add 60 calendar days to the Work Order to allow time for the traffic signal junction box lids to be delivered and installed. Board authority is required for these Change Orders because there was not sufficient contingency remaining after the approval of Change Orders 02 and 03. No further change orders are anticipated for this project.

The Work Order and amendments are summarized below:

Work Order No.	Purpose	Amount	Subs.	Board Approval Date	Contingency Funds Remaining
MTSJOC269-11	Original Work Order	\$698,473.76	Acme Safety and Supply Corp. (Disadvantaged Business Enterprise <b>(DBE)</b> ) - \$3,000; Angus Asphalt (Small Business <b>(SB)</b> ) - \$50,000; and Penhall - \$20,000	6/27/21 (AI 9)	n/a
MTSJOC269-11.01	Change Order 01 - procurement of additional direct fixation fasteners - plus \$150,00.00 contingency	\$51,721.15		9/16/21 (AI 12)	\$150,000.00
MTSJOC269-11.02	Change Order 02 - procurement of shims	\$33,676.50		9/16/21(AI 12) (contingency)	\$116,323.50
MTSJOC269-11.03	Change Order 03 - installation of conduit and junction boxes	\$93,064.22	Poot Trucking <b>(DBE)</b> - \$10,000	9/16/21(AI 12) (contingency)	\$23,259.28
	<b>Subtotal</b>	<b>\$900,194.91</b>			
MTSJOC269-11.04	Change Order 04 - additional labor	\$92,758.90	Acme Safety and Supply Corp <b>(DBE)</b> - \$5,000	Today's Proposed Action	\$(69,499.62)
MTSJOC269-11.05	Change Order 05 - additional contractor administration	\$31,180.04		Today's Proposed Action	\$(100,679.66)
	<b>Total</b>	<b>\$1,024,133.85</b>			

Pricing for this repair task order was reviewed and determined to be fair and reasonable, and Work Orders will be issued to Herzog in the amount of \$123,938.94. The work is scheduled to be completed in February 2022.

Therefore, staff recommends that the MTS Board of Directors authorize the Chief Executive Officer (CEO) to:

- 1) Execute Change Order MTS JOC 269-11.04 under Job Order Contract (JOC) to MTS Doc. No. PWG269.0-19 (in substantially the same format as Attachment A), with Herzog Contracting Corp. (Herzog), in the amount of \$92,758.90 for additional labor to notch the rubber rail interface to fit over the direct fixation fasteners; and
- 2) Execute Change Order MTS JOC 269-11.05 under JOC to MTS Doc. No. PWG269.0-19 (in substantially the same format as Attachment B), with Herzog, in the amount of \$31,180.04 for additional contractor administration overhead due to a two-week delay on owner furnished material.

/S/ Sharon Cooney

Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachments: A. Draft Change Order MTSJOC269-11.04, MTS Doc No. PWG269.0-19  
B. Draft Change Order MTSJOC269-11.05, MTS Doc No. PWG269.0-19

## CONSTRUCTION CHANGE ORDER

Project Name: **America Plaza Rail Replacement**

Date: **1/20/22**

To: **MTS**

Contract Number: **PWG269.0-19**

From (Contractor): **Herzog Contracting, Corp.**

CCO Number: **MTSJOC269-11.04**

### Description of Work

### Fieldwork Directive Issued:

This CCO is prepared in accordance with and incorporates Section Changes and Extra Work of the Contract Documents and consists of:  
This job order supplement is for additional labor to notch the rubber rail interface to fit over the direct fixation fasteners.

### A. Contractor Cost Proposal

\$ 92,758.90 L.S.  
\$ - L.S.

Subtotal A: \$ 92,758.90

### B. Subcontractors Costs

\$ -  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Subtotal B: \$ -

### C. Contractor Credits

\_\_\_\_\_

Subtotal C: \$ -

Total = (A + B + C) Total: \$ 92,758.90

Original Contract value:	\$ 698,473.76
Adjustment by Change Order No. 1 through Change Order 3 (if applicable)	\$ 178,461.87
Adjustment by this Change Order	\$ 92,758.90
New Contract Amount	Total: \$ 969,694.53

The Contract Time due to this Change Order will be: ☐ Increased ☐ Decreased ☒ Unchanged by 0 days

Original Completion Date:	11/4/21
Adjustment by Change Order No. 1 through Change Order 3 (if applicable)	30
Adjustment by this Change Order	0
New Completion Date	12/4/21

Milestones Affected: NONE

Contractor

Date:

MTS Chief Executive Officer

Date:

## CONSTRUCTION CHANGE ORDER

Project Name: **America Plaza Rail Replacement**

Date: **1/20/22**

To: **MTS**

Contract Number: **PWG269.0-19**

From (Contractor): **Herzog Contracting, Corp.**

CCO Number: **MTSJOC269-11.05**

### Description of Work

### Fieldwork Directive Issued:

This CCO is prepared in accordance with and incorporates Section Changes and Extra Work of the Contract Documents and consists of:  
This job order supplement is for additional contractor administration overhead due to a two-week delay on owner furnished material.

### A. Contractor Cost Proposal

\$ 31,180.04 L.S.  
\$ - L.S.

Subtotal A: \$ 31,180.04

### B. Subcontractors Costs

\$ -  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Subtotal B: \$ -

### C. Contractor Credits

\_\_\_\_\_

Subtotal C: \$ -

Total = (A + B + C) Total: \$ 31,180.04

Original Contract value:

\$ 698,473.76

Adjustment by Change Order No. 1 through Change Order 4 (if applicable)

\$ 271,220.77

Adjustment by this Change Order

\$ 31,180.04

New Contract Amount

Total:

\$ 1,000,874.57

The Contract Time due to this Change Order will be: ☒ Increased ☐ Decreased ☐ Unchanged

by 60 days

Original Completion Date:

11/4/21

Adjustment by Change Order No. 1 through Change Order 4 (if applicable)

30

Adjustment by this Change Order

60

New Completion Date

2/2/22

Milestones Affected: NONE

Contractor

Date:

MTS Chief Executive Officer

Date:



## Agenda Item No. 17

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

#### SUBJECT:

PROVISION OF HPE CONFIGURE TO ORDER (CTO) SERVERS AND SUPPORT FOR  
CLOSED-CIRCUIT TELEVISION (CCTV) VIDEO STORAGE OF SAN DIEGO  
METROPOLITAN TRANSIT SYSTEM (MTS) SERVER REFRESH AND MID-COAST TROLLEY  
PROJECT – PURCHASE ORDER

#### RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute a Purchase Order with Nth Generation Computing Inc. for the provision of HPE CTO Servers and ongoing support services for CCTV Video Storage of MTS Server Refresh and Mid-Coast Trolley Extension Project in the amount of \$256,048.91.

#### Budget Impact

The total budget for this project shall not exceed \$256,048.91 (inclusive of CA 7.75% Sales Tax). This project is funded by the Information Technology (IT) Operating Budget 661010-571250 and Capital Improvement Program (CIP) 2002010601 and 1007100501.

Funding Source	Description	Subtotal
CIP: 2002010601 <b>Mid-Coast CCTV Equipment</b>	Hardware, Initial Install and Set-up, (inclusive of Sales Tax 7.75%); Hardware License (non-taxable)	\$46,509.21
CIP 1007100501 <b>MTS Server Refresh</b>	Hardware, Initial Install and Set-up, (inclusive of Sales Tax 7.75%); Hardware License (non-taxable)	\$155,030.70
571250-661010 <b>IT Operating Budget</b>	Maintenance Support (non-taxable)	\$54,509.00
<b>Grand Total:</b>		<b>\$256,048.91</b>



DISCUSSION:

MTS is refreshing its current CCTV servers and purchasing back-up servers for Mid-Coast. It is critical to refresh the CCTV servers as MTS Security relies heavily on these systems to monitor trolley stations and provide additional support during security incidents. The CCTV servers provide MTS staff with the capability to view and download footage, allowing MTS to work closely with the local law enforcement regarding crimes occurring at or near our transit properties. This CCTV server refresh will take place at ten (10) trolley stations and provide three (3) back-up servers for Mid-Coast.

On November 9, 2021, MTS issued an Invitation for Bid (IFB) to procure thirteen (13) HPE CTO Servers for the Video Storage of MTS Refresh and Mid-Coast Project. The servers were to include a 60-month support license with call center troubleshooting. A total of five (5) bids were received on the due date of December 2, 2021. The apparent first (1<sup>st</sup>) lowest bidder withdrew its bid as they can no longer commit to the original price and lead time provided. The second (2<sup>nd</sup>) and third (3<sup>rd</sup>) lowest bidders were deemed non-responsive as both bidders were unable to submit a complete pricing of the listed equipment. Therefore, their bids were not considered.

The remaining responsive and responsible bids had the following total amounts, inclusive of delivery charges and CA sales tax:

Proposer Name	Firm Certification	Overall Total Amount
NTH GENERATION COMPUTING INC.	N/A	\$256,048.91
SMART IT PROS	N/A	\$319,626.43
<i>MTS Independent Cost Estimate (ICE)</i>		<i>\$371,957.00</i>

MTS staff has deemed Nth Generation Computing Inc. the lowest responsive and responsible bidder and the bid submitted has been determined to be fair and reasonable by a comparison of bids received and MTS's ICE.

Therefore, staff recommends that the MTS Board of Directors authorize the Chief Executive Officer (CEO) to execute a Purchase Order with Nth Generation Computing Inc. for the provision of HPE CTO Servers and ongoing support services for CCTV Video Storage of MTS Server Refresh and Mid-Coast Trolley Extension Project in the amount of \$256,048.91.

/S/ Sharon Cooney  
Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachment: A. Nth Generation Computing Inc. Bid Price Form

**SECTION 5.0 – ATTACHMENT 1**  
**MTS BID PRICING FORM- CCTV HPE CONFIGURE TO ORDER (CTO) SERVER**

**TABLE 1: PR-10086658 (3 Servers for Mid-coast CCTV)**

ITEM#	PRODUCT NUMBER	PRODUCT DESCRIPTION	QTY (UNITS)	TAXABLE Y(YES) or N(NO)	UNIT PRICE (USD)	EXTENDED PRICE (USD)
1	P19718-B21	HPE ProLiant DL380 Gen10 12LFF NC Configure-to-order Server	3	Y	\$ 1,169.00	\$ 3,507.00
2	P19718-B21 ABA	HPE DL380 G10 CTO Mod-X 12LFF WO NIC	3	Y	\$ -	\$ -
3	P23549-L21	Intel Xeon-Silver 4210R (2.4GHz/10-core/100W) FIO Processor Kit for HPE ProLiant DL380 Gen10	3	Y	\$ 579.00	\$ 1,737.00
4	P00920-B21	HPE 16GB (1x16GB) Single Rank x4 DDR4-2933 CAS-21-21-21 Registered Smart Memory Kit	6	Y	\$ 510.00	\$ 3,060.00
5	P00920-B21 OD1	Factory Integrated	6	Y	\$ -	\$ -
6	826687-B21	HPE DL38X Gen10 2SFF Premium HDD Front NVMe or Front/Rear SAS/SATA Kit	3	Y	\$ 195.00	\$ 585.00
7	826687-B21 OD1	Factory Integrated	3	Y	\$ -	\$ -
8	P18422-B21	HPE 480GB SATA 6G Read Intensive SFF SC Multi Vendor SSD	6	Y	\$ 360.00	\$ 2,160.00
9	P18422-B21 OD1	Factory Integrated	6	Y	\$ -	\$ -
10	819201-B21	HPE 8TB SAS 12G Business Critical 7.2K LFF SC 1-year Warranty 512e Multi Vendor HDD	27	Y	\$ 832.00	\$ 22,464.00
11	819201-B21 OD1	Factory Integrated	27	Y	\$ -	\$ -
12	R2U55C	NVIDIA Quadro P2200 Graphics Accelerator for HPE	3	Y	\$ 504.00	\$ 1,512.00
13	R2U55C OD1	Factory Integrated	3	Y	\$ -	\$ -
14	P01366-B21	HPE 96W Smart Storage Lithium-ion Battery with 145mm Cable Kit	3	Y	\$ 110.00	\$ 330.00
15	P01366-B21 OD1	Factory Integrated	3	Y	\$ -	\$ -
16	804338-B21	HPE Smart Array P816i-a SR Gen10 (16 Internal Lanes/4GB Cache/SmartCache) 12G SAS Modular Controller	3	Y	\$ 970.00	\$ 2,910.00
17	804338-B21 OD1	Factory Integrated	3	Y	\$ -	\$ -
18	629135-B22	HPE Ethernet 1Gb 4-port FLR-T BCM5719 Adapter	3	Y	\$ 252.00	\$ 756.00
19	629135-B22 OD1	Factory Integrated	3	Y	\$ -	\$ -
20	865414-B21	HPE 800W Flex Slot Platinum Hot Plug Low Halogen Power Supply Kit	6	Y	\$ 285.00	\$ 1,710.00
21	865414-B21 OD1	Factory Integrated	6	Y	\$ -	\$ -
22	E5Y43A	HPE OneView for ProLiant DL Server including 3yr 24x7 Support FIO Bundle Physical 1-server LTU	3	Y	\$ 510.00	\$ 1,530.00
23	867809-B21	HPE Gen10 2U Bezel Kit	3	Y	\$ 53.00	\$ 159.00
24	867809-B21 OD1	Factory Integrated	3	Y	\$ -	\$ -
25	733662-B21	HPE 2U Large Form Factor Easy Install Rail Kit	3	Y	\$ 123.00	\$ 369.00
26	733662-B21 OD1	Factory Integrated	3	Y	\$ -	\$ -
27	826706-B21	HPE DL380 Gen10 High Performance Heat Sink Kit	3	Y	\$ 125.00	\$ 375.00
28	826706-B21 OD1	Factory Integrated	3	Y	\$ -	\$ -
29	HU4A6A5	HPE 5Y Tech Care Essential Service	3	N	\$ -	\$ -
30	HU4A6A5 SVN	HPE One View w/Ilo Support	3	N	\$ 156.00	\$ 468.00
31	HU4A6A5 WAH	HPE DL38x Gen10 Support	3	N	\$ 4,037.00	\$ 12,111.00
<b>Subtotal:</b>						\$ 55,743.00

TABLE 2: PR-10086621 (10 Servers for MTS CCTV Warranty Refresh)

ITEM#	PRODUCT NUMBER	PRODUCT DESCRIPTION	QTY (UNITS)	TAXABLE Y(YES) or N(NO)	UNIT PRICE (USD)	EXTENDED PRICE (USD)
1	P19718-B21	HPE ProLiant DL380 Gen10 12LFF NC Configure-to-order Server	10	Y	\$ 1,169.00	\$ 11,690.00
2	P19718-B21 ABA	HPE DL380 G10 CTO Mod-X 12LFF WO NIC	10	Y	\$ -	\$ -
3	P23549-L21	Intel Xeon-Silver 4210R (2.4GHz/10-core/100W) FIO Processor Kit for HPE ProLiant DL380 Gen10	10	Y	\$ 579.00	\$ 5,790.00
4	P00920-B21	HPE 16GB (1x16GB) Single Rank x4 DDR4-2933 CAS-21-21-21 Registered Smart Memory Kit	20	Y	\$ 510.00	\$ 10,200.00
5	P00920-B21 0D1	Factory Integrated	20	Y	\$ -	\$ -
6	826687-B21	HPE DL38X Gen10 2SFF Premium HDD Front NVMe or Front/Rear SAS/SATA Kit	10	Y	\$ 195.00	\$ 1,950.00
7	826687-B21 0D1	Factory Integrated	10	Y	\$ -	\$ -
8	P18422-B21	HPE 480GB SATA 6G Read Intensive SFF SC Multi Vendor SSD	20	Y	\$ 360.00	\$ 7,200.00
9	P18422-B21 0D1	Factory Integrated	20	Y	\$ -	\$ -
10	819201-B21	HPE 8TB SAS 12G Business Critical 7.2K LFF SC 1-year Warranty 512e Multi Vendor HDD	90	Y	\$ 832.00	\$ 74,880.00
11	819201-B21 0D1	Factory Integrated	90	Y	\$ -	\$ -
12	R2U55C	NVIDIA Quadro P2200 Graphics Accelerator for HPE	10	Y	\$ 504.00	\$ 5,040.00
13	R2U55C 0D1	Factory Integrated	10	Y	\$ -	\$ -
14	P01366-B21	HPE 96W Smart Storage Lithium-ion Battery with 145mm Cable Kit	10	Y	\$ 110.00	\$ 1,100.00
15	P01366-B21 0D1	Factory Integrated	10	Y	\$ -	\$ -
16	804338-B21	HPE Smart Array P816i-a SR Gen10 (16 Internal Lanes/4GB Cache/SmartCache) 12G SAS Modular Controller	10	Y	\$ 970.00	\$ 9,700.00
17	804338-B21 0D1	Factory Integrated	10	Y	\$ -	\$ -
18	629135-B22	HPE Ethernet 1Gb 4-port FLR-T BCM5719 Adapter	10	Y	\$ 252.00	\$ 2,520.00
19	629135-B22 0D1	Factory Integrated	10	Y	\$ -	\$ -
20	865414-B21	HPE 800W Flex Slot Platinum Hot Plug Low Halogen Power Supply Kit	20	Y	\$ 285.00	\$ 5,700.00
21	865414-B21 0D1	Factory Integrated	20	Y	\$ -	\$ -
22	E5Y43A	HPE OneView for ProLiant DL Server including 3yr 24x7 Support FIO Bundle Physical 1-server LTU	10	Y	\$ 510.00	\$ 5,100.00
23	867809-B21	HPE Gen10 2U Bezel Kit	10	Y	\$ 53.00	\$ 530.00
24	867809-B21 0D1	Factory Integrated	10	Y	\$ -	\$ -
25	733662-B21	HPE 2U Large Form Factor Easy Install Rail Kit	10	Y	\$ 123.00	\$ 1,230.00
26	733662-B21 0D1	Factory Integrated	10	Y	\$ -	\$ -
27	826706-B21	HPE DL380 Gen10 High Performance Heat Sink Kit	10	Y	\$ 125.00	\$ 1,250.00
28	826706-B21 0D1	Factory Integrated	10	Y	\$ -	\$ -
29	HU4A6A5	HPE 5Y Tech Care Essential Service	10	N	\$ -	\$ -
30	HU4A6A5 SVN	HPE One View w/llo Support	10	N	\$ 156.00	\$ 1,560.00
31	HU4A6A5 WAH	HPE DL38x Gen10 Support	10	N	\$ 4,037.00	\$ 40,370.00
<b>Subtotal:</b>						\$ 185,810.00

<b>San Diego, California Sales Tax (7.75%) for Taxable line items only:</b>		<b>\$ 14,495.91</b>
<b>Freight Charges/ Shipping FOB specified destination (No Charge):</b>		<b>\$ -</b>
<b>GRAND TOTAL (Basis of Award):</b>		<b>\$ 256,048.91</b>



## Agenda Item No. 18

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

#### SUBJECT:

ESTABLISH AUTOMATED CLEARING HOUSE (ACH) DEBIT BANK CHECKING ACCOUNT  
FOR WORKERS' COMPENSATION THIRD PARTY ADMINISTRATION SERVICES

#### RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors:

- 1) Authorize the Chief Executive Officer (CEO) to amend the Workers' Compensation Third Party Administrator Contract with CorVel Enterprise Comp, Inc. to set up a separate bank checking account to pay workers' compensation related expenses (CorVel Account); and
- 2) Waive the application of Board Policy 41 (Signature Authority) for payments made from the CorVel Account.

#### Budget Impact

None. MTS is required by law to provide various workers' compensation benefits and payments to employees, former employees, medical providers, and others in a timely manner. Any discretionary payments under the workers' compensation system that exceed \$50,000 require Board approval under Board Policy 51. Non-discretionary payments are generally paid as required by law. The proposed action does not alter the amount of liability for such benefits and payments.

#### DISCUSSION:

At the November 18, 2021 MTS Board meeting (AI 11), the Board approved a new third-party administrator (TPA) contract for workers' compensation claims administration services with CorVel Enterprise Comp, Inc. The contract will commence on February 1, 2022 and will run for a base period of five years with the potential to extend the contract for up to five additional years.

There will be a change to the banking arrangements over the system currently in place with the outgoing TPA. CorVel will open a checking account on behalf of MTS. The account will be in



CorVel's name and tax identification number. Details about how the account will be administered are provided in Attachment A (MTS/CorVel Banking Documentation).

The checking account will be set up in this manner as it is similar to how the majority of other self-insured entities that retain the services of a TPA pay their workers' compensation expenses. MTS recently surveyed other California public transit agencies and determined that the bank checking accounts they use to pay workers' compensation expenses are also placed in the TPA's name rather than their own.

Examples of payments to be paid to other parties from the proposed ACH debit checking account include the following:

- Indemnity payments to injured workers (such as total temporary disability, wage loss and permanent disability advances);
- Mileage reimbursements to employees;
- Stipulated settlements and compromise & release settlements to injured workers ordered by the Workers' Compensation Appeals Board (WCAB);
- Medical provider invoices (such as physician visits, qualified medical exams, agreed medical exams, physical therapy, acupuncture, etc.);
- Surgical procedures and hospitalization fees;
- Rehabilitation facility fees;
- Interpreter services, qualified transportation and home health care nursing visits;
- Nurse case management;
- Surveillance and "arise out of employment/course of employment" (AOE/COE) investigations;
- Applicant's attorneys deposition fees.

CorVel will not issue payments to itself for the ancillary services it provides to MTS (i.e., managed care, bill review, preferred provider network savings, medical provider network, and Medicare/Medicaid reporting). Instead, those expenses will be invoiced separately on a monthly basis from CorVel to MTS.

#### Waiver or Policy 41 Approval Limits

Board Policy 41 sets various approval limits for expenditures and the staff positions with such authority, ranging from expenditures up to \$3,500 (various managers), \$5,000 (directors), \$50,000 (Director of Capital Projects, Chief Operating Officers, Chief Financial Officer, Chief of Staff, General Counsel), and \$100,000 (CEO). *Discretionary* payments as settlement of a workers' compensation claim are also limited by Board Policy 51 – giving the CEO authority to approve up to \$50,000. That authority is not being changed by today's proposed action.

Today's proposed action would clarify that the payment of *non-discretionary* amounts that MTS is required by law to pay under the workers' compensation system, such as temporary disability, permanent disability, medical provider costs, mileage reimbursement, and other benefits are not subject to the approval limits in Board Policy 41. CorVel, as our TPA, will make the payments from the CorVel Account as they become due and payable, while providing a regular accounting to MTS of such payments and obligations. CorVel will be required to receive prior written approval from MTS staff for any individual payments from the CorVel account over \$10,000, as an extra oversight and budget/accounting measure.

MTS is required by law to provide various workers' compensation benefits and payments to employees, former employees, medical providers, and others in a timely manner.

Therefore, staff recommends that the MTS Board of Directors:

1. Authorize the CEO to amend the Workers' Compensation Third Party Administrator Contract with CorVel Enterprise Comp, Inc. to set up a separate bank checking account to pay workers' compensation related expenses (CorVel Account); and
2. Waive the application of Board Policy 41 (Signature Authority) for payments made from the CorVel Account.

/S/ Sharon Cooney

Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachment: A. MTS/CorVel Banking Documentation  
B. Policy 41



## Attachment A

### MTS/CorVel Banking Documentation

#### Account Setup

- CorVel will establish a Wells Fargo checking account on behalf of MTS, using CorVel's name and Tax ID. The bank account established by CorVel will be a non-interest bearing Wholesale Checking account dedicated for the payments of MTS with no co-mingling of funds with other entities. CorVel will be responsible for issuing payments, performing monthly bank reconciliations, and handling banking fees. The Wells Fargo bank account will be funded by daily ACH debit, initiated by CorVel Treasury.

#### Daily ACH Debit Funding Process:

- CorVel Treasury will initiate daily ACH debits to replenish the CorVel-managed Wells Fargo bank account. The debits will be processed with an effective date of the following business day. The daily funds that will be drawn from the MTS external bank account will equal the total dollar amount of checks processed that day, reduced by any financial credits from the day (including voided / stopped checks, claim refunds, subrogation, or recoveries). Payments will be released once the funds post to the CorVel-managed account.

#### Wells Fargo Checking Account Features

- **Positive Pay with Payee Validation & ACH Fraud Filter**
  - Treasury Services will handle Positive Pay and payment validations on the account. Payments issued from the account are included in an encrypted file uploaded to Wells Fargo. Any payments presented that do not exactly match the positive pay data are reviewed daily and addressed. CorVel also does not allow unauthorized debits, and any unauthorized debits are part of a daily review.
- **Automated Bank Reconciliation**
  - CorVel will send the Bank Reconciliation monthly via email to a designated customer distribution within the first three business days of the month. The reconciliation includes the Wells Fargo bank statement, reconciliation report showing payments that have cleared and payments still outstanding, summary check register, and an audit document signed and approved by two CorVel accountants.
- **Direct Deposit**
  - CorVel has an integrated platform with Wells Fargo to allow Direct Deposit / EFT payments to Providers and Claimants. Currently CorVel processes over 80% of payments via EFT instead of physical checks, and the numbers continue to grow. The processing of the payments, whether as a physical check or electronic payment, is the same until the final stage of releasing the MTS check run. After funding has been verified and payments for the check run are released, those designated as physical checks are sent to one queue to continue the printing process while EFTs are sent to another queue to upload to the bank. EFT payments are posted to the payee's account the day after they are submitted to the bank.
- **Online Reporting**
  - Customers are given reporting-only access to Wells Fargo Commercial Electronic Office.
- **No banking fees**
- **CorVel daily transaction reconciliation**

**Tax Reporting:** 1099's will be reported under CorVel's name and Tax ID. 1099 reporting will be filed by CorVel from implementation date through the end of the year.

