



Agenda

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

April 7, 2022

9:00 a.m.

Meeting will be held via webinar

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ACTION RECOMMENDED

1. ROLL CALL
2. [APPROVAL OF MINUTES - MARCH 3, 2022](#)
3. PUBLIC COMMENTS

Approve

COMMITTEE DISCUSSION ITEMS

4. [Youth Opportunity Pass \(YOP\) Pilot Program Launch \(Stacie Bishop\)](#)
5. [Capital Projects Update \(Denis Desmond And Heather Furey\)](#)

Informational

Informational

OTHER ITEMS

6. REVIEW OF DRAFT APRIL 14, 2022 MTS BOARD AGENDA
7. OTHER STAFF COMMUNICATIONS AND BUSINESS
8. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS
9. NEXT MEETING DATE: MAY 5, 2022
10. ADJOURNMENT



DRAFT MINUTES

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

March 3, 2022

[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 Executive Committee meeting to order at 9:05 a.m. A roll call sheet listing Executive Committee member attendance is attached.

2. Approval of Minutes

Chair Fletcher moved to approve the minutes of the January 13, 2022, MTS Executive Committee meeting. Board Member Moreno seconded the motion, and the vote was 6 to 0 in favor with Board Member Salas absent.

3. Public Comments

Christine Brady –Made a verbal statement to the Board during the meeting. Brady requested the homeless population be offered discounted fares, similarly as senior and disabled passes. Brady also asked it be authorized with community-based organizations that work closely with the homeless population.

COMMITTEE DISCUSSION ITEMS

4. COVID-19 Update (Sharon Cooney)

Sharon Cooney, MTS Chief Executive Officer, presented on the COVID-19 update. She presented on: Impact of COVID absences, tight labor market, trolley COVID cases, effect of trolley operator call-outs minimal and short lived, bus operator shortage, bus operator shortage impact on service, bus operator recruitment, service changes, COVID-19 customer complaints, ridership, and fiscal year 2022 operating budget revenue assumptions - passenger levels.

Chair Fletcher was encouraged by the trends.

Board Member Elo-Rivera was encouraged by the article acknowledging increased ridership. He asked about the workforce issues and asked if the agency has partnered with the Community College Districts to create job partnership opportunities.

Ms. Cooney stated that the agency currently collaborates with the various districts to facilitate job opportunities. She acknowledged that the agency has various career paths at the agency, beyond transit operators.

Board Member Elo-Rivera offered support to assist facilitating career paths.

Action Taken

Informational item only. No action taken.

5. Ridership Recovery Action Plan Update (Mark Olson)

Mark Olson, MTS Director of Marketing and Communications, presented on ridership recovery action plan update. He outlined: Ridership Update, November – February recap and results, upcoming initiatives and promotions.

Board Member Moreno referenced the ridership results slide and asked how many of the riders were added with the Blue Line extension and how the agency was capturing the data.

Mr. Olson explained the onboard mechanisms that count passenger boardings per station.

Ms. Cooney stated a range of 10,000 to 12,000 boardings for the Mid-Coast extension stations and passenger increase trends. She also stated that East County parking lots have reported higher than usual use. She believed that El Cajon residents were beginning to use the system to commute to the University Town Center area.

Board Member Moreno clarified that she was posing the question to distinguish between the Mid-Coast and Blue Line ridership data.

Ms. Cooney acknowledged that the data reported was from December, before the COVID surge.

Mr. Olson clarified that Pueblo Planning would conduct research and generate a report in six months.

Chair Fletcher noted that he has the same question about ridership baseline as Board Member Moreno. He clarified that while some UCSD classes returned to in person participation, the agency should report ridership differences in the upcoming Spring quarter.

Board Member Sandke also referenced the article acknowledging the increase in ridership. He was happy to see how crucial MTS was to the regional education system. He acknowledged the summer escape program and encouraged the Board to integrate the waterway transportation as part of a regional commuter option. He asked staff if the agency has had successful conversations with SANDAG or the ferry operators regarding the PRONTO integration process.

Mr. Olson stated that the agency will be assessing special events and integration with ferry services. He assured Board Member Sandke that there are several marketing opportunities to integrate the system into PRONTO. He shared an anecdote about an incident that forced commuters to use the ferry system in order to access the airport; he envisioned the ferry being a top option for airport access rather than a last resort.

Board Member Elo-Rivera acknowledged that the Youth Opportunity Pass projected outline made the program tangible, which was exciting for him and youth constituents. He wanted staff to explain the tactic that would assure the agency references low-income riders as the target audience while simultaneously considering tourist needs.

Mr. Olson noted that the main target audience are the residents of the service area while understanding that San Diego is a vacation destination. He acknowledged the importance of capturing the needs of the South Bay and that many of the efforts will be targeted.

Board Member Elo-Rivera asked that the agency create next steps based on the needs of primary constituents. He supported additional services for tourists in order to better support residential transit dependent riders. He agreed with Board Member Sandke's vision for a waterway system in order to attract new riders.

Chair Fletcher added his support to a ferry system and listed the various benefits to the addition.

Vice Chair Sotelo-Solis was excited about Federal project funding. She supported a waterway system and listed various benefits to the addition.

Action Taken

Informational item only. No action taken.

6. Trolley to Airport Update (Heather Furey and Brent Boyd)

Ms. Cooney presented on Trolley to Airport Update. She outlined the following information: Elevate SD background, Advantages of Trolley Serving Airport, 2022 Trolley to Airport Feasibility Study, 2022 Feasibility Study, Potential Cost Estimates, Downtown to Laurel Segment, Laurel to Airport, Options, and 2022 Feasibility Study.

PUBLIC COMMENT

Noah Harris – Representing Climate Action Campaign made a verbal statement to the Board during the meeting. Harris cited sea level and ground water climate change projection maps and cautioned the Board about the impacts to this and other transportation impact threats. Harris urged the board to adequately study and prepare for these changes.

COMMITTEE COMMENTS

Board Member Sandke agreed that the agency should assess climate change as an obstacle to this project. He acknowledged his seat as the Airport Authority Advisory Committee representative and noted that the community outreach group at the airport may have differing visions. He asked if a trolley to the airport project would interfere with SANDAG's mobility hub to the airport. He also pointed out the acute price difference with the tunneling option. He asked that stakeholders be included into the connection vision.

Ms. Cooney stated that the agency has met with the five different policy stakeholders. She explained that the central mobility hub is contingent on other infrastructure improvements and that the project would not be completed within the next six years.

Chair Fletcher acknowledged that the agency aims to work in partnership with all stakeholders while being conscious that the mobility hub connection is currently a vision with no timeline. Currently the agency has an opportunity to build the trolley connection with viable projections and encouraged the Board to move forward with the project.

Board Member Sandke acknowledged that this project needs a strong infrastructure backbone which the agency can spearhead. He asked Ms. Cooney to assist and prepare a report back on this project to the Airport Authority Advisory Committee.

Chair Fletcher also pointed out the infrastructure funding currently available which could help move the project forward.

Board Member Elo-Rivera reminded the Board to revisit the agency's mission rather than being committed to a particular project preference. He acknowledged that inexpensive solutions do not necessarily yield cost effective results.

Chair Fletcher assured the Board that additional visions are welcomed. He was concerned about the time variable and any unknowns that would create project delays.

Action Taken

Chair Fletcher moved to receive the report. Board Member Elo-Rivera seconded the motion, and the vote was 6 to 0 in favor with Board Member Salas absent.

OTHER ITEMS

8. REVIEW OF DRAFT March 10, 2022 BOARD AGENDA

Recommended 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. On-Call Card Access Reader Services – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWG340.0-22 (in substantially the same format as Attachment A) with Electro Specialty Systems (ESS), a Small Business (SB), for \$318,956.00, for the provision of on-call card access reader services for three (3) base years from April 1, 2022 through March 31, 2025, and three option years from April 1, 2026 through March 31, 2028.
8. San Diego Metropolitan Transit System (MTS) Transit Asset Management (TAM) Plan – Annual Update
9. Zero Emission Bus (ZEB) and Iris Rapid Projects Construction Management (CM) Services – Award Work Order Amendment
Action would authorize the Chief Executive Officer (CEO) to execute Work Order Amendment No. WOA2501-CM01.1 under MTS Doc. No. G2501.0-21 (in substantially the same format as Attachment A), with TRC Engineers, Inc. totaling \$574,202.74 for CM services for the Iris Rapid Project.
10. Cisco Voice Over Internet Protocol (VOIP) Licenses Three (3) Year Maintenance Renewal
Action would authorize the Chief Executive Officer (CEO) to execute a Purchase Order (PO) to Axelliant, LLC, a Minority Owned Business Enterprise (MBE) and a Small Business (SB), for the renewal of the CISCO VOIP licenses for three (3) years that includes technical support and software updates through March 26, 2025 for a total of \$227,890.30.

11. Zero-Emission Bus (ZEB) Procurement Project: 60-Foot Low-Floor Electric Buses – Contract Amendment (New Flyer)
Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 3 to MTS Doc. No. B0722.0-21 (insubstantially the same format as Attachment A) with New Flyer, in the amount of \$155,428.49 per technical specification changes for the twelve (12) 60-foot low-floor electric battery-powered buses.
12. Cost Segregation Services – Mid-Coast Project – Contract Award
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G2582.0-22 (in substantially the same format as Attachment A) with HCA Asset Management LLC (HCA) for Cost Segregation Services for the Mid-Coast Project for a two (2) year base period for \$143,250.00.
13. Fiscal Year (FY) 2021-2022 Low Carbon Transit Operations Program (LCTOP) Funding
Action would adopt Resolution No. 22-02 in order to: 1) Agree to comply with all conditions and requirements set forth in the Certification and Assurances Document, and applicable statutes, regulations, and guidelines for all LCTOP funded transit projects; and 2) Authorize the Chief Executive Officer (CEO), or designated representative, to execute all required documents of the LCTOP and any amendments thereto with the California Department of Transportation; and 3) Authorize the allocation of \$8,103,037 in Fiscal Year (FY) 2021-2022 LCTOP funding for the procurement of Battery Electric Buses (BEB's). A total of \$12,426,859 will be funded and programmed in the FY 2024 Capital Improvement Program (CIP), which will reduce greenhouse gas emissions and improve mobility with a priority on serving Disadvantaged Communities (DAC); and 4) Certify that at least 50% of the total LCTOP funds received will be spent on projects or services that will benefit DACs identified in Section 39711 of the Health and Safety Code.
14. New Transit Facility, Conceptual Layout and Report – Work Order
Action would authorize the Chief Executive Officer (CEO) to execute Work Order MTS Doc No. WOA2075-AE-73 to MTS Doc. No. G2075.0-18 (in substantially the same format as Attachment A) with Dokken Engineering (Dokken) in the amount of \$206,043.16 to provide planning services for the Division 6 conceptual layout and report.
15. Property Insurance Renewal
Action would authorize the Chief Executive Officer (CEO) to renew the property insurance coverage for the San Diego Metropolitan Transit System (MTS), San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI) with the Public Risk Innovation, Solutions, and Management (PRISM) [formerly known as the California State Association of Counties – Excess Insurance Authority (CSAC-EIA)] Property Insurance Program, effective March 31, 2022 through March 31, 2023, with various coverage deductibles of \$25,000 (real estate and personal contents property), \$100,000 (bus fleet), \$250,000 (light rail fleet) and \$1,500,000 (roads, rail track, bridges, guideways and tunnels).

9. Other Staff Communications and Business

Ms. Cooney asked if the Committee would like the Ridership Recovery Action Plan update to be presented at the March 10, 2022 meeting. The Committee directed staff to bring the item to the March Board meeting.

10. Committee Member Communications and Other Business

There were no committee member communications and other business.

11. Next Meeting Date

The next Executive Committee meeting is scheduled for April 7, 2022, at 9:00 a.m.

CLOSED SESSION – TAKEN OUT OF ORDER

7. The Board convened to Closed Session at 10:18 a.m.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION INITIATION OF LITIGATION PURSUANT TO PARAGRAPH (4) OF SUBDIVISION (D) OF SECTION 54956.9: (1 POTENTIAL CASE)

The Committee reconvened to Open Session at 10:38 a.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported that the Executive Committee received a report from legal counsel and gave instructions.

12. Adjournment

The meeting was adjourned at 10:42 a.m.

Chairperson
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
EXECUTIVE COMMITTEE

ROLL CALL

MEETING OF (DATE): March 3, 2022 CALL TO ORDER (TIME): 9:05am
 RECESS: _____ RECONVENE: _____
 CLOSED SESSION: 10:18am RECONVENE: 10:38am
 PUBLIC HEARING: _____ RECONVENE: _____
 ORDINANCES ADOPTED: _____ ADJOURN: 10:42am

REPRESENTATIVE	BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
County	FLETCHER (Chair)	<input checked="" type="checkbox"/> (Vargas) <input type="checkbox"/>	9:05am	10:42am
Vice Chair	SOTELO-SOLIS	<input checked="" type="checkbox"/> (no alternate) <input type="checkbox"/>	9:05am	10:42am
City of San Diego	ELO-RIVERA	<input checked="" type="checkbox"/> (Montgomery Steppe) <input type="checkbox"/>	9:05am	10:42am
East County	HALL	<input checked="" type="checkbox"/> (Frank) <input type="checkbox"/>	9:05am	10:42am
SANDAG Transportation Committee	MORENO	<input checked="" type="checkbox"/> (Aguirre) <input type="checkbox"/>	9:05am	10:42am
Chair Pro Tem	SALAS	<input type="checkbox"/> (no alternate) <input type="checkbox"/>	-	-
South Bay	SANDKE	<input checked="" type="checkbox"/> (Aguirre) <input type="checkbox"/>	9:05am	10:42am

SIGNED BY THE CLERK OF THE BOARD:

/S/ Dalia Gonzalez



Agenda Item No. 4

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

April 7, 2022

SUBJECT:

YOUTH OPPORTUNITY PASS (YOP) PILOT PROGRAM LAUNCH (STACIE BISHOP)

INFORMATIONAL ONLY

Budget Impact

The Youth Opportunity Pass pilot program is being funded by the San Diego Association of Governments (SANDAG) and County of San Diego. MTS will receive approximately \$6.2 million to administer the program through June 20, 2023.

DISCUSSION:

The YOP pilot program will offer no cost transit passes to youth 18 and under, effective May 1, 2022 through June 30, 2023. YOP will be offered to anyone 18 and under with a Youth PRONTO card or app account, and will allow for free travel on MTS fixed-route buses and Trolleys.

Beginning April 1, 2022, MTS, the North County Transit District (NCTD) and SANDAG will launch a public education effort to promote and encourage participation in the YOP program. As part of this effort, 20,000 free PRONTO Youth cards will be made available through community outreach, Community Based Organizations, participating schools, and at the MTS Transit Store and NCTD Customer Service Centers.

MTS staff will provide an overview of YOP implementation, as well as roles, responsibilities and activities to promote the program.

/S/ Sharon Cooney

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com



Youth Opportunity Pass

MTS Executive Committee Meeting

Thursday, April 7, 2022

SANDAG

Youth Opportunity Pass

18 and under ride free with PRONTO!