**Escheatment:** CorVel is fully responsible for all escheatment. CorVel starts reviewing unclaimed property (physical checks that have not been cashed) starting at 60 days from the date the payment was issued. This assists in faster resolution as the hope is that payees will be tracked down faster and new payments issued if necessary and

cashed. Promoting the EFT/ Direct Deposit program is also part of the Escheatment process to encourage payees to register to receive payments via electronic means and again prevent delays in receipt / cashing of funds, thereby reducing the number of unclaimed property filings. With this process, CorVel has very minimal filing to states in regards to unclaimed property.

**Daily Payment Workflow:** Once bills have gone through adjuster review / bill processing and are approved for payment, they enter the check run queue. Payments in the queue by 9:00 AM Pacific will be included in the day's check run and assigned the payment date and payment number.

**Reporting:** Every Friday, CorVel Treasury will send a weekly report along with a financial statement via email to a confirmed customer distribution list. The reporting will be sent for a previous weekly date range, and will include the following attachments:

- **Payment Detail Report (Excel and/or PDF format)**
  - This report will contain all the details for payments issued, payments stopped / voided, and claim refunds processed within the designated reporting date range. Any subrogation or recoveries will be captured in a separate report, but the details will be included as line item descriptions / totals at the bottom of the payment detail report to show that day's financial total.
  - Each row of the report will include the specific details for individual payments and refunds (payment number, payment code classification, payment issue date, claim number, claimant name, claimant date of injury, payee name, service dates for respective payment, financial category, payment type, and payment amount). There are additional fields available in CareMC that can be added per customer request.
- **Subrogation / Recovery Report (Excel and/or PDF format)**
  - If there are any subrogation or recoveries processed during the reporting period, a separate report will be included with the details for these transactions. This report will be run for the same date range of the payment detail report, and the report will include the details for each transaction (transaction process date, claim number, claimant name, claimant accident date, recovery type, transaction number, receipt type, and transaction total). There are additional fields available in CareMC that can be added per customer request.
- **Financial Statement (PDF format)**
  - CorVel Treasury will provide a weekly financial statement for MTS records that will match the payment detail and subrogation / recovery reporting run out of the claim system. The statement will additionally show the business dates that the respective ACH debits were processed to balance to the claim reporting.

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## Policies and Procedures

No. 41

**Board Approval:** 7/29/2021

**SUBJECT:**

**SIGNATURE AUTHORITY**

**PURPOSE:**

The purpose of this policy is to establish the authority granted by the Board of Directors to the Chief Executive Officer, and to provide the Chief Executive Officer with the authority to delegate functions under his or her control to MTS staff. It also establishes guidelines and procedures for authorized signatories relating to check processing (including wire transfers) and San Diego Metropolitan Transit System (MTS) documents (purchase requisitions, contracts, agreements, payment vouchers, deeds, grants, etc.). The policies below relate to MTS, San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI). Throughout this policy, the agencies are collectively referred to as MTS.

**BACKGROUND:**

From time to time, various third parties and agencies seek to verify that individual MTS staff members have the authority to execute documents on behalf of MTS.

MTS maintains a number of checking accounts in various approved financial institutions. To ensure adequate internal controls, signing of checks and execution of wire transfers are restricted to authorized personnel only. This policy establishes guidelines and procedures for obtaining appropriate approval.

In addition, this policy establishes guidelines and procedures for delegating authority to execute MTS documents, including contracts and agreements, on behalf of the Chief Executive Officer in his or her absence.

**POLICY:**

### 41.1 Authorized Signatories for Disbursements

A disbursement is the final authorization to pay a third party through either a check, warrant, wire transfer/Electronic Funds Transfer (EFT), Automated Clearing House (ACH) or other similar payment mechanism. Authorized signatures for disbursements are: the Accounting Manager, Controller, Director of Financial



Planning and Analysis, Chief Operating Officer – Bus/Rail, Chief Financial Officer, Chief of Staff, General Counsel, and Chief Executive Officer.

One signature is required for disbursements under \$2,000. This signature can be a facsimile signature. Two signatures are required for all disbursements over \$2,000. One of these can be a facsimile signature. A listing of all facsimile checks must be reviewed and approved by an authorized signer. For disbursements over \$10,000, the second signature SHALL NOT BE the Accounting Manager, Controller, or Director of Financial Planning and Analysis. Disbursements over \$25,000 require that one of the signatures be that of the Chief of Staff, General Counsel, Chief Financial Officer, or Chief Executive Officer.

The listing below summarizes the above as to effective levels of signing authority:

Accounting Manager	To	\$ 10,000
Controller	To	\$ 10,000
Director of Financial Planning & Analysis	To	\$ 10,000
Chief Operating Officer – Bus/Rail	To	\$ 25,000
Chief Financial Officer	Over	\$ 25,000
Chief of Staff	Over	\$ 25,000
General Counsel	Over	\$ 25,000
Chief Executive Officer	Over	\$ 25,000

#### 41.2 Purchase Requisitions

Purchase Requisitions initiate the potential procurement of goods and/or services. Purchase Requisitions define the need for goods and/or services; budget for the goods and/or services; and assign staff time and resources to initiate the procurement of such goods and/or services. Purchase Requisitions do not constitute a commitment or contractual relationship with a Vendor.

Authorized signatures for Purchase Requisitions are Supervisors, Managers, Directors, Chief Operating Officer – Bus/Rail, Chief Financial Officer, Chief of Staff, General Counsel, and Chief Executive Officer.

Manager/Supervisor	To	\$ 3,500
Directors	To	\$ 5,000
Director of Capital Projects	To	\$ 50,000
Chief Operating Officer – Bus/Rail	To	\$ 50,000
Chief Financial Officer	To	\$ 50,000
Chief of Staff	To	\$ 50,000
General Counsel	To	\$ 50,000
Chief Executive Officer	Over	\$ 50,000

41.2.1 Purchase Requisitions for Inventory Items. The signature authority to approve Purchase Requisitions for inventory items is described within MTS Board Policy No. 64, Inventory Controls and Signature Authority.

#### 41.3 Purchase Orders under Existing Contract

Upon completion of the procurement process (i.e. Board of Directors or staff approval of a formal contract pursuant to Section 41.4 of this Policy), the

Procurement Manager may execute and transmit Purchase Orders to the vendor to properly manage the funding of multiple year contracts.

#### 41.4 Authorized Signatories on Contracts and Documents

**41.4.1 Expense Contracts.** Expense contracts are contracts that require MTS to expend funds in return for goods or services. Expense contracts can be issued using various procurement forms, including but not limited to: a formal contract punch-out catalog purchase orders, or vendor agreement forms. All approval levels must be contained within and be consistent with overall Board of Directors approval levels. The approval levels are as follows:

Materials Manager (Punch-Out Catalog Purchase Orders Only)	To	\$ 3,500
Procurement Manager, Senior Procurement Specialist or Principal Contracts Administrator	To	\$ 3,500
Directors	To	\$ 5,000
Director of Capital Projects	To	\$ 50,000
Chief Operating Officer – Bus/Rail	To	\$ 50,000
Chief Financial Officer	To	\$ 50,000
Chief of Staff	To	\$ 50,000
General Counsel	To	\$ 50,000
Chief Executive Officer	Up To	\$ 100,000
Board of Directors	Over	\$ 100,000

**41.4.2 Stand-Alone Purchase Orders.** Once a Purchase Requisition for the procurement of goods and/or service is approved per Section 41.2 of this Policy or through Board of Directors action, the Procurement Manager or his/her designee will have the authority to execute stand-alone purchase orders so long as the value of the stand-alone purchase order does not exceed the value of the approved Purchase Requisition.

The Chief Executive Officer will implement internal policies and protocols to identify which procurements for goods and/or services are appropriate for the use of a stand-alone purchase order process as opposed to requiring a formal contract subject to heightened review and approval.

**41.4.3 Purchase Card.** Authorized signatures for Purchase Card transactions are Directors, Chief Operating Officer – Bus/Rail, Chief Financial Officer and Chief Executive Officer. All approvals of Purchase Card transactions must be consistent with MTS's internal Purchase Card Policy.

**41.4.4 Change Orders.** A contract change order is a change within the original scope of the contract. Contract change orders costing \$100,000 or less may be approved by the Chief Executive Officer. Contract change orders costing more than \$100,000 may be approved by the Board of Directors. Any change order costing more than \$100,000 that requires immediate approval due to: an emergency involving public safety; liability to MTS; unacceptable delay to the project; or substantial cost increase, shall receive immediate concurrence from the Chief Executive Officer and report such action to the Board of Directors at its next meeting.

41.4.5 Revenue Contracts. Revenue contracts are contracts that result in payments to MTS for goods, services or real property interests. Examples include group/employer sales contracts (monthly passes/fare revenue), advertising, special event licenses, property leases, right of entry permits or licenses, easements and grant deeds. All revenue contracts may be approved by the Chief Executive Officer. Long-term concession contracts (e.g. bus shelter advertising, naming rights, trolley station concessions) and the sale of real property rights (e.g. easement or fee simple interest) valued over \$100,000 shall be approved by the Board of Directors.

41.4.6 Grants and Memorandums of Understanding. Grants and related documents necessary to obtain local, state and federal funding may be approved by the Chief Executive Officer, Chief Financial Officer, Chief of Staff or General Counsel. Memorandums of Understanding or other agreements documenting an agreed process or program, but not requiring a specific expenditure of MTS funds, may be approved by the Chief Executive Officer. Memorandums of Understanding or other agreements that materially alter the risk or liability MTS has agreed to/is legally obligated to bear, shall be approved by the Board of Directors.

41.4.7 Cost Recovery Agreements. Agreements to undertake certain activities, but which are fully funded by another entity, may be approved by the Chief Executive Officer. Examples include agreements with San Diego Association of Governments establishing the cost-recovery process for *TransNet*-funded transit programs or agreements with North County Transit District to pay its fair share of Regional Fare System (Compass Card) costs.

41.4.8 Real Property Transfer Documents. Subject to the approval limits set forth in this Policy, the Chief Executive Officer is authorized to sign all real property transfer documents, including but not limited to, permits, rights of entry, licenses, leases, deeds, easements, escrow instructions, and certificates of acceptance.

41.4.9 Capital Asset Transfer Documents. Capital Assets may include but are not limited to: revenue vehicles; non-revenue vehicles; equipment; information technology; and furniture. Transfer documentation for Capital Assets may be signed by staff as authorized within MTS Board Policy No. 33, Capital Asset Disposal.

41.4.10 Emergency Procurements. As authorized by Public Utilities Code section 120224.1, the Chief Executive Officer may authorize the purchase of goods or services, including those costing more than \$100,000, if the purchase requires immediate approval to avert or alleviate damage to, or to repair or restore damaged or destroyed property and insure that MTS facilities are available to serve the transportation needs of the general public or to comply with any state or federal regulation with respect to the operation of public transportation services or protecting public safety. The Chief Executive Office shall report such actions to the Board of Directors at its next meeting.

#### 41.5 Changes in Terms and Conditions

Any requested revision to MTS's Terms and Conditions or to accept a Vendor's Terms and Conditions must be approved by the General Counsel.

#### 41.6 Authorized Signatories for Payment of Invoices

41.6.1 Payment of Invoices not associated with Contracts. Payment of invoices not associated with contracts includes, but is not limited to, employee reimbursements, payroll deductions, utility payments, insurance payments, purchase card transactions and claim payments. Authorized signatures for payment of these invoices are Supervisors, Managers, Directors, Chief Operating Officer – Bus/Rail, Chief Financial Officer, Chief of Staff, General Counsel, and Chief Executive Officer.

All approval levels must be contained within and be consistent with overall Board of Directors approval levels. The approval levels are as follows:

Manager/Supervisor	To	\$ 3,500
Directors	To	\$ 5,000
Chief Operating Officer – Bus/Rail	To	\$ 50,000
Chief Financial Officer	To	\$ 50,000
Chief of Staff	To	\$ 50,000
General Counsel	To	\$ 50,000
Chief Executive Officer	Over	\$ 50,000

41.6.2 Payment of Invoices associated with Contracts. Payment of invoices associated with contracts, includes, but is not limited to, formal contracts, stand-alone purchase orders and punch-out catalog purchase orders. The Chief Executive Officer will implement internal policies and protocols to ensure that upon receiving an invoice, the proper rate, price and quantity is being charged before payment is processed. Once payment is processed, the disbursement must then be approved as required by Section 41.1 of this Policy.

#### 41.7 Authorized Signatories for Freight/Shipping and Sales/Other Taxes

The signature authority for the approval and payment of freight/shipping and sales/other taxes is described within MTS Board Policy No. 63, Payments for Freight/Shipping or Sales/Other Taxes Policy.

#### 41.8 Authorized Signatories for Absences

In the Chief Executive Officer's absence, General Counsel, Chief of Staff, Chief Financial Officer or the Chief Executive Officer's designee is authorized to execute all checks, purchase requisitions, contracts, and documents as necessary, subject to any limits set or instructions given by the Chief Executive Officer.

In the General Counsel's absence, the Deputy General Counsel is authorized to execute all checks, purchase requisitions, contracts, and documents within the General Counsel's authority, subject to any limits set or instructions given by the General Counsel.

In the Procurement Manager's absence, the Chief Financial Officer, the General Counsel, the Director of Financial Planning and Analysis, or the Controller is authorized to execute Expense Contracts falling within the Procurement Manager's signature authority.

In the Clerk of the Board's absence, the Assistant Clerk of the Board is authorized to execute documents as may be required to certify actions of the Board of Directors.

41.9 Electronic Signature

Any signature authorized within this Policy may be provided electronically through an automated system (e.g. SAP system).

Upon receipt of approval from the Board of Directors for any Expense Contract over \$100,000, the Chief Executive Officer or his or her designee shall have the authority to provide the electronic approval within an automated system for the Board of Directors when applicable.

This original Policy was adopted on 2/13/1992.

Policy revised on 8/11/1994.

Policy revised on 1/29/2004.

Policy revised on 2/23/2006.

Policy revised on 11/18/2010.

Policy revised on 11/14/2013.

Policy revised on 03/20/2014.

Policy revised on 10/29/2015

Policy revised on 12/8/2016.

Policy revised on 2/14/2019

Policy revised on 7/29/2021 (section 41.8)



## Agenda Item No. 19

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

#### SUBJECT:

BILLBOARD LEASE CONSULTING SERVICES – CONTRACT AWARD

#### RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute MTS Doc. G2574.0-22 (in substantially the same format as Attachment A) with SignValue, Inc. (SignValue) for Billboard Lease Consulting Services for a ten (10) year base period with a commission-based compensation method of 3% on the gross lease value of the agreements negotiated or a minimum of \$90,000, whichever is greater.

#### Budget Impact

The estimated expense for this contract is \$135,000.00 in commission payments. It could increase if the value of the billboard agreements negotiated increases over current estimates. The commission payment will be balanced against the increased billboard revenue to MTS. Currently, the leases generate \$177,000 in annual revenue, some of which is set aside for transit related projects in the City of Chula Vista. Sign Value estimates that this revenue may be increased through negotiations to between \$377,000 and \$450,000 per year.

This project will be funded by account 571140-791010 Land Management.

#### DISCUSSION:

MTS currently has expired leases for outdoor advertising billboards located in 13 MTS properties. MTS is seeking to renegotiate the leases associated with these billboards, including the option to convert to digital format. The purpose of this contract is to provide appraisal services, lease consulting services, and negotiating services to culminate in new agreements.

On November 9, 2021, MTS issued a Request for Proposals (RFP) for Billboard Lease Consulting Services. Only one (1) proposal was received by the due date of November 30, 2021 from SignValue. Staff reached out to all prospective proposers and conducted a Post Proposal Survey. This survey would help MTS learn more about the firms who did not submit along with an explanation on why they chose not to submit a proposal. MTS received zero (0) responses.



SignValue's proposal was deemed responsive and responsible and was evaluated by a committee comprised of representatives from the MTS Legal, Finance and Capital Projects Departments. The proposal was evaluated on the following:

- |   |      |
|---|------|
| 1. Proposer Qualifications and Related Experience | 30%  |
| 2. Work Plan                                      | 40%  |
| 3. Price Proposal                                 | 30%  |
| Total:  | 100% |

The following table illustrates the total score of SignValue:

PROPOSER	TOTAL AVG TECH SCORE	TOTAL AVG COST SCORE	TOTAL AVG. SCORE TOTAL TOTAL POSSIBLE: 100
SignValue	48.67	18	66.67

As a result of the initial review, MTS requested additional clarifications from SignValue on an alternative commission payment method proposed by SignValue. In the past, MTS preferred a time and materials method of payment for these types of services. However, MTS was interested in learning more about the commission method and how it would be beneficial to MTS. SignValue responded and provided a list of benefits on why a commission-based fee structure would benefit MTS. This list included the following:

- Negotiations can be long and drawn-out, resulting in very high costs using time and materials;
- Existing leases expires at staggered intervals, which may complicate negotiations;
- A commission holds SignValue accountable and motivates the best possible lease terms;
- Fees will be tied directly to the results delivered.

Based on the objectives of this procurement, consideration of the evaluation criteria and SignValue's technical and cost proposal, the evaluation committee determined SignValue presented the best overall value to MTS. MTS accepted to move forward with SignValue on a commission-based method of 3% on the gross lease value of the Master License Agreement or a minimum of \$90,000, whichever is greater.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No. G2574.0-22 with SignValue for Billboard Lease Consulting Services for a ten (10) base period with a commission-based compensation method of 3% on the gross lease value of the agreements negotiated or a minimum of \$90,000, whichever is greater.

/S/ Sharon Cooney  
Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachment: A. Signage Portfolio Representation Agreement

January 12, 2022

San Diego Metropolitan Transit System (SDMTS)  
Ms. Brianda Diaz, Procurement Specialist  
1255 Imperial Avenue  
San Diego, CA 92101  
Phone: (619) 557-4580  
Email: [brianda.diaz@sdmts.com](mailto:brianda.diaz@sdmts.com)

RE: SDMTS Signage Portfolio Representation Agreement

Dear Ms. Diaz:

We are pleased to submit this agreement with the attached Terms and Conditions (Items 1 through 11) for providing Lease Portfolio Representation for SDMTS.

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## PROPOSAL SPECIFICATIONS

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- Purpose:** To negotiate new Master License Agreements with Outfront Media and Clear Channel Outdoor for their existing billboard sites (billboards may be referred to as "signs" or "signage" herein) in the San Diego Out-of-Home (OOH) advertising media market and explore new digital signage opportunities to maximize the value of the SDMTS properties.
- Premise:** The Client owns real estate throughout the San Diego media market to operate a comprehensive transit system. Some of that property is leased to OOH media companies who operate income generating billboards. Some of the advertising revenue generated is paid to SDMTS in the form of site lease payments. SDMTS wants to engage SignValue to negotiate new Master License Agreements (MLAs) that will include new individually negotiated lease rates and terms for each of the existing outdoor advertising sign structures on their properties. SDMTS would like SignValue to represent their interests in the negotiation of the new MLAs and new rates and terms for each existing sign site on the most favorable terms possible. SignValue estimates that it will take approximately one year to negotiate the new MLAs.
- Some of the existing sign sites also have the potential for the existing vinyl sign displays to be converted to digital displays. Conversion of vinyl displays to digital displays would generate significantly more advertising revenue for the OOH media companies, which would result in higher site lease rates on those SDMTS properties. Conversion of these signs from vinyl to digital displays is not guaranteed and can take the tenants up to two years to obtain the necessary entitlements (permits) from local municipalities and state agencies. The time required to physically convert the signs from vinyl to digital displays is usually less than 90 days after entitlements (permits) have been granted.

SignValue can also explore the potential for adding new signs and/or a signage to SDMTS properties. These new revenue streams would increase income for SDMTS to cover future new development initiatives and increase the value of SDMTS properties. Increased property values can also improve the borrowing capacity of SDMTS for expansion plans.

The existing sign structures are on land with other transit system related improvements. SignValue will not be responsible for representing SDMTS for any other property improvements not specifically related to signage (non-sign improvements) as part of this agreement.

The MLAs will include signage and property ingress and egress as well as other customary utility and visibility guarantees. We have not researched zoning or permit records for the existing signs to confirm conformance with current ordinances or sign ownership.

**Property Rights:** Fee Simple ownership of real estate. Master License Agreements for existing OOH advertising sign sites with Outfront Media and Clear Channel Outdoor.

**Existing Sign Locations:** See list attached

**Assignment Type:** Sign Lease Portfolio Representation

**Intended Use:** The client plans to use our billboard lease portfolio consulting services to affect the successful negotiation of two (2) Master License Agreements for OOH advertising sign sites. In addition, SignValue will explore the potential for digital display conversions and new signage on SDMTS properties.

**Limitation of Liability:** Consultant and Client agree that the following mutual limitation of liability is agreed to in consideration of the fees to be charged and the nature of Consultant's services under this Agreement. Consultant and Client agree that to the fullest extent permitted by applicable law, each party and its Personnel's maximum aggregate and joint liability to the other party for claims and causes of action relating to this Agreement or to appraisals or other services under this Agreement shall be limited to the higher of \$15,000 or the total fees and costs charged by consultant for the services that are the subject of the claim(s) or cause(s) of action. This limitation of liability extends to all types of claims or causes of action, whether in breach of contract or tort, including without limitation claims/causes of action for negligence, professional negligence or negligent misrepresentation on the part of either party or its Personnel, but excluding claims/causes of action for intentionally fraudulent conduct, criminal conduct or intentionally caused injury. The Personnel of each party are intended third-party beneficiaries of this limitation of liability. "Personnel," as used in this paragraph, means the respective party's staff, employees, contractors, members, partners and shareholders. Consultant and Client agree that they each have been free to negotiate different terms than stated above or contract with other parties.

**Expenses:** Fees quoted do not include legal review costs (presumed to be handled by SDMTS's own in-house legal counsel), but fees do include any necessary travel expenses for SignValue personnel.

**Retainer:** A retainer fee of \$15,000 is required in advance for this assignment to cover the costs of travel, research, analysis and preparation.

**Fee:** Fees will be earned separately for negotiating the two (2) initial Master License Agreements and subsequent fees will be earned when new or existing individual site leases are added to those Master License Agreements or when existing signs are modified (enlarged, displays added, digital conversions, etc.).

Fees for negotiating new signage or fees for the sale of easements (Temporary or Perpetual) will be earned based on the same formula as the fee and minimums earned for negotiating the initial Master License Agreements.

The consulting fees (or commissions) will be paid by the Client no more than 30 days following execution of a new MLA, any Individual Sign Additions and Modifications or Easement Sales.

Master License Agreement Fee

A 3% commission will be earned and paid based on the gross lease value of the Master License Agreement or a minimum of \$90,000, whichever is greater.

Fee Example:

$\$400,000 / \text{year} \times 10 \text{ years} = \$4,000,000 \text{ gross lease value} \times .03 \text{ commission} = \$120,000 \text{ fee.}$

Minimum Fee Example:

$\$180,000 / \text{year} \times 10 \text{ years} = \$1,800,000 \text{ gross lease value} \times .03 \text{ commission} = \$60,000 \text{ fee, so a Minimum Fee of } \$90,000 \text{ would apply.}$

Individual Sign Additions and Modifications Fee

Subsequent 3% commissions will be earned and paid based on the gross lease value of Individual Sign Additions or Modifications or a minimum of \$10,000, whichever is greater.

Fee Example:

$\$30,000 / \text{year} \times 20 \text{ years} = \$600,000 \text{ gross lease value} \times .03 \text{ commission} = \$18,000 \text{ fee.}$

Minimum Fee Example:

$\$20,000 / \text{year} \times 10 \text{ years} = \$200,000 \text{ gross lease value} \times .03 \text{ commission} = \$6,000 \text{ fee, so the Minimum Fee of } \$10,000 \text{ would apply.}$

Easement Sale Fee:

In the event that SDMTS should decide to sell a Temporary or Perpetual Easement for any of the sign sites or a new individual signage, sponsorship or naming rights program, the same 3% Fee shall apply to the sale price for such easement or new program agreement.

Fee Example:

Easement Fee Example:

$\$6,000,000 \text{ Sale Price} \times .03 \text{ commission} = \$180,000 \text{ Fee}$

Minimum Fee Example:

$\$1,800,000 \text{ Sale Price} \times .03 \text{ commission} = \$60,000 \text{ fee}$ , so a Minimum Fee of \$90,000 would apply.

**Default:** Fees not paid within 30 days of execution of a new Master License Agreement, Individual Sign Addition/Modification or at the closing of an Easement Sale will earn interest at a rate of 12% per year, prorated on a monthly basis during the default period.

**No Recurring Fees:** SignValue will not charge or collect any ongoing annual percentage of the lease revenue generated from sign site leases on SDMTS property. Any fees earned after the initial negotiation of the MLAs will be for new sign sites, digital conversion or new signage negotiated under the terms of this agreement.

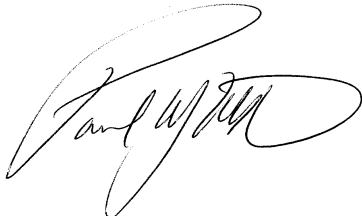
**No Audit Fees:** SignValue will not charge to audit revenue statements produced by tenants each year to ensure compliance with those new revenue sharing provisions created in the Master License Agreements (MLA)

**Renewal:** This agreement will be continued on an annual basis following the initial ten-year (10) term unless cancelled by either party in writing at least 90 days prior to the expiration of the initial term or any subsequent one-year term.