NORTH COUNTY
TRANSIT DISTRICT



Youth Opportunity Pass

- Pilot program funded through the SANDAG Transit Equity Pilot, with additional funding from the County of San Diego
- Pilot period May 1, 2022 through June 30, 2023
- Open to anyone 18 and under
- Valid on all fixed route MTS buses and Trolleys, plus NCTD FLEX, BREEZE, SPRINTER and COASTER services
- Requires Youth PRONTO app account or Youth PRONTO card



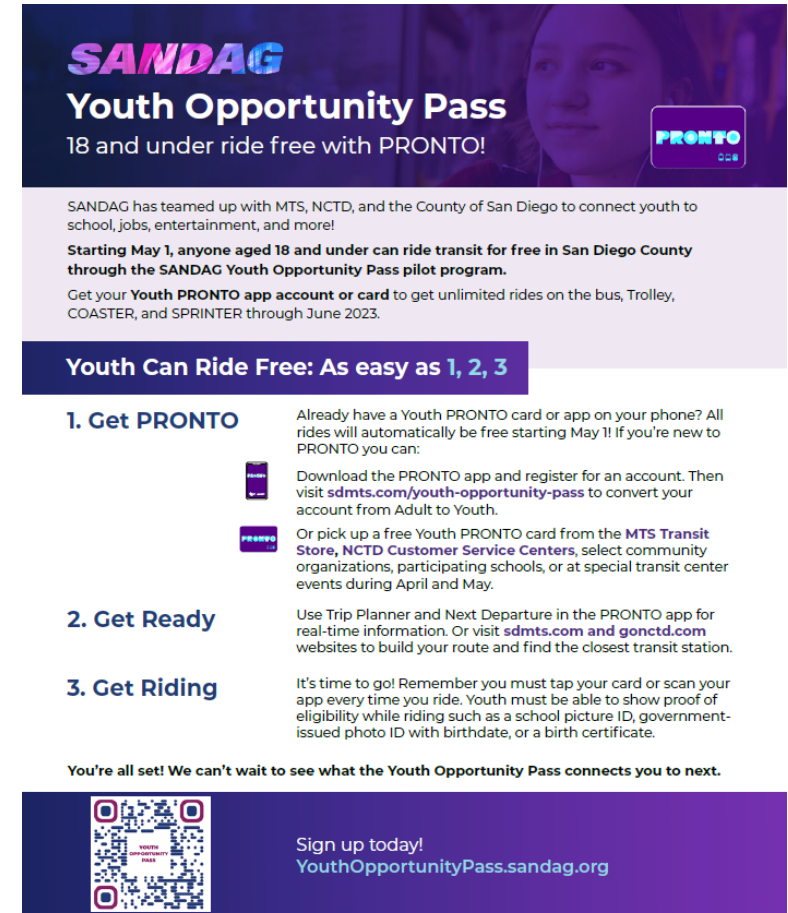
Youth Opportunity Pass

- Existing Youth riders with PRONTO do not need to take any additional action to receive free rides starting May 1
- Will be encouraging app download
- 20,000+ free Youth PRONTO cards allocated to MTS and partner efforts
- Starting April 20, the ability to purchase Youth month passes will be removed



Customer & Public Education

- Program announcement made by MTS, SANDAG and NCTD April 1
- Program details and FAQs available online at youthopportunitypass.sandag.org or sdmts.com/youth-opportunity-pass
- Partner toolkit available for download on SANDAG's site
- Primary focus is educating youth riders on how to get set-up with and use PRONTO
- Free Youth cards in April and May; online or over-the-phone conversion available



SANDAG
Youth Opportunity Pass
18 and under ride free with PRONTO!

SANDAG has teamed up with MTS, NCTD, and the County of San Diego to connect youth to school, jobs, entertainment, and more!

Starting May 1, anyone aged 18 and under can ride transit for free in San Diego County through the SANDAG Youth Opportunity Pass pilot program.

Get your **Youth PRONTO app account or card** to get unlimited rides on the bus, Trolley, COASTER, and SPRINTER through June 2023.

Youth Can Ride Free: As easy as 1, 2, 3

- 1. Get PRONTO**


Already have a Youth PRONTO card or app on your phone? All rides will automatically be free starting May 1! If you're new to PRONTO you can:

 - Download the PRONTO app and register for an account. Then visit sdmts.com/youth-opportunity-pass to convert your account from Adult to Youth.
 - Or pick up a free Youth PRONTO card from the **MTS Transit Store, NCTD Customer Service Centers**, select community organizations, participating schools, or at special transit center events during April and May.
- 2. Get Ready**

Use Trip Planner and Next Departure in the PRONTO app for real-time information. Or visit sdmts.com and gonctd.com websites to build your route and find the closest transit station.
- 3. Get Riding**

It's time to go! Remember you must tap your card or scan your app every time you ride. Youth must be able to show proof of eligibility while riding such as a school picture ID, government-issued photo ID with birthdate, or a birth certificate.

You're all set! We can't wait to see what the Youth Opportunity Pass connects you to next.

 Sign up today!
YouthOpportunityPass.sandag.org

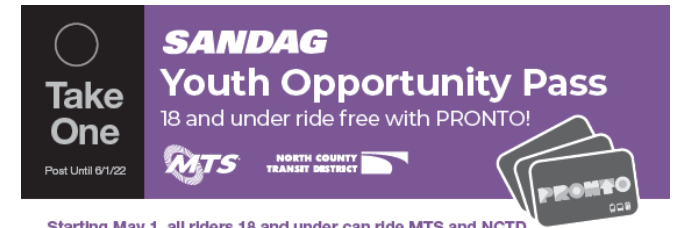


3/22/2020



Customer & Public Education

- **System Signage:** Take One notice onboard all vehicles; business cards for field staff; ticket machine screen savers
- **Digital communications:** website, social media, e-newsletter; paid advertising campaign
- **Customer Service:** Call center hold message, booth outside Transit Store, Transit store signage
- **Outreach events** in April and May
- **SANDAG:** CBO and school partnerships, media relations



Starting May 1, all riders 18 and under can ride MTS and NCTD services for FREE through the SANDAG Youth Opportunity Pass pilot program. To be eligible for the Youth Opportunity Pass, riders 18 and under must have a Youth PRONTO app account, or a PRONTO Youth card, and travel with proof of eligibility. (Kids 5 and under ride MTS and NCTD free when accompanied by a fare paying adult, and do not need a card or proof of eligibility.) The Youth Opportunity Pass pilot program ends June 2023.

Frequently Asked Questions

I already have a Youth PRONTO app or card, do I need a new one? No, you can keep using the same app account or card. Starting May 1, when you tap your card or scan your app, your rides will be registered as a free trip under the Youth Opportunity Pass program. (Remember: you must tap or scan every time you ride, including transfers.)

How do I get set-up with a PRONTO app account or card? Download the PRONTO app and register for an account. Then, go to sdmts.com/youth-opportunity-pass to convert your account from Adult to Youth (conversion may take up to one business day). If you don't have a smartphone and need a physical card, free youth PRONTO cards will be available at transit center outreach events, the MTS Transit Store or NCTD Customer Service Centers in April and May.

There are multiple youth in my family, can we all use the same app or card? No, each rider must have their own PRONTO app account or card.

What happens if I don't have a Youth PRONTO card or app account? Riders without a Youth account on PRONTO will be required to pay the one-way cash fare. One-way Youth cash fares for most services are \$1.25, and do not include any transfers to other buses, Trolley, SPRINTER or BREEZE lines.

What can I use to show proof of eligibility as a Youth rider? Accepted forms of eligibility include: current school picture ID; a valid government-issued photo ID with birthdate (i.e. driver's license or real ID); OR birth certificate. Alternatively, you can get a Youth photo ID PRONTO card at the MTS Transit Store and all NCTD Customer Service Centers (\$7 fee).

Can I just show my school ID to ride for free? No, you must have a Youth account on the PRONTO app, or a Youth PRONTO card to access free rides. Your school ID is only used to verify your eligibility in the program.

Do I need to have money on my card or app account? No, starting May 1, youth don't need to load any money to your PRONTO app or card. Any stored value on a Youth PRONTO app or card will stay on the account and won't be deducted. No refunds will be issued for stored value on Youth cards or app accounts. Balances can be transferred to a non-Youth PRONTO product, or will remain on the Youth card/app for future use (stored value on PRONTO never expires).

This information will be made available in alternative formats upon request. To request, please call (619) 231-1466.

Full program details, click or call:

YouthOpportunityPass.sandag.org
619-595-5636



Customer & Public Education

SANDAG
Pase de Oportunidad para Jóvenes
¡Menores de 19 viajan gratis con PRONTO!
A partir del 1 de mayo, todos los pasajeros menores de 19 años pueden utilizar los servicios de MTS y NCTD GRATIS a través del programa piloto de SANDAG. Pase de Oportunidad para Jóvenes hasta junio 2023. Obtén más información en:
YouthOpportunityPass.sandag.org
619-595-5636



SANDAG
Youth Opportunity Pass
18 and under ride free with PRONTO!
Starting May 1, 2022, all riders 18 and under can ride MTS and NCTD services for FREE through the SANDAG Youth Opportunity Pass pilot program through June 2023. Get the details at:
YouthOpportunityPass.sandag.org
619-595-5636



**GRATIS
GRATIS
GRATIS**

Los jóvenes menores de 19 años viajan GRATIS con PRONTO, a partir del 1 de mayo.



SANDAG
Pase de Oportunidad para Jóvenes



Next Steps

- App enrollment + free Youth card distribution in April and May
- **Save the Date:** Media event on Friday, April 15
- YOP program launches May 1
- Rider education re: tapping and scanning
- Summer campaign that will focus on families
- Back-to-school education effort in the fall
- Ongoing monitoring of program use with SANDAG and NCTD

QUESTIONS?



Agenda Item No. 5

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

April 7, 2022

SUBJECT:

CAPITAL PROJECTS UPDATE (DENIS DESMOND AND HEATHER FUREY)

INFORMATIONAL:

Budget Impact

None at this time.

DISCUSSION:

Staff will provide an update on the following capital projects currently underway for MTS:

Division 6: MTS will need additional bus division capacity for future system growth and to accommodate electric bus charging infrastructure. This project would implement a new zero-emission bus operating division in the center of MTS' future service growth area.

Downtown Layover: This project would provide an off-street location for up to 18 MTS buses per hour to lay over in western Downtown San Diego, reducing community impacts and improving safety. SANDAG is the lead agency on the project and is currently completing environmental work.

Bus Stop Upgrades: This is an on-going project to incrementally make improvements to accessibility and amenities at MTS' bus stops, with a focus on investing in disadvantaged communities. Eight bus stops were recently completed; next year's capital program will improve 24 more stops.

El Cajon Blvd. Busway: This is a City of San Diego pilot project implemented by the City in late 2019. It striped the former #3 general purpose lane on 4.5 miles of El Cajon Blvd. in Mid-City into a Bus/Bike Lane that is currently used by MTS Routes 1, 6, and 215.

Bus On Shoulder (BOS): SANDAG is leading this effort to allow South Bay Rapid (Route 225) buses to use various shoulder segments of Interstate 805 and State Route 94 during periods of congestion. Construction work has been completed and implementation details are being finalized between MTS, SANDAG, CalTrans, and the California Highway Patrol.



Iris Rapid: MTS received a state grant to implement this new Rapid bus route linking the Iris Avenue Transit Center with Otay Mesa on the east and Imperial Beach on the west. It will utilize twelve new electric, articulated buses to serve upgraded stops and an expanded Iris Avenue Transit Center. Construction is expected to begin in the next few months, with an opening date planned for mid-2023.

America Plaza/Santa Fe Depot Pedestrian Enhancement Project: The goals of this project are to improve the experience of pedestrians and MTS riders utilizing the Santa Fe Depot and America Plaza Trolley Stations. It will include transit and pedestrian improvements along Kettner Blvd. and enhanced wayfinding signage.

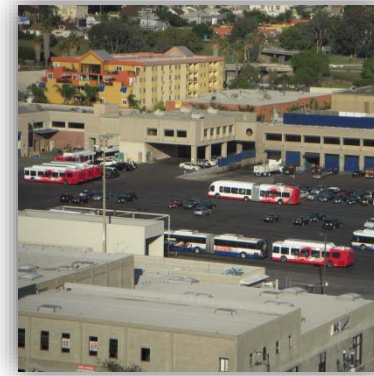
San Ysidro Transit Center: This is a near-term project to add Trolley capacity, improve safety, and enhance the community and rider experience. Along with circulation improvements, a third terminal track would be added for the UC San Diego Blue Line, and the grade crossing at Rail Court would be eliminated.

Imperial Double Track: This project will add a second terminal track at the Green Line's bayside terminal at the 12th & Imperial Transit Center. It will also add a new track connection between the bayside terminal and the southbound trackway towards San Ysidro. These will increase operational flexibility and reduce congestion-related delays on the Green Line.

El Cajon Third Track: A new terminal track at the El Cajon Transit Center will increase operational flexibility and reduce delays on the Orange and Green Lines.

/s/ Sharon Cooney
Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com



Capital Projects Update

MTS Executive Committee
April 7, 2022

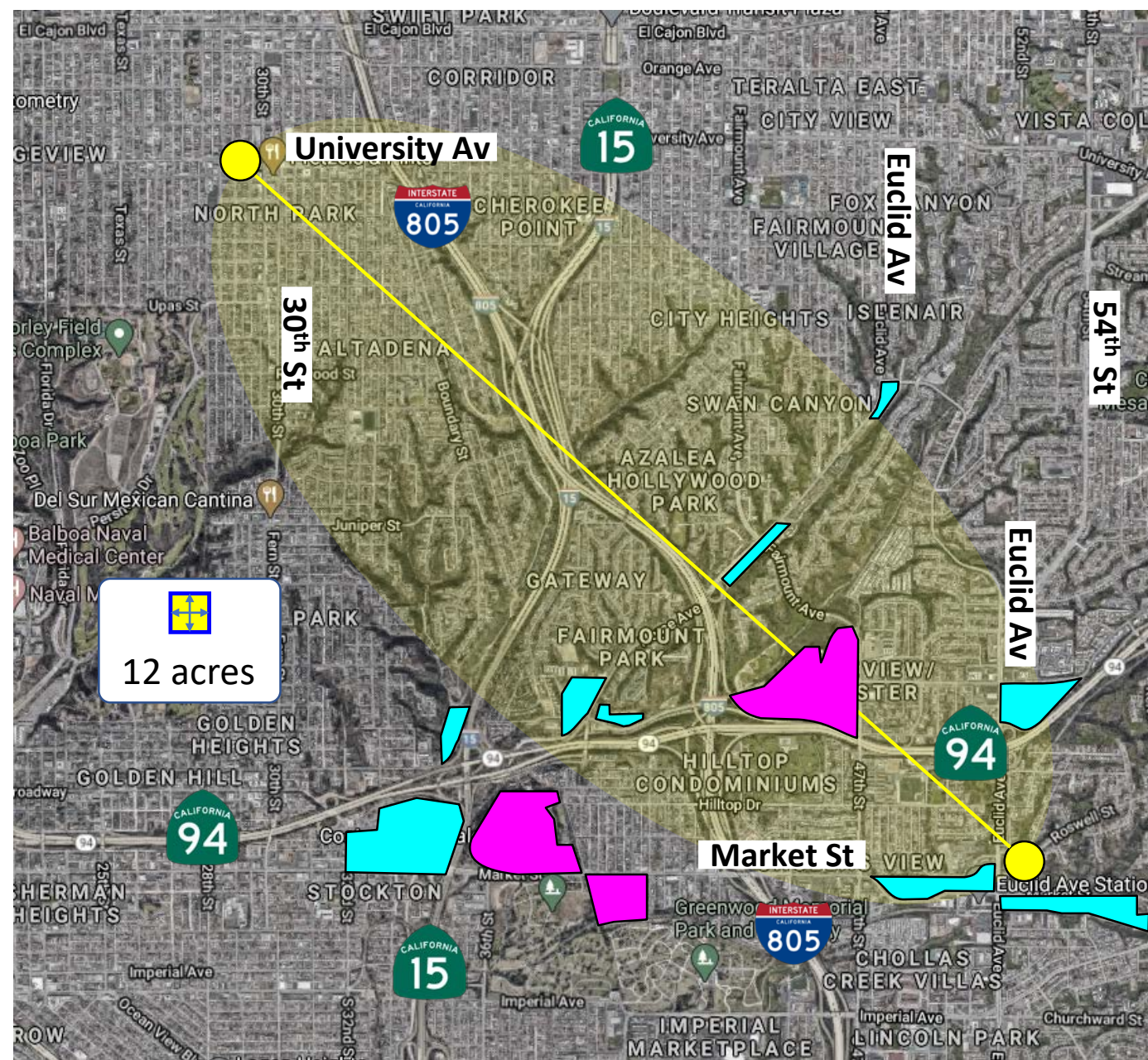
Bus Division 6

- New all-ZEB division located in the heart of future service growth area
- Adds capacity for expansion, ZEB transition
- Focus on jobs, tech, innovation, and training
- Preferred site located on Federal Bl. near 47th
- Current Status:
 - Environmental evaluation by SANDAG reviewing seven alternatives
 - Planning for Spring 2022 community engagement
 - Final site selection and environmental certification expected in Fall 2022



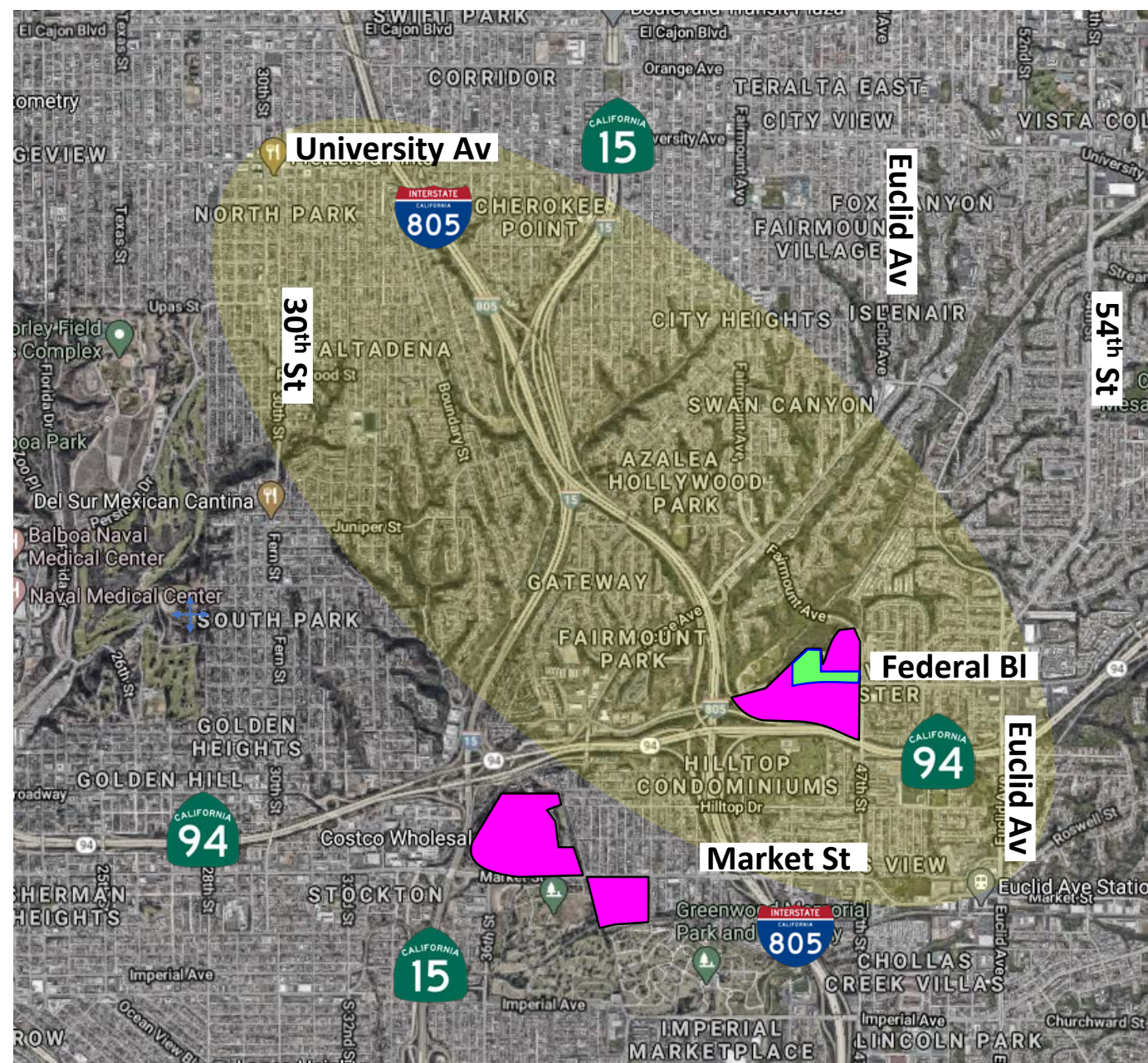
Locating a Site

- Focus on existing light industrial properties
 - No existing park or canyon lands
 - No displacement of residents or neighborhood-serving retail
- Limited industrial uses in this area, all towards south end
 - Most areas too small or unavailable
 - Seven sites selected for further environmental study; most are a combination of multiple parcels



Preferred Site

- Single site needed for in-depth environmental studies
 - May not be final selected site
 - All seven sites continue as alternatives
- Factors:
 - Community input & impacts
 - Freeway access
 - Current uses & property improvements
 - Site needs and improvement costs
 - Relocation requirements
- Current efforts include:
 - Environmental studies
 - On-going engagement
 - Conceptual site design work



Preferred Site

Includes all parcels outlined in blue



Downtown Layover Facility

- Off-street location needed for up to 18 buses in western Downtown SD
- Layover for schedule recovery, driver breaks
- Facility would free-up curbspace, provide driver restrooms, and offer safe driver break location
- Current Status:
 - Block at Union/State/A/B partially purchased by Transnet, project now being federalized and going through environmental evaluation by SANDAG
 - Final environmental certification expected in Fall 2022
 - Evaluating short term improvements on partial lot



San Ysidro Transit Center

- Short-term project to improve capacity, safety, mobility, and circulation while enhancing the community
- Remove Rail Court grade crossing and conflicts, add third terminal track for Trolley

- Current Status:
 - SANDAG in procurement for community engagement, planning, and conceptual design
 - Subsequent steps include environmental certification, final design, and construction
 - MTS goal for additional Trolley track available within 5 years



CIP Bus Stop Improvements

- On-going CIP project to upgrade MTS bus stops for accessibility and future amenities
- Focus on disadvantaged communities
- Current Status:
 - 8 stops recently completed from FY2021/22 capital program
 - Lomita, College Grove, San Ysidro, Otay Mesa
 - FY2023 capital program includes 24 more stops

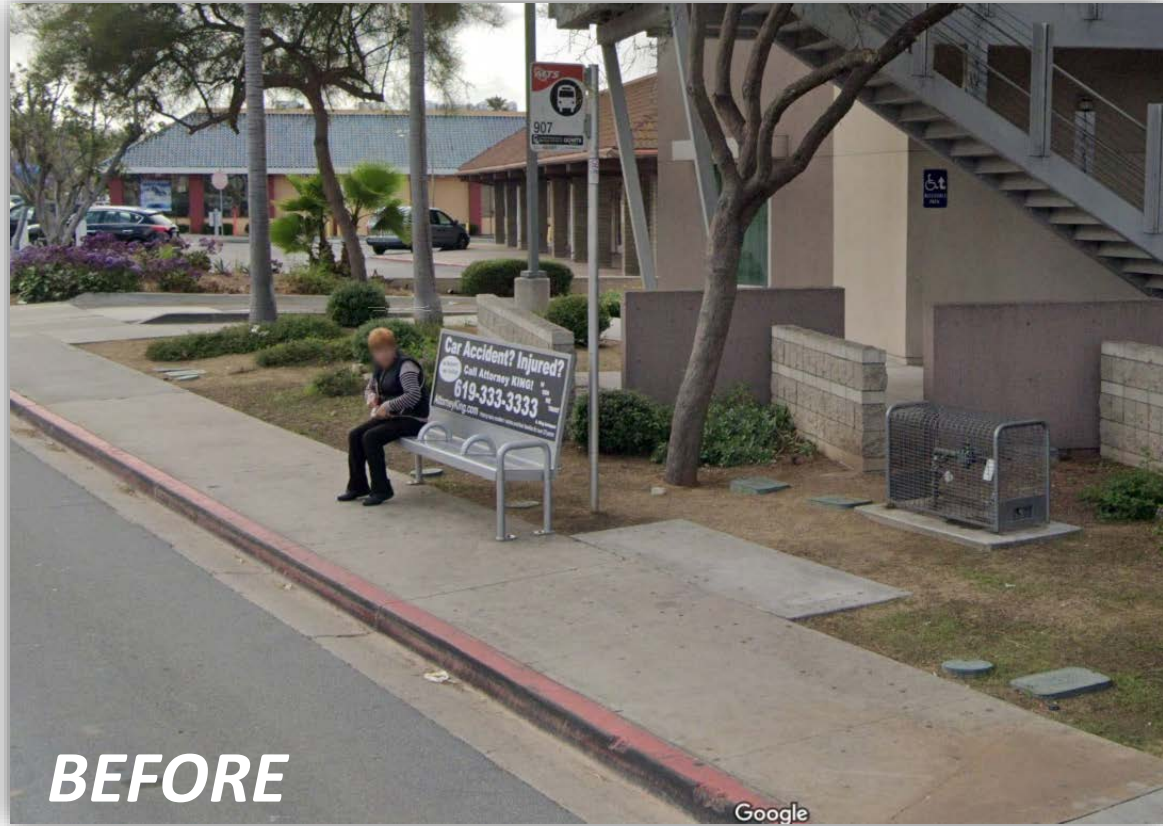
CIP Bus Stop Improvements



College Avenue at
College Grove Drive



CIP Bus Stop Improvements



San Ysidro Blvd.
at Averil Road



CIP Bus Stop Improvements

San Ysidro Blvd. at
Cottonwood Road

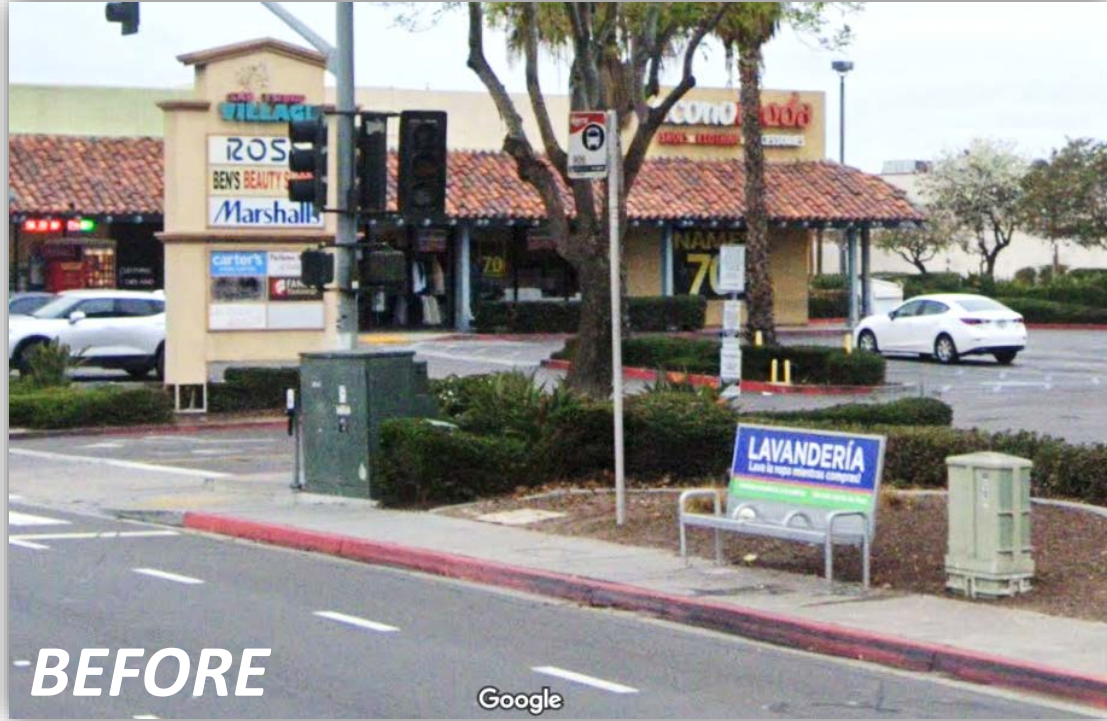


CIP Bus Stop Improvements

EB Camino de la Plaza
at Via Nacional



CIP Bus Stop Improvements



WB Camino de la Plaza
at Via Nacional



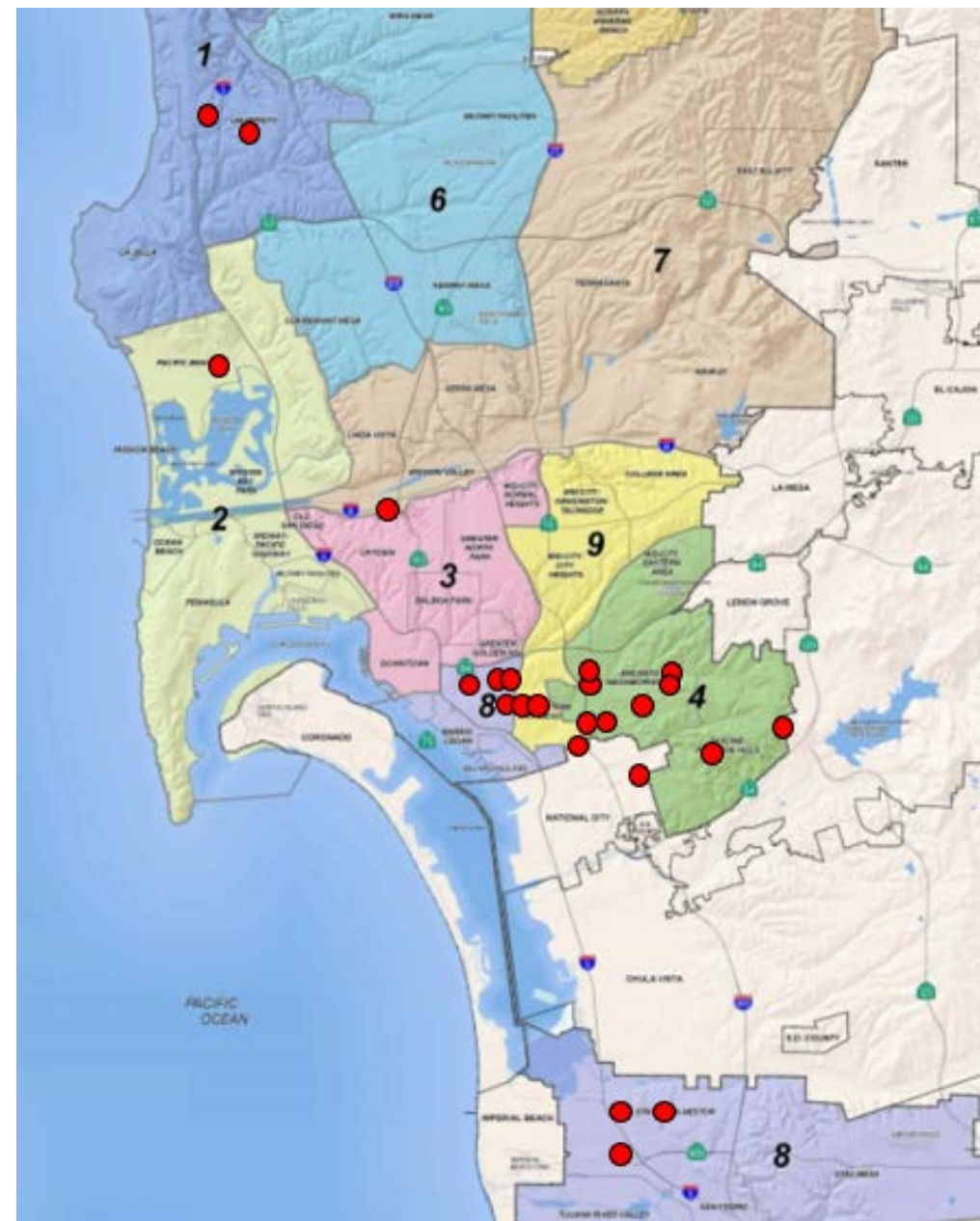
CIP Bus Stop Improvements

San Vicente Street at Norm Street



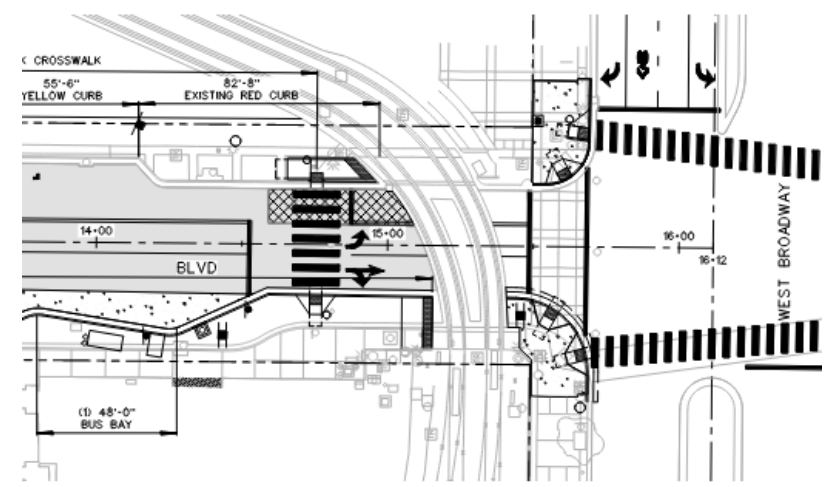
CIP Bus Stop Improvements

- FY2023 capital program includes 24 additional stops
- Improvements focused in areas of historical underinvestment