**Start Date:** This consulting assignment will start upon our receipt of the signed agreement (page 4) and the Retainer of \$15,000.

We appreciate this opportunity to be of service to SDMTS. Please feel free to call us if you have any questions or comments.

Sincerely,



Paul Wright, CEO, ASA

**SIGNVALUE, INC**

**BILLBOARD VALUATION & ADVISORY SERVICES**

Phone: (480) 657-8400  
Fax: (602) 218-4300  
E-mail: [info@signvalue.com](mailto:info@signvalue.com)  
PW:nh

**AGREED AND ACCEPTED**

CLIENT: San Diego Metropolitan Transit System, Authorized Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Fax Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Alternate Contact

**TERMS AND CONDITIONS FOR THE  
EXCLUSIVE AUTHORIZATION AND RIGHT TO REPRESENT  
San Diego Metropolitan Transit System**

This is Intended to be a Legally Binding Contract

- 1) Exclusive Right to Represent San Diego Metropolitan Transit System (Client) for Signage interests on their properties. In consideration and acceptance of this agreement by SignValue, Inc. and the terms of this Contract, Client and SignValue, Inc. promise to endeavor to effect the beneficial negotiation of two (2) new Master License Agreements and Individual Sign Additions or Modifications, as well as any Easement Sales. Client employs and grants to SignValue, Inc. the exclusive and irrevocable right commencing on February 1, 2022, and expiring at midnight on January 31, 2032 (ten years), to represent Client for off-premise out-of-home, outdoor advertising signage, sponsorship and naming rights interests on their properties.
- 2) Lease Rates and Sale Prices. SignValue, Inc., will help the Client negotiate lease rates and/or sale prices to be paid in cash or other equivalent terms that are subject to approval by Client.
- 3) Compensation to SignValue, Inc. Client agrees to compensate SignValue, Inc. as follows: When SignValue, Inc. works with the current tenants or any other owners and operators of the leased sign sites on the Client's properties in accordance with this Contract, during the term of this exclusive agreement, resulting in the lease or sale of the billboard sign sites, Client agrees to pay SignValue the agreed upon fees/commissions specified in this agreement.
- 4) If within twelve (12) months after the expiration of this Ten (10) Year Contract, a lease or sale is made by Client with any group for Property that has been offered by SignValue or any of SignValue's representatives, or with any group whom SignValue has negotiated concerning the lease or sale of such Property, the same fee shall be payable.

Client authorizes SignValue, Inc. to cooperate with other representatives (brokers for tenants or buyers) and to divide with other industry representatives all such compensation or fees in any manner acceptable to SignValue. Client will pay all such commissions to SignValue following execution of a new sign site lease and irrevocably assigns any of the Client's initial lease or sale proceeds to SignValue to the extent necessary, therefore.

- 5) Role of SignValue, Inc. Client acknowledges that SignValue, Inc. is not responsible for the custody, legal status or condition of any Properties or any signs or sign sites granted or conveyed or for their operation, management, legal status, maintenance, upkeep or repair. Operational responsibilities and costs will be borne by tenants, advertisers, media companies, buyers or SDMTS per the terms of any lease or purchase sale agreement.
- 6) Client agrees to allow SignValue, Inc., and any other representative who is a subagent of SignValue, Inc. to inspect the Properties at reasonable times and upon reasonable notice and to commit no act which might tend to obstruct SignValue's performance hereunder, subject to all customary operational ingress and egress requirements of the Client. Time is of the essence in the contemplated transactions, so Client agrees to cooperate with SignValue, Inc. on any reasonable offers to lease or sell any other signage and execute the same in a reasonable time period and no approvals of such transactions will be unreasonably withheld or delayed. Client also authorizes SignValue, Inc. to permit a representative who is an existing or potential lessee of the Client (sign owner/operator's

representative) to inspect their own billboards, or SDMTS bus stop or train station properties at such times and on such terms as are acceptable to Client, the sign owner or SignValue, subject to all customary transit system operational ingress and egress requirements of the Client.

- 7) Warranties by Client. Client represents and warrants, as follows:
  - a. Client is the intended user of the services and has full authority to execute this Contract.
  - b. All information concerning properties (bus stops, train stations, billboards, sign structures, sign sites, etc.) referred to in this Contract, or otherwise provided by Client to SignValue or any lessee of the sign site is, or will be at the time made, and shall be at the closing, true, correct and complete. Client agrees to notify SignValue, Inc. promptly within 10 days, if there is any material change in such information during the term of this Contract.
  - c. SignValue may publicize the successful negotiation of a new lease or easement sale, in their marketing and promotional materials following this engagement.
- 8) Indemnification. Client agrees to indemnify and hold SignValue, Inc., and all other cooperating representatives harmless against any and all claims, liability, damage or loss arising from any misrepresentation or breach of warranty by Client in this Contract, any incorrect information supplied by Client to SignValue and any facts concerning any Properties not disclosed by Client, including without limitation, any facts known to them relating to adverse conditions.
- 9) Attorney's Fees. In any action or proceeding to enforce any provision of this Contract, or for damages sustained by reason of its breach, the prevailing party shall be entitled to reasonable attorney's fees, as set by the court or arbitrator and not by a jury, and to all other related expenses, such as expert witness fees, fees paid to investigators and court costs. Additionally, if SignValue, Inc. reasonably hires an attorney or collection agency to enforce the collection of any fee or commission payable pursuant to this Contract, Client agrees to pay SignValue's reasonable attorney or collection agency fees and costs.
- 10) Recommendations. If SignValue, Inc. recommends a contractor or any other person or entity to Client for any purpose, such recommendation will be independently investigated and evaluated by Client, who hereby acknowledges that any decision to enter into any contractual arrangements with any such person or entity recommended by SignValue, Inc. will be based solely upon such independent investigation and evaluation.
- 11) Entire Agreement. This Contract, any attached exhibits and any addenda or supplements signed by the parties, shall constitute the entire agreement between Client and SignValue, Inc. and supersedes any other written or oral agreements between Client and SignValue, Inc. This Contract will be interpreted based on the laws in California and can be modified only in writing signed by Client and SignValue, Inc.

## Existing Sign Locations

Location #	Sign ID & Location	Owner	City	Billboard Type	# of Displays	Yearly Revenue	Term
1	ID No. 6296 & 6297 at Imperial & Merlin Dr	Outfront	San Diego	Poster	2	\$3,600	5 Years
2	ID No. 6164 & 6165 at Euclid & Market	Outfront	San Diego	Poster	2	\$6,000	5 Years
3	Billboard at I-15 N/O Imperial Ave	CCO	San Diego	Bulletin	2	\$25,000	15 Years (Expired 4/1/15)
4	ID No. 2001 at 32nd St & Harbor	Outfront	San Diego	Bulletin	1	\$16,500	5 Years
5	ID No. 6177 & 6178 at 28th St & Harbor	Outfront	San Diego	Poster	2	\$4,700	5 Years
6	ID No. 6476 at Harbor Dr & Civic Center Dr	Outfront	National City	Poster	2	\$3,000	5 Years
7	ID No. 2134 at I/5 and J St	Outfront	Chula Vista	Bulletin	2	\$25,000	15 Years (Expired 4/1/15)
8	Billboard at 8th St W/O I-5	CCO	National City	Poster	1	\$2,700	5 Years (Expired 11/15/14)
9	Billboard at I-5 N/O E St	CCO	Chula Vista	Bulletin	2	\$25,000	15 Years (Expired 4/1/15)
10	ID No. 1235, 1236, 1237 & 1238 at Harbor Dr & Sigsbee	CCO	San Diego	Poster	4	\$9,900	5 Years (Expired 11/1/14)
11	ID No. 1712 at I-5 NO 22nd St	CCO	National City	Poster	1	\$2,600	5 Years (Expired 11/6/14)
12	Billboard at I-5 S/O H St	CCO	Chula Vista	Bulletin	2	\$25,000	15 Years (Expired 9/1/15)
13	70th St Trolley Station	Outfront	La Mesa	Bulletin	1	\$28,500	5 Years (Expired 3/22/17)
					<b>24</b>	<b>\$177,500</b>	



## Agenda Item No. 30

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

#### SUBJECT:

*TRANSNET* REVENUES, SHORTFALLS AND PROPOSED SOLUTIONS (SHARON COONEY AND LARRY MARINESI)

#### RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors receive a report on shortfalls in the *TransNet* Project Specific Transit Operations (8.1%) category, discuss potential ways to address the impact to MTS operations, and provide direction.

#### Budget Impact

The current operating subsidy provided by *TransNet* for MTS-operated *TransNet* capital projects (e.g., South Bay Rapid, Mid City Rapid, Super Loop, Mid-Coast Trolley, and I-15 Rapid) is approximately \$30 million annualized. This represents nearly 10% of MTS's annual operating budget. The most recent analysis provided by SANDAG estimates that the *TransNet* 8.1% operating subsidy account will be exhausted by 2029. Identification of alternative methods to subsidize these *TransNet* obligations will be necessary to avoid significant service reductions.

#### DISCUSSION:

On November 2, 2004, San Diego County voters approved the SANDAG *TransNet* Extension Ordinance, which authorized the continuation of a one-half of one percent retail transactions and use tax for a period of forty years beginning on April 1, 2008 and expiring on March 31, 2048. *TransNet* revenues are to be deposited in a special fund and used solely for the projects and programs identified in the *TransNet* Extension Expenditure Plan Analysis. With limited exceptions, the SANDAG Board of Directors can modify the *TransNet* Extension Ordinance, including the list of projects and allocation of revenues, by a two-thirds vote.

In general, the *TransNet* Extension Ordinance provides funding for the following categories of projects and programs:

#### Off the top deductions from *TransNet* revenue:

- 2%: Bicycle, Pedestrian, and Neighborhood Safety Program
- Up to 2%: Administrative Expenses



- Up to \$250,000 annually: Independent Taxpayer Oversight Committee (ITOC) Expenses

THEN, remaining *TransNet* revenues are allocated as follows:

- 38%: Highway and Bus Rapid Transit/Rail Capital Projects
- 8.1%: Operating Support for Bus Rapid Transit/Rail Capital Projects constructed under *TransNet*
- 4.4%: Capital Project Environmental Mitigation
- 16.5%: Congestion Relief Program – Transit System Improvements and Related Programs
- 33%: Congestion Relief Program – Local System Improvements and Related Programs (Local Streets, Environmental Mitigation, Smart Growth Incentive)

Historically, MTS and SANDAG staff have consulted regarding the 8.1% Operating Support fund, with the understanding that it may ultimately be overextended and funding solutions would need to be identified in advance of the shortfall. Estimates tied the shortfall to the 2038 time period.

Recently, in finalizing an MOU with SANDAG regarding the commencement of Mid-Coast trolley operations, SANDAG informed MTS that the 8.1% Operating Support fund is now estimated to be exhausted in the 2027-2029 timeframe, and that, consequently, SANDAG is only willing to commit to fund the Mid-Coast net operating expenses for the five-year period required by the Federal Transit Administration (FTA) Full Funding Grant Agreement (FFGA) for the Mid-Coast Project. As to other *TransNet*-funded BRT and Rail Capital Projects, SANDAG proposes lowering the *TransNet* Operating Support amount, which would result in a more immediate budget impact to MTS while extending the time period that SANDAG would provide support.

MTS staff has requested that SANDAG staff meet to discuss potential alternatives to the SANDAG proposals, and to develop a clear plan and strategy for how best to allocate resources under *TransNet*. NCTD is engaging in similar discussions with SANDAG.

On November 12, 2021, SANDAG gave a presentation to the Transportation Committee regarding “Potential *TransNet* Extension Ordinance Amendments” and the same “draft concepts” were presented to the SANDAG Board of Directors for discussion at its regular meeting scheduled November 19, 2021. The proposed “Draft Concepts” include proposals to:

- A. Expand the definition of eligible Highway and Bus Rapid Transit/Rail Capital Projects in the Expenditure Plan to include bike, pedestrian, flexible fleets, and necessary ITS infrastructure technologies.
- B. Revise the Local Street and Road program requirements to eliminate the 70/30 congestion relief/maintenance split requirement, develop a new list of eligible capital, operations, and maintenance projects, and require performance reporting.
- C. Update references to Smart Growth Incentive Program in Ordinance.
- D. Amend Expenditure Plan to add bicycle, pedestrian, flexible fleets, and ITS/communication technologies to eligible project list, while also increasing the separate off-the-top 2% *TransNet* funding allocated to the Bicycle, Pedestrian and Neighborhood Safety Program.

- E. Revise 8.1% Bus Rapid Transit/Rail Capital Project Operating Support commitment to state that the *TransNet* Operating Support funds “do not cover 100% of operations”
- F. Update transit operator eligibility requirements.
- G. Add a requirement that *TransNet* funded capital projects “integrate digital communication infrastructure, where needed”.
- H. Require *TransNet* funding recipients to provide performance reporting to measure against *TransNet* goals.
- I. Revise ITOC rules
- J. Update funding estimates for all subprograms included in the *TransNet* Extension Ordinance.

Some of the proposals represent fundamental policy changes that could significantly impact MTS's ability to operate and maintain the *TransNet*-funded capital infrastructure that has been constructed and in operation, providing vital transit services for tens of thousands of riders who depend on transit every day.

At the November 18, 2021 MTS Board meeting, staff discussed these items and recommended that a more detailed report on *TransNet* Extension Ordinance revenues, including the potential budget impact on MTS operations related to the projected *TransNet* 8.1% shortfall and potential solutions, be prepared by MTS staff for review by the Board at a later meeting. Staff has since met with SANDAG and NCTD to discuss the issue of *TransNet* shortfalls and will provide the Board with a more detailed report.

/S/ Sharon Cooney  
Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

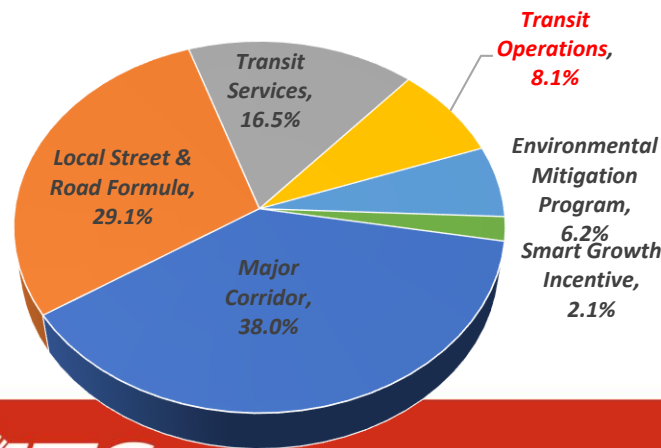
# *TRANSNET* OPERATING FUND SHORTFALL

Agenda Item No. 30

January 20, 2022

# SANDAG *TransNet* Extension Ordinance

- Approved by voters November 2, 2004
- Extended 0.5% retail transactions and use tax (originally adopted in 1987)
- 40-yr Extension Period: April 1, 2008 to March 31, 2048
- Updated list of eligible projects (*TransNet* Expenditure Plan)
- SANDAG Board can make most modifications with a 2/3 vote



- Funding for the following categories of projects & programs:

<u>Off-the-top deductions from <i>TransNet</i> revenue:</u>	<u>THEN, remaining <i>TransNet</i> revenues are allocated as follows:</u>
<ul style="list-style-type: none"> <li>• <b>2%:</b> Bicycle, Pedestrian, and Neighborhood Safety Program</li> <li>• <b>Up to 2%:</b> Administrative Expenses</li> <li>• <b>Up to \$250,000 annually:</b> Independent Taxpayer Oversight Committee (ITOC) Expenses</li> </ul>	<ul style="list-style-type: none"> <li>• <b>38%:</b> Highway and Bus Rapid Transit/Rail Capital Projects</li> <li>• <b>8.1%:</b> Operating Support for Bus Rapid Transit/Rail Capital Projects constructed under <i>TransNet</i></li> <li>• <b>4.4%:</b> Capital Project Environmental Mitigation</li> <li>• <b>16.5%:</b> Congestion Relief Program – Transit System Improvements and Related Programs</li> <li>• <b>33%:</b> Congestion Relief Program – Local System Improvements and Related Programs (Local Streets, Environmental Mitigation, Smart Growth Incentive)</li> </ul>

# *TransNet*: reimburses MTS the subsidy for *TransNet*-funded capital projects

Est. annualized subsidy in FY 2021 \$\$

- Rapid 201/202/204 (SuperLoop) ... **\$2.4 million**
- Rapid 215 (Mid-City) ... **\$2.3 million**
- Rapid 225 (South Bay) ... **\$6.2 million**
- Rapid 235 (I-15) ... **\$9.0 million**
- Rapid 237 (MM Blvd.) ... **\$1.4 million**
- Mid-Coast LRT Extension ... **\$6.8 million (\$9.3m annually)**
- \$31 million annually, almost 10% of MTS Budget
- There are currently projects identified in *TransNet* that are eligible for the 8.1% but they have not been started yet (eg. San Ysidro to Sorrento Valley transit, Sprinter expansion services)

# 8.1% *TransNet* Operating Support Fund – Shortfall Impacts

- Updated Shortfall Impact Estimates – deficit projected starting in next 6-8 years (versus the remaining 27 year term of *TransNet*):
  - Continuing Mid-Coast MOU negotiations
    - Limit Operating Support Commitment to 5-year minimum service level commitment by SANDAG in FFGA
    - SANDAG Clarification: did not intend to fully cut off funding in 2026; but Operating Fund Shortfall Issue must be addressed
  - NCTD Coaster/Sprinter service increases
    - Coaster increases implemented October 25, 2021
    - SANDAG limited Operating Fund commitment to 6 months pending Operating Fund Shortfall discussion

# Current Scenario

- Current 8.1% balance at \$154M
- SANDAG Model
  - Forecasted expenses will exceed incoming revenues beginning in current fiscal year
  - Fund balance turns negative in late 20's
  - Nearly \$900M funding shortfall under current scenario

\*Based on SANDAG model

SANDAG Model				
	Forecasted Revenues	Forecasted Expenses	Net Cash Outflow	Ending Balance
FY 2021				\$ 154,050
FY 2022	\$ 26,392	\$ 32,559	\$ (6,167)	147,882
FY 2023	27,262	38,622	(11,359)	136,523
FY 2024	27,925	43,896	(15,971)	120,553
FY 2025	28,643	45,145	(16,501)	104,051
FY 2026	29,422	50,222	(20,800)	83,251
FY 2027	30,225	51,586	(21,361)	61,890
FY 2028	31,021	52,984	(21,964)	39,926
FY 2029	31,856	54,420	(22,563)	17,362
FY 2030	32,733	68,842	(36,109)	(18,746)
FY 2031	33,638	70,741	(37,104)	(55,850)
FY 2032	34,570	72,691	(38,121)	(93,971)
FY 2033	35,536	74,694	(39,158)	(133,129)
FY 2034	36,537	76,750	(40,213)	(173,342)
FY 2035	37,551	81,547	(43,997)	(217,338)
FY 2036	38,568	83,785	(45,217)	(262,555)
FY 2037	39,611	86,083	(46,472)	(309,027)
FY 2038	40,671	88,442	(47,771)	(356,798)
FY 2039	41,748	90,865	(49,117)	(405,915)
FY 2040	42,858	93,353	(50,495)	(456,409)
FY 2041	43,987	95,907	(51,919)	(508,329)
FY 2042	45,121	98,530	(53,409)	(561,737)
FY 2043	46,277	101,223	(54,946)	(616,683)
FY 2044	47,469	103,988	(56,519)	(673,203)
FY 2045	48,736	106,828	(58,092)	(731,294)
FY 2046	50,094	109,744	(59,650)	(790,944)
FY 2047	51,422	112,738	(61,315)	(852,259)
FY 2048	52,764	115,812	(63,048)	(915,307)

# What can MTS do unilaterally to make up for the shortfall?

- Reduce *TransNet* Rapid and/or Mid-Coast services.
  - *TransNet* Bus service (6 routes):
    - \$22 million in annual subsidy (FY 2021 dollars)
    - 6.5 million annual passengers: 8% of MTS total (FY 2019)
    - 23,000 passengers/weekday (FY 2019)
    - 244,000 annual revenue hours
    - 3.5 million annual revenue miles
    - 76 buses (including 64 articulated)
    - Approx. 23% of San Diego Transit service, 4% of Transdev contract
  - Mid-Coast
    - *TransNet* subsidizes all Blue Line service between Old Town and UTC
- Reduce other MTS services to subsidize *TransNet* Rapid & Trolley service.
  - Could be Title VI, equity implications

# MTS Service Considerations

- Some *TransNet* routes are among MTS' best performing, others among lowest
  - Rapid 201/202 (SuperLoop) is MTS' highest ridership route (pre-pandemic)
- MTS subsidizes *TransNet* routes by \$2.2 million/year, the “maintenance of effort” amount that funded predecessor MTS services.
- MTS process would review performance data based on Board Policy 42 metrics, to establish proposals for public engagement.
- \$31 million is a substantial amount of service
  - Five times the savings from the major 2006-2008 restructuring (COA)
  - Likely impact every bus & Trolley route, with significant reductions to many

# What can the transit operators do jointly?

- Agree to a way to split the remaining 8.1% of funds
- Various scenarios presented by SANDAG, including:
  - Only fund what has already been built, then cut some of the services strategically (eg. cut Coaster service added in 2021)
  - Agree to split the remaining revenue based on population or percent of sales tax receipts collected in each transit jurisdiction (FY 2019 receipts: 76% MTS, 24% NCTD) and require operators to subsidize the balance
- None of the scenarios increases funding, and would require major transit service cuts

# What can be done regionally?

- All “buckets / pie slices” of *TransNet* analyzed against the goals of *TransNet*, the impact on the viability of *TransNet* investments that have already been made, and the return on investment for taxpayers
  - Comprehensive, metrics-based approach to determining investment of scarce resources
  - Limit the introduction of new programs at the expense of existing operations
- Review other sources of subsidy in the region, how it is forecast to be spent
  - eg. Congestion Mitigation and Air Quality (CMAQ)– limited use for operation of new services
  - eg. Surface Transportation Block Grant Program– could fund transit facilities (swap with local funds to pay for operations)
  - Challenge: there are few programs to fund transit operations, **which is why the *TransNet* Ordinance included dedicated operating funds**
  - However, could possibly “swap” regional capital sources of funding into transit CIPs to free up more flexible funding

# Preliminary Recommendations

- SANDAG is the appropriate lead on these discussions as the *TransNet* implementing agency
- Hold off the creation of new programs until a strategy has evolved for solving the shortfall
- Recognize that continuing these *TransNet* services may require a “plus up” of the 8.1% either through diversion of *TransNet* from other sources, or identification of other funding streams

# Discussion and Questions



## Agenda Item No. 45

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

#### SUBJECT:

BUS ON SHOULDER (BOS) PILOT PROJECT UPDATE (MICHAEL DANNEY)

#### INFORMATIONAL ONLY

##### Budget Impact

The budget for this project is approximately \$30.9 million. The project is funded by the Federal Transit Administration and *TransNet II*.

#### DISCUSSION:

The Bus on Shoulder (BOS) demonstration project is scheduled to begin revenue service on Monday, January 31, 2022. This project, led by the San Diego Association of Governments (SANDAG), was developed in partnership with San Diego Metropolitan Transit System (MTS), California Department of Transportation (Caltrans), and the California Highway Patrol (CHP). This demonstration project will allow the South Bay Rapid (Route 225) to perform shoulder operations along segments of Interstate-805 and State Route-94 during peak commute times.

South Bay Rapid Route 225 is the most recent route added to San Diego's Rapid network, extending from the Otay Mesa Transit Center, adjacent to the international border, to downtown San Diego via I-805 and SR-94. During periods of heavy traffic congestion, this route can experience considerable delays along I-805 and SR-94. In order to mitigate these delays, the BOS demonstration project will utilize existing freeway shoulder lanes, new state-of-the-art vehicle-to-ramp technology and specifically trained bus operators to bypass freeway congestion, helping to maintain schedule reliability.

This project includes the San Diego region's first use of vehicle-to-infrastructure technology. Sensors embedded on the South Bay Rapid fleet provide audio and visual alerts to the drivers regarding lane position and potential conflicts with other vehicles or obstructions along the corridor and shoulder.

This project is a three-year demonstration program (December 2021 – December 2024) that will provide valuable insight into the viability of increased priority for freeway-running bus service and will serve as a preliminary example of a complete corridor providing commuters with more



and better options that take advantage of our existing infrastructure. If successful at the end of the pilot period, SANDAG intends to look for opportunities to build upon and improve transit using these cost-effective concepts as part of future regional plans.

/S/ Sharon Cooney  
Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

# South Bay *Rapid* Bus On Shoulder (BOS) Demonstration Project

MTS Board of Directors Meeting  
January 20, 2022



# BOS - Project Overview

- Cooperative project between MTS, SANDAG, CHP and Caltrans
- Three (3) Year Demonstration Project
  - December 2021\* through December 2024
- Funded with a \$13m Federal Grant and \$17m local match (Transnet)
- A component of the South Bay Rapid (Route 225)
  - SB Rapid Commenced Operations January 2019

# BOS - Demonstration Project Objectives

- Determine the feasibility of transit vehicles using freeway shoulder to bypass congestion
- Understand the effectiveness of state-of-the-art driver assist technology.
- Evaluate the impact of transit vehicles utilizing freeway shoulders as Transit Only Lanes (TOL's) on adjacent travel lanes
- Understand the effectiveness of transit Operations in the TOL (e.g. on-time performance, customer experience, improved travel time and ridership)
- Consider applicability for future expansion of shoulder operations and inclusion in to future regional transportation plans.