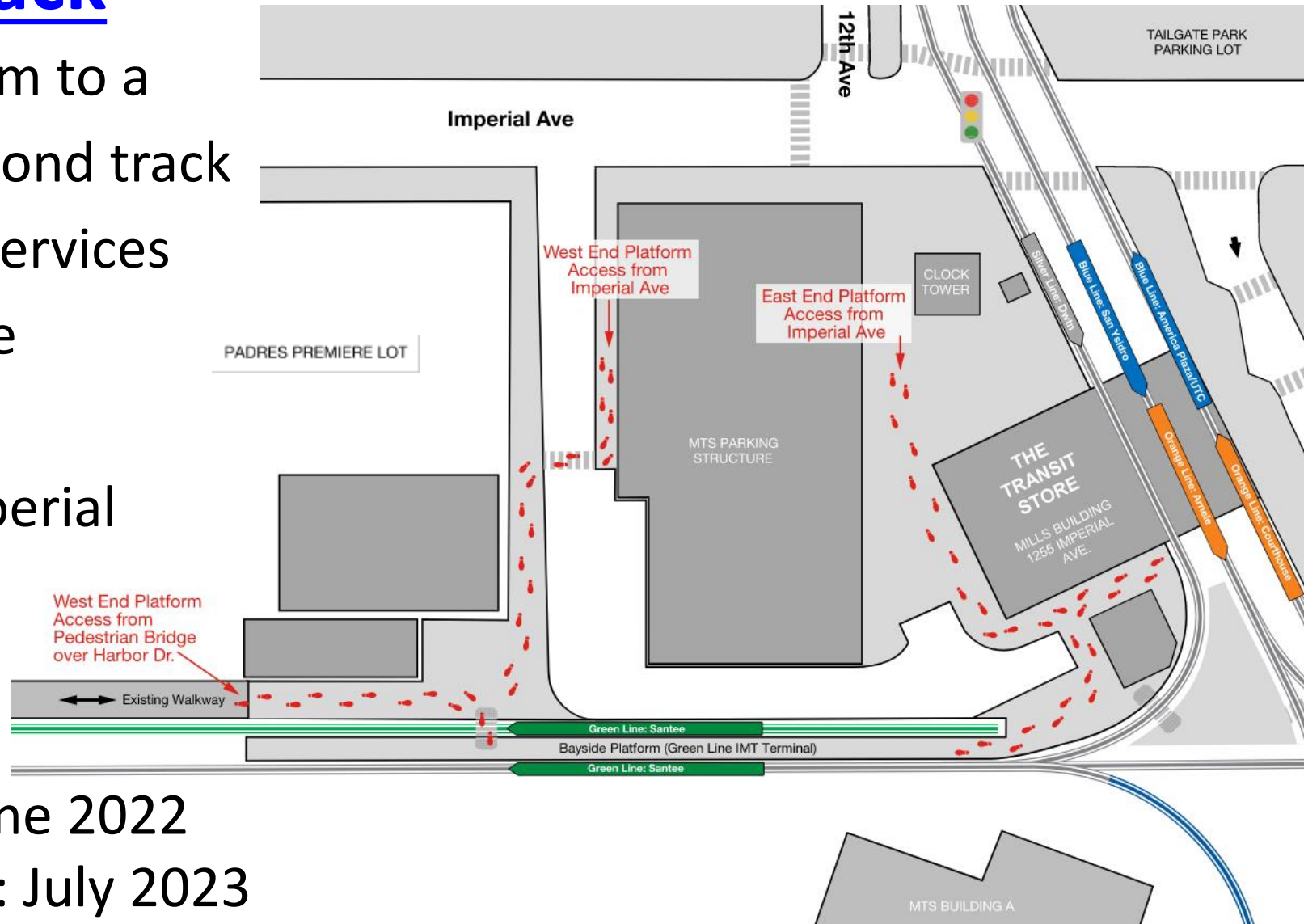
America Plaza/Santa Fe Depot Pedestrian Enhancement Project

- Upgrade to pedestrian and transit rider travel between America Plaza and Santa Fe Depot
- New signalized crosswalk near Broadway
- Improved Bus Bays
- Current Status:
 - 90% Design Complete
 - Advertise for Construction: Summer 2022
 - Contract Award: January 2023
 - Construction Complete: January 2024



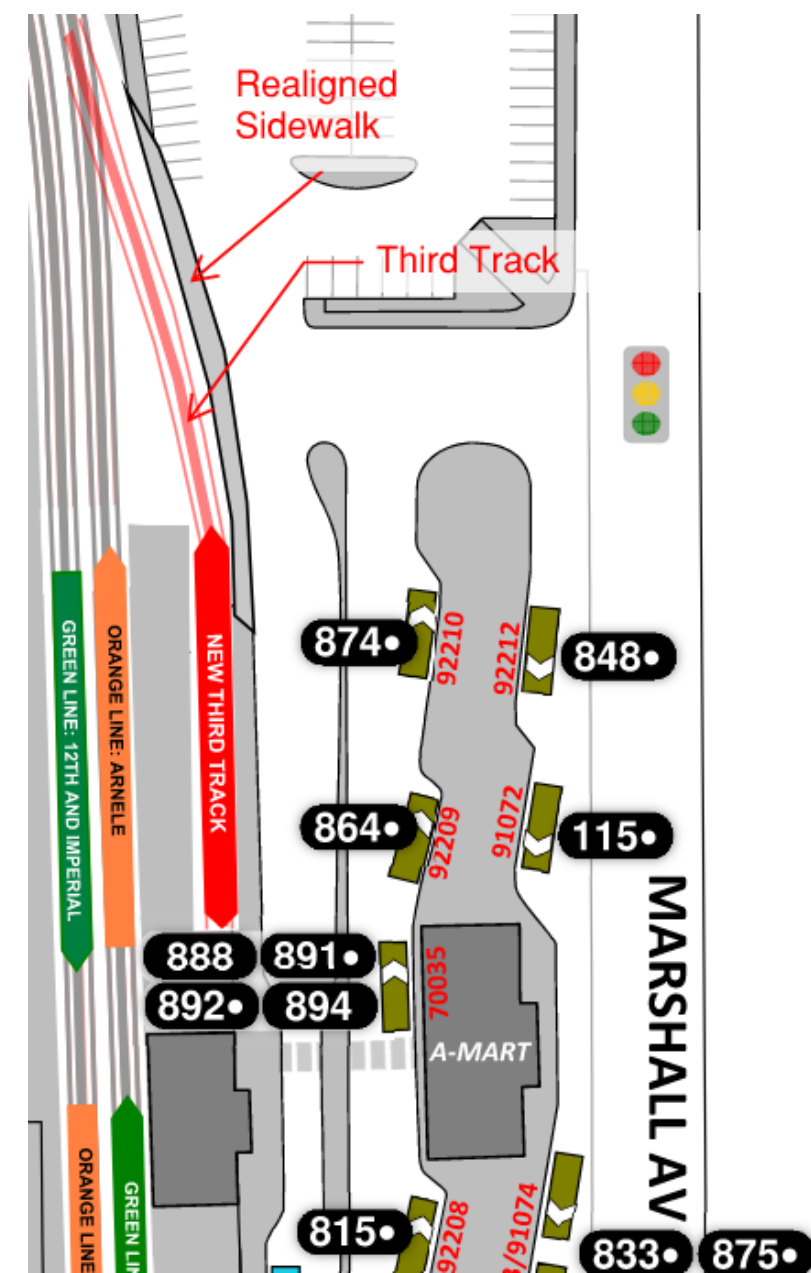
Imperial Double Track

- Modifies Existing Platform to a center platform with second track
- Improves special event services and connects to blue line
- New sidewalk improves pedestrian access to Imperial Avenue
- Current Status:
 - Construction Start: June 2022
 - Estimated Completion: July 2023



El Cajon Third Track

- New terminal track at El Cajon Transit Center to add operational flexibility and reduce congestion delays on Orange and Green Lines
- Eliminates need to extend Orange Line to Arnele Station
- Allows for potential future Santee shuttle
- Current Status:
 - Construction Start: Summer 2022
 - Construction Complete: Fall 2023



Bus-On-Shoulder (BOS)

- Will allow South Bay Rapid (Route 225) to use shoulder segments on I-805 and SR-94 between Downtown and SR-54
- SANDAG is lead agency
- Only in periods of congestion (freeway speed <35 MPH)
- Technology will hold cars at on-ramp meters while bus passes
- Required capital upgrades to shoulder areas to accommodate width and weight of buses
- Current Status:
 - Covid-19 delayed implementation because there was no congestion to test system
 - SANDAG finishing final project requirements for CHP and CalTrans approval
 - Estimated start date in May 2022

El Cajon Blvd. Busway

- Pilot project for low-cost, fast implementation transit priority upgrade
- #3 lane of ECB converted to bus/bike only, with right turns and parking allowed
- Project was paint and signage only
- Used by MTS Routes 1, 6, Rapid 215
- Current Status:
 - Pilot for City of SD but no sunset date
 - Lessons learned will be applied for future projects



Iris Rapid

- New MTS Rapid bus route between Imperial Beach, Iris Transit Center, and Olay Mesa
- 12 new electric, articulated Rapid buses
- Bus stop upgrades and Iris TC expansion
- Current Status:
 - Construction contract award: April 2022
 - Electric buses on order
 - Service starts mid-2023

Rapid
ELECTRIC

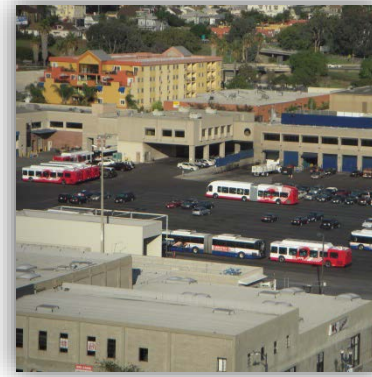
Iris Rapid



SBMF Overhead Charging

- 24 overhead electric charging for the 12 Iris Rapid ZEBs and the next 12 ZEBs
- First overhead charging at MTS
- Current Status:
 - Construction Start: 2022
 - Completion Anticipated: Fall 2022
 - System Commissioned: Early 2023





Capital Projects Update

MTS Executive Committee
April 7, 2022



Draft Agenda

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 14, 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 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 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 - March 10, 2022 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.



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. [Purchase Eighty-Seven \(87\) 3 Position Bike Rack Systems – Contract Award](#) Approve
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0740.0-22, with Midwest Bus Corporation, for the purchase of eighty-seven (87) three-position bus bike rack systems in the amount of \$111,459.83.
8. [Trolley On-Board Video Surveillance System \(OBVSS\) Preventative Maintenance, Repairs and All Related Support Services – Sole Source Contract Award](#) Approve
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. L1603.0-22, a Sole Source contract, with Seon Design USA Corporation (“Seon”), to provide Trolley OBVSS preventative maintenance and all related support services in the amount of \$434,735.49, effective May 1, 2022, for two (2) base years and two (2) option years.
9. [On-Call Communication and Low Voltage Wiring Services – Contract Amendment](#) Approve
Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 1 to MTS Doc. No. PWG339.1-22 with Communication Wiring Specialist (CWS), Inc., a Small Business (SB), to add additional funds of \$149,040.00 for support materials.
10. [Spare Network Devices for Mid-Coast Trolley – Purchase Order \(PO\) Award](#) Approve
Action would authorize the Chief Executive Officer (CEO) to authorize a PO to AT&T Corp for the provision of CISCO Network Equipment Spares for the Mid-Coast Trolley in the amount of \$183,471.78.
11. [Iris Rapid Route & Stations Infrastructure Construction – Contract Award](#) Approve
Action would authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. PWB342.0.0-22, with Palm Engineering Construction Company Inc., for the Iris Rapid Route and Stations Infrastructure Construction in the amount of \$4,379,251.40 plus 10% contingency.
12. [Light Rail Vehicle \(LRV\) Brake Overhauls – Sole Source Contract Award](#) Approve

- | | | |
|-----|--|---------|
| 13. | <u>Design Services for The Green Line Intermodal IMPERIAL (IMT) Double Track Project – Work Order Amendment</u>
Action would authorize the Chief Executive Officer (CEO) to execute Work Order Amendment WOA1949-AE-31.06 under MTS Doc. No. G1949.0-17 with Jacobs Engineering Group, Inc. (Jacobs) in the amount of \$191,646.65 for bid support, and design support during construction (DSDC) services for the Bayside Terminal Double Track project. | Approve |
| 14. | <u>MS4 Phase II Municipal Permit- Work Order Amendment</u>
Action would authorize the Chief Executive Officer (CEO) to execute Amendment No. 3 to Work Order 13.02 to MTS Doc. No. G1492.0-13, with WSP, in the amount of \$105,350.00 to extend the as-needed MS4 Phase II compliance services for one (1) additional year. | Approve |
| 15. | <u>40-Foot Low-Floor Electric Bus – Chargepoint CPE 250 Charger 3-Year Extended Warranty Contract Amendment</u>
Action would 1) Ratify Amendment 5 to MTS Doc. No. B0688.0-18 in the amount of \$223.15, and 2) Execute Amendment No. 6 to MTS Doc. No. B0688.0-18 with New Flyer of America Inc. (New Flyer), in the amount of \$133,200.00 for a Chargepoint CPE 250 Charger 3-year warranty extension. | Approve |
| 16. | <u>Purchase Of 18 Class E Propane Powered Medium Duty Minibuses - Contract Award</u>
Action would 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0744.0-22, with Creative Bus Sales (CBS) for the purchase of up to eighteen (18) propane powered Class E Minibuses in the amount of \$4,465,915.38; and 2) Approve the transfer of \$2.6 million from project 1001110101 - FY20 ADA Bus Procurement to project 1001111601 – FY22 Minibus Replacement to support the procurement of these Minibuses. | Approve |
| 17. | <u>Proposed Revision to Mts Board Policy No. 48 “Transit Service Discrimination Complaints Procedures”</u>
Action would approve the proposed revisions to MTS Board Policy No. 48 “Transit Service Discrimination Complaint Procedures”. | Approve |

CLOSED SESSION

- | | |
|-----|-----------------|
| 24. | Possible Action |
|-----|-----------------|

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS/FINANCE WORKSHOP ITEMS

- | | | |
|-----|--|---------|
| 30. | <u>Fiscal Year (FY) 2023 Operating Budget Discussion (Mike Thompson)</u> | Receive |
|-----|--|---------|

- | | | |
|-----|--|---------|
| 31. | <u>Fiscal Year (FY) 2023 Capital Improvement Program (CIP) (Mike Thompson)</u>
Action would 1) Approve the FY 2023 CIP with the estimated federal and nonfederal funding levels. As the federal appropriation figures are finalized and/or other project funding sources become available, allow the Chief Executive Officer (CEO) to identify and adjust projects for the adjusted funding levels; 2) Recommend that the San Diego Association of Governments (SANDAG) Board of Directors approve the submittal of Federal Section 5307, 5337, and 5339 applications for the MTS FY 2023 CIP; and 3) Recommend that the SANDAG Board of Directors approve amendment number 11 of the 2021 Regional Transportation Improvement Program (RTIP) in accordance with the FY 2023 CIP recommendations. | Approve |
|-----|--|---------|

REPORT ITEMS

- | | | |
|-----|--|---------------|
| 45. | <u>Zero Emission Bus (ZEB) Program and Transition Plan Update (Mike Wygant, Kyle Whatley, and Heather Furey)</u> | Informational |
| 46. | <u>Ridership Recovery Action Plan Update</u> | Informational |
| 47. | <u>Grants Administration Report</u> | Informational |

OTHER ITEMS

- | | | |
|-----|---|---------------|
| 60. | <u>Chair Report</u> | Informational |
| 61. | <u>Chief Executive Officer's Report</u> | Informational |
| 62. | <u>Board Member Communications</u> | Informational |
| 63. | <u>Additional Public Comments Not on the Agenda</u>
If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments. | |
| 64. | <u>Next Meeting Date:</u> May 12, 2022. | |
| 65. | <u>Adjournment</u> | |



DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 04/07/2022

Agenda Item No. 6

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

April 14, 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) That recommendation remains in effect.

/S/ Sharon Cooney
Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, 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



DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 04/07/2022

Agenda Item No. 7

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

April 14, 2022

SUBJECT:

**PURCHASE EIGHTY-SEVEN (87) 3 POSITION BIKE RACK SYSTEMS – 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. B0740.0-22 (in substantially the same format as Attachment A), with Midwest Bus Corporation, for the purchase of eighty-seven (87) three-position bus bike rack systems in the amount of \$111,459.83 (Attachment C).

Budget Impact:

The total cost of this project shall not exceed \$111,459.83. This project would be funded by the Bus Maintenance Operations Budget 311014-545100.

DISCUSSION:

The Bus Maintenance department requires eighty-seven (87) three-position bike racks. The racks will be used to retro-fit the existing fleets of articulated New Flyer Buses currently operating out of Imperial Avenue Division (IAD), Kearny Mesa Division (KMD), and South Bay Division (SBD). The bike racks will be a direct replacement of the existing two-position bike racks currently being used on these buses. The new racks will allow one additional passenger the ability to utilize the safe bike storage system MTS offers, while comfortably riding our vehicles.

On January 6, 2022 MTS issued an Invitation for Bids (IFB) for the three-position bike rack system. Four (4) bids were received by the deadline of February 11, 2022 and are summarized as follows:



Company	Bid Amount	Tax	Total	Certifications
Midwest Bus	\$103,443.00	\$8,016.83	\$111,459.83	None
Sportworks	\$124,115.94	\$13,526.00	\$137,641.94	None
Gillig	\$139,813.35	\$10,835.53	\$150,648.88	None
New Flyer	\$149,640.00	\$11,597.10	\$161,237.10	None
<i>MTS Independent Cost Estimate (ICE)</i>			\$143,238.54	

MTS staff has deemed Midwest Bus Corporation to be the lowest responsive and responsible bidder. Based on the bids received and in comparison to the MTS ICE, staff deemed Midwest Bus Corporation's pricing to be fair and reasonable.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No. B0740.0-22 (in substantially the same format as Attachment A), with Midwest Bus Corporation, for the purchase of eighty-seven (87) three position bus bike rack systems in the amount of \$111,459.83 (Attachment C).

/S/ Sharon Cooney

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachments: A. Draft Agreement MTS Doc. No. B0740.0-22
B. Scope of Work
C. Bid Pricing



Metropolitan Transit System

STANDARD AGREEMENT

FOR

MTS DOC. NO. B0740.0-22

3-POSITION BIKE RACKS

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: Midwest Bus Corporation Address: PO Box 787
Owosso MI 48867
 Form of Business: Corporation
 (Corporation, Partnership, Sole Proprietor, etc.) Email: sales@midwestbus.com
 Telephone: 989-723-5241

Authorized person to sign contracts Erik Brabo Director of Aftermarket Parts

 Name Title

The Contractor agrees to provide goods as specified in the conformed Scope of Work/Minimum Technical Specification (Exhibit A), Contractor's Bid/Pricing Form (Exhibit B), and in accordance with the Standard Agreement, including Standard Conditions (Exhibit C), Federal Requirements (Exhibit D), and Forms (Exhibit E)

Payment terms shall be net 30 days from invoice date. The total cost of this contract shall not exceed \$111,459.83 without the express written consent of MTS.

The contract term is a one-time purchase. Contract shall be complete upon delivery and acceptance of goods and payment of final invoice.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	MIDWEST BUS CORPORATION
By: _____ Sharon Cooney, Chief Executive Officer	By _____
Approved as to form:	
By: _____ Karen Landers, General Counsel	Title: _____



SCOPE OF WORK/TECHNICAL SPECIFICATIONS

4.1. MTS SCOPE OF WORK / TECHNICAL SPECIFICATIONS 3 BIKE, BIKE RACK PURCHASE

4.5.1. GENERAL

The San Diego Metropolitan Transit System (MTS) is soliciting bids from qualified firms to provide 87 transit bus bike racks capable of carrying 3 bikes at once. The vehicle list will consist of New Flyer 60ft buses.

Bidders must have at least two (2) years' experience in the manufacture and distribution of Transit bike racks and must be able to provide two clients that are a bus transportation authority of a similar or greater size than MTS.

4.5.2. BACKGROUND

As part of MTS's commitment to passenger flexibility, MTS has elected to move forward in converting our 60ft bus fleet from 2 position bike racks to 3 position bike racks. MTS is looking for a commercial grade, 3 position bike rack system to help meet the requirements of today's Transit riders.

4.5.3. MINIMUM SPECIFICATIONS

- A. Support and secure 1 to 3 bikes, up to 55 lbs. each while vehicle is stationary or in motion.
- B. Bike rack should not exceed 40 inches deep from the front of bus and should be less than 83 inches wide.
- C. All parts of the bike rack shall be constructed of stainless steel, aluminum or other corrosion resistant materials.
- D. Assembly must be designed for use on the front of commercial Transit buses.
- E. Bike securement locking mechanisms must have full range of motion and operate as designed when the bus is in the full kneel position.
- F. Bike rack shall not interfere with the driver's vision, the opening of body panels when in the lowered position or the operation of the wiper arms.

4.5.4. VEHICLE LIST

Qty	Year	Series	Fuel	Bus Type	Division
29	2013	1100	CNG	NFIL 60FT Artic Rapids	KMD
18	2013	1200	CNG	NFIL 60FT Artic Rapids	IAD
13	2015	1300	CNG	NFIL 60FT Artic	KMD
10	2017	7400	CNG	NFIL 60FT LF CNG	South Bay
17	2018	7500	CNG	NFIL 60FT LF CNG	South Bay

4.5.5. WARRANTY

The successful Bidder shall provide a warranty on the products for a minimum of one (1) year from date of acceptance of the completed order.

4.2. INVOICES

Invoices must be sent to the MTS Accounting Department, via email, at 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.

Payment terms shall be net 30 from invoice date. **ADVANCE PAYMENT IS NOT ALLOWABLE.**

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.

4.3. DELIVERY AND ACCEPTANCE

Equipment or any deliverable provided under this contract shall be delivered F.O.B. to MTS, 4630 Ruffner Street, San Diego, California 92111

,100 16th Street San Diego, CA 92101 and 3650 Main St. Chula Vista CA 91911

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.

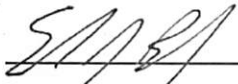
Contractor shall indicate delivery date on the Bid Form unless already specified, in which case, shall be made within the time set forth. Delivery is part of the consideration and must be adhered to as specified.

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).

MTS BID FORM**SAN DIEGO METROPOLITAN TRANSIT SYSTEM**MTS Doc. No. B0740.0-22Bid Opening: Refer to Calendar of EventsFor: 3 Position Bike Rack System

BID PRICING			
Bid or Group Description	Qty. *	Unit Price	Ext. Price
3 Position Bike Rack System	87	\$ 1,189.00	\$ 103,443.00
CA Sales Tax (7.75%)			\$ 8,016.83
Delivery/Shipping cost (one-time)	FREE SHIPPING		\$ 0.00
Total Amount (BASIS OF AWARD)			\$ 111,459.83

Midwest Bus Corporation**NAME OF COMPANY****SIGNATURE**Erik Brabo**PRINT NAME**989-723-5241**TELEPHONE NUMBER**2-10-22**DATE**sales@midwestbus.com**EMAIL**



DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 04/07/2022

Agenda Item No. 8

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

April 14, 2022

SUBJECT:

**TROLLEY ON-BOARD VIDEO SURVEILLANCE SYSTEM (OBVSS) PREVENTATIVE
MAINTENANCE, REPAIRS AND ALL RELATED SUPPORT SERVICES – SOLE SOURCE
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. L1603.0-22, a Sole Source contract, (in substantially the same format as Attachment A) with Seon Design USA Corporation ("Seon"), to provide Trolley OBVSS preventative maintenance and all related support services (Attachment B) in the amount of \$434,735.49, effective May 1, 2022, for two (2) base years and two (2) option years.

Budget Impact

The total budget for this project shall not exceed \$434,735.49 (Attachment C). This project is funded by the Light Rail Vehicle (LRV) Maintenance Operations Budget 350016-571250.

DISCUSSION:

The Trolley OBVSS provides MTS with an enhanced ability to record events that occur onboard vehicles. This helps in investigating incidents and assisting MTS efforts to maintain the safety and security of passengers and assets alike. To ensure the OBVSS remains continuously operational and also to help identify potential systemic problems, MTS requires routine preventative maintenance, repairs and all types of related support services.

On February 17, 2011 (AI 31), after a competitive procurement, MTS awarded contract L0955.0-10 to UTC Fire & Security for the installation of MobileView OBVSS on 128 LRVs and two (2) Presidential Conference Cars (PCC) with nine (9) cameras each.

On January 14, 2016 (AI 9), after a competitive procurement, MTS awarded contract L1294.0-16 to UTC (now Seon) for OBVSS post-warranty services, maintenance and repair of the existing MobileView system for three (3) years. The contract expired on January 31, 2019.



On December 13, 2018 (AI 16), MTS then awarded Seon contract L1469.0-19 effective February 1, 2019 as a Sole Source contract for continued OBVSS support, maintenance and repair services. This contract expires on April 30, 2022.

For today's proposed action, under new contract L1603.0-22, Seon will continue to provide all labor, parts, tools and related software to install, maintain, troubleshoot, repair and test the system to ensure it stays operational.

As the MTS LRV fleet size increases to 168 including 22 incoming SD10 vehicles in the next few years, MTS needs to have the same level of maintenance support to ensure the OBVSS remains continuously operational. For new LRVs on order, both MTS and Siemens agreed to install the same MobileView OBVSS system as the existing for uniformity and compatibility.

In addition, under a separate no-cost pilot program with the San Diego Transit Corporation (SDTC), contract B0743.0-22 dated January 21, 2022, Seon installed one (1) OBVSS on a minibus at the Copley Park Division. This is a demo pilot project for MTS Bus to test the system and software for downloading and viewing video clips. Unless extended by MTS, the pilot ends no later than April 7, 2022 after which MTS Bus will evaluate the results and determine if it requires to add buses, minibuses or non-revenue vehicles to this Seon contract as a negotiated amendment to the agreement.

Based on Federal Transit Administration (FTA) Circular 4220.1F guidance and MTS Board Policy 52, in the interest of cost, efficiency, and product knowledge, MTS wishes to continue engaging directly with Seon as a Sole Source:

- The entire LRV fleet has the MobileView system installed and operating successfully. All new arrivals will have MobileView installed and delivered under warranty. Once the warranty is over after one (1) year, the services provided under this new contract will commence.
- Considering that significant investments have been made on the current OBVSS, preparing a competitive procurement will be duplication of costs and efforts, not expected to be of any benefit to the agency or save any funds. In addition, a separate solicitation can yield a different contractor offering a different OBVSS system that would be considerably more expensive due to the significant testing period needed by the successor to get familiar with MTS's needs and the concepts behind the current system, and to replace the existing system.
- Overall, an award to Seon as the Original Equipment Manufacturer (OEM) for the current OBVSS means no investments in training or testing, and replacements parts stay standard. Retaining the OEM eliminates issues such workmanship and product quality if parts are intermixed from a different manufacturer, or risks of alternates not being compatible.

Staff deems Seon's proposed cost at \$434,735.49 to be fair and reasonable by a comparison of the MTS Independent Cost Estimate (ICE) at \$415,169.46, which is a difference of \$19,566.03 over 4 years. In addition, by a comparison of a similar system, MTS Closed-Circuit Television (CCTV) contract #PWG335.0-21 at an hourly rate of \$106.00 for 2022, Seon's hourly rate is \$104.00 for which staff deems to be fair and reasonable.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No. L1603.0-22, a Sole Source contract, (in substantially the same format as Attachment A) with Seon, to provide Trolley OBVSS preventative maintenance and all related support services (Attachment B) in the amount of \$434,735.49, effective May 1, 2022, for two (2) base years and two (2) option years.

/S/ Sharon Cooney
Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachments: A. Agreement Draft MTS Doc. No. L1603.0-22
B. Scope of Work
C. Cost Form



STANDARD AGREEMENT
FOR
MTS DOC. NO. L1603.0-22

TROLLEY OBVSS - PREVENTATIVE MAINTENANCE, REPAIRS & ALL RELATED SUPPORT

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: Seon Design USA Corporation Address: 1313 East Maple St., Ste 231
Bellingham WA 98225
Form of Business: Corporation City State Zip
(Corporation, Partnership, Sole Proprietor, etc.) Email: sgill@safefleet.net
Telephone: 877-630-7366

Authorized person to sign contracts Susan Gill Director of Finance
Name Title

The Contractor agrees to provide services as specified in the conformed Scope of Work/Technical Specification (Exhibit A), Contractor's Cost/Pricing Form (Exhibit B), and in accordance with the Standard Agreement, including Standard Conditions (Exhibit C), Forms (Exhibit D), and Policy 44C Travel Guidelines for Contractors (Exhibit E).

The contract term is two (2) base years effective May 1, 2022 to April 30, 2024; and two (2) option years, effective May 1, 2024 to April 30, 2026, exercisable at MTS's sole discretion, for a total of up to four (4) years.

Payment terms shall be net 30 days from invoice date. The total cost for the base years is \$208,131.25, and option years is \$226,604.24, for a contract total not to exceed \$434,735.49 without the express written consent of MTS.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	SEON DESIGN USA CORPORATION
By: <u>Sharon Cooney, Chief Executive Officer</u>	By _____
Approved as to form: By: <u>Karen Landers, General Counsel</u>	Title: _____



SCOPE OF WORK / SPECIFICATIONS

1. Introduction

MTS is looking for a contractor to provide On-Board Video Surveillance System (OBVSS) services on its vehicles.

Contractor shall provide OBVSS services for the MTS Trolley Division, San Diego Transit Inc (SDTI's) Light Rail Vehicles (LRVs) for two (2) base years effective May 1, 2022 to April 30, 2024; and two (2) option years, effective May 1, 2024 to April 30, 2026, exercisable at MTS's sole discretion, for a total of up to four (4) years.

During the term of this contract, MTS may at its sole discretion add to the contract some vehicles (buses, minibuses or non-revenue vehicles) from its Bus Division, San Diego Transit Corp (SDTC). These services may start as a pilot/demo project. Should MTS decide to proceed with Contractor for selected MTS Bus vehicles, this will be added via an amendment to the contract for the specific SDTC scope of work and pricing.

2. General – LRVs

LRV services are as follows:

- A. Routine maintenance and repair services
- B. Emergency repair services
- C. New installations and upgrades as may be requested by MTS (pricing to be determined at the time of request). This amount may be entered by MTS, but new installs and equipment pricing will be charged at the time of the request.

Equipment/services under warranty shall be provided under normal warranty procedures to MTS.

MTS currently operates 168 LRVs. While the SD100 cars are in operation now, they are currently being replaced one-for-one with new SD10's (therefore the total is 11+157=168).

- A. Thirty-nine (39) Siemens SD100 LRVs
- B. Eleven (11) Siemens S70 (SD7) LRVs
- C. One-hundred & fifty-seven (157) Siemens S70 US / S700 (SD8, SD9 & SD10) LRVs
- D. And two (2) Presidential Conference Committee (PCC) vehicles with nine (9) cameras each.