Transit only lane operation will occur on a daily basis  
Monday through Friday,  
5:00am to 9:00am & 3:00pm to 7:00pm

Up to 15 mph faster than adjacent travel lane (max  
speed= 35 mph)

Inclement weather will prohibit use of shoulder lanes by  
buses

Shoulder will remain available for traditional shoulder  
functions (breakdowns, emergency vehicle response,  
etc.)

Buses must yield to:

- Emergency vehicles

- Enforcement and maintenance vehicles.

- Parked vehicles

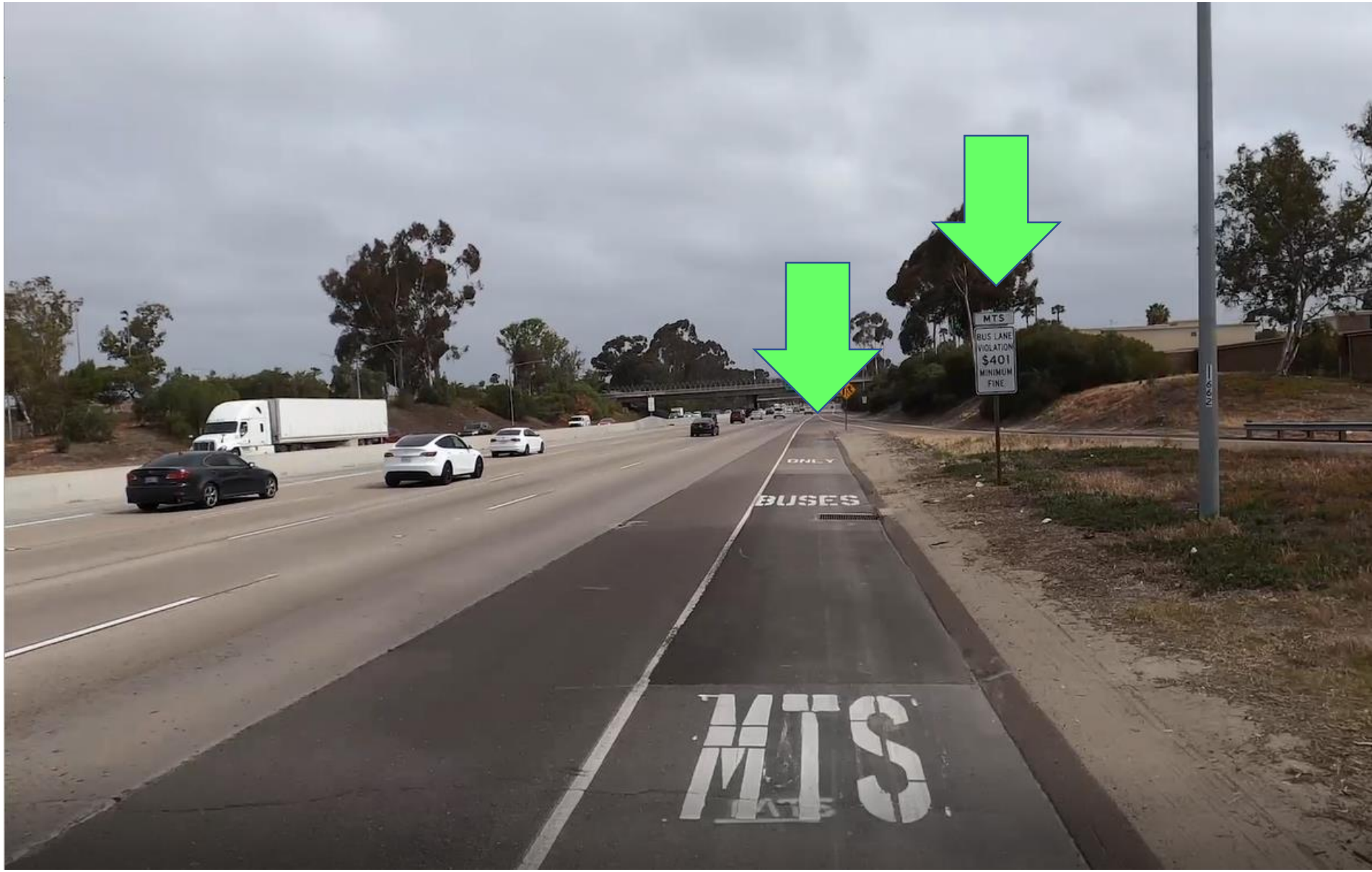
- Debris in shoulder



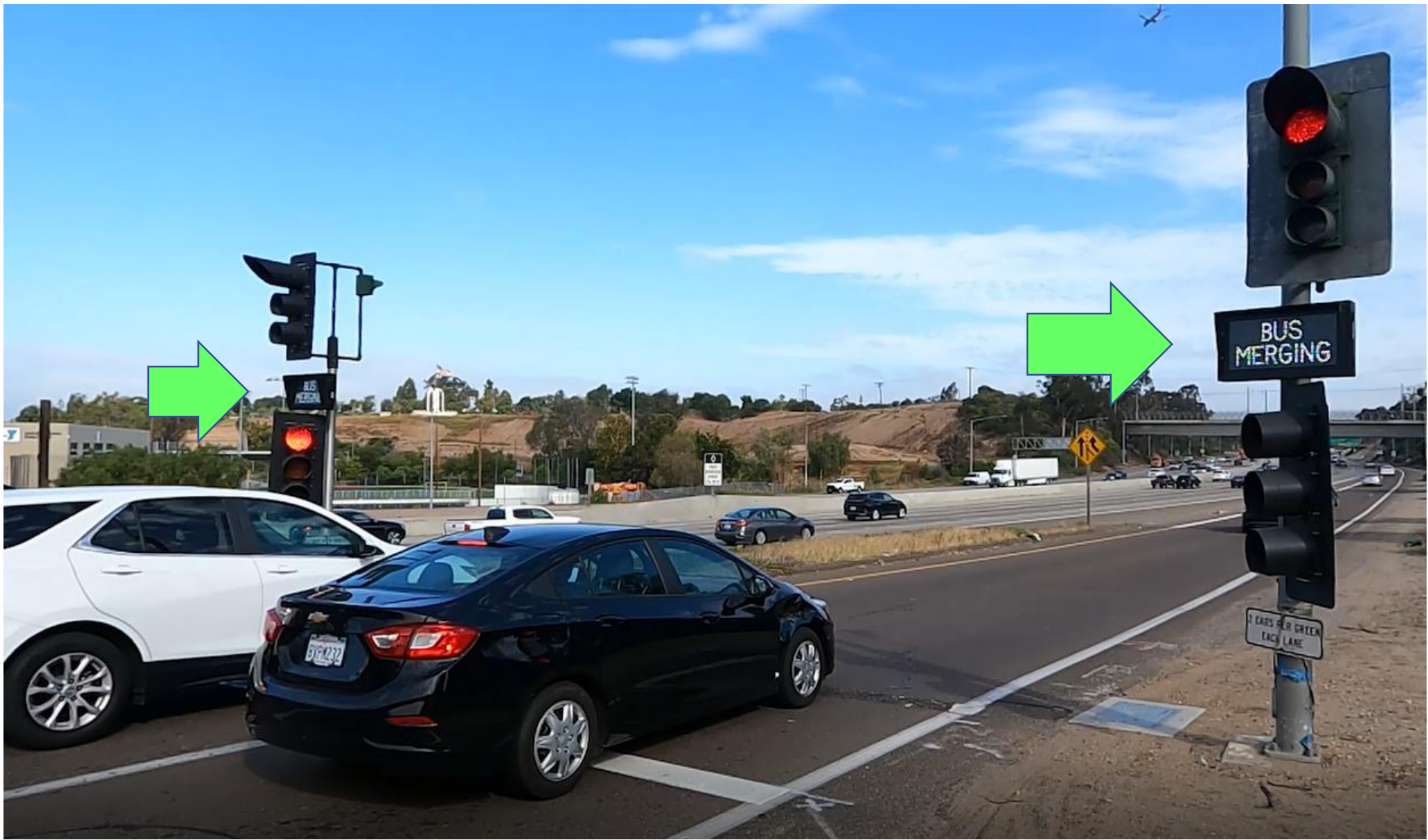
# BOS - Freeway Shoulder Improvements

- 7 Miles of freeway shoulder upgrade, enhancements and restriping
- Shoulder lane widths will be between 10ft and 12ft
- Transit-Only-Lane (TOL) signage and ramp meter upgrades

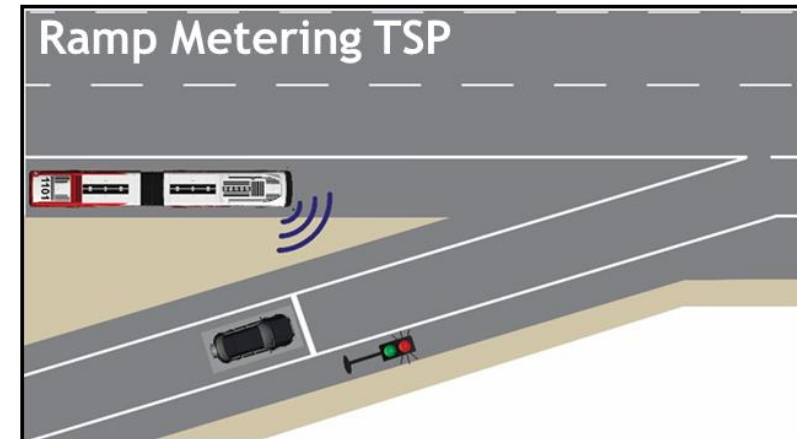
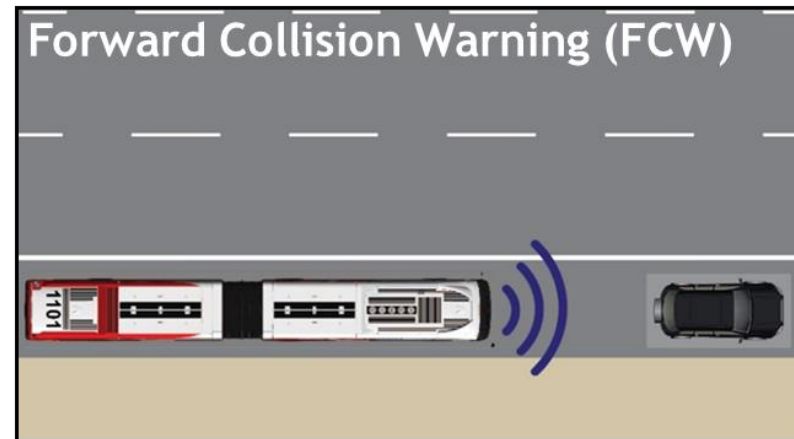
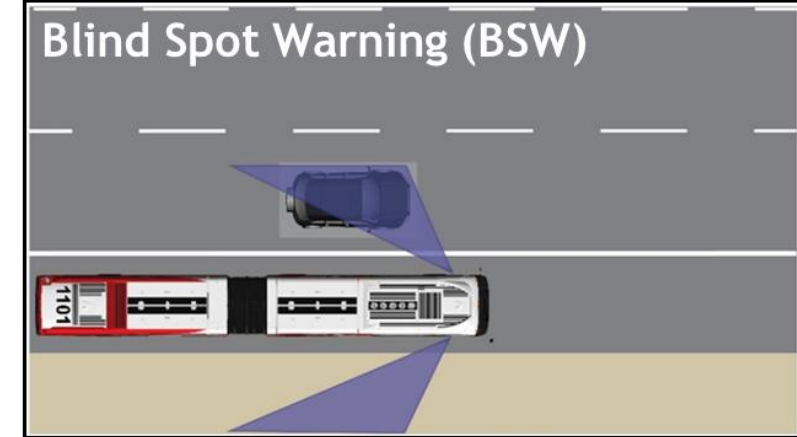
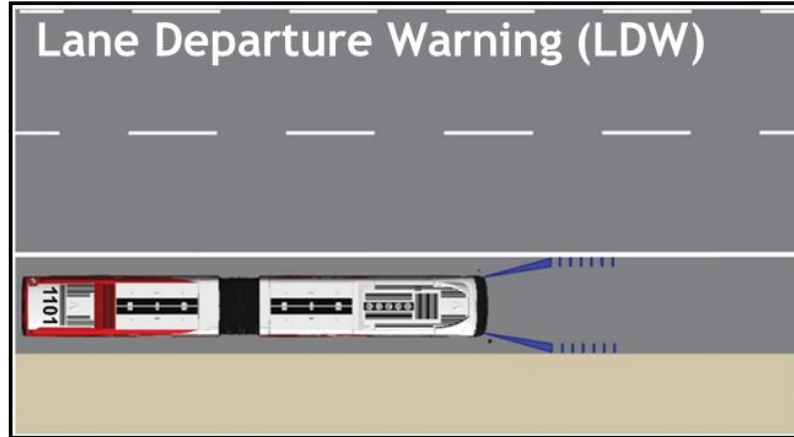






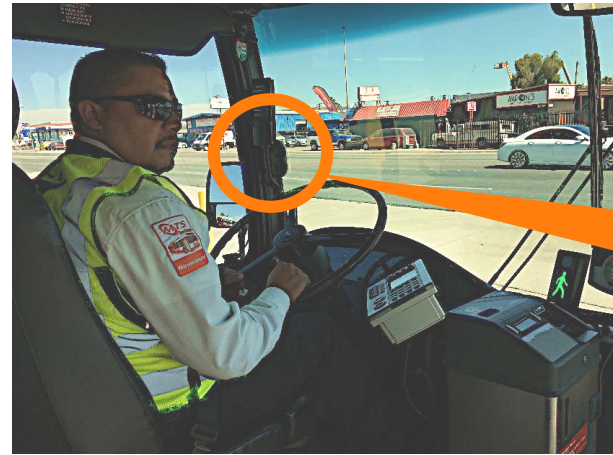


# BOS - Advanced Driver Assist System (ADAS)

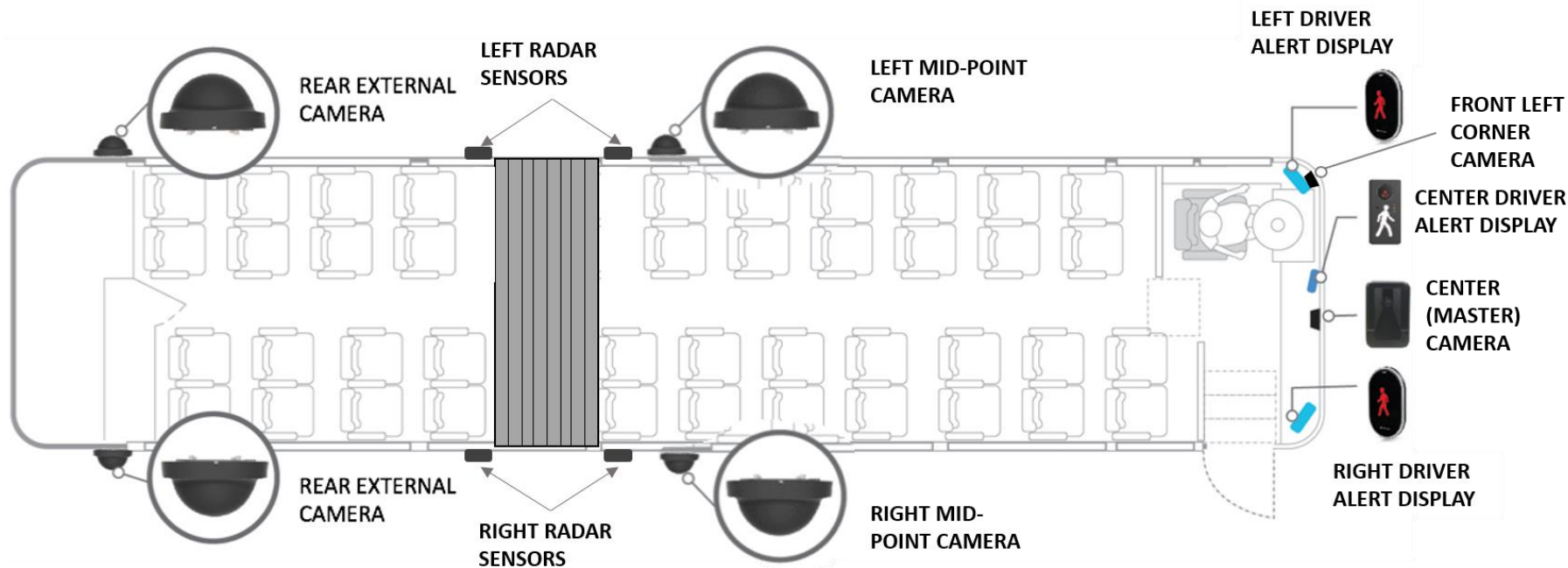


# On-Vehicle System Architecture

- 6 - Cameras (Mobile Eye)
- 4 - Sensors (Autonomous Stuff Radar)
- 3 - Driver assist alert displays



**Transit Only  
Lane (TOL)  
System  
Availability  
Indicator**



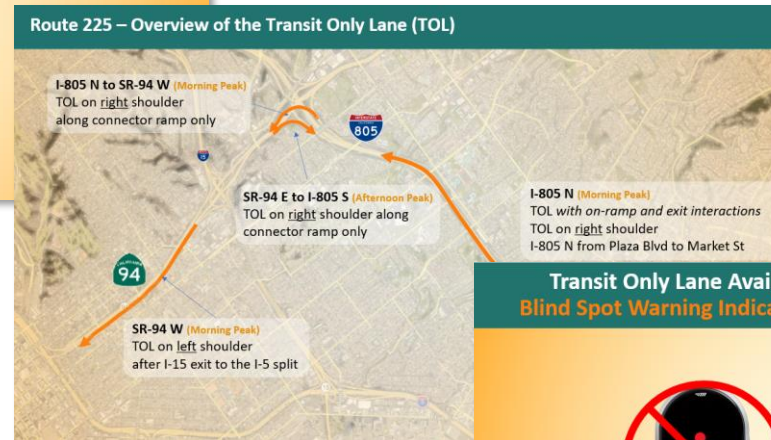


## BOS - Operator Training

- Training module developed by Sutra/Parsons/Transdev (presentation and video overview)
- Focused classroom and behind-the-wheel training
- CHP supported freeway training effort (Daily: 6am – 10am)
- All operators must be certified to operate in revenue service.

# Operator Training Details

- 1hr - Classroom Technology Training
- 1hr - Behind-the-Wheel Technology Training
- 2hrs - Classroom Shoulder Operations Training
- 2hrs - Behind-the-Wheel Training



**Transit Only Lane Availability Indicator - Left Side Display**  
**Blind Spot Warning Indicator vs TOL System Available Indicator**

Blind Spot Indicator

Left Side Display

Side Display Indicators	Meaning
Small green light under person image	Blind Spot Warning system is operating
Black box to side with green / red light	TOL Available (green) / TOL Not Available

TOL System Available Indicator

Safety Alerts

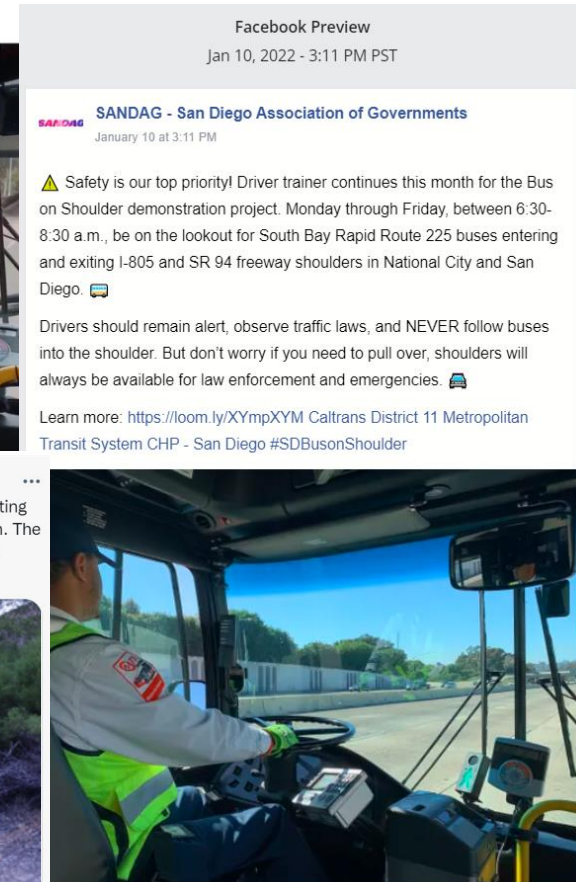
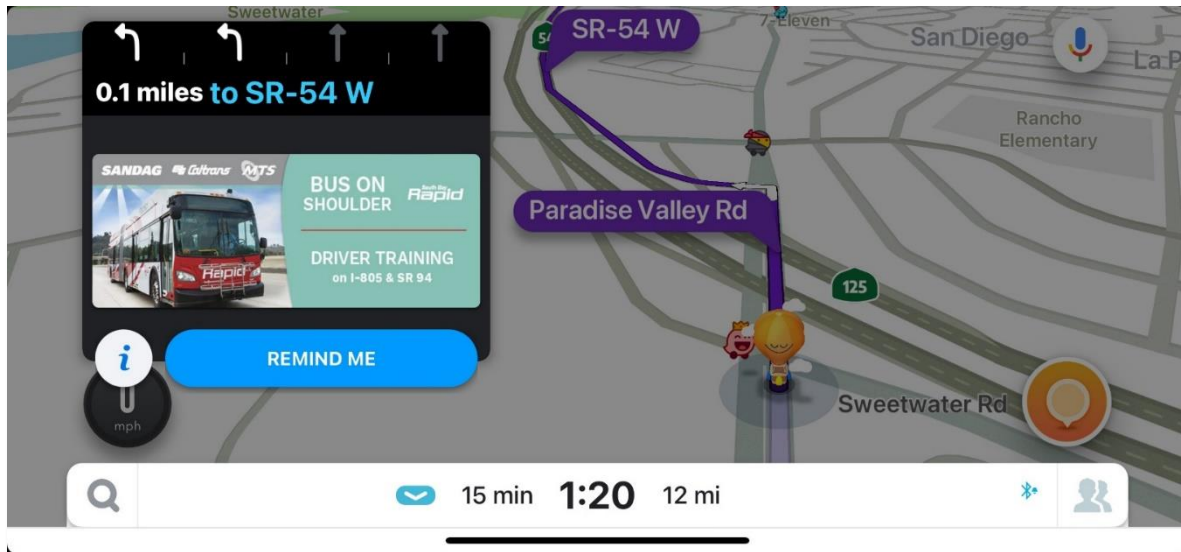


## BOS - Outreach Marketing Efforts

- Planning for Jan 27 Media Availability ride-along tours prior to Jan 31 official BOS launch.
- Digital ads (WAZE and Geofencing) continue and Radio Traffic Alerts to begin 1/17-1/30/22 and 1/31-2/27/22.
- Social media posts will continue by program partners, to include video when available.

# Social Media and Connections

- Facebook
- Instagram
- Twitter
- LinkedIn
- Waze



# CONNECT with Us



**KeepSanDiegoMoving.com/BusOnShoulder**



**BusOnShoulder@KeepSanDiegomoving.com**



**SANDAGregion | SDCaltrans | SDMTS**



**SANDAGregion | D11Caltrans | SDMTS**



**SANDAGregion | CaltransDistrict11 | SanDiegoMTS**



**SANDAG | SDCaltrans | SDMTS**



**SANDAG**

**Caltrans**



# BOS – Major Milestones & Next Steps

Component	Major Milestones	Date
Bus Equipment (Completed)	Advanced Driver Assistance Systems (ADAS) Installations	10/1/2020
	Connected Vehicle Equipment	8/20/2021
Technology Training	Phase 1 - ADAS (Train the Trainers)	6/3/2020
	Phase 1 - ADAS (Driver Training)	9/21/2020 - 01/08/2021
Civil	Freeway shoulder infrastructure Improvements	7/28/2021
Service Training	Phase 2 - TOL (Train-the-Trainer)	7/23/2021
	Phase 2 - TOL (Driver Training)	11/29/21 - Cont..
Start of Service	Bus on Shoulder Operations Begins	1/31/2022
Project Ends	Pilot Period for BOS Ends	12/31/2024

# Questions?



## Agenda Item No. 46

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

January 20, 2022

#### SUBJECT:

OPERATIONS BUDGET STATUS REPORT FOR OCTOBER 2021 (GORDON MEYER)

#### INFORMATIONAL ONLY

##### Budget Impact

None.

#### DISCUSSION:

This report summarizes the year-to-date operating results for October 2021 compared to the fiscal year (FY) 2022 budget for the San Diego Metropolitan Transit System (MTS). The FY22 budget includes the projected impacts from the COVID-19 pandemic; therefore, variances are between actuals and the FY22 budget, inclusive of projected impacts from the pandemic. Attachment A-1 combines the operations', administrations' and other activities' results for October 2021. Attachment A-2 details the October 2021 combined operations' results and Attachments A-3 to A-7 present budget comparisons for each MTS operation. Attachment A-8 details budget comparisons for MTS Administration, and Attachment A-9 provides October 2021 results for MTS's other activities (For Hire Vehicle Administration/San Diego and Arizona Eastern Railway Company).

#### MTS NET-OPERATING SUBSIDY RESULTS

As indicated within Attachment A-1, for the year-to-date period ending October 2021, MTS's net-operating income favorable variance totaled \$3,092,000 (3.4%). Operations produced a \$1,827,000 (2.0%) favorable variance and the administrative/other activities areas were favorable by \$1,265,000.