Contractor will to provide the equipment and manufacturers list for these vehicles, including unit pricing, and submit to MTS. MTS has been made aware that some of the equipment is end of life and no longer available.

The list provides information on equipment that is currently installed. As MTS' needs may change in the future the information contained in these lists will change. Additionally, MTS may acquire additional trolleys during the life of the resultant contract. As such the Contractor may be required to provide services in support of those new units.

Contractor shall provide all parts, tools, supplies and software necessary, all technical resources including supervision and labor to provide corrective maintenance services, upgrades of on-board digital video recorder (DVR), viewing software and maintenance software (Commander/Depot Manager). Additional services include troubleshooting and repairing or replacing video hardware devices, installing onboard communications equipment, mounting brackets, power supplies,

switches, controls, cable and wiring, and other components of the on board system as required. Repairs of all types of hardware failures and damages will be covered under the resultant agreement per the products warranty. See warranty for types of damages covered and terms. Charges for on-site repairs and services not covered under warranty will be charged based upon the agreed upon hourly service rate in this agreement.

For software upgrades and programming, Contractor shall provide the latest software versions, install per manufacturer specifications, provide all required licenses, configure, program and support a seamless functional OBVSS. Contractor shall coordinate closely with MTS Information Technology (IT), SDTI and Security personnel for best times to load and install software so as not to disrupt the normal functions of the existing system or have parts of the existing system non-operational.

Services may be requested 24 hours a day, seven (7) days a week (24/7) with an expected response time of 1 business day or less. Contractor shall only be paid for time spent on the premises performing the services required under the contract. Travel time or expenses will not be reimbursed. Contractor shall not count travel time as part of billable hours.

Any repairs or installations above \$5,000 will require Contractor to submit a fixed cost proposal to the MTS PM for approval in writing before services are performed. It shall be the Contractor's responsibility to examine the vehicle, acquaint itself with the service requested and submit a proposal based on rates and prices agreed upon in the resultant agreement.

Contractor must exercise great caution when performing work. Workmanship throughout the contract shall conform to the highest standard of commercially accepted practice for the class of work, and shall result in a neat and finished appearance.

Contractor must sign and adhere to Attachment 1 - Third Party Vendor/Consultant Network Access Request and shall adhere to Attachment 2 - Technology Resources Policy (Internet, Computer, Data Security).

The overall governing requirement of the contract is to preserve and maintain the OBVSS system in a complete and continually functioning condition for which the system was designed. MTS is committed to compliance of all applicable laws and regulations including the California Public Utilities Commission's (CPUC) General Order 143-B, "Safety Rules and Regulations Governing Light-Rail Transit". To support this goal, Contractor shall ensure that the maintenance and repair services described in this RFP are of the outmost quality, and repairs are performed per manufacturer specifications and in a timely fashion to get the system back operating. Sub-standard services shall be considered a breach or failure to perform and MTS reserves the right to terminate the contract for default. Contractor shall coordinate closely with SDTI personnel on all work orders for best times and locations to perform services so as not to disrupt the normal functions of SDTI operations and existing OBVSS system, or have parts of the existing OBVSS system nonoperational.

Additional CPUC information is found in the following link: <https://www.cpuc.ca.gov/regulatory-services/safety/rail-safety/rail-transit-safety/rail-transit-rules-and-regulations>.

3. Services to be Provided

- A. Contractor shall install, replace, repair, setup, configure, and program equipment as required for the OBVSS in order to achieve a fully functional automated download system

integrating the trolley recording equipment with the base station. This includes calculating and defining wireless antenna reception zones, recording resolution and frame rates, camera fields-of-view, video tagging (pre- and post-alarm) durations, and automated download parameters.

- B. Contractor shall maintain components of the trolley OBVSS for real time and event recording on each trolley vehicle. Components shall include, but not be limited to:
 - i. Video Cameras
 - ii. Mobile Digital Video Recorders (MDVR) with lockable integral storage media
 - iii. Operator controls
 - iv. LAN Wireless and GPS Antennas
 - v. OBVSS and base station Application software.
- C. MTS shall maintain components of the infrastructure of the trolley for real time and event recording on each trolley vehicle. Components shall include, but not be limited to:
 - i. Base station application server
 - ii. Data Communications and LAN/WAN Network Connectivity
 - iii. Wireless/Wired LAN and Access Points.
- D. Areas of work shall include, but not be limited to the trolley yard located at Yard C, 1535 Newton Avenue, San Diego, CA 92101, including the maintenance and operations control center buildings.

4. Response Time

- A. Contractor must arrange for qualified technicians to be available within a 1 business day basis as needed. In some emergency cases the response time may be less. MTS will inform Contractor in such cases.
- B. Contractor must target the remedy of any MDVR repair issue discovered by MTS personnel and/or service technicians within five (5) working days or less of the first report. Contractor shall consider its inventory levels, delivery modes and labor in order to meet this response time.
- C. Contractor shall only be paid for time spent on the premises performing the services required under the contract excluding the quarterly Preventative Maintenance Program quarterly inspections. Preventative maintenance programs fees are per vehicle fees billable in advance and will adhere to the preventative maintenance terms and conditions. Travel time or expenses will not be reimbursed and Contractor shall not count travel time as part of billable hours.

5. Contractor's Personnel

The overall governing requirements of the contract is to preserve and maintain the OBVSS system in a safe, complete and continually usable and functioning condition for which each system was designed. Contractor shall therefore dedicate sufficient certified and experienced personnel to perform these services. Contractor personnel shall wear proper identification/badges while on MTS premises, present a neat appearance, and be easily recognized:

- a. Contract Manager: Contractor shall designate one (1) management level employee to serve as the liaison to MTS regarding any performance and contractual issues and

shall provide MTS with sufficient contact information including, but not limited to, cell phone number and email address.

- b. Lead Technician: Contractor shall designate a lead technician who shall serve as the primary contact to MTS. The Lead Technician (or designee) must be able to meet the response times shown. Contractor shall provide MTS with sufficient contact information including, but not limited to cell phone number and email address.

6. Coordination with Others

This contract involves functioning systems and coordination with MTS and is critical to avoid interrupting any functioning systems. Contractor shall:

- A. Coordinate the work with MTS and others to assure that where this work interfaces to other trades, those interfaces are provided complete and functional.
- B. Verify field and trolley conditions and be responsible for the proper fitting of the systems, parts, materials, and devices provided as part of this work.
- C. Become familiar with the available access and space for equipment and any potential interference requiring coordination. Coordinate with MTS to assure that adequate electrical services are available. Provide the physical space for its equipment and ample access room for installation and maintenance of equipment.
- D. Verify that intended location(s) for equipment is suitable for the equipment at the time of install. If any known conditions such as temperature, humidity, dust level, or the like require modification, make it known to MTS immediately. Failure to notify MTS of such conditions shall constitute acceptance of the conditions and any later required modifications to the equipment or the environment shall be at the sole cost of the Contractor.
- E. Equipment shall be mounted with sufficient clearance to meet applicable codes and facilitate operation, observation, and testing and shall be securely hang and/or fastened with appropriate fittings to ensure positive grounding, free of ground loops, throughout the entire system.
- F. Installation shall comply with all applicable "Codes and Standards". Where more than one (1) code or regulation is applicable, the more stringent shall apply.
- G. Where new equipment is replacing old out of warranty equipment, Contractor is responsible for removing the old equipment. Equipment removal is not included in the quoted installation price and will be subject to the hourly service rate or agreed upon quoted de-installation price . Where new equipment does not match the old equipment mounting footprint MTS shall be responsible to fill and repair holes, supply a patch or accept as is. All equipment removed or salvaged in conjunction with replacements (other than cabling and wires) must be returned to MTS Storeroom within five (5) days, along with a packaging slip describing where the parts were taken from, who replaced them under what work order number(s), parts description, manufacturer, model numbers, quantity, condition, etc. MTS parts clerk must receive and sign off on all packing slips. Upon award MTS will inform the Contractor the MTS Storeroom location, provide a returns template form and contact information for the returns.

- H. Review project documentation. If the Contractor perceives any conflict or ambiguity in the contract documents, he or she shall seek interpretation from MTS.
- I. Provide additional support as required to perform the services at no additional expense to MTS.
- J. MTS to provide spare parts for both SD10 and previous builds. Stock on hand will enable us to ensure we will meet the 5 day period for repair.

7. Installation Identification and Tagging

Each OBVSS major component must be labeled with an ID number specified and provided by MTS. The labels shall be black font on yellow background and shall be viewable for twenty-five (25') feet. The labels shall be preprinted adhesive type and shall be rated for outdoor environment -20°F to $+170^{\circ}\text{F}$. Labels shall be 3M or approved equivalent.

- A. Cables, wires, wiring forms, terminal blocks, and terminals shall be identified by labels, tags, or other permanent markings. The markings shall clearly indicate the function, source, or destination of cabling, wiring, and terminals. The wire marking format contained in the shop drawings shall be utilized for conductors installed under this Specification. Cables and wires shall be identified printed polyolefin wire markers (hand written tags are not acceptable). Labels shall be provided by MTS prior to installation.
- B. Should a situation arise where the wire tagging format as shown on the shop drawings cannot be used, a substitute format shall be submitted which complies with the intent to provide documentation that shall permit end to end tracing of system wiring.
- C. Terminal points shall be appropriately identified and labeled as shown on shop drawings.
- D. Panels shall be provided by MTS with permanently attached engraved lamicoid labels with identifying names and functions for use by the contractor during installations.

8. Post Installation Testing, General

- A. Furnish labor, instruments, products, and sufficient materials as required for tests at the hourly billable service rate for any required scheduled testing above Contractor's normal post installation checks as required by MTS.
- B. Correct deficiencies found as a result of tests and make replacements or repairs to tested products that are damaged as the result of the tests.
- C. Schedule tests at a time convenient to MTS and persons affected by the tests.
- D. Make records of all tests in a neat and legible form. Identify the equipment or system tested and the test data.
- E. Check, power cables, and conductors for proper connections, workmanship, and identification.
- F. Additional tests required shall be as outlined under the various sections of the Specifications.

- G. Submit certified reports on all tests indicating full compliance with test requirements within thirty (30) days after completion of test to MTS.

9. Preliminary Installation Inspection and Testing

- A. Perform a pre-inspection on systems being connected to prior to connection, and issues shall be reported to MTS prior to proceeding with installation.
- B. Coordinate testing of components of the system in cooperation with other trades as required.
- C. prior to performing setup and functional testing, perform physical inspection and/or electrical testing procedures to ensure the following:
 - i. Safe and proper operation of all recorder components, and related communication devices or equipment.
 - ii. Ensure Proper grounding of devices and equipment, both electrical and chassis.
 - iii. Ensure Proper power connections of all devices and equipment.
 - iv. Ensure Integrity of all insulation, shielding , and connections.
 - v. Ensure Integrity of soldered connections and absence of solder splatter, solder bridges, and debris of any kind.
 - vi. Ensure proper dressing and/or cable protection of wire and cable
 - vii. -Verify location and orientation video camera assemblies.
 - viii. Ensure Mechanical integrity of all mounting and positioning provisions including mounting hardware as provided for video cameras, monitors, and any other equipment.
 - ix. After successfully energizing the systems, load required configuration, adjust all required fields unique to the installed car, adjust all cameras and screen shot adjusted camera views. Complete and document required functional checklist of the installed system and train systems connected into. Ensure Proper operation of standard and wireless communication devices and systems in accordance with specified performance requirements as set out by MTS.

10. Installation Acceptance Testing and Adjusting Procedures

Conduct performance testing, adjustment, and documentation procedures to verify and realize compliance with the performance specifications. Successfully demonstrate the acceptable performance of each specified system in the presence of MTS staff. Make available at least one (1) technician familiar with this work, and all required test equipment for the duration of performance testing verification at the convenience of MTS.

- A. Preparation:
 - i. Any temporary facilities and utilities shall be properly disconnected, removed, and disposed of off-site
 - ii. Systems, equipment, and devices shall be in full operation, programmed and cameras adjusted, all connections and cables properly labeled and identified.
 - iii. Vehicles shall be neat, clean, not have any new interior or exterior damage, and vehicle panels removed have been securely reattached.
 - iv. Damaged or broken items shall be cleaned up and disposed of appropriately.
 - v. Extra materials, as specified, shall be delivered and stored at the premises as directed.
 - vi. Test reports of each system and each system component and record project documents shall be complete and available for inspection and delivery as directed by MTS.

B. New Installation Acceptance Testing Readiness:

Acceptance testing shall be performed after the system is installed and pre-tested completely. Contractor shall have successfully tested the system prior to scheduling formal acceptance testing. Contractor shall correct any and all deficiencies found at that time.

C. New Installation Acceptance Testing Schedule:

- i. This is a multi-phase installation with systems being installed in buildings and on mobile vehicles with limited and temporary availability. Schedules for acceptance testing must correspond to the availability of vehicles and must include on-board recording and base station related functionality testing concurrently. Consequently, base station and data communications network components shall be completed and tested first, before the first vehicle OBVSS can be fully tested.
- ii. Contractor shall ensure vehicle installation scheduling takes pre-test and acceptance test requirements into account.
- iii. Contractor shall confirm, in writing to MTS, when the applicable parts of the system are ready for acceptance testing. Contractor shall then schedule a complete acceptance test at the convenience of MTS.

D. New Installation Acceptance Testing:

- i. Diagnostic Processing:
 - o Power up each MDVR and demonstrate the diagnostic process. Demonstrate that the diagnostic indication on the driver's panels and base station report the appropriate equipment status.
- ii. Camera Coverage and Performance:
 - o Demonstrate the field of view and acceptable performance of each camera.
- iii. Tagging and Inter-Car Functionality:
 - o Operate each of the car's event buttons to demonstrate MDVR event recording is simultaneously initiated on each MDVR and video channel within the trolley consist. Demonstrate that health check and event tag signals are transmitted via each train line connector.
- iv. MDVR Recording Performance:
 - o Show stabilized and interference free performance for each camera and video channel. Recorded images shall be reviewed for coverage, clarity, and color. Configuration shall be validated for each camera channel.
- v. Wireless Uploading, Individual Vehicle:
 - o Demonstrate tagged video files begin to automatically upload to the base station upon approaching the trolley yard, and continue to upload the files until they are completely recorded on the base station. Verify that the Video Management Application instructs the MDVR to erase the tag on the file after it is uploaded.
 - o Demonstrate the ability to see the vehicles health status after wireless download.
- vi. Power Failure/Power Off:
 - o Disconnect main power for a period of fifteen (15) minutes and demonstrate MDVR activity under back-up power.
- vii. Wireless Uploading, System:
 - o MDVRs in the trolley yard shall be demonstrated to upload simultaneously. Stop the transmission of some upload streams at mid-file by disconnecting the MDVR, the wireless antenna, or by other means. Reconnect the system

and demonstrate that the system re-starts the upload automatically from the point it originally stopped and continues to upload until the whole of the tagged file is recorded and verified. Measure and record the bandwidth of transmissions. Measure and record the time it takes to upload a complete ten (10) minute tagged video clip into base station.

- viii. Demonstrate uploaded files at the base station and maintain the desired metadata, resolution, frame rate, and quality.
- ix. Demonstrate the video management application's post-incident search capability to ensure the database may be searched by trolley/MDVR designator, date, time, camera, and activity and selectively viewed on the base station.
- x. Other tests for functionality and performance as may be requested by MTS to prove compliance with the agreement.

11. Quality Control

- A. Materials, equipment, and systems maintenance for this contract shall be produced under control of a formal Quality Assurance Program to ensure an acceptable level of quality of the equipment and services provided.
- B. The Contractor shall furnish certificates for Quality Assurance Program as requested by MTS.

12. Warranty

Contractor shall warrant that equipment and software is free from defects in design, material and workmanship, shall remain in good working order, and function properly and in conformity with the specifications. Contractor shall enforce any applicable warranty on all parts, components and software provided by the original equipment manufacturer. Contractor shall provide a one- year workmanship warranty after date of acceptance on all installation related items. The manufacturer shall provide warranty on material and equipment as per manufacturer's warranty terms.

13. Quarterly Reports

Upon request by MTS, Contractor shall submit quarterly inspection reports. Each report shall be detailed consisting of the total system.

14. Safety

While working on LRVs, the Contractor shall observe MTS safety requirements (see attached Safety Form). Contractor and its employees are also subject to the California Public Utility Commission (CPUC) General Order 172 located at https://docs.cpuc.ca.gov/PUBLISHED/GENERAL_ORDER/146010.htm pertaining to the use of portable electronic devices while in or on MTS properties.

If MTS determines that any person is incompetent, disorderly, or found to be violating CPUC or MTS safety rules and regulations, the Contractor shall promptly remove such person from the work for the duration of the contract.

The MTS PM will coordinate a safety training for Contractor's designated employees who are required to attend prior to beginning work on MTS property.

15. Risk of Loss or Damage

Contractor shall be solely responsible for all materials and supplies purchased from procurement, delivery, storage and installation until the service is tested and accepted by the MTS PM. Contractor shall exercise great caution to ensure there is no damage to MTS property during delivery/installation and shall be responsible for repair or replacements of any damages caused.

16. Payment Terms

Unless otherwise stated in the specifications or bid forms, one hundred (100%) of the contract price for each unit or units of material or equipment furnished and delivered under these specifications, will be paid to the Contractor within thirty (30) days after delivery to and acceptance by MTS of the unit or units ordered, as herein provided, and after the statements covering the unit or units have been presented to MTS by the Contractor.

Cash discounts as shown on the bid form shall be accepted at the option of MTS. Otherwise the terms will be Net thirty (30) from acceptance. Payment terms less than ten (10) days from acceptance will not be considered.

17. Invoices

Each month, Contractor shall submit invoices for all work performed and accepted that month. Partial payments are not allowed; therefore, incomplete jobs that roll-over to the next month shall not be billed until they are accepted. MTS will process the invoices within thirty (30) days from invoice date.

Invoices must be sent to the MTS Accounting Department, via email at ap@sdmts.com. Contractor must indicate the contract and purchase order number. Contractor shall be required to submit with its invoices materials cost, labor charges (if incurred) and delivery charges (if any). Labor billing must include the trolley vehicle number and work performed, period of performance and any work order approvals to ensure timely payment. Additional compensation will be allowed as per Contractor's markup percentage in materials billing.

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 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 Section 16 Prompt Progress Payments of the Standard Conditions.

ATTACHMENT C**MTS Doc No: L1603.0-22: ON-BOARD VEHICLE SURVEILLANCE SYSTEM (OBVSS)**

		BASE YEARS				OPTION YEARS			
		Year 1		Year 2		Year 3		Year 4	
Description	Qty	Rate	Extended Total	Rate	Extended Total	Rate	Extended Total	Rate	Extended Total
Billable Hourly Rate (Subcontractor)	480	\$ 104.00	\$ 49,920.00	\$ 107.00	\$ 51,360.00	\$ 113.00	\$ 54,240.00	\$ 116.00	\$ 55,680.00
Mark-up % on materials/supplies. MTS estimates \$50,000 annually for materials/supplies.	%	5%	\$ 52,250.00	%	\$ 54,601.25	%	\$ 57,058.31	%	\$ 59,625.93
TOTAL AMOUNT			\$ 102,170.00		\$ 105,961.25		\$ 111,298.31		\$ 115,305.93

1.045
50000

Total Summary

Year 1 (Base Year)	\$	102,170.00	
Year 2 (Base Year)	\$	105,961.25	\$ 208,131.25
Year 3 (Option Year)	\$	111,298.31	
Year 4 (Option Year)	\$	115,305.93	\$ 226,604.24

TOTAL 4 YEARS NOT TO EXCEED \$ 434,735.49

Seon's technician's hourly billable rate

Year 1	\$	175.00
Year 2	\$	175.00
Year 3	\$	175.00
Year 4	\$	175.00

Should the services of Sub Contractor VTC (Vehicle Technical Consultants) become unavailable Seon will have 30 days to replace the subcontractor. Seon will also be allowed to negotiate a new rate with San Diego MTS. During the 30 days the hourly rate for Seon to provide services will be billed at \$175 per hour.



DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 04/07/2022

Agenda Item No. 9

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

April 14, 2022

SUBJECT:

**ON-CALL COMMUNICATION AND LOW VOLTAGE WIRING SERVICES – CONTRACT
AMENDMENT**

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute Amendment No. 1 to MTS Doc. No. PWG339.1-22 (in substantially the same format as Attachment A) with Communication Wiring Specialist (CWS), Inc., a Small Business (SB), to add additional funds of \$149,040.00 for support materials.

Budget Impact

The total budget for this project shall not exceed \$452,900.00 (\$303,860.00 current contract value plus \$149,040.00 for amendment no. 1 which is inclusive of CA sales tax). This project is funded by the Information Technology (IT) Operating Budget 661010-571250.

DISCUSSION:

In January 20, 2022 (AI 14), the MTS Board approved a contract award to CWS for the provision of on-call communication and low voltage system wiring services in the amount of \$303,860.00. This contract covers services for a five (5) year base period effective from February 1, 2022 through January 31, 2027.

The contract scope covers low voltage cabling services which are energy limited and do not exceed 91 volts in support of the MTS network. Services include installing, servicing, and maintaining all types of communication and low voltage systems, including telephone systems, sound systems, structured cabling, fiber optic systems, Voice Over Internet Protocol (VoIP), cabling to staff desks, cabling in support of network connectivity, servers, copiers, printers, wireless Local Area Network (LAN) transmission systems, wiring existing or new offices for data or voice, relocations to new office spaces, moving IT infrastructure, fiber cabling for new locations and all devices needed to connect to the MTS network.



The current Purchase Order (PO) #4500044983 was issued based on the approved authorized spend amount of \$303,860.00. After further review of the Purchase Requisition (PR), CWS' proposal and PO, staff discovered that the PO will not have sufficient funds to support materials needed for the entire 5-year term. Staff had originally only requested \$12,000.00 for support materials under the contract. Based on an estimated annual budget of \$30,000 and in order to cover the materials for the entire contract term, staff is requesting to add \$149,040.00 to the contract. Supporting materials will include: low voltage cables, fiber/ethernet cables, wall faceplates, mounting brackets, racks, closet connection, etc.

Funding is broken down as follows:

REVISED TOTAL CONTRACT VALUE						
#	Description	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
1	Straight Time Hourly Labor Rate: 8:00 am – 5:00 pm (Fully-burdened rate – all inclusive)	\$54,400.00	\$54,400.00	\$55,200.00	\$55,200.00	\$56,800.00
2	Saturday Hourly Labor Rate: 8:00 am to 5:00 pm (Fully-burdened rate – all inclusive)	\$1,000.00	\$1,000.00	\$1,020.00	\$1,020.00	\$1,040.00
3	Sunday Hourly Labor Rate: 8:00 am to 5:00 pm (Fully-burdened rate – all inclusive)	\$1,200.00	\$1,200.00	\$1,220.00	\$1,220.00	\$1,250.00
4	After Standard Business Hours Labor Rate (Fully-burdened rate – all inclusive)	\$730.00	\$730.00	\$750.00	\$750.00	\$770.00
5	Mark-up on materials/supplies (estimated at \$30,000 annually)	\$2,400.00	\$2,400.00	\$2,400.00	\$2,400.00	\$2,400.00
Subtotal		\$59,730.00	\$59,730.00	\$60,590.00	\$60,590.00	\$62,260.00
8% CA Sales Tax (line #5)		\$192.00	\$192.00	\$192.00	\$192.00	\$192.00
Current Total Annual Amount		\$59,922.00	\$59,922.00	\$60,782.00	\$60,782.00	\$62,452.00
Current Total Contract Value		\$303,860.00				
6	Additional budget for support materials/supplies	\$27,600.00	\$27,600.00	\$27,600.00	\$27,600.00	\$27,600.00
8% CA Sales Tax (line #6)		\$2,208.00	\$2,208.00	\$2,208.00	\$2,208.00	\$2,208.00
Subtotal:		\$29,808.00	\$29,808.00	\$29,808.00	\$29,808.00	\$29,808.00
New Total Annual Amount:		\$89,730.00	\$89,730.00	\$90,590.00	\$90,590.00	\$92,260.00
GRAND TOTAL (5 Years)		\$452,900.00				
Difference from Original Total Contract Value		\$149,040.00				

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No. PWG339.1-22 (in substantially the same format as Attachment A) with CWS, a SB, to add additional funds of \$149,040.00 for support materials.

/S/ Sharon Cooney
Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachment: A. Amendment 1 MTS DOC NO. PWG339.1-22



Amendment 1

Effective Date: April 15, 2022

MTS Doc No. PWG339.1-22

ON-CALL COMMUNICATIONS AND LOW VOLTAGE WIRING SERVICES

Communication Wiring Specialist, Inc.
Eric Templin
President
8909-F Complex Drive
San Diego, CA, 92123

This shall serve as Amendment No.1 to the original agreement PWG339.0-22 as further described below.

SCOPE

Pursuant to the contract Scope of Work, MTS shall add funds to the current contract for support materials and supplies as reflected below:

REVISED TOTAL CONTRACT VALUE						
#	Description	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
1	Straight Time Hourly Labor Rate: 8:00 am – 5:00 pm (Fully-burdened rate – all inclusive)	\$54,400.00	\$54,400.00	\$55,200	\$55,200.00	\$56,800.00
2	Saturday Hourly Labor Rate: 8:00 am to 5:00 pm (Fully-burdened rate – all inclusive)	\$1,000.00	\$1,000.00	\$1,020.00	\$1,020.00	\$1,040.00
3	Sunday Hourly Labor Rate: 8:00 am to 5:00 pm (Fully-burdened rate – all inclusive)	\$1,200.00	\$1,200.00	\$1,220.00	\$1,220.00	\$1,250.00
4	After Standard Business Hours Labor Rate (Fully-burdened rate – all inclusive)	\$730.00	\$730.00	\$750.00	\$750.00	\$770.00
5	Mark-up on materials/supplies (estimated at \$30,000 annually)	\$2,400.00	\$2,400.00	\$2,400.00	\$2,400.00	\$2,400.00
Subtotal		\$59,730.00	\$59,730.00	\$60,590.00	\$60,590.00	\$62,260.00
8% CA Sales Tax (line #5)		\$192.00	\$192.00	\$192.00	\$192.00	\$192.00
Current Total Annual Amount		\$59,922.00	\$59,922.00	\$60,782.00	\$60,782.00	\$62,452.00
Current Total Contract Value		\$303,860.00				



6	Additional budget for support materials/supplies	\$27,600.00	\$27,600.00	\$27,600.00	\$27,600.00	\$27,600.00
	8% CA Sales Tax (line #6)	\$2,208.00	\$2,208.00	\$2,208.00	\$2,208.00	\$2,208.00
	Subtotal:	\$29,808.00	\$29,808.00	\$29,808.00	\$29,808.00	\$29,808.00
	New Total Annual Amount:	\$89,730.00	\$89,730.00	\$90,590.00	\$90,590.00	\$92,260.00
	GRAND TOTAL (5 Years)	\$452,900.00				
	Difference from Original Total Contract Value	\$149,040.00				

SCHEDULE

There be no change to the schedule of the agreement.

PAYMENT

This contract amendment shall authorize additional costs not to exceed \$149,040.00. The total value of this contract including this amendment shall be in the amount of \$452,900.00. 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:

Sharon Cooney, Chief Executive Officer

Eric Templin, President
Communication Wiring Specialist, Inc.

Date: _____



DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 04/07/2022

Agenda Item No. 10

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

April 14, 2022

SUBJECT:

**SPARE NETWORK DEVICES FOR MID-COAST TROLLEY – PURCHASE ORDER (PO)
AWARD**

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to authorize a PO to AT&T Corp for the provision of CISCO Network Equipment Spares for the Mid-Coast Trolley in the amount of \$183,471.78.

Budget Impact

The total budget for this project shall not exceed \$183,471.78 (inclusive of 7.75% California sales tax). The project will be funded by Capital Improvement Program (CIP) 2002010701 – San Diego Association of Governments (SANDAG) 1257001 – Mid-Coast Communication Network Equipment.

DISCUSSION:

MTS utilizes a hardware network infrastructure that consists of Routers, Switches, and Access Points throughout the MTS network. These network devices are MTS core communication components for a wide range of systems and applications such as the PRONTO fare collection system, Trolley monitoring devices, video servers, Voice over Internet Protocol (VoIP), and day-to-day user data. A typical network device has a lifespan of five (5) years. In order to maintain continuity and optimum uptime of our network, it is important to cycle out older network devices as they reach this age. In addition, as equipment exceeds the end of life maintenance costs increase, availability of parts decreases, and the risk of cyber threats and attacks increase.

This project will fund the upcoming fiscal year's equipment refresh to replace specified network devices to maintain optimum performance and uptime, and reduce the possibility of device failure. As the MTS IT staff maintains a 5-year life span for all production network devices, procurement of equipment takes place on a year-to-year basis due to changes in equipment technology and manufacturers' configuration offerings. It is anticipated that this PO will be sufficient to refresh the



specified MTS network devices for the upcoming year as part of the overall network equipment refresh program.

On January 12, 2022, MTS issued a Request for Quote (RFQ) (ref: G02578.0-22) to procure CISCO Spare Network Devices. The following bids were received on the due date of February 1, 2022 from the following bidders.

Bidder Name	Certifications	Overall Total Amount
AT&T Corp	None	\$183,471.78
Axelliant LLC	Small Business (SB), Minority Business Enterprise (MBE)	\$198,861.10
Kambrian Corporation	SB, MBE, Woman Owned Business Enterprise (WBE)	\$201,115.49
Netexperts, Inc.	None	\$247,209.14
MTS Independent Cost Estimate (ICE)	-	\$378,932.80

The overall total amount is inclusive of delivery charges and California sales tax.

MTS intends to utilize the state of Utah Agreement with the Contractor (AT&T Corp.) under the National Association of State Procurement Officers (NASPO) Value Point Cooperative Purchasing Program effective October 1, 2019 for this procurement. The quote for stated pricing is based on CISCO Master Agreement No. AR3227 with Participating Addendum which allows MTS to acquire a competitive rate.

MTS staff has deemed AT&T Corp to be the lowest responsive and responsible bidder. Based on the bids received, and in comparison, with the ICE, staff determined AT&T Corp price to be fair and reasonable.

Therefore, staff recommends the MTS Board authorize the CEO to authorize a PO AT&T Corp for CISCO Spare Network Devices for the Mid-Coast Trolley in the amount of \$183,471.78.