#### MTS COMBINED RESULTS

Operating Revenues. Year-to-date combined revenues through October 2021 were \$22,757,000 compared to the year-to-date budget of \$22,493,000, representing a \$264,000 (1.2%) favorable variance. Year-to-date passenger revenue was unfavorable by \$610,000 (-4.0%) through October. Passenger revenue was down \$791,000 (-5.1%) versus the first four



months of the prior year, while passenger levels were up 5,005,000 (38.4%) passengers over the same time period. The unfavorable passenger revenue variance is due to free ride month in October, which was not included in the FY22 budget.

Other operating revenue was favorable by \$873,000 (12.3%), primarily due to favorable vehicle advertising revenue, energy credits, auction sales, and miscellaneous revenue.

Operating Expenses. Year-to-date combined expenses through October 2021 were \$110,784,000 compared to the budget of \$113,612,000, resulting in a \$2,828,000 (2.5%) favorable variance.

Personnel Costs. Year-to-date personnel-related costs totaled \$50,447,000, compared to a budgetary figure of \$51,272,000, producing a favorable variance of \$824,000 (1.6%). This is primarily due to favorable bus operator wages, unemployment insurance, health and welfare expenses, and Mid-Coast cost recovery.

Outside Services and Purchased Transportation. Total outside services through four months of the fiscal year totaled \$37,766,000, compared to a budget of \$40,817,000, resulting in a favorable variance of \$3,051,000 (7.5%). This is primarily due to favorable purchased transportation costs for both fixed route service as well as paratransit service.

Materials and Supplies. Total year-to-date materials and supplies expenses were \$4,970,000, compared to a budgetary figure of \$4,483,000 resulting in an unfavorable variance of \$487,000 (-10.9%). This is primarily due to unfavorable revenue vehicle parts within Bus Operations. In FY21, MTS budgeted over \$2 million to install germs shields on the entire bus fleet. Some of those installations were completed in FY22, resulting in a favorable variance for FY21 and an unfavorable variance in the start of FY22.

Energy. Total year-to-date energy costs were \$13,395,000, compared to the budget of \$12,808,000, resulting in an unfavorable variance of \$587,000 (-4.6%). This is primarily due to unfavorable commodity rates for compressed natural gas.

Risk Management. Total year-to-date expenses for risk management were \$2,223,000 compared to the budget of \$2,275,000, resulting in a favorable variance totaling \$53,000 (2.3%).

General and Administrative. The year-to-date general and administrative costs were \$1,517,000 through October 2021, compared to a budget of \$1,481,000, resulting in an unfavorable variance of \$36,000 (-2.4%). This is primarily due to unfavorable Mills' building rent expenses.

Vehicle and Facility Leases. The year-to-date vehicle and facilities leases costs were \$467,000 compared to the budget of \$476,000 resulting in a \$9,000 (1.9%) favorable variance.

#### YEAR-TO-DATE SUMMARY

The October 2021, year-to-date net-operating income totaled a favorable variance of \$3,092,000 (3.4%). These factors include favorable variances in other operating revenue, personnel, outside services, risk management, and vehicle/facility leases; partially offset by

unfavorable variances in passenger revenue, materials and supplies, energy, and general and administrative costs.

/S/ Sharon Cooney

Sharon Cooney  
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, [Julia.Tuer@sdmts.com](mailto:Julia.Tuer@sdmts.com)

Attachment: A. Comparison to Budget

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**

**MTS**

Att. A, AI 46, 01/20/2022

**CONSOLIDATED**

**COMPARISON TO BUDGET - FISCAL YEAR 2022**

**OCTOBER 31, 2021**

**(in \$000's)**

	<b>YEAR TO DATE</b>			
	<b>ACTUAL</b>	<b>BUDGET</b>	<b>VARIANCE</b>	<b>VAR. %</b>
Passenger Revenue	\$ 14,811	\$ 15,421	\$ (610)	-4.0%
Other Revenue	7,946	7,073	873	12.3%
<b>Total Operating Revenue</b>	<b>\$ 22,757</b>	<b>\$ 22,493</b>	<b>\$ 264</b>	<b>1.2%</b>
Personnel costs	\$ 50,447	\$ 51,272	\$ 824	1.6%
Outside services	37,766	40,817	3,051	7.5%
Materials and supplies	4,970	4,483	(487)	-10.9%
Energy	13,395	12,808	(587)	-4.6%
Risk management	2,223	2,275	53	2.3%
General & administrative	1,517	1,481	(36)	-2.4%
Vehicle/facility leases	467	476	9	1.9%
Administrative Allocation	-	(0)	(0)	0.0%
<b>Total Operating Expenses</b>	<b>\$ 110,784</b>	<b>\$ 113,612</b>	<b>\$ 2,828</b>	<b>2.5%</b>
<b>Operating Income (Loss)</b>	<b>\$ (88,027)</b>	<b>\$ (91,118)</b>	<b>\$ 3,092</b>	<b>3.4%</b>
<b>Total Non-Operating Activities</b>	<b>12</b>	<b>186</b>	<b>(174)</b>	<b>-93.5%</b>
<b>Income (Loss) before Capital Contributions</b>	<b>\$ (88,015)</b>	<b>\$ (90,932)</b>	<b>\$ 2,917</b>	<b>-3.2%</b>

# SAN DIEGO METROPOLITAN TRANSIT SYSTEM

## OPERATIONS CONSOLIDATED

Att. A, AI 46, 01/20/2022

### COMPARISON TO BUDGET - FISCAL YEAR 2022 OCTOBER 31, 2021 (in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 14,816	\$ 15,421	\$ (604)	-3.9%
Other Revenue	203	127	76	60.2%
<b>Total Operating Revenue</b>	<b>\$ 15,020</b>	<b>\$ 15,547</b>	<b>\$ (528)</b>	<b>-3.4%</b>
Personnel costs	\$ 42,259	\$ 43,021	\$ 762	1.8%
Outside services	32,356	35,034	2,678	7.6%
Materials and supplies	4,967	4,477	(489)	-10.9%
Energy	13,073	12,487	(586)	-4.7%
Risk management	1,998	1,968	(31)	-1.6%
General & administrative	285	321	36	11.2%
Vehicle/facility leases	403	388	(15)	-4.0%
Administrative Allocation	8,084	8,084	(0)	0.0%
<b>Total Operating Expenses</b>	<b>\$ 103,426</b>	<b>\$ 105,781</b>	<b>\$ 2,354</b>	<b>2.2%</b>
<b>Operating Income (Loss)</b>	<b>\$ (88,407)</b>	<b>\$ (90,233)</b>	<b>\$ 1,827</b>	<b>2.0%</b>
<b>Total Non-Operating Activities</b>	<b>(29)</b>	<b>136</b>	<b>(165)</b>	<b>-121.4%</b>
<b>Income (Loss) before Capital Contributions</b>	<b>\$ (88,436)</b>	<b>\$ (90,097)</b>	<b>\$ 1,662</b>	<b>-1.8%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**  
**OPERATIONS** Att. A, AI 46, 01/20/2022  
**BUS - DIRECTLY OPERATED (SAN DIEGO TRANSIT CORP.)**  
**COMPARISON TO BUDGET - FISCAL YEAR 2022**  
**OCTOBER 31, 2021**  
**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 4,327	\$ 3,831	\$ 496	13.0%
Other Revenue	39	1	38	3269.5%
<b>Total Operating Revenue</b>	<b>\$ 4,366</b>	<b>\$ 3,832</b>	<b>\$ 534</b>	<b>13.9%</b>
Personnel costs	\$ 28,129	\$ 28,302	\$ 173	0.6%
Outside services	523	705	182	25.8%
Materials and supplies	2,439	2,090	(349)	-16.7%
Energy	2,573	2,414	(159)	-6.6%
Risk management	728	753	25	3.3%
General & administrative	117	142	24	17.1%
Vehicle/facility leases	113	132	19	14.7%
Administrative Allocation	1,348	1,348	-	0.0%
<b>Total Operating Expenses</b>	<b>\$ 35,970</b>	<b>\$ 35,886</b>	<b>\$ (84)</b>	<b>-0.2%</b>
<b>Operating Income (Loss)</b>	<b>\$ (31,604)</b>	<b>\$ (32,054)</b>	<b>\$ 450</b>	<b>1.4%</b>
<b>Total Non-Operating Activities</b>	<b>(110)</b>	<b>55</b>	<b>(165)</b>	<b>-300.1%</b>
<b>Income (Loss) before Capital Contributions</b>	<b>\$ (31,714)</b>	<b>\$ (31,999)</b>	<b>\$ 285</b>	<b>-0.9%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**

**OPERATIONS**

Att. A, AI 46, 01/20/2022

**RAIL (SAN DIEGO TROLLEY INC.)**

**COMPARISON TO BUDGET - FISCAL YEAR 2022**

**OCTOBER 31, 2021**

**(in \$000's)**

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 5,274	\$ 6,703	\$ (1,429)	-21.3%
Other Revenue	164	126	39	30.8%
<b>Total Operating Revenue</b>	<b>\$ 5,438</b>	<b>\$ 6,828</b>	<b>\$ (1,390)</b>	<b>-20.4%</b>
Personnel costs	\$ 13,861	\$ 14,467	\$ 606	4.2%
Outside services	2,131	2,267	136	6.0%
Materials and supplies	2,113	2,368	254	10.7%
Energy	7,240	7,255	14	0.2%
Risk management	1,270	1,210	(61)	-5.0%
General & administrative	163	173	11	6.1%
Vehicle/facility leases	160	139	(21)	-15.1%
Administrative Allocation	5,788	5,788	(0)	0.0%
<b>Total Operating Expenses</b>	<b>\$ 32,726</b>	<b>\$ 33,666</b>	<b>\$ 940</b>	<b>2.8%</b>
<b>Operating Income (Loss)</b>	<b>\$ (27,288)</b>	<b>\$ (26,838)</b>	<b>\$ (450)</b>	<b>-1.7%</b>
<b>Total Non-Operating Activities</b>	<b>0</b>	<b>-</b>	<b>0</b>	<b>-</b>
<b>Income (Loss) before Capital Contributions</b>	<b>\$ (27,288)</b>	<b>\$ (26,838)</b>	<b>\$ (450)</b>	<b>1.7%</b>

# SAN DIEGO METROPOLITAN TRANSIT SYSTEM

## OPERATIONS

Att. A, AI 46, 01/20/2022

### BUS - CONTRACTED SERVICES (FIXED ROUTE)

### COMPARISON TO BUDGET - FISCAL YEAR 2022

OCTOBER 31, 2021

(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ 4,959	\$ 4,541	\$ 417	9.2%
Other Revenue	-	-	-	-
<b>Total Operating Revenue</b>	<b>\$ 4,959</b>	<b>\$ 4,541</b>	<b>\$ 417</b>	<b>9.2%</b>
Personnel costs	\$ 219	\$ 217	\$ (2)	-0.9%
Outside services	26,007	26,991	984	3.6%
Materials and supplies	414	17	(398)	-2379.7%
Energy	2,972	2,568	(404)	-15.7%
Risk management	-	-	-	-
General & administrative	3	2	(1)	-80.4%
Vehicle/facility leases	17	20	4	17.2%
Administrative Allocation	784	784	-	0.0%
<b>Total Operating Expenses</b>	<b>\$ 30,416</b>	<b>\$ 30,599</b>	<b>\$ 183</b>	<b>0.6%</b>
<b>Operating Income (Loss)</b>	<b>\$ (25,457)</b>	<b>\$ (26,058)</b>	<b>\$ 600</b>	<b>2.3%</b>
<b>Total Non-Operating Activities</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Income (Loss) before Capital Contributions</b>	<b>\$ (25,457)</b>	<b>\$ (26,058)</b>	<b>\$ 600</b>	<b>-2.3%</b>

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**

**OPERATIONS**

Att. A, AI 46, 01/20/2022

**BUS - CONTRACTED SERVICES (PARATRANSIT)**

**COMPARISON TO BUDGET - FISCAL YEAR 2022**

**OCTOBER 31, 2021**

**(in \$000's)**

	<b>YEAR TO DATE</b>			
	<b>ACTUAL</b>	<b>BUDGET</b>	<b>VARIANCE</b>	<b>VAR. %</b>
Passenger Revenue	\$ 257	\$ 346	\$ (89)	-25.7%
Other Revenue	-	-	-	-
<b>Total Operating Revenue</b>	<b>\$ 257</b>	<b>\$ 346</b>	<b>\$ (89)</b>	<b>-25.7%</b>
Personnel costs	\$ 51	\$ 35	\$ (15)	-44.2%
Outside services	3,614	4,990	1,376	27.6%
Materials and supplies	-	3	3	-
Energy	289	251	(38)	-15.2%
Risk management	-	5	5	-
General & administrative	2	4	2	59.5%
Vehicle/facility leases	114	97	(17)	-17.9%
Administrative Allocation	165	165	-	0.0%
<b>Total Operating Expenses</b>	<b>\$ 4,233</b>	<b>\$ 5,549</b>	<b>\$ 1,315</b>	<b>23.7%</b>
<b>Operating Income (Loss)</b>	<b>\$ (3,976)</b>	<b>\$ (5,202)</b>	<b>\$ 1,226</b>	<b>23.6%</b>
<b>Total Non-Operating Activities</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Income (Loss) before Capital Contributions</b>	<b>\$ (3,976)</b>	<b>\$ (5,202)</b>	<b>\$ 1,226</b>	<b>-23.6%</b>

# SAN DIEGO METROPOLITAN TRANSIT SYSTEM

## OPERATIONS

Att. A, AI 46, 01/20/2022

## CORONADO FERRY

### COMPARISON TO BUDGET - FISCAL YEAR 2022

OCTOBER 31, 2021

(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	-	-	-	-
<b>Total Operating Revenue</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>-</b>
Personnel costs	\$ -	\$ -	\$ -	-
Outside services	81	81	(0)	0.0%
Materials and supplies	-	-	-	-
Energy	-	-	-	-
Risk management	-	-	-	-
General & administrative	-	-	-	-
Vehicle/facility leases	-	-	-	-
Administrative Allocation	-	-	-	0.0%
<b>Total Operating Expenses</b>	<b>\$ 81</b>	<b>\$ 81</b>	<b>\$ (0)</b>	<b>0.0%</b>
<b>Operating Income (Loss)</b>	<b>\$ (81)</b>	<b>\$ (81)</b>	<b>\$ (0)</b>	<b>0.0%</b>
<b>Total Non-Operating Activities</b>	<b>81</b>	<b>81</b>	<b>(0)</b>	<b>0.0%</b>
<b>Income (Loss) before Capital Contributions</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ (0)</b>	<b>-58.6%</b>

# SAN DIEGO METROPOLITAN TRANSIT SYSTEM

## ADMINISTRATION

Att. A, AI 46, 01/20/2022

## CONSOLIDATED

## COMPARISON TO BUDGET - FISCAL YEAR 2022

OCTOBER 31, 2021

(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ (6)	\$ -	\$ (6)	-
Other Revenue	7,603	6,867	736	10.7%
<b>Total Operating Revenue</b>	<b>\$ 7,597</b>	<b>\$ 6,867</b>	<b>\$ 730</b>	<b>10.6%</b>
Personnel costs	\$ 8,044	\$ 8,079	\$ 35	0.4%
Outside services	5,403	5,745	342	6.0%
Materials and supplies	4	6	2	34.2%
Energy	317	315	(2)	-0.8%
Risk management	207	293	87	29.5%
General & administrative	1,210	1,130	(81)	-7.1%
Vehicle/facility leases	58	80	22	27.5%
Administrative Allocation	(8,087)	(8,087)	(0)	0.0%
<b>Total Operating Expenses</b>	<b>\$ 7,157</b>	<b>\$ 7,561</b>	<b>\$ 405</b>	<b>5.4%</b>
<b>Operating Income (Loss)</b>	<b>\$ 440</b>	<b>\$ (695)</b>	<b>\$ 1,135</b>	<b>163.4%</b>
<b>Total Non-Operating Activities</b>	<b>41</b>	<b>51</b>	<b>(9)</b>	<b>-18.4%</b>
<b>Income (Loss) before Capital Contributions</b>	<b>\$ 481</b>	<b>\$ (644)</b>	<b>\$ 1,125</b>	<b>-174.7%</b>

# SAN DIEGO METROPOLITAN TRANSIT SYSTEM

## OTHER ACTIVITIES

Att. A, AI 46, 01/20/2022

## CONSOLIDATED

## COMPARISON TO BUDGET - FISCAL YEAR 2022

OCTOBER 31, 2021

(in \$000's)

	YEAR TO DATE			
	ACTUAL	BUDGET	VARIANCE	VAR. %
Passenger Revenue	\$ -	\$ -	\$ -	-
Other Revenue	141	79	61	77.4%
<b>Total Operating Revenue</b>	<b>\$ 141</b>	<b>\$ 79</b>	<b>\$ 61</b>	<b>77.4%</b>
Personnel costs	\$ 144	\$ 171	\$ 27	16.0%
Outside services	7	38	31	81.5%
Materials and supplies	(1)	-	1	-
Energy	4	5	1	26.1%
Risk management	17	14	(3)	-24.2%
General & administrative	21	31	9	30.1%
Vehicle/facility leases	6	9	2	28.0%
Administrative Allocation	2	2	-	0.0%
<b>Total Operating Expenses</b>	<b>\$ 201</b>	<b>\$ 270</b>	<b>\$ 69</b>	<b>25.5%</b>
<b>Operating Income (Loss)</b>	<b>\$ (60)</b>	<b>\$ (191)</b>	<b>\$ 130</b>	<b>68.3%</b>
<b>Total Non-Operating Activities</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Income (Loss) before Capital Contributions</b>	<b>\$ (60)</b>	<b>\$ (191)</b>	<b>\$ 130</b>	<b>-68.3%</b>

# **Metropolitan Transit System FY22 Operating Budget - October 2021 Financial Review**

MTS Board of Directors  
January 20, 2022

# CONSOLIDATED MTS OPERATIONS

COMPARISON TO BUDGET – OCTOBER 31, 2021 - FY 2022

## FEDERAL STIMULUS FUNDING

- COVID-19 Budget Impact:
  - FY22 budget includes \$80.3M structural deficit (recurring revenues less recurring expenses)
- Federal Stimulus Funds:
  - FTA CARES Act
    - MTS share is \$220M in total, \$90.0M spent to date
    - Stopped drawing CARES at end of FY21
  - FTA ARP Act
    - MTS share is \$140M in total, \$39.4M spent to date
    - Started drawing ARP funds in July of FY22 to spend first due to funding deadlines
- FY22 budget includes \$80.3M of projected stimulus funds to cover structural deficit
- CARES/ARP funds used to cover structural deficits in future years until these funds run out

# CONSOLIDATED MTS OPERATIONS

COMPARISON TO BUDGET – OCTOBER 31, 2021 - FY 2022

TOTAL OPERATING REVENUES (\$000's)

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>VAR %</u>
Fare Revenue	\$ 14,811	\$ 15,421	\$ (610)	-4.0%
Other Operating Revenue	\$ 7,946	\$ 7,073	\$ 873	12.3%
<b>Operating Revenue</b>	<b>\$ 22,757</b>	<b>\$ 22,493</b>	<b>\$ 264</b>	<b>1.2%</b>

- Fare Revenue
  - Revenue unfavorable to prior year by \$791K (-5.1%) due to free ride month
  - Ridership favorable to the prior year by 5.0M passengers (38.4%)
  - Positive signs in October
    - Passenger revenue at 57% of baseline versus 52% budgeted
- Other Operating Revenue
  - Favorable vehicle advertising, energy credits, auction proceeds, and misc. revenue

# CONSOLIDATED MTS OPERATIONS

COMPARISON TO BUDGET – OCTOBER 31, 2021 - FY 2022

TOTAL OPERATING EXPENSES (\$000's)

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>VAR %</u>
Personnel Costs	\$ 50,447	\$ 51,272	\$ 824	1.6%
Purchased Transportation	\$ 28,375	\$ 30,518	\$ 2,143	7.0%
Other Outside Services	\$ 9,391	\$ 10,299	\$ 908	8.8%
Energy	\$ 13,395	\$ 12,808	\$ (587)	-4.6%
Other Expenses	\$ 9,176	\$ 8,715	\$ (461)	-5.3%
<b>Operating Expenses</b>	<b>\$ 110,784</b>	<b>\$113,612</b>	<b>\$ 2,828</b>	<b>2.5%</b>

- Personnel – favorable bus operator wages, Mid-Coast cost recovery, unemployment insurance, and healthcare expenses
- Purchased Transportation – favorable for both fixed route and paratransit
- Other Outside Services – favorable engine/transmission overhauls, security, legal, repair/maintenance costs
- Energy – unfavorable CNG expenses due to high commodity rates
- Other Expenses – unfavorable materials/supplies costs due to revenue vehicle parts

# CONSOLIDATED MTS OPERATIONS

COMPARISON TO BUDGET – OCTOBER 31, 2021 - FY 2022

TOTAL OPERATING ACTIVITIES (\$000's)

	<u>ACTUAL</u>	<u>BUDGET</u>	<u>VARIANCE</u>	<u>VAR %</u>
MTS Operating Revenue	\$ 22,757	\$ 22,493	\$ 264	1.2%
MTS Operating Expenses	\$ 110,784	\$ 113,612	\$ 2,828	2.5%
<b>Total Net Operating Variance</b>	<b>\$ (88,027)</b>	<b>\$ (91,118)</b>	<b>\$ 3,092</b>	<b>3.4%</b>

- Net income favorable \$3.1M through October
  - Favorable expense variances expected to continue
  - Favorable revenue variances expected in passenger revenue, other operating revenue, and subsidy revenue
- FY22 budget included \$80.3M in ARP funds to cover structural deficit
  - Favorable budget results will mean more stimulus funds available for future years



## Agenda Item No. 61

Chief Executive Officer's Report

January 20, 2022

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 December 9, 2021 – January 7, 2022.

\*Also attached is a report of a non-competitive contract award under "immediate remedial measures" exception.

CEO Travel Report (since last Board meeting)

N/A

Board Member Travel Report (since last Board meeting)

N/A



## **Report of Non-Competitive Contract Award under “Immediate Remedial Measures” Exception**

### **“Immediate Remedial Measures” Exception**

Public Utilities Code section 120224.1 authorizes a sole source (non-competitive) contract award “[u]pon determining that immediate remedial measures to avert or alleviate damage to, or to repair or restore damaged or destroyed property of, [MTS] are necessary in order to insure that the facilities of [MTS] are available to serve the transportation needs of the general public or to comply with any state or federal regulation with respect to the operation of public transportation services, and upon determining that available remedial measures, including procurement in compliance with Sections 120222, and 120223, are inadequate, the general manager or chief executive officer may authorize the expenditure of money previously appropriated by [MTS] specifically for the direct purchases of goods and services, without observance of the provisions of those sections.”

If the CEO authorizes purchase of goods or services under this “immediate remedial measures” exception to competitive bidding, then a report to the Board with a full report explaining the necessity for that action must be submitted.

### **Emergency Replacement of 60<sup>th</sup> St Grade Crossing**

As part of MTS’s maintenance program for rail, MTS’s contractor conducts a survey and inspection of our rail ties every 6 months. In June 2021, MTS’s contractor identified a significant defect and structural issue with the 60<sup>th</sup> St Grade Crossing, advising immediate repair would be needed. A short-term fix of installing gage rods was immediately completed but a permanent, larger fix was still urgently necessary in order to maintain the grade crossing in a safe, working order before any further degradation.

In July 2021, after the MTS Purchasing Department and MTS Capital Projects Department, with the approval of the CEO, reviewed their available options, it was determined that due to the urgent need for fixing this rail structural issue, it would not be permissible to go out for a standard competitive construction procurement, as it would significantly delay the project start day.

It was determined that Veterans Engineering Services, Inc., a DVBE (Veterans Engineering) was the appropriate contractor to do this emergency work on a sole source basis under Section 120224.1. Veterans Engineering is currently performing construction work relating to a similar crosstie and grade crossings project nearby (see PWL325.0-21 Grade Crossing and Crosstie Project – approved by the Board on 3/11/2021 (AI 13)). Due to Veterans Engineering’s expertise and experience working on MTS’s rail infrastructure, and their understanding of the risks, impacts and disruption operationally that could occur if this rail crossing fails, economy and efficiency supports awarding this work as logical follow-on to work already in progress under a competitively awarded, low bid contract.

In August 2021, staff accordingly requested a scoping proposal and pricing from Veterans Engineering. After the scope and pricing were finalized between MTS and Contractor, materials were ordered with a long lead time in delivery. By the week of December 6, 2021, materials have been received, bus bridges scheduled for passengers, city traffic control and noise permits had been obtained, and work was scheduled to begin the weekend of December 11 2021.

Waiting any longer for this work to begin would result in quicker degradation of the rail ties and potentially shutting down Orange Line Service, particularly due to the rains forecasted this winter. In order to address this emergency repair, the CEO executed a \$214,091.09 change order (CCO 1) with Veterans Engineering Services, Inc., to authorize this work. CCO 1 does not exceed the Board spending authority for the Veterans Engineering contract, which includes a 20% contingency:

DESCRIPTION	BID AMOUNT	BID W/CONTINGENCY
Base – Executing	\$970,233.56	\$1,164,280.27
Add Alternate 1 – Executing	\$777,710.84	\$933,253.01
<b>Subtotal Base Work/Add Alt 1</b>	<b>\$1,747,944.40</b>	<b>\$2,097,533.28</b>
Add Alternate 2 – Executing at a later date	\$610,372.96	\$732,447.55
<b>Grand Total Incl. Add Alternate</b>	<b>\$2,358,317.36</b>	<b>\$2,829,980.83</b>

The new value of the contract, after CCO 1, is \$2,572,409.45. However, the CCO 1 did alter the scope by adding deducting one of the locations for work under the contract, valued at \$211,920.24, and substituting in the costs related to the new work location of 60<sup>th</sup> Street (at a cost of \$417,495.00 plus the cost of rail unloading for materials of \$8,516.33 – CCO 2).

#### DESCRIPTION OF WORK

This CCO is prepared in accordance with and incorporates Section Changes and Extra Work Payment of the Contract Documents and consists of: Remove Francis St. grade crossing and add 60th st. grade crossing per proposal co-001r1, CO-002 r1

#### **A. Contractor Cost of the Work**

Payroll Costs (See attached supporting documentation.)	\$ -	
Materials (See attached supporting documentation.)	\$ -	
Equipment (See attached supporting documentation.)	\$ -	
Consultant Costs (See attached supporting documentation.)	\$ -	
CCO2 - Rail unloading	\$ 8,516.33	
CCO1 Remove Francis st. grade crossing	\$ (211,920.24)	
CCO1 Add 60th St. grade crossing	\$ 417,495.00	Subtotal A: \$ 214,091.09

#### **B. Subcontractor Cost of the Work**

Payroll Costs (See attached supporting documentation.)	\$ -	
Equipment (See attached supporting documentation.)	\$ -	
Materials (See attached supporting documentation.)	\$ -	
Consultant Costs (See attached supporting documentation.)	\$ -	
Supplemental Costs (See attached supporting documentation.)	\$ -	Subtotal B: \$ -

#### **C. Contractor Fee: (As per the Contract Documents)**

Overhead and Profit	5%	
Overhead and Profit on Subcontractors	###	\$ -
Bonds and Insurance	1%	
		Subtotal C: \$ -

	Total = (A + B + C)	Total: \$ 214,091.09
Previous Contract Value	\$ 2,358,317.36	
	\$ -	
Adjustment by this Change Order	\$ 214,091.09	
New Contract Amount	Total: \$ 2,572,408.45	

The Francis St location will be added back to the contract scope when and if additional CIP budget funds are identified to complete this work. Depending on other unforeseen conditions in the field for the work still underway, there may be sufficient contingency remaining to complete this work.

# EXPENSE CONTRACT

Doc #	Organization	Subject	Amount	Revenue/ Expenditure	Day
PWG324.0-21-03.01	ABCGC	DOOR CLOSERS	\$1,657.03	E	12/9/2021
G2554.0-22	HOLIDAY BOWL	HOLIDAY BOWL	\$1,000.00	E	12/10/2021
PWG256.5-18	PMC	HVAC MAIN & RPR SVCS	\$67,851.62	E	12/13/2021
G2017.0172015-CM02	AECOM TECHINICAL SERVICES	FV ELVATORS CM AMD 1	\$46,050.56	E	12/18/2021
G1931.21-16	NMS	EXTEND PARKING STRUCTURE	\$84,207.00	E	12/20/2021
G1987.1-17	NEYENESCH PRINTERS INC	AMD 1	\$70,476.47	E	1/6/2022
PWL325.3-21	VETERANS ENG SVSC INC	CROSSTIE & GRADE CROSSING CCO3-4	\$60,467.50	E	1/6/2022
G1951.0-171951AE71	MOTT MACDONALD	WOODMAN TPSS	\$25,776.51	E	1/7/2022
PWL325.1-21 CCO1-2.	VETERENS ENGINEERING	GRADE CROSSING AND CROSSTIE PROJECT	\$214,091.09	E	12/10/2021

REVENUE CONTRACT AND MOUS					
Doc #	Organization	Subject	Amount	Revenue/ Expenditure	Day
None Applicable.					

Purchase Orders							
PO Number	PO Date	Name	Prime Business Certification	Material Group	PO Value	DBE Subcontracted Amount	Non DBE Subcontracted Amount
4400001694	12/9/2021	Office Depot		G200-OFFICE SUPPLIES	\$ 67.21	-	-
4400001695	12/10/2021	Office Depot		G200-OFFICE SUPPLIES	\$ 58.91	-	-
4400001696	12/10/2021	Office Depot		G200-OFFICE SUPPLIES	\$ 169.52	-	-
4400001697	12/10/2021	Office Depot		G200-OFFICE SUPPLIES	\$ 64.53	-	-
4400001698	12/10/2021	Office Depot		G200-OFFICE SUPPLIES	\$ 96.55	-	-
4400001699	12/13/2021	Office Depot		G200-OFFICE SUPPLIES	\$ 10.62	-	-
4400001700	12/15/2021	Office Depot		G200-OFFICE SUPPLIES	\$ 90.92	-	-
4400001701	12/16/2021	Office Depot		G200-OFFICE SUPPLIES	\$ 283.67	-	-
4400001702	12/16/2021	Office Depot		G200-OFFICE SUPPLIES	\$ 109.82	-	-
4400001703	12/16/2021	W.W. Grainger Inc		T150-TRACK, BRIDGES	\$ 36.08	-	-
4400001704	12/17/2021	W.W. Grainger Inc		G180-JANITORIAL SUPPLIES	\$ 190.85	-	-
4400001705	12/17/2021	W.W. Grainger Inc		G130-SHOP TOOLS	\$ 174.79	-	-
4400001706	12/21/2021	W.W. Grainger Inc		M110-SUB STATION	\$ 140.61	-	-
4400001707	12/22/2021	Office Depot		I110-INFORMATION TECH	\$ 60.35	-	-
4400001708	12/27/2021	Office Depot		G200-OFFICE SUPPLIES	\$ 779.91	-	-
4400001709	12/27/2021	Office Depot		G200-OFFICE SUPPLIES	\$ 1,018.43	-	-
4400001710	12/27/2021	Office Depot		G200-OFFICE SUPPLIES	\$ 61.24	-	-
4400001711	12/28/2021	Office Depot		G200-OFFICE SUPPLIES	\$ 99.02	-	-
4400001712	12/28/2021	Office Depot		G200-OFFICE SUPPLIES	\$ 312.46	-	-
4400001713	12/28/2021	Office Depot		I110-INFORMATION TECH	\$ 117.50	-	-
4400001714	12/28/2021	Office Depot		G200-OFFICE SUPPLIES	\$ 111.17	-	-
4400001715	12/29/2021	W.W. Grainger Inc		G180-JANITORIAL SUPPLIES	\$ 216.44	-	-
4400001716	1/3/2022	W.W. Grainger Inc		G130-SHOP TOOLS	\$ 2,783.86	-	-
4400001717	1/3/2022	Office Depot		G200-OFFICE SUPPLIES	\$ 97.72	-	-
4400001718	1/5/2022	W.W. Grainger Inc		G130-SHOP TOOLS	\$ 27.41	-	-
4400001719	1/5/2022	Office Depot		G200-OFFICE SUPPLIES	\$ 165.85	-	-
4400001720	1/6/2022	Office Depot		G200-OFFICE SUPPLIES	\$ 91.78	-	-
4400001721	1/6/2022	Office Depot		G200-OFFICE SUPPLIES	\$ 64.78	-	-
4400001722	1/6/2022	Office Depot		G200-OFFICE SUPPLIES	\$ 55.72	-	-
4400001723	1/6/2022	Office Depot		G200-OFFICE SUPPLIES	\$ 326.88	-	-
4400001724	1/7/2022	Mcmaster-Carr Supply Co		G140-SHOP SUPPLIES	\$ 225.47	-	-
4500043835	12/9/2021	The French Gourmet Inc		P480-EE MAINTENANCE	\$ 7,801.86	-	-
4500043836	12/9/2021	Siemens Mobility, Inc.		R220-RAIL/LRV TRUCKS	\$ 843.46	-	-
4500043837	12/9/2021	711 Print Enterprises Inc		G120-SECURITY	\$ 719.78	-	-
4500043838	12/9/2021	Kaman Industrial Technologies		G140-SHOP SUPPLIES	\$ 137.91	-	-
4500043839	12/9/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 60.88	-	-
4500043840	12/9/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 6,805.69	-	-
4500043841	12/9/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 2,443.78	-	-
4500043842	12/9/2021	Mohawk Mfg & Supply Co		B140-BUS CHASSIS	\$ 26.34	-	-
4500043843	12/9/2021	Muncie Transit Supply		B250-BUS REPAIR PARTS	\$ 13.68	-	-
4500043844	12/9/2021	Muncie Transit Supply		B200-BUS PWR TRAIN EQUIP	\$ 71.28	-	-
4500043845	12/9/2021	Transit Holdings Inc		B160-BUS ELECTRICAL	\$ 1,868.68	-	-
4500043846	12/9/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 11.63	-	-
4500043847	12/9/2021	Vehicle Maintenance Program, Inc.	Woman Owned Business	B140-BUS CHASSIS	\$ 961.00	-	-

Purchase Orders							
PO Number	PO Date	Name	Prime Business Certification	Material Group	PO Value	DBE Subcontracted Amount	Non DBE Subcontracted Amount
4500043848	12/9/2021	Gillig LLC		B130-BUS BODY	\$ 1,951.77	-	-
4500043849	12/9/2021	Muncie Transit Supply		B110-BUS HVAC SYSTEMS	\$ 204.73	-	-
4500043850	12/9/2021	Home Depot USA Inc		F110-SHOP/BLDG MACHINERY	\$ 214.43	-	-
4500043851	12/9/2021	Waxie's Enterprises Inc.		G140-SHOP SUPPLIES	\$ 2,728.66	-	-
4500043852	12/9/2021	Jeyco Products Inc		G130-SHOP TOOLS	\$ 24.07	-	-
4500043853	12/9/2021	Pressnet Express Inc		G230-PRINTED MATERIALS	\$ 2,416.63	-	-
4500043854	12/9/2021	JKL Cleaning Systems	Small Business	P130-EQUIP MAINT REPR SVC	\$ 1,388.73	-	-
4500043855	12/9/2021	Transit Holdings Inc		B140-BUS CHASSIS	\$ 957.21	-	-
4500043856	12/9/2021	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	\$ 89.37	-	-
4500043857	12/9/2021	West-Lite Supply Co Inc	Small Business	M180-STATION ELECTRICAL	\$ 91.38	-	-
4500043858	12/9/2021	W.W. Grainger Inc		M110-SUB STATION	\$ 908.81	-	-
4500043859	12/9/2021	Home Depot USA Inc		G180-JANITORIAL SUPPLIES	\$ 496.51	-	-
4500043860	12/9/2021	Westair Gases & Equipment Inc	Small Business	G190-SAFETY/MED SUPPLIES	\$ 242.71	-	-
4500043861	12/9/2021	Staples Contract & Commercial Inc		G200-OFFICE SUPPLIES	\$ 258.60	-	-
4500043862	12/9/2021	Waco Filters Corporation		F120-BUS/LRV PAINT BOOTHS	\$ 549.53	-	-
4500043863	12/9/2021	Kaman Industrial Technologies		G140-SHOP SUPPLIES	\$ 18.87	-	-
4500043864	12/9/2021	Mohawk Mfg & Supply Co		B160-BUS ELECTRICAL	\$ 67.82	-	-
4500043865	12/9/2021	Prochem Specialty Products Inc	Small Business	G180-JANITORIAL SUPPLIES	\$ 828.49	-	-
4500043866	12/9/2021	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	\$ 47.49	-	-
4500043867	12/10/2021	Gillig LLC		B250-BUS REPAIR PARTS	\$ 137.62	-	-
4500043868	12/10/2021	Siemens Mobility, Inc.		R120-RAIL/LRV CAR BODY	\$ 371.74	-	-
4500043869	12/10/2021	Raphael's Party Rentals Inc		P160-EQUIPMENT RENTALS	\$ 191.60	-	-
4500043870	12/10/2021	M Power Truck & Diesel Repair		P210-NON-REV VEH REPAIRS	\$ 1,980.00	-	-
4500043871	12/10/2021	Knorr Brake Holding Corporation		R220-RAIL/LRV TRUCKS	\$ 2,633.14	-	-
4500043872	12/10/2021	Chromate Industrial Corporation		G270-ELECTRICAL/LIGHTING	\$ 396.95	-	-
4500043873	12/10/2021	SC Commercial, LLC		A120-AUTO/TRUCK GASOLINE	\$ 1,442.61	-	-
4500043874	12/10/2021	W.W. Grainger Inc		G140-SHOP SUPPLIES	\$ 143.78	-	-
4500043875	12/10/2021	San Diego Bowl Game Association		G260-MEDIA	\$ 1,000.00	-	-
4500043876	12/10/2021	Fastenal Company		G140-SHOP SUPPLIES	\$ 2,359.47	-	-
4500043877	12/10/2021	W.W. Grainger Inc		G130-SHOP TOOLS	\$ 95.19	-	-
4500043878	12/10/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 86.20	-	-
4500043879	12/10/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 1,504.19	-	-
4500043880	12/10/2021	Mohawk Mfg & Supply Co		B140-BUS CHASSIS	\$ 17.56	-	-
4500043881	12/10/2021	Muncie Transit Supply		B250-BUS REPAIR PARTS	\$ 13.68	-	-
4500043882	12/10/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 1,535.53	-	-
4500043883	12/10/2021	Transit Holdings Inc		B160-BUS ELECTRICAL	\$ 149.12	-	-
4500043884	12/10/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 13.90	-	-
4500043885	12/10/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 63.65	-	-
4500043886	12/10/2021	Brady Industries of California, LLC		G180-JANITORIAL SUPPLIES	\$ 179.88	-	-
4500043887	12/13/2021	Gillig LLC		G140-SHOP SUPPLIES	\$ 70.81	-	-
4500043888	12/13/2021	R.S. Hughes Co Inc		G140-SHOP SUPPLIES	\$ 268.92	-	-
4500043889	12/13/2021	Graybar Electric Co Inc		M130-CROSSING MECHANISM	\$ 2,840.74	-	-
4500043890	12/13/2021	Ace Uniforms & Accessories	Small Business	G240-UNIFORM PROCUREMENT	\$ 161.60	-	-
4500043891	12/13/2021	Kurt Morgan		G200-OFFICE SUPPLIES	\$ 296.10	-	-

Purchase Orders							
PO Number	PO Date	Name	Prime Business Certification	Material Group	PO Value	DBE Subcontracted Amount	Non DBE Subcontracted Amount
4500043892	12/13/2021	Genuine Parts Co		B250-BUS REPAIR PARTS	\$ 54.93	-	-
4500043893	12/13/2021	Mohawk Mfg & Supply Co		B140-BUS CHASSIS	\$ 152.68	-	-
4500043894	12/13/2021	Sherwin Williams Company		F120-BUS/LRV PAINT BOOTHS	\$ 282.20	-	-
4500043895	12/13/2021	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	\$ 515.07	-	-
4500043896	12/13/2021	Jeyco Products Inc		G150-FASTENERS	\$ 46.02	-	-
4500043897	12/13/2021	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	\$ 17.35	-	-
4500043898	12/13/2021	Vern Rose Inc		G140-SHOP SUPPLIES	\$ 105.06	-	-
4500043899	12/13/2021	Canada Ticket Inc.		G280-FARE MATERIALS	\$ 13,091.63	-	-
4500043900	12/13/2021	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	\$ 207.02	-	-
4500043901	12/13/2021	California Transit Association		P280-GENERAL SVC AGRMNTS	\$ 50,000.00	-	-
4500043902	12/13/2021	NASG Holding Inc		R120-RAIL/LRV CAR BODY	\$ 2,688.14	-	-
4500043903	12/13/2021	Siemens Mobility, Inc.		R120-RAIL/LRV CAR BODY	\$ 732.49	-	-
4500043904	12/13/2021	Tony Jamison	DBE	G170-LUBRICANTS	\$ 64.65	-	-
4500043905	12/13/2021	Gillig LLC		B120-BUS MECHANICAL PARTS	\$ 180.00	-	-
4500043906	12/13/2021	Supreme Oil Company		A120-AUTO/TRUCK GASOLINE	\$ 11,744.35	-	-
4500043907	12/13/2021	SC Commercial, LLC		A120-AUTO/TRUCK GASOLINE	\$ 2,885.22	-	-
4500043908	12/13/2021	TK Services Inc		INSURANCE-Insurance Stock	\$ 14,007.50	-	-
4500043909	12/13/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 2,062.34	-	-
4500043910	12/13/2021	Muncie Transit Supply		B200-BUS PWR TRAIN EQUIP	\$ 99.78	-	-
4500043911	12/13/2021	Transit Holdings Inc		B140-BUS CHASSIS	\$ 501.23	-	-
4500043912	12/13/2021	Gillig LLC		B200-BUS PWR TRAIN EQUIP	\$ 167.09	-	-
4500043913	12/13/2021	TK Services Inc		B250-BUS REPAIR PARTS	\$ 257.85	-	-
4500043914	12/13/2021	W.W. Grainger Inc		G140-SHOP SUPPLIES	\$ 419.62	-	-
4500043915	12/13/2021	Transit Holdings Inc		B250-BUS REPAIR PARTS	\$ 506.28	-	-
4500043916	12/13/2021	Jeyco Products Inc		G150-FASTENERS	\$ 51.59	-	-
4500043917	12/13/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 1,031.18	-	-
4500043918	12/13/2021	Transit Holdings Inc		B160-BUS ELECTRICAL	\$ 9.15	-	-
4500043919	12/13/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 1,070.61	-	-
4500043920	12/13/2021	Allied Electronics Inc		R160-RAIL/LRV ELECTRICAL	\$ 362.23	-	-
4500043921	12/13/2021	R.S. Hughes Co Inc		G190-SAFETY/MED SUPPLIES	\$ 122.94	-	-
4500043922	12/13/2021	West-Lite Supply Co Inc	Small Business	M200-YARD FACILITIES	\$ 219.76	-	-
4500043923	12/13/2021	Knorr Brake Holding Corporation		R220-RAIL/LRV TRUCKS	\$ 60,360.04	-	-
4500043924	12/13/2021	City Treasurer		G190-SAFETY/MED SUPPLIES	\$ 690.00	-	-
4500043925	12/13/2021	Abacor, Inc.	Small Business	P210-NON-REV VEH REPAIRS	\$ 3,232.50	-	-
4500043926	12/13/2021	JKL Cleaning Systems	Small Business	F180-BUILDING MATERIALS	\$ 156.71	-	-
4500043927	12/13/2021	W.W. Grainger Inc		M180-STATION ELECTRICAL	\$ 102.72	-	-
4500043928	12/13/2021	Home Depot USA Inc		G140-SHOP SUPPLIES	\$ 182.45	-	-
4500043929	12/14/2021	Dell Marketing L.P.		I110-INFORMATION TECH	\$ 74,818.75	-	-
4500043930	12/14/2021	SPX Corporation		G290-FARE REVENUE EQUIP	\$ 326.81	-	-
4500043931	12/14/2021	Transit Holdings Inc		B250-BUS REPAIR PARTS	\$ 141.38	-	-
4500043932	12/14/2021	Inland Kenworth (US) Inc		B250-BUS REPAIR PARTS	\$ 208.33	-	-
4500043933	12/14/2021	Transit Holdings Inc		B130-BUS BODY	\$ 363.55	-	-
4500043934	12/14/2021	Conduent Transport Solutions, Inc.		B150-BUS COMM EQUIP.	\$ 36,567.45	-	-
4500043935	12/14/2021	Transit Holdings Inc		B130-BUS BODY	\$ 1,040.41	-	-

Purchase Orders							
PO Number	PO Date	Name	Prime Business Certification	Material Group	PO Value	DBE Subcontracted Amount	Non DBE Subcontracted Amount
4500043936	12/14/2021	Airgas Inc		G190-SAFETY/MED SUPPLIES	\$ 318.29	-	-
4500043937	12/14/2021	Siemens Mobility, Inc.		R220-RAIL/LRV TRUCKS	\$ 1,492.34	-	-
4500043938	12/14/2021	Graybar Electric Co Inc		M180-STATION ELECTRICAL	\$ 1,181.15	-	-
4500043940	12/14/2021	Nth Generation Computing Inc		I110-INFORMATION TECH	\$ 1,682.00	-	-
4500043941	12/14/2021	Safeway, Inc.		G250-NOVELTIES & AWARDS	\$ 300.00	-	-
4500043942	12/14/2021	David Glen Bond		G120-SECURITY	\$ 210.00	-	-
4500043943	12/14/2021	Steven Timme		G230-PRINTED MATERIALS	\$ 472.55	-	-
4500043944	12/14/2021	M Power Truck & Diesel Repair		P210-NON-REV VEH REPAIRS	\$ 465.00	-	-
4500043945	12/14/2021	Siemens Mobility, Inc.		R160-RAIL/LRV ELECTRICAL	\$ 13,127.19	-	-
4500043946	12/14/2021	Uline		G200-OFFICE SUPPLIES	\$ 706.64	-	-
4500043947	12/14/2021	Zemarc Corporation	Small Business	T120-TRACK, LUBRICATORS	\$ 3,052.50	-	-
4500043948	12/14/2021	D's Kustom Sales & Services, LLC		T110-TRACK, RAIL	\$ 3,356.42	-	-
4500043949	12/14/2021	Gillig LLC		B160-BUS ELECTRICAL	\$ 254.25	-	-
4500043950	12/14/2021	W.W. Grainger Inc		G140-SHOP SUPPLIES	\$ 922.56	-	-
4500043951	12/14/2021	Willy's Electronic Supply Co	Small Business	B160-BUS ELECTRICAL	\$ 136.73	-	-
4500043952	12/14/2021	Kurt Morgan		G200-OFFICE SUPPLIES	\$ 348.98	-	-
4500043953	12/14/2021	Bender Rosenthal, Inc.		C110-GENERAL CONTRACTORS	\$ 31,507.95	-	-
4500043954	12/15/2021	Transit Holdings Inc		B120-BUS MECHANICAL PARTS	\$ 699.14	-	-
4500043955	12/15/2021	Harbor Diesel & Equipment		B200-BUS PWR TRAIN EQUIP	\$ 21,101.06	-	-
4500043956	12/15/2021	Pressnet Express Inc		G230-PRINTED MATERIALS	\$ 1,228.35	-	-
4500043957	12/15/2021	Harbor Diesel & Equipment		G170-LUBRICANTS	\$ 5,762.68	-	-
4500043958	12/15/2021	Mcmaster-Carr Supply Co		G150-FASTENERS	\$ 37.15	-	-
4500043959	12/15/2021	Aztec Fire & Safety		G140-SHOP SUPPLIES	\$ 1,696.11	-	-
4500043960	12/15/2021	Battery Power Inc.		B160-BUS ELECTRICAL	\$ 2,692.98	-	-
4500043961	12/15/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 2,810.12	-	-
4500043962	12/15/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 1,016.10	-	-
4500043963	12/15/2021	Mohawk Mfg & Supply Co		B200-BUS PWR TRAIN EQUIP	\$ 31.79	-	-
4500043964	12/15/2021	Transit Holdings Inc		B140-BUS CHASSIS	\$ 2,411.06	-	-
4500043965	12/15/2021	Transit Holdings Inc		B130-BUS BODY	\$ 1,484.98	-	-
4500043966	12/15/2021	Jeyco Products Inc		G130-SHOP TOOLS	\$ 195.25	-	-
4500043967	12/15/2021	Transit Holdings Inc		B120-BUS MECHANICAL PARTS	\$ 165.88	-	-
4500043968	12/15/2021	Kaman Industrial Technologies		G130-SHOP TOOLS	\$ 483.31	-	-
4500043969	12/15/2021	Mohawk Mfg & Supply Co		B160-BUS ELECTRICAL	\$ 191.71	-	-
4500043970	12/15/2021	W.W. Grainger Inc		F110-SHOP/BLDG MACHINERY	\$ 54.44	-	-
4500043971	12/15/2021	Home Depot USA Inc		F110-SHOP/BLDG MACHINERY	\$ 177.40	-	-
4500043972	12/15/2021	Genuine Parts Co		P210-NON-REV VEH REPAIRS	\$ 25.31	-	-
4500043973	12/15/2021	R.S. Hughes Co Inc		G190-SAFETY/MED SUPPLIES	\$ 374.48	-	-
4500043974	12/15/2021	Vern Rose Inc		G140-SHOP SUPPLIES	\$ 288.51	-	-
4500043975	12/15/2021	R.S. Hughes Co Inc		G140-SHOP SUPPLIES	\$ 11.31	-	-
4500043976	12/15/2021	Gillig LLC		B160-BUS ELECTRICAL	\$ 75.41	-	-
4500043977	12/15/2021	Redhill Group	Small Business	P450-PERSONNEL SVCS	\$ 71,868.74	-	-
4500043979	12/15/2021	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	\$ 45.00	-	-
4500043980	12/15/2021	CI Technologies, Inc.		C120-SPECIALTY CONTRACTOR	\$ 14,400.00	-	-
4500043981	12/15/2021	Steven Timme		G230-PRINTED MATERIALS	\$ 3,240.00	-	-

Purchase Orders							
PO Number	PO Date	Name	Prime Business Certification	Material Group	PO Value	DBE Subcontracted Amount	Non DBE Subcontracted Amount
4500043982	12/15/2021	W.W. Grainger Inc		G140-SHOP SUPPLIES	\$ 71.89	-	-
4500043983	12/15/2021	Cummins Pacific LLC		B120-BUS MECHANICAL PARTS	\$ 3,494.51	-	-
4500043984	12/16/2021	Airgas Inc		G140-SHOP SUPPLIES	\$ 38.13	-	-
4500043985	12/16/2021	Granicus, LLC		P280-GENERAL SVC AGRMNTS	\$ 16,784.75	-	-
4500043986	12/16/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 608.79	-	-
4500043987	12/16/2021	Mohawk Mfg & Supply Co		B250-BUS REPAIR PARTS	\$ 84.43	-	-
4500043988	12/16/2021	Mohawk Mfg & Supply Co		B140-BUS CHASSIS	\$ 7.02	-	-
4500043989	12/16/2021	Transit Holdings Inc		B140-BUS CHASSIS	\$ 683.30	-	-
4500043990	12/16/2021	Siemens Mobility, Inc.		R160-RAIL/LRV ELECTRICAL	\$ 58.70	-	-
4500043991	12/16/2021	Synco Chemical Corporation		G170-LUBRICANTS	\$ 16,095.27	-	-
4500043992	12/16/2021	SD Regional Bldg Authority		P110-BLDG MAINTENANCE	\$ 1,622.24	-	-
4500043993	12/16/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 86.20	-	-
4500043994	12/16/2021	Transit Holdings Inc		B140-BUS CHASSIS	\$ 6,825.41	-	-
4500043995	12/16/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 473.35	-	-
4500043996	12/16/2021	Vehicle Maintenance Program, Inc.	Woman Owned Business	B140-BUS CHASSIS	\$ 419.09	-	-
4500043997	12/16/2021	Transit Holdings Inc		B130-BUS BODY	\$ 3,454.68	-	-
4500043998	12/16/2021	R.S. Hughes Co Inc		G160-PAINTS & CHEMICALS	\$ 616.20	-	-
4500043999	12/16/2021	Prochem Specialty Products Inc	Small Business	G180-JANITORIAL SUPPLIES	\$ 1,656.98	-	-
4500044000	12/16/2021	Staples Contract & Commercial Inc		G200-OFFICE SUPPLIES	\$ 40.83	-	-
4500044001	12/16/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 7.00	-	-
4500044002	12/16/2021	Gillig LLC		B250-BUS REPAIR PARTS	\$ 195.57	-	-
4500044003	12/16/2021	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	\$ 59.48	-	-
4500044004	12/16/2021	Brady Industries of California, LLC		G190-SAFETY/MED SUPPLIES	\$ 671.06	-	-
4500044005	12/16/2021	Jeyco Products Inc		G140-SHOP SUPPLIES	\$ 19.29	-	-
4500044006	12/16/2021	Airgas Inc		F170-MATL HANDLING EQUIP	\$ 500.00	-	-
4500044007	12/17/2021	Progressive Tints LLC		R120-RAIL/LRV CAR BODY	\$ 1,708.92	-	-
4500044008	12/17/2021	Reid and Clark Screen Arts Co		G140-SHOP SUPPLIES	\$ 1,315.30	-	-
4500044009	12/17/2021	Annex Warehouse Company, Inc		F120-BUS/LRV PAINT BOOTHS	\$ 6,941.34	-	-
4500044010	12/17/2021	Siemens Mobility, Inc.		R120-RAIL/LRV CAR BODY	\$ 1,145.16	-	-
4500044011	12/17/2021	Siemens Mobility, Inc.		R140-RAIL/LRV DOORS/RAMP	\$ 7,981.56	-	-
4500044012	12/17/2021	Total Filtration Services Inc		R230-RAIL/LRV MECHANICAL	\$ 2,087.28	-	-
4500044013	12/17/2021	Western-Cullen-Hayes Inc		M130-CROSSING MECHANISM	\$ 420.23	-	-
4500044014	12/17/2021	Transit Products and Services		B130-BUS BODY	\$ 27,153.00	-	-
4500044015	12/17/2021	Home Depot USA Inc		G130-SHOP TOOLS	\$ 312.87	-	-
4500044016	12/17/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 538.75	-	-
4500044017	12/17/2021	Muncie Transit Supply		B200-BUS PWR TRAIN EQUIP	\$ 286.94	-	-
4500044018	12/17/2021	Transit Holdings Inc		B120-BUS MECHANICAL PARTS	\$ 6,180.19	-	-
4500044019	12/17/2021	B Hepworth & Company Limited		R120-RAIL/LRV CAR BODY	\$ 3,828.74	-	-
4500044020	12/17/2021	Brady Industries of California, LLC		G190-SAFETY/MED SUPPLIES	\$ 1,109.29	-	-
4500044021	12/17/2021	Westair Gases & Equipment Inc	Small Business	G190-SAFETY/MED SUPPLIES	\$ 85.66	-	-
4500044022	12/17/2021	OneSource Distributors, LLC		M120-OVRHEAD CATENARY SYS	\$ 665.57	-	-
4500044023	12/17/2021	Home Depot USA Inc		G140-SHOP SUPPLIES	\$ 529.81	-	-
4500044024	12/17/2021	Chromate Industrial Corporation		G150-FASTENERS	\$ 442.86	-	-
4500044025	12/17/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 506.43	-	-

Purchase Orders							
PO Number	PO Date	Name	Prime Business Certification	Material Group	PO Value	DBE Subcontracted Amount	Non DBE Subcontracted Amount
4500044026	12/17/2021	Mohawk Mfg & Supply Co		B140-BUS CHASSIS	\$ 58.51	-	-
4500044027	12/17/2021	Muncie Transit Supply		B200-BUS PWR TRAIN EQUIP	\$ 235.98	-	-
4500044028	12/17/2021	Transit Holdings Inc		B160-BUS ELECTRICAL	\$ 2,360.79	-	-
4500044029	12/17/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 345.55	-	-
4500044030	12/17/2021	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	\$ 165.94	-	-
4500044031	12/17/2021	Mohawk Mfg & Supply Co		B120-BUS MECHANICAL PARTS	\$ 220.83	-	-
4500044032	12/17/2021	Gillig LLC		B140-BUS CHASSIS	\$ 1,047.33	-	-
4500044033	12/17/2021	Sherwin Williams Company		F120-BUS/LRV PAINT BOOTHS	\$ 495.50	-	-
4500044034	12/17/2021	Battery Power Inc.		B160-BUS ELECTRICAL	\$ 2,692.98	-	-
4500044035	12/17/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 18.21	-	-
4500044036	12/17/2021	Alliant Insurance Services, Inc.		P370-RISK MANAGEMENT	\$ 103.25	-	-
4500044037	12/17/2021	Genuine Parts Co		B120-BUS MECHANICAL PARTS	\$ 183.59	-	-
4500044038	12/17/2021	Brady Industries of California, LLC		G180-JANITORIAL SUPPLIES	\$ 178.82	-	-
4500044039	12/17/2021	Golden State Supply LLC		P130-EQUIP MAINT REPR SVC	\$ 456.84	-	-
4500044040	12/17/2021	ProductPlan, LLC		I110-INFORMATION TECH	\$ 8,316.00	-	-
4500044041	12/17/2021	CDW LLC		I110-INFORMATION TECH	\$ 2,168.75	-	-
4500044042	12/17/2021	Dell Marketing L.P.		I110-INFORMATION TECH	\$ 31.70	-	-
4500044043	12/20/2021	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	\$ 288.08	-	-
4500044044	12/20/2021	Siemens Mobility, Inc.		R120-RAIL/LRV CAR BODY	\$ 297.39	-	-
4500044045	12/20/2021	General Signals Inc		M130-CROSSING MECHANISM	\$ 4,218.42	-	-
4500044046	12/20/2021	Professional Contractors Supplies		G160-PAINTS & CHEMICALS	\$ 974.32	-	-
4500044047	12/20/2021	Reid and Clark Screen Arts Co		R120-RAIL/LRV CAR BODY	\$ 2,499.80	-	-
4500044048	12/20/2021	Prudential Overall Supply		G140-SHOP SUPPLIES	\$ 2,586.00	-	-
4500044049	12/20/2021	Transit Holdings Inc		B250-BUS REPAIR PARTS	\$ 323.25	-	-
4500044050	12/20/2021	Neopart Transit LLC		G190-SAFETY/MED SUPPLIES	\$ 2,377.93	-	-
4500044051	12/20/2021	Cummins Pacific LLC		P190-REV VEHICLE REPAIRS	\$ 377.75	-	-
4500044052	12/20/2021	Kaman Industrial Technologies		B120-BUS MECHANICAL PARTS	\$ 118.54	-	-
4500044053	12/20/2021	Siemens Mobility, Inc.		R220-RAIL/LRV TRUCKS	\$ 1,790.81	-	-
4500044054	12/20/2021	Jeyco Products Inc		G130-SHOP TOOLS	\$ 35.88	-	-
4500044055	12/20/2021	Waxie's Enterprises Inc.		G140-SHOP SUPPLIES	\$ 3,247.59	-	-
4500044056	12/20/2021	Transit Holdings Inc		B160-BUS ELECTRICAL	\$ 1,962.43	-	-
4500044057	12/20/2021	M Power Truck & Diesel Repair		P210-NON-REV VEH REPAIRS	\$ 2,039.82	-	-
4500044058	12/20/2021	Shilpark Paint Corp.		F180-BUILDING MATERIALS	\$ 271.69	-	-
4500044059	12/20/2021	W.W. Grainger Inc		G180-JANITORIAL SUPPLIES	\$ 70.60	-	-
4500044060	12/20/2021	Home Depot USA Inc		G140-SHOP SUPPLIES	\$ 647.63	-	-
4500044061	12/20/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 1,861.92	-	-
4500044062	12/20/2021	Transit Holdings Inc		B140-BUS CHASSIS	\$ 3,585.31	-	-
4500044063	12/20/2021	Transit Holdings Inc		B130-BUS BODY	\$ 114.75	-	-
4500044064	12/20/2021	Supreme Oil Company		A120-AUTO/TRUCK GASOLINE	\$ 12,040.25	-	-
4500044065	12/20/2021	SC Commercial, LLC		A120-AUTO/TRUCK GASOLINE	\$ 2,817.41	-	-
4500044066	12/20/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 360.97	-	-
4500044067	12/20/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 855.07	-	-
4500044068	12/20/2021	Duncan Bolt Company	Small Business	B250-BUS REPAIR PARTS	\$ 285.04	-	-
4500044069	12/20/2021	W.W. Grainger Inc		G140-SHOP SUPPLIES	\$ 100.32	-	-

Purchase Orders							
PO Number	PO Date	Name	Prime Business Certification	Material Group	PO Value	DBE Subcontracted Amount	Non DBE Subcontracted Amount
4500044070	12/20/2021	Louis Sardo Upholstery Inc		B130-BUS BODY	\$ 591.98	-	-
4500044071	12/20/2021	Cummins Pacific LLC		B250-BUS REPAIR PARTS	\$ 217.01	-	-
4500044072	12/20/2021	Gillig LLC		B250-BUS REPAIR PARTS	\$ 1,271.36	-	-
4500044073	12/20/2021	Gillig LLC		B110-BUS HVAC SYSTEMS	\$ 190.44	-	-
4500044074	12/20/2021	Louis Sardo Upholstery Inc		B250-BUS REPAIR PARTS	\$ 89.95	-	-
4500044075	12/20/2021	Louis Sardo Upholstery Inc		B130-BUS BODY	\$ 118.40	-	-
4500044076	12/20/2021	Transit Holdings Inc		B120-BUS MECHANICAL PARTS	\$ 3,059.48	-	-
4500044077	12/20/2021	Waxie's Enterprises Inc.		G140-SHOP SUPPLIES	\$ 415.01	-	-
4500044078	12/20/2021	Mohawk Mfg & Supply Co		B140-BUS CHASSIS	\$ 152.68	-	-
4500044079	12/20/2021	W.W. Grainger Inc		G140-SHOP SUPPLIES	\$ 307.22	-	-
4500044080	12/20/2021	Genuine Parts Co		A140-AUTO/TRUCK REPAIR	\$ 67.29	-	-
4500044081	12/20/2021	Sportworks Northwest Inc		B130-BUS BODY	\$ 92.88	-	-
4500044082	12/20/2021	Don Oleson Inc	Small Business	B120-BUS MECHANICAL PARTS	\$ 4,958.69	-	-
4500044083	12/20/2021	Staples Contract & Commercial Inc		G200-OFFICE SUPPLIES	\$ 1,163.70	-	-
4500044084	12/20/2021	Muncie Transit Supply		B130-BUS BODY	\$ 16.86	-	-
4500044085	12/20/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 89.74	-	-
4500044086	12/20/2021	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	\$ 100.32	-	-
4500044088	12/21/2021	Transit Holdings Inc		B210-BUS TIRES & TUBES	\$ 172.40	-	-
4500044089	12/21/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 585.09	-	-
4500044090	12/21/2021	Transit Holdings Inc		B160-BUS ELECTRICAL	\$ 23.32	-	-
4500044091	12/21/2021	Transit Holdings Inc		B130-BUS BODY	\$ 579.38	-	-
4500044092	12/21/2021	Zen Industrial Services LLC	DBE	B160-BUS ELECTRICAL	\$ 41.70	-	-
4500044093	12/21/2021	Ace Uniforms & Accessories	Small Business	G120-SECURITY	\$ 437.48	-	-
4500044094	12/22/2021	Westinghouse Air Brake		R160-RAIL/LRV ELECTRICAL	\$ 182.10	-	-
4500044095	12/22/2021	D's Kustom Sales & Services, LLC		T110-TRACK, RAIL	\$ 1,242.52	-	-
4500044096	12/22/2021	Willy's Electronic Supply Co	Small Business	G270-ELECTRICAL/LIGHTING	\$ 273.69	-	-
4500044097	12/22/2021	Brady Industries of California, LLC		G180-JANITORIAL SUPPLIES	\$ 1,266.11	-	-
4500044098	12/22/2021	West-Lite Supply Co Inc	Small Business	R160-RAIL/LRV ELECTRICAL	\$ 150.85	-	-
4500044099	12/22/2021	Uline		G130-SHOP TOOLS	\$ 181.02	-	-
4500044100	12/22/2021	Laird Plastics, Inc		M150-PWR SWITCHES/LOCKS	\$ 242.44	-	-
4500044101	12/22/2021	Specialty Manufacturing Inc		B130-BUS BODY	\$ 593.46	-	-
4500044102	12/22/2021	HD Supply Construction Supply, LTD.		G190-SAFETY/MED SUPPLIES	\$ 247.65	-	-
4500044103	12/22/2021	Total Filtration Services Inc		R230-RAIL/LRV MECHANICAL	\$ 1,992.12	-	-
4500044104	12/22/2021	Knorr Brake Holding Corporation		R220-RAIL/LRV TRUCKS	\$ 41,640.00	-	-
4500044105	12/22/2021	Romaine Electric Corporation	Small Business	M130-CROSSING MECHANISM	\$ 3,231.08	-	-
4500044106	12/22/2021	OneSource Distributors, LLC		M120-OVRHEAD CATENARY SYS	\$ 2,806.24	-	-
4500044107	12/22/2021	Robcar Corporation	Woman Owned Business	G190-SAFETY/MED SUPPLIES	\$ 482.72	-	-
4500044108	12/22/2021	Siemens Mobility, Inc.		R190-RAIL/LRV PANTOGRAPH	\$ 3,172.77	-	-
4500044109	12/22/2021	Schunk Carbon Technology LLC		R190-RAIL/LRV PANTOGRAPH	\$ 6,499.39	-	-
4500044110	12/22/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 1,653.93	-	-
4500044111	12/22/2021	Transit Holdings Inc		B130-BUS BODY	\$ 1,810.40	-	-
4500044112	12/22/2021	B Hepworth & Company Limited		R120-RAIL/LRV CAR BODY	\$ 3,828.74	-	-
4500044113	12/22/2021	Flyers Energy LLC		G170-LUBRICANTS	\$ 9,787.85	-	-
4500044114	12/22/2021	Professional Contractors Supplies		G180-JANITORIAL SUPPLIES	\$ 182.32	-	-

Purchase Orders							
PO Number	PO Date	Name	Prime Business Certification	Material Group	PO Value	DBE Subcontracted Amount	Non DBE Subcontracted Amount
4500044115	12/22/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 608.79	-	-
4500044116	12/22/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 1,115.59	-	-
4500044117	12/22/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 483.77	-	-
4500044118	12/22/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 301.70	-	-
4500044119	12/22/2021	Cummins Pacific LLC		B120-BUS MECHANICAL PARTS	\$ 2.16	-	-
4500044120	12/22/2021	Transit Holdings Inc		B120-BUS MECHANICAL PARTS	\$ 4,286.64	-	-
4500044121	12/22/2021	Matthias Moos		M120-OVRHEAD CATENARY SYS	\$ 17,735.68	-	-
4500044122	12/22/2021	Transit Holdings Inc		B120-BUS MECHANICAL PARTS	\$ 407.93	-	-
4500044123	12/22/2021	Airgas Inc		G190-SAFETY/MED SUPPLIES	\$ 1,014.41	-	-
4500044124	12/22/2021	Staples Contract & Commercial Inc		P280-GENERAL SVC AGRMNTS	\$ 624.13	-	-
4500044125	12/22/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 442.86	-	-
4500044126	12/22/2021	W.W. Grainger Inc		G140-SHOP SUPPLIES	\$ 157.03	-	-
4500044127	12/22/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 220.89	-	-
4500044128	12/22/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 78.33	-	-
4500044129	12/22/2021	Reid and Clark Screen Arts Co		R120-RAIL/LRV CAR BODY	\$ 2,323.09	-	-
4500044130	12/22/2021	Transit Products and Services		B250-BUS REPAIR PARTS	\$ 14,546.25	-	-
4500044131	12/22/2021	Westair Gases & Equipment Inc	Small Business	G190-SAFETY/MED SUPPLIES	\$ 299.81	-	-
4500044132	12/22/2021	Gillig LLC		B130-BUS BODY	\$ 1,041.16	-	-
4500044133	12/22/2021	Mcmaster-Carr Supply Co		G140-SHOP SUPPLIES	\$ 99.97	-	-
4500044134	12/22/2021	G & A Auto Air Conditioning		P210-NON-REV VEH REPAIRS	\$ 232.45	-	-
4500044135	12/22/2021	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	\$ 1,700.68	-	-
4500044136	12/22/2021	Inland Kenworth (US) Inc		B120-BUS MECHANICAL PARTS	\$ 451.66	-	-
4500044137	12/22/2021	Gillig LLC		B200-BUS PWR TRAIN EQUIP	\$ 1,888.01	-	-
4500044138	12/22/2021	Transit Holdings Inc		B110-BUS HVAC SYSTEMS	\$ 154.36	-	-
4500044139	12/22/2021	Transit Holdings Inc		B130-BUS BODY	\$ 672.88	-	-
4500044140	12/22/2021	B & S Graphics Inc		B130-BUS BODY	\$ 136.57	-	-
4500044141	12/22/2021	Genuine Parts Co		B250-BUS REPAIR PARTS	\$ 202.99	-	-
4500044142	12/22/2021	Fastenal Company		G190-SAFETY/MED SUPPLIES	\$ 2,707.68	-	-
4500044143	12/22/2021	Chromate Industrial Corporation		G150-FASTENERS	\$ 117.46	-	-
4500044144	12/22/2021	Muncie Transit Supply		B130-BUS BODY	\$ 119.54	-	-
4500044145	12/22/2021	R.S. Hughes Co Inc		G160-PAINTS & CHEMICALS	\$ 73.60	-	-
4500044146	12/23/2021	W.W. Grainger Inc		G180-JANITORIAL SUPPLIES	\$ 172.63	-	-
4500044147	12/23/2021	Waxie's Enterprises Inc.		G140-SHOP SUPPLIES	\$ 2,420.78	-	-
4500044148	12/23/2021	Robcar Corporation	Woman Owned Business	G190-SAFETY/MED SUPPLIES	\$ 148.70	-	-
4500044149	12/23/2021	Sid Tool Co		G180-JANITORIAL SUPPLIES	\$ 509.96	-	-
4500044150	12/23/2021	Sid Tool Co		P540-MAINTENANCE TRAINING	\$ 2,485.47	-	-
4500044151	12/23/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 4,879.88	-	-
4500044152	12/23/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 3,023.76	-	-
4500044153	12/23/2021	Transit Holdings Inc		B160-BUS ELECTRICAL	\$ 2,400.50	-	-
4500044154	12/23/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 865.24	-	-
4500044155	12/23/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 404.05	-	-
4500044156	12/23/2021	Transit Holdings Inc		B130-BUS BODY	\$ 1,146.22	-	-
4500044157	12/23/2021	Transit Holdings Inc		B140-BUS CHASSIS	\$ 125.59	-	-
4500044158	12/23/2021	Cummins Pacific LLC		B250-BUS REPAIR PARTS	\$ 215.50	-	-

Purchase Orders							
PO Number	PO Date	Name	Prime Business Certification	Material Group	PO Value	DBE Subcontracted Amount	Non DBE Subcontracted Amount
4500044159	12/23/2021	Professional Contractors Supplies		G140-SHOP SUPPLIES	\$ 758.23	-	-
4500044160	12/23/2021	Dimensional Silk Screen Inc		G230-PRINTED MATERIALS	\$ 210.12	-	-
4500044161	12/23/2021	Steven Timme		G230-PRINTED MATERIALS	\$ 3,090.88	-	-
4500044162	12/23/2021	VCA Animal Hospitals, Inc.		G120-SECURITY	\$ 713.19	-	-
4500044163	12/23/2021	CDW LLC		I110-INFORMATION TECH	\$ 1,111.49	-	-
4500044164	12/23/2021	CDW LLC		I110-INFORMATION TECH	\$ 1,265.56	-	-
4500044165	12/27/2021	Siemens Mobility, Inc.		R160-RAIL/LRV ELECTRICAL	\$ 1,376.94	-	-
4500044166	12/27/2021	Transit Holdings Inc		B130-BUS BODY	\$ 141.92	-	-
4500044167	12/27/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 2,218.58	-	-
4500044168	12/27/2021	Transit Holdings Inc		G140-SHOP SUPPLIES	\$ 997.71	-	-
4500044169	12/27/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 193.95	-	-
4500044170	12/27/2021	Muncie Transit Supply		B250-BUS REPAIR PARTS	\$ 1,633.06	-	-
4500044171	12/27/2021	Transit Holdings Inc		B120-BUS MECHANICAL PARTS	\$ 400.44	-	-
4500044172	12/27/2021	Supreme Oil Company		A120-AUTO/TRUCK GASOLINE	\$ 12,233.42	-	-
4500044173	12/27/2021	SC Commercial, LLC		A120-AUTO/TRUCK GASOLINE	\$ 2,940.71	-	-
4500044174	12/27/2021	Rodvold Enterprises Inc.		F190-LANDSCAPING MAT'LS	\$ 1,089.36	-	-
4500044175	12/27/2021	Charter Industrial Supply Inc	Small Business	G130-SHOP TOOLS	\$ 770.17	-	-
4500044176	12/27/2021	M Power Truck & Diesel Repair		P210-NON-REV VEH REPAIRS	\$ 57.50	-	-
4500044177	12/27/2021	US Mobile Wireless		A140-AUTO/TRUCK REPAIR	\$ 554.92	-	-
4500044178	12/27/2021	Sid Tool Co		P540-MAINTENANCE TRAINING	\$ 845.45	-	-
4500044179	12/27/2021	Chingon Custom Metal Fabrication		G130-SHOP TOOLS	\$ 254.57	-	-
4500044180	12/27/2021	Harbor Diesel & Equipment		B200-BUS PWR TRAIN EQUIP	\$ 12,910.93	-	-
4500044181	12/27/2021	Staples Contract & Commercial Inc		P280-GENERAL SVC AGRMNTS	\$ 107.36	-	-
4500044182	12/27/2021	Home Depot USA Inc		G140-SHOP SUPPLIES	\$ 74.40	-	-
4500044183	12/27/2021	W.W. Grainger Inc		G130-SHOP TOOLS	\$ 217.49	-	-
4500044184	12/27/2021	B&H Photo & Electronics Corp		R160-RAIL/LRV ELECTRICAL	\$ 1,795.12	-	-
4500044185	12/27/2021	Schunk Carbon Technology LLC		R190-RAIL/LRV PANTOGRAPH	\$ 15,936.23	-	-
4500044186	12/27/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 400.66	-	-
4500044187	12/27/2021	Westair Gases & Equipment Inc	Small Business	G190-SAFETY/MED SUPPLIES	\$ 485.42	-	-
4500044188	12/27/2021	Brady Industries of California, LLC		G190-SAFETY/MED SUPPLIES	\$ 408.59	-	-
4500044189	12/27/2021	FinishMaster Inc		F120-BUS/LRV PAINT BOOTHS	\$ 8,376.51	-	-
4500044190	12/27/2021	Annex Warehouse Company, Inc		R240-RAIL/LRV REPR PARTS	\$ 73.07	-	-
4500044191	12/27/2021	Professional Contractors Supplies		G190-SAFETY/MED SUPPLIES	\$ 184.90	-	-
4500044192	12/27/2021	Gillig LLC		B250-BUS REPAIR PARTS	\$ 243.93	-	-
4500044193	12/28/2021	Pressnet Express Inc		G230-PRINTED MATERIALS	\$ 1,680.90	-	-
4500044194	12/28/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 382.45	-	-
4500044195	12/28/2021	Staples Contract & Commercial Inc		G200-OFFICE SUPPLIES	\$ 288.10	-	-
4500044196	12/28/2021	W.W. Grainger Inc		F110-SHOP/BLDG MACHINERY	\$ 203.17	-	-
4500044197	12/28/2021	Siemens Mobility, Inc.		M130-CROSSING MECHANISM	\$ 318.36	-	-
4500044198	12/28/2021	Matthias Moos		M120-OVRHEAD CATENARY SYS	\$ 1,134.61	-	-
4500044199	12/28/2021	Supreme Oil Company		A120-AUTO/TRUCK GASOLINE	\$ 1,738.53	-	-
4500044200	12/28/2021	Thompson Building Materials		R230-RAIL/LRV MECHANICAL	\$ 3,150.07	-	-
4500044201	12/28/2021	West-Lite Supply Co Inc	Small Business	M140-WAYSIDE SIGNALS	\$ 933.71	-	-
4500044202	12/28/2021	JKL Cleaning Systems	Small Business	G180-JANITORIAL SUPPLIES	\$ 1,129.23	-	-

Purchase Orders							
PO Number	PO Date	Name	Prime Business Certification	Material Group	PO Value	DBE Subcontracted Amount	Non DBE Subcontracted Amount
4500044203	12/28/2021	S&A Systems Inc		B250-BUS REPAIR PARTS	\$ 172.40	-	-
4500044204	12/28/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 446.09	-	-
4500044205	12/28/2021	Transit Holdings Inc		B160-BUS ELECTRICAL	\$ 421.23	-	-
4500044206	12/28/2021	Professional Contractors Supplies		G180-JANITORIAL SUPPLIES	\$ 182.32	-	-
4500044207	12/28/2021	Mohawk Mfg & Supply Co		B140-BUS CHASSIS	\$ 51.72	-	-
4500044208	12/28/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 417.31	-	-
4500044209	12/28/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 12.77	-	-
4500044210	12/28/2021	Transit Holdings Inc		B120-BUS MECHANICAL PARTS	\$ 2,089.52	-	-
4500044211	12/28/2021	Transit Holdings Inc		B130-BUS BODY	\$ 243.92	-	-
4500044212	12/28/2021	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	\$ 1,117.81	-	-
4500044214	12/28/2021	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	\$ 4.57	-	-
4500044215	12/28/2021	R.S. Hughes Co Inc		G140-SHOP SUPPLIES	\$ 761.29	-	-
4500044216	12/28/2021	Brady Industries of California, LLC		G180-JANITORIAL SUPPLIES	\$ 230.19	-	-
4500044217	12/28/2021	Abacor, Inc.	Small Business	P210-NON-REV VEH REPAIRS	\$ 1,939.50	-	-
4500044218	12/28/2021	Harbor Diesel & Equipment		B200-BUS PWR TRAIN EQUIP	\$ 17,605.81	-	-
4500044219	12/28/2021	Dell Marketing L.P.		I110-INFORMATION TECH	\$ 24,557.31	-	-
4500044220	12/29/2021	Freeby Signs		B130-BUS BODY	\$ 76.89	-	-
4500044221	12/29/2021	Sherwin Williams Company		F120-BUS/LRV PAINT BOOTHS	\$ 407.64	-	-
4500044222	12/29/2021	W.W. Grainger Inc		B250-BUS REPAIR PARTS	\$ 239.46	-	-
4500044223	12/29/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 4,048.28	-	-
4500044224	12/29/2021	Airgas Inc		G140-SHOP SUPPLIES	\$ 2,634.47	-	-
4500044225	12/29/2021	San Diego Friction Products, Inc.		B140-BUS CHASSIS	\$ 908.85	-	-
4500044226	12/29/2021	Chromate Industrial Corporation		G140-SHOP SUPPLIES	\$ 547.77	-	-
4500044227	12/29/2021	Gillig LLC		F170-MATL HANDLING EQUIP	\$ 3,205.57	-	-
4500044228	12/29/2021	Staples Contract & Commercial Inc		G200-OFFICE SUPPLIES	\$ 542.38	-	-
4500044229	12/29/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 941.74	-	-
4500044230	12/29/2021	Muncie Transit Supply		B200-BUS PWR TRAIN EQUIP	\$ 369.05	-	-
4500044231	12/29/2021	Transit Holdings Inc		B120-BUS MECHANICAL PARTS	\$ 46.01	-	-
4500044232	12/29/2021	Transit Holdings Inc		B160-BUS ELECTRICAL	\$ 1,865.46	-	-
4500044233	12/29/2021	Kurt Morgan		G200-OFFICE SUPPLIES	\$ 1,672.97	-	-
4500044234	12/29/2021	JKL Cleaning Systems	Small Business	P130-EQUIP MAINT REPR SVC	\$ 3,656.31	-	-
4500044235	12/29/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 1,648.58	-	-
4500044236	12/29/2021	Muncie Transit Supply		B160-BUS ELECTRICAL	\$ 2.48	-	-
4500044237	12/29/2021	Transit Holdings Inc		B140-BUS CHASSIS	\$ 190.56	-	-
4500044238	12/29/2021	General Signals Inc		M130-CROSSING MECHANISM	\$ 3,564.48	-	-
4500044239	12/29/2021	Willy's Electronic Supply Co	Small Business	M110-SUB STATION	\$ 28.32	-	-
4500044240	12/29/2021	Muncie Transit Supply		B130-BUS BODY	\$ 38.27	-	-
4500044241	12/29/2021	Gillig LLC		B140-BUS CHASSIS	\$ 2,498.27	-	-
4500044242	12/29/2021	Wave Technology Solutions Group LLC	Small Business	I120-INFO TECH, SVCS	\$ 64,527.79	-	-
4500044243	12/29/2021	SC Commercial, LLC		A120-AUTO/TRUCK GASOLINE	\$ 1,923.48	-	-
4500044244	12/29/2021	Mohawk Mfg & Supply Co		B120-BUS MECHANICAL PARTS	\$ 49.24	-	-
4500044245	12/29/2021	Jeyco Products Inc		G140-SHOP SUPPLIES	\$ 66.48	-	-
4500044246	12/29/2021	Barry Sandler Enterprises		G180-JANITORIAL SUPPLIES	\$ 1,720.75	-	-
4500044247	12/29/2021	R.S. Hughes Co Inc		G140-SHOP SUPPLIES	\$ 200.91	-	-

Purchase Orders							
PO Number	PO Date	Name	Prime Business Certification	Material Group	PO Value	DBE Subcontracted Amount	Non DBE Subcontracted Amount
4500044248	12/29/2021	W.W. Grainger Inc		G180-JANITORIAL SUPPLIES	\$ 186.56	-	-
4500044249	12/29/2021	Delphin Computer Supply	Small Business	G200-OFFICE SUPPLIES	\$ 327.56	-	-
4500044250	12/29/2021	Genuine Parts Co		A140-AUTO/TRUCK REPAIR	\$ 26.91	-	-
4500044251	12/29/2021	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	\$ 18.47	-	-
4500044252	12/29/2021	Charter Industrial Supply Inc	Small Business	B140-BUS CHASSIS	\$ 227.45	-	-
4500044253	12/29/2021	Genuine Parts Co		P210-NON-REV VEH REPAIRS	\$ 74.52	-	-
4500044254	12/29/2021	Muncie Transit Supply		B160-BUS ELECTRICAL	\$ 36.27	-	-
4500044255	12/29/2021	Mcmaster-Carr Supply Co		B250-BUS REPAIR PARTS	\$ 10.83	-	-
4500044256	12/29/2021	Trentman Corporation	Small Business	P280-GENERAL SVC AGRMNTS	\$ 1,204.72	-	-
4500044257	12/29/2021	Transit Holdings Inc		B130-BUS BODY	\$ 2,780.25	-	-
4500044258	12/30/2021	R.S. Hughes Co Inc		G140-SHOP SUPPLIES	\$ 602.80	-	-
4500044259	12/30/2021	AFL Telecommunications, Inc.		M120-OVRHEAD CATENARY SYS	\$ 2,928.86	-	-
4500044260	12/30/2021	Siemens Mobility, Inc.		R120-RAIL/LRV CAR BODY	\$ 1,098.73	-	-
4500044261	12/30/2021	W.W. Grainger Inc		M120-OVRHEAD CATENARY SYS	\$ 6,583.70	-	-
4500044262	12/30/2021	Siemens Mobility, Inc.		INSURANCE-Insurance Stock	\$ 2,591.84	-	-
4500044263	12/30/2021	Sid Tool Co		R120-RAIL/LRV CAR BODY	\$ 141.89	-	-
4500044264	12/30/2021	Airgas Inc		G190-SAFETY/MED SUPPLIES	\$ 1,272.27	-	-
4500044265	12/30/2021	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 142.23	-	-
4500044266	12/30/2021	Transit Holdings Inc		B130-BUS BODY	\$ 3,457.80	-	-
4500044267	12/30/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 368.45	-	-
4500044268	12/30/2021	JKL Cleaning Systems	Small Business	P130-EQUIP MAINT REPR SVC	\$ 2,047.47	-	-
4500044269	12/30/2021	Motorola Solutions Inc		B150-BUS COMM EQUIP.	\$ 4,760.00	-	-
4500044270	12/30/2021	Westair Gases & Equipment Inc	Small Business	G190-SAFETY/MED SUPPLIES	\$ 142.77	-	-
4500044271	12/30/2021	Schuko LLC		P160-EQUIPMENT RENTALS	\$ 673.83	-	-
4500044272	12/30/2021	Transit Holdings Inc		B140-BUS CHASSIS	\$ 922.66	-	-
4500044273	12/30/2021	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 345.55	-	-
4500044274	12/30/2021	Aslan Capital Inc		G140-SHOP SUPPLIES	\$ 280.04	-	-
4500044275	12/30/2021	Gillig LLC		B130-BUS BODY	\$ 1,327.87	-	-
4500044276	12/30/2021	Kurt Morgan		G200-OFFICE SUPPLIES	\$ 84.60	-	-
4500044277	12/30/2021	Kaman Industrial Technologies		B120-BUS MECHANICAL PARTS	\$ 2,703.09	-	-
4500044278	12/30/2021	Transit Holdings Inc		B250-BUS REPAIR PARTS	\$ 225.18	-	-
4500044279	1/3/2022	Siemens Mobility, Inc.		R120-RAIL/LRV CAR BODY	\$ 1,464.97	-	-
4500044280	1/3/2022	Siemens Mobility, Inc.		R120-RAIL/LRV CAR BODY	\$ 59,460.67	-	-
4500044281	1/3/2022	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	\$ 11.29	-	-
4500044282	1/3/2022	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 506.43	-	-
4500044283	1/3/2022	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 1,800.31	-	-
4500044284	1/3/2022	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 60.88	-	-
4500044285	1/3/2022	Vehicle Maintenance Program, Inc.	Woman Owned Business	B140-BUS CHASSIS	\$ 419.09	-	-
4500044286	1/3/2022	Data Alliance Inc		R150-RAIL/LRV COMM EQUIP	\$ 112.81	-	-
4500044287	1/3/2022	Airgas Inc		G190-SAFETY/MED SUPPLIES	\$ 109.05	-	-
4500044288	1/3/2022	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 9,544.50	-	-
4500044289	1/3/2022	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 4,354.82	-	-
4500044290	1/3/2022	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	\$ 7,364.72	-	-
4500044291	1/3/2022	Professional Contractors Supplies		G180-JANITORIAL SUPPLIES	\$ 182.32	-	-

Purchase Orders							
PO Number	PO Date	Name	Prime Business Certification	Material Group	PO Value	DBE Subcontracted Amount	Non DBE Subcontracted Amount
4500044292	1/3/2022	Mcmaster-Carr Supply Co		R120-RAIL/LRV CAR BODY	\$ 23.89	-	-
4500044293	1/3/2022	W.W. Grainger Inc		G170-LUBRICANTS	\$ 397.50	-	-
4500044294	1/3/2022	Home Depot USA Inc		G140-SHOP SUPPLIES	\$ 96.20	-	-
4500044295	1/3/2022	W.W. Grainger Inc		G140-SHOP SUPPLIES	\$ 134.19	-	-
4500044296	1/3/2022	Steven Timme		G230-PRINTED MATERIALS	\$ 167.02	-	-
4500044297	1/3/2022	W.W. Grainger Inc		F110-SHOP/BLDG MACHINERY	\$ 125.08	-	-
4500044298	1/3/2022	Cummins Pacific LLC		B250-BUS REPAIR PARTS	\$ 91.73	-	-
4500044299	1/3/2022	Transit Holdings Inc		B250-BUS REPAIR PARTS	\$ 207.63	-	-
4500044300	1/3/2022	Transit Holdings Inc		B250-BUS REPAIR PARTS	\$ 99.37	-	-
4500044301	1/3/2022	Transit Holdings Inc		B250-BUS REPAIR PARTS	\$ 354.76	-	-
4500044302	1/3/2022	Supreme Oil Company		A120-AUTO/TRUCK GASOLINE	\$ 12,677.30	-	-
4500044303	1/3/2022	SC Commercial, LLC		A120-AUTO/TRUCK GASOLINE	\$ 2,940.71	-	-
4500044304	1/3/2022	Knorr Brake Holding Corporation		R160-RAIL/LRV ELECTRICAL	\$ 31,707.41	-	-
4500044305	1/3/2022	Prochem Specialty Products Inc	Small Business	G180-JANITORIAL SUPPLIES	\$ 828.49	-	-
4500044306	1/3/2022	W.W. Grainger Inc		G140-SHOP SUPPLIES	\$ 779.68	-	-
4500044307	1/3/2022	Transit Holdings Inc		B110-BUS HVAC SYSTEMS	\$ 167.19	-	-
4500044308	1/3/2022	Battery Power Inc.		B160-BUS ELECTRICAL	\$ 10,771.90	-	-
4500044309	1/3/2022	Sid Tool Co		G130-SHOP TOOLS	\$ 144.73	-	-
4500044310	1/3/2022	Schunk Carbon Technology LLC		G170-LUBRICANTS	\$ 653.69	-	-
4500044311	1/3/2022	Jeyco Products Inc		G200-OFFICE SUPPLIES	\$ 82.08	-	-
4500044312	1/3/2022	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	\$ 61.13	-	-
4500044313	1/3/2022	Brady Industries of California, LLC		G190-SAFETY/MED SUPPLIES	\$ 204.30	-	-
4500044314	1/3/2022	CDW LLC		I110-INFORMATION TECH	\$ 2,051.31	-	-
4500044315	1/4/2022	Kurt Morgan		G200-OFFICE SUPPLIES	\$ 105.75	-	-
4500044316	1/4/2022	Tony Jamison	DBE	G170-LUBRICANTS	\$ 1,237.40	-	-
4500044317	1/4/2022	W.W. Grainger Inc		B110-BUS HVAC SYSTEMS	\$ 1,645.58	-	-
4500044318	1/4/2022	Gillig LLC		B120-BUS MECHANICAL PARTS	\$ 2,335.37	-	-
4500044319	1/4/2022	Cummins Pacific LLC		B250-BUS REPAIR PARTS	\$ 28.21	-	-
4500044320	1/4/2022	Cummins Pacific LLC		B120-BUS MECHANICAL PARTS	\$ 86.20	-	-
4500044321	1/4/2022	Transit Holdings Inc		G140-SHOP SUPPLIES	\$ 20.17	-	-
4500044322	1/4/2022	Transit Holdings Inc		B130-BUS BODY	\$ 1,063.04	-	-
4500044323	1/4/2022	R.S. Hughes Co Inc		G140-SHOP SUPPLIES	\$ 725.23	-	-
4500044324	1/4/2022	Prochem Specialty Products Inc	Small Business	G180-JANITORIAL SUPPLIES	\$ 828.49	-	-
4500044325	1/4/2022	Siemens Mobility, Inc.		M140-WAYSIDE SIGNALS	\$ 24,857.02	-	-
4500044326	1/4/2022	R.S. Hughes Co Inc		G140-SHOP SUPPLIES	\$ 577.68	-	-
4500044327	1/4/2022	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 1,861.92	-	-
4500044328	1/4/2022	Transit Holdings Inc		B120-BUS MECHANICAL PARTS	\$ 1,823.85	-	-
4500044329	1/4/2022	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	\$ 2,412.95	-	-
4500044330	1/4/2022	San Diego Friction Products, Inc.		G140-SHOP SUPPLIES	\$ 63.00	-	-
4500044331	1/4/2022	Synco Chemical Corporation		G170-LUBRICANTS	\$ 373.48	-	-
4500044332	1/4/2022	Golden State Supply LLC		G140-SHOP SUPPLIES	\$ 13.77	-	-
4500044333	1/4/2022	Schunk Carbon Technology LLC		G170-LUBRICANTS	\$ 653.69	-	-
4500044334	1/4/2022	Cummins Pacific LLC		P190-REV VEHICLE REPAIRS	\$ 377.75	-	-
4500044335	1/4/2022	Freeby Signs		B250-BUS REPAIR PARTS	\$ 117.23	-	-

Purchase Orders							
PO Number	PO Date	Name	Prime Business Certification	Material Group	PO Value	DBE Subcontracted Amount	Non DBE Subcontracted Amount
4500044336	1/4/2022	Willy's Electronic Supply Co	Small Business	R160-RAIL/LRV ELECTRICAL	\$ 484.88	-	-
4500044337	1/4/2022	Transit Products and Services		B130-BUS BODY	\$ 12,068.00	-	-
4500044338	1/4/2022	Advance Blueprint & Digital Copy In	Small Business	G230-PRINTED MATERIALS	\$ 55,157.50	-	-
4500044339	1/5/2022	Annex Warehouse Company, Inc		R240-RAIL/LRV REPR PARTS	\$ 487.62	-	-
4500044340	1/5/2022	Siemens Mobility, Inc.		R220-RAIL/LRV TRUCKS	\$ 843.46	-	-
4500044341	1/5/2022	TK Services Inc		B250-BUS REPAIR PARTS	\$ 285.52	-	-
4500044342	1/5/2022	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 7.22	-	-
4500044343	1/5/2022	Audio Visual Innovations, Inc.		I110-INFORMATION TECH	\$ 710.00	-	-
4500044344	1/5/2022	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 3,896.24	-	-
4500044345	1/5/2022	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 3,968.61	-	-
4500044346	1/5/2022	Industrial Maintenance Supply LLC	DBE	G150-FASTENERS	\$ 26.76	-	-
4500044347	1/5/2022	CDW LLC		I110-INFORMATION TECH	\$ 2,243.20	-	-
4500044348	1/5/2022	Gillig LLC		B120-BUS MECHANICAL PARTS	\$ 2,378.01	-	-
4500044349	1/5/2022	California Stamp Company	Small Business	G200-OFFICE SUPPLIES	\$ 92.24	-	-
4500044350	1/5/2022	Thales Consulting Inc		P400-FINANCIAL & AUDIT	\$ 1,800.00	-	-
4500044351	1/5/2022	CRK Appraisals LLC		P370-RISK MANAGEMENT	\$ 1,000.00	-	-
4500044352	1/5/2022	W.W. Grainger Inc		G140-SHOP SUPPLIES	\$ 87.41	-	-
4500044353	1/5/2022	Westair Gases & Equipment Inc	Small Business	G140-SHOP SUPPLIES	\$ 253.59	-	-
4500044354	1/5/2022	Citywide Auto Glass Inc		P210-NON-REV VEH REPAIRS	\$ 418.18	-	-
4500044355	1/5/2022	Transit Holdings Inc		B250-BUS REPAIR PARTS	\$ 437.42	-	-
4500044356	1/6/2022	Genuine Parts Co		B250-BUS REPAIR PARTS	\$ 167.12	-	-
4500044357	1/6/2022	Mohawk Mfg & Supply Co		B120-BUS MECHANICAL PARTS	\$ 14.44	-	-
4500044358	1/6/2022	San Diego Hydraulics, Inc.		P210-NON-REV VEH REPAIRS	\$ 1,610.00	-	-
4500044359	1/6/2022	Kaman Industrial Technologies		G170-LUBRICANTS	\$ 33.57	-	-
4500044360	1/6/2022	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 1,631.34	-	-
4500044361	1/6/2022	Mohawk Mfg & Supply Co		B140-BUS CHASSIS	\$ 116.26	-	-
4500044362	1/6/2022	Transit Holdings Inc		B130-BUS BODY	\$ 3,377.95	-	-
4500044363	1/6/2022	Waytek Inc		G140-SHOP SUPPLIES	\$ 73.12	-	-
4500044364	1/6/2022	W.W. Grainger Inc		G140-SHOP SUPPLIES	\$ 265.15	-	-
4500044365	1/6/2022	W.W. Grainger Inc		F110-SHOP/BLDG MACHINERY	\$ 93.35	-	-
4500044367	1/6/2022	Gillig LLC		B250-BUS REPAIR PARTS	\$ 5,108.50	-	-
4500044368	1/6/2022	Willy's Electronic Supply Co	Small Business	B250-BUS REPAIR PARTS	\$ 242.44	-	-
4500044369	1/6/2022	Gillig LLC		G140-SHOP SUPPLIES	\$ 1,106.01	-	-
4500044370	1/7/2022	Siemens Mobility, Inc.		R220-RAIL/LRV TRUCKS	\$ 1,457.32	-	-
4500044371	1/7/2022	Transit Holdings Inc		B160-BUS ELECTRICAL	\$ 962.73	-	-
4500044372	1/7/2022	TK Services Inc		B110-BUS HVAC SYSTEMS	\$ 90.42	-	-
4500044373	1/7/2022	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 43.10	-	-
4500044374	1/7/2022	Transit Holdings Inc		B200-BUS PWR TRAIN EQUIP	\$ 2,175.31	-	-
4500044375	1/7/2022	Tony Jamison	DBE	G170-LUBRICANTS	\$ 206.24	-	-
4500044376	1/7/2022	Brady Industries of California, LLC		G180-JANITORIAL SUPPLIES	\$ 327.29	-	-
4500044377	1/7/2022	Cummins Pacific LLC		B200-BUS PWR TRAIN EQUIP	\$ 407.30	-	-
4500044378	1/7/2022	Transit Holdings Inc		B160-BUS ELECTRICAL	\$ 2,561.26	-	-
4500044379	1/7/2022	Transit Holdings Inc		B120-BUS MECHANICAL PARTS	\$ 135.78	-	-
4500044380	1/7/2022	Vehicle Maintenance Program, Inc.	Woman Owned Business	B140-BUS CHASSIS	\$ 873.63	-	-

Purchase Orders							
PO Number	PO Date	Name	Prime Business Certification	Material Group	PO Value	DBE Subcontracted Amount	Non DBE Subcontracted Amount
4500044381	1/7/2022	Transit Holdings Inc		B120-BUS MECHANICAL PARTS	\$ 1,050.76	-	-
4500044382	1/7/2022	W.W. Grainger Inc		F110-SHOP/BLDG MACHINERY	\$ 43.02	-	-
4500044383	1/7/2022	OneSource Distributors, LLC		G190-SAFETY/MED SUPPLIES	\$ 282.84	-	-
4500044384	1/7/2022	Chromate Industrial Corporation		R160-RAIL/LRV ELECTRICAL	\$ 190.76	-	-
4500044385	1/7/2022	Professional Contractors Supplies		G140-SHOP SUPPLIES	\$ 573.25	-	-
4500044386	1/7/2022	Annex Warehouse Company, Inc		F120-BUS/LRV PAINT BOOTHS	\$ 1,718.24	-	-
4500044387	1/7/2022	Prudential Overall Supply		G140-SHOP SUPPLIES	\$ 3,679.44	-	-
4500044388	1/7/2022	Fastenal Company		G140-SHOP SUPPLIES	\$ 1,774.08	-	-
4500044389	1/7/2022	Waxie's Enterprises Inc.		G180-JANITORIAL SUPPLIES	\$ 575.49	-	-
4500044390	1/7/2022	General Signals Inc		M130-CROSSING MECHANISM	\$ 4,050.33	-	-
4500044391	1/7/2022	Siemens Mobility, Inc.		R160-RAIL/LRV ELECTRICAL	\$ 13,787.00	-	-
4500044392	1/7/2022	CASEI		F110-SHOP/BLDG MACHINERY	\$ 9,285.96	-	-
4500044393	1/7/2022	Brady Industries of California, LLC		G140-SHOP SUPPLIES	\$ 358.81	-	-
4500044394	1/7/2022	Hitachi Rail STS USA, Inc.		M130-CROSSING MECHANISM	\$ 955.01	-	-
4500044395	1/7/2022	Tolar Manufacturing Co Inc		P280-GENERAL SVC AGRMNTS	\$ 282.14	-	-
4500044396	1/7/2022	Shilpark Paint Corp.		G160-PAINTS & CHEMICALS	\$ 81.81	-	-
4500044397	1/7/2022	SiteOne Landscape Supply Holding		F190-LANDSCAPING MAT'LS	\$ 1,260.34	-	-
4500044398	1/7/2022	Kurt Morgan		G200-OFFICE SUPPLIES	\$ 1,311.30	-	-
4500044399	1/7/2022	Madden Construction Inc		P280-GENERAL SVC AGRMNTS	\$ 900.50	-	-
4500044400	1/7/2022	Madden Construction Inc		P280-GENERAL SVC AGRMNTS	\$ 989.00	-	-
4500044401	1/7/2022	SC Commercial, LLC		A120-AUTO/TRUCK GASOLINE	\$ 1,964.58	-	-
4500044402	1/7/2022	Transit Holdings Inc		B130-BUS BODY	\$ 235.08	-	-
4500044403	1/7/2022	Madden Construction Inc		P280-GENERAL SVC AGRMNTS	\$ 408.75	-	-
4500044404	1/7/2022	Madden Construction Inc		P280-GENERAL SVC AGRMNTS	\$ 279.00	-	-
4500044405	1/7/2022	Gillig LLC		B140-BUS CHASSIS	\$ 292.30	-	-