/S/ Sharon Cooney
Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachment: A. Bid Price Form

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS) BID FORM
SPARE NETWORK DEVICES FOR MIND-COAST TROLLEY
MTS DOC. NO G2578.0-22**

Att.B, AI 10, 04/14/2022

Cooperative Purchasing Program reference number: (e.g.GSA, NASPO, CMAS, OMNI reference): _____ **NASPO**

[NASPO/Master Agreement #AR3227 & PA #7-20-70-47-01- SAN DIEGO MTS Agreement #G2377.0-20](#)

***Please specify the reference number of the Cooperative Purchasing Agreement used as the basis of your bid.**

Part Number	Smart Account Mandatory	Description	Service Duration (Months)	Qty	Unit Net Price	Extended Net Price
C9300-48P-A	-	Catalyst 9300 48-port PoE+, Network Advantage	---	2	\$ 4,682.27	\$ 9,364.54
CON-SSSNT-C93004PA	-	SOLN SUPP 8X5XNBD Catalyst 9300 48-port PoE+,	60	2	\$ 3,087.48	\$ 6,174.97
C9300-NW-A-48	Yes	C9300 Network Advantage, 48-port license	---	2	\$ -	\$ -
PWR-C1-715WAC-P/2	-	715W AC 80+ platinum Config 1 SecondaryPower Supply	---	2	\$ 578.15	\$ 1,156.30
CAB-TA-NA	-	North America AC Type A Power Cable	---	4	\$ -	\$ -
C9300-SSD-NONE	-	No SSD Card Selected	---	2	\$ -	\$ -
STACK-T1-50CM	-	50CM Type 1 Stacking Cable	---	2	\$ 46.26	\$ 92.52
C9300-SPWR-NONE	-	No Stack Power Cable Selected	---	2	\$ -	\$ -
PI-LFAS-T	Yes	Prime Infrastructure Lifecycle & Assurance Term - Smart Lic	---	2	\$ -	\$ -
PI-LFAS-AP-T-5Y	-	PI Dev Lic for Lifecycle & Assurance Term 5Y	60	2	\$ -	\$ -
NETWORK-PNP-LIC	Yes	Network Plug-n-Play Connect for zero-touch device	---	2	\$ -	\$ -
C9300-NM-2Q	-	Catalyst 9300 2 x 40GE Network Module	---	2	\$ 1,179.42	\$ 2,358.84
S9300UK9-1612	-	Cisco Catalyst 9300 XE 16.12 UNIVERSAL	---	2	\$ -	\$ -
TE-EMBEDDED-T	Yes	Cisco ThousandEyes Enterprise Agent IBN	---	2	\$ -	\$ -
TE-EMBEDDED-T-5Y	-	ThousandEyes - Enterprise Agents	60	2	\$ -	\$ -
D-DNAS-EXT-S-T	Yes	Cisco DNA Spaces Extend Term License for Catalyst	---	2	\$ -	\$ -
D-DNAS-EXT-S-5Y	-	Cisco DNA Spaces Extend for Catalyst Switching - 5Year	60	2	\$ -	\$ -

PWR-C1-715WAC-P	-	715W AC 80+ platinum Config 1 Power Supply	---	2	\$ -	\$ -
C9300-DNA-A-48	Yes	C9300 DNA Advantage, 48-Port Term Licenses	---	2	\$ -	\$ -
C9300-DNA-A-48-5Y	-	C9300 DNA Advantage, 48-Port, 5 Year Term License	60	2	\$ 2,904.60	\$ 5,809.20
CON-SSTCM-C93A48	-	SOLN SUPP SW SUBC9300 DNA Advantage	60	2	\$ 708.75	\$ 1,417.51
C1-ADD-OPTOUT	-	Cisco DNA Premier Add-On Session Opt Out (No	---	2	\$ -	\$ -
QSFP-40G-LR4-S=	-	QSFP 40GBASE-LR4 Trnscvr Mod, LC, 10km, Enterprise-	---	2	\$ 5,306.51	\$ 10,613.01
C9500-32QC-A	-	Catalyst 9500 32-port 40/100G only, Advantage	---	1	\$ 14,245.49	\$ 14,245.49
CON-SSSNT-C9532ACQ	-	SOLN SUPP 8X5XNBD Catalyst 9500 32-port 40/100G	60	1	\$ 9,202.51	\$ 9,202.51
C9500-NW-A	Yes	C9500 Network Stack, Advantage	---	1	\$ -	\$ -
C9K-PWR-650WAC-R	-	650W AC Config 4 Power Supply front to back cooling	---	1	\$ -	\$ -
C9K-PWR-650WAC-R/2	-	650W AC Config 4 Power Supply front to back cooling	---	1	\$ 971.29	\$ 971.29
CAB-9K12A-NA	-	Power Cord, 125VAC 13A NEMA 5-15 Plug, North	---	2	\$ -	\$ -
PI-LFAS-T	Yes	Prime Infrastructure Lifecycle & Assurance Term - Smart Lic	---	3	\$ -	\$ -
PI-LFAS-AP-T-5Y	-	PI Dev Lic for Lifecycle & Assurance Term 5Y	60	3	\$ -	\$ -
NETWORK-PNP-LIC	Yes	Network Plug-n-Play Connect for zero-touch device	---	1	\$ -	\$ -
C9K-T1-FANTRAY	-	Catalyst 9500 Type 4 front to back cooling Fan	---	2	\$ -	\$ -
SC9500HUK9-173	-	Cisco Catalyst 9500H XE.17.3 UNIVERSAL	---	1	\$ -	\$ -
C9500-SSD-NONE	-	No SSD Card Selected	---	1	\$ -	\$ -
C9K-F1-SSD-BLANK	-	Cisco pluggable SSD storage	---	1	\$ -	\$ -
C9500-DNA-32QC-A	Yes	C9500 DNA Advantage, Term License	---	1	\$ -	\$ -
C9500-DNA-A-5Y	-	DNA Advantage 5 Year License	60	1	\$ 9,328.95	\$ 9,328.95
CON-SSTCM-C9524QA	-	SOLN SUPP SW SUBC9500 DNA Advantage	60	1	\$ 2,268.75	\$ 2,268.75

QSFP-100G-ER4L-S=	-	100GBASE QSFP Transceiver, 40KM reach over SMF, Duplex	---	2	\$ 34,686.40	\$ 69,372.80
C9120AXE-B	-	C9120AX External 802.11ax 4x4:4	---	2	\$ 825.71	\$ 1,651.42
CON-SSSNT-C120AXE9	-	SOLN SUPP 8X5XNBD Cisco Catalyst 9120AX Series	60	2	\$ 330.00	\$ 660.00
NETWORK-PNP-LIC	Yes	Network Plug-n-Play Connect for zero-touch device	---	2	\$ -	\$ -
AIR-AP-T-RAIL-R	-	Ceiling Grid Clip for APs & Cellular Gateways-Recessed	---	2	\$ -	\$ -
AIR-AP-BRACKET-1	-	802.11 AP Low Profile Mounting Bracket (Default)	---	2	\$ -	\$ -
SW9120AX-CAPWAP-K9	-	Capwap software for Catalyst 9120AX	---	2	\$ -	\$ -
CDNA-A-C9120	-	Wireless Cisco DNA On-Prem Advantage, 9120 Tracking	---	2	\$ -	\$ -
DNA-A-5Y-C9120	-	C9120AX Cisco DNA On-Prem Advantage,5Y Term,Trk Lic	60	2	\$ -	\$ -
AIR-DNA-A	-	Wireless Cisco DNA On-Prem Advantage, Term Lic	---	2	\$ -	\$ -
AIR-DNA-A-5Y	-	Wireless Cisco DNA On-Prem Advantage, 5Y Term Lic	60	2	\$ 427.83	\$ 855.66
CON-SSTCM-AIRDNA	-	SOLN SUPP SW SUBAironet CISCO DNA Ad	60	2	\$ 112.51	\$ 225.01
PI-LFAS-AP-T	Yes	Prime AP Term Licenses	---	2	\$ -	\$ -
PI-LFAS-AP-T-5Y	-	PI Dev Lic for Lifecycle & Assurance Term 5Y	60	2	\$ -	\$ -
AIR-DNA-A-T	Yes	Wireless Cisco DNA On-Prem Advantage, Term, Tracker Lic	---	2	\$ -	\$ -
AIR-DNA-A-T-5Y	-	Wireless Cisco DNA On-Prem Advantage, 5Y Term, Tracker	60	2	\$ -	\$ -
ISE-BASE-T	-	ISE BASE Term License	---	50	\$ -	\$ -
ISE-BASE-TRK-5Y	-	ISE BASE Tracker Term 5Y	60	50	\$ -	\$ -
ISE-PLS-T	-	ISE PLS Term License	---	50	\$ -	\$ -
ISE-PLS-TRK-5Y	-	ISE PLS Tracker Term 5Y	60	50	\$ -	\$ -
AIR-DNA-NWSTACK-A	Yes	AIR CISCO DNA Perpetual Network Stack	---	2	\$ -	\$ -
D-CISCODNAS-ACT-T	Yes	Cisco DNA Spaces Act Term License for Cisco DNA	---	2	\$ -	\$ -

D-CISCODNAS-ACT-5Y	-	Cisco DNA Spaces ACT for Cisco DNA - 5Year	60	2	\$ -	\$ -
C9120AXE-SINGLE	-	SINGLE PACK OPTION	---	2	\$ -	\$ -
C9120-OVER	-	C9120AX OVERPACK OPTION	---	2	\$ -	\$ -
AIR-ANT2544V4M-R=	-	2.4GHz 4dBi/5GHz 4dBi Multi Mount Omni Ant., 4-port, RP-	---	2	\$ 428.65	\$ 857.29
AIR-ANT2566P4W-R=	-	2.4 GHz 6 dBi/5 GHz 6 dBi Directional Ant., 4-port, RP-	---	2	\$ 351.05	\$ 702.11
DNA-XARC-OFFER	-	DNA-XARC-OFFER Bundle with ISE and Stealthwatch	---	1	\$ -	\$ -
ISE-SEC-SUB	Yes	Cisco Identity Service Engine Subscription	---	1	\$ -	\$ -
Initial Term - 60.00 Months Auto Renewal Term - 0 Months Billing Model - Prepaid Term Requested Start Date - 03-Jan-2022 Requested End Date - 02-Jan-2027						
ISE-E-LIC	Yes	Cisco Identity Service Engine Essentials Subscription	---	150	5.97	895.16
SVS-ISE-SUP-B	Yes	Basic Support for Identity Service Engine Subscription	---	1	0.00	0.00
ST-SEC-SUB	-	Cisco Stealthwatch Enterprise XaaS Subscription	---	1	0.00	0.00
Initial Term - 60.00 Months Auto Renewal Term - 0 Months Billing Model - Prepaid Term Requested Start Date - 03-Jan-2022 Requested End Date - 02-Jan-2027						
ST-FR-100-LIC	Yes	Cisco Secure Network Analytics Flow Rate License -	---	3	\$ 8,872.05	\$ 26,616.13
SVS-ST-SEC-SUP-B	-	Embedded Online Support for Secure Network Analytics	---	1	\$ -	\$ -

	Product Total	\$ 111,385.60
	Service Total :	\$ 19,948.70
	Subscription Total	\$ 43,505.10
	SAN DIEGO, CALIFORNIA SALES TAX (7.75%):	\$ 8,632.38
	(BASIS OF AWARD) GRAND TOTAL (All Inclusive of all charges e.g Tax etc.):	\$ 183,471.78

BIDDER ACCEPTS RESPONSIBILITY FOR ACCURACY AND PRESENTATION OF THE ABOVE NUMBERS.

Read attached Request for Quote (RFQ) carefully. They are a part of your bid/ proposal. Unit prices will prevail regardless of extensions submitted by the Proposer. Proposal must be firm and valid for a minimum of 120 days from proposal due date. The following Addenda have been noted and attached hereto:

FOB POINT:

SDMTS-IADP

Att.B, AI 10, 04/14/2022

100 16th Street

San Diego, California 92101

Bidder to check one:

x

All parts shall be delivered within thirty (30) calendar days after Purchase Order issuance.

No, I cannot meet the 30 calendar day

No, I cannot meet the 30 calendar day

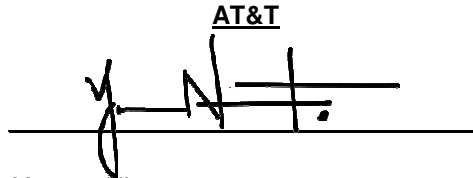
DATE:

1/25/2022

FIRM:

AT&T

SIGNATURE:



Yvonne Nieto

TYPE OR PRINT NAME:

TITLE:

CSE 3

ADDRESS:

7650 Convoy Court

CITY, STATE & ZIP:

San Diego, CA 92111

PHONE NUMBER:

858-722-9909

FAX NO.:

E-MAIL ADDRESS:

yvonne.nieto@att.com

RETURN THIS FORM WITH YOUR BID, RETAIN OTHER PAGES FOR YOUR RECORDS



DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 04/07/2022

Agenda Item No. 11

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 14, 2022

SUBJECT:

**IRIS RAPID ROUTE & STATIONS INFRASTRUCTURE CONSTRUCTION – 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. PWB342.0.0-22 (in substantially the same format as Attachment A), with Palm Engineering Construction Company Inc., for the Iris Rapid Route and Stations Infrastructure Construction in the amount of \$4,379,251.40 plus 10% contingency.

Budget Impact

The total budget for this project shall not exceed \$4,817,176.54 (\$4,379,251.40 plus 10% contingency of \$437,925.14) over the duration of the construction services as shown in the table below.

MTS Capital Improvement Project (CIP) 1009113101 – Iris Rapid - Route & Stations Infrastructure is funded by a 2018 Transit and Intercity Rail Capital Program (TIRCP) grant. At the time of award, the project design and construction costs were estimated to be \$3,865,000.00 with 80% of the funding, or \$3,092,000.00 from TIRCP. The remaining balance is funded by state and local funding.

DESCRIPTION	TOTAL BID AMOUNT	BID WITH CONTINGENCY (10%)
Base & Bid Bond– Executing	\$4,202,276.80	\$4,622,504.48
Add Alternate 1 – South Bay Park Stop	\$176,974.60	\$194,672.06
Grand Total	\$4,379,251.40	\$4,817,176.54



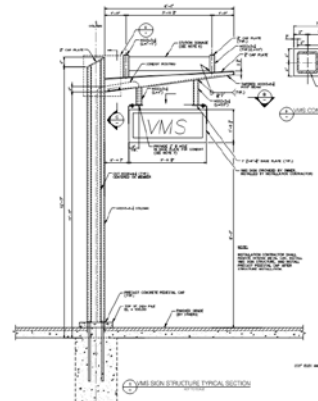
DISCUSSION:

In 2018, MTS staff applied for and received a Transit and Intercity Rail Capital Program (TIRCP) grant to add a new Rapid Bus Feeder service between Imperial Beach and the Otay Mesa International Border crossing, connecting both communities to the UC San Diego Blue Line Trolley.

The new service will be called Rapid Bus Route 925, or Iris Rapid, operating at 7.5-min headways in the peak hours, with buses from the MTS South Bay Maintenance Facility (SBMF). The Iris Rapid Route and Stations Infrastructure Construction will provide new shelters and variable message signs (VMS) at fifteen (15) bus stops along the route and will include four (4) new bus bays at the Iris Avenue Transit Center.



Rapid services are high-frequency, limited-stop routes that help move people to their destinations more quickly than traditional local bus service. They also have additional features like enhanced amenities, dedicated bus lanes and more. The Iris Rapid route will be MTS's first all-zero emission bus route. The battery-electric buses use clean technology to cut tailpipe emissions, help reduce regional greenhouse gas emissions, and travel more quietly. Instead of MTS's standard bus shelters, the Iris Rapid plans include specially designed and constructed shelters and variable messaging panels to provide a higher level of amenity than at traditional stops.



Add Alternate 1 relates to a proposed stop at the South Bay Community Park, with the above amenities, on Coronado Avenue at Saturn Boulevard. The proposed Park stop would require an expansion of the existing 5-foot sidewalk approximately 3 feet into the City of San Diego's Robert Egger Sr South Bay Community Recreation Center grass area to accommodate the bus stop infrastructure. MTS has requested permission from the City of San Diego to install the bus stop amenities at this location, but does not yet have permission to do so.

Full project construction is estimated to take 9 months; however, the shelters require a long-lead time. A shelter order will be made by the contractor in or around May 2022. Therefore, MTS will need to exercise Add Alternate 1 by that time so that the additional shelter for this location can also be ordered. If permission from the City is received by May 2022, then MTS will exercise "Add Alternate 1" to have the stop constructed at this location. If no permission is received during this time period, then no amenities would be installed, with a simple bus stop pole in the existing sidewalk right-of-way being the only installation at this location.

On October 29, 2021, staff issued an Invitation for Bids (IFB) for the construction services related to this project. The following bids were received on March 8, 2022:

COMPANY NAME	Disadvantage Business (DBE), Small Business (SB), Minority Business Enterprise (MBE) Certification	BID AMOUNT
Palm Engineering Construction	N/A	\$4,379,251.40
Miramar General Engineering	N/A	\$4,484,230.00
West Coast General Group	N/A	\$4,926,364.00
Tri Group Construction	N/A	\$5,127,240.00
Western Rim Constructors	N/A	\$5,413,448.01
Hazard Construction	N/A	\$5,791,417.50
AP Construction	DBE	\$6,863,872.00
<i>MTS – Independent Cost Estimate (ICE)</i>		<i>\$3,862,324.14</i>

Based on the bids received, and in comparison, with the ICE, MTS staff determined the price to be fair and reasonable. The Subcontractor Designation Form is attached (Attachment C).

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute MTS Doc. No. PWB342.0-22 (in substantially the same format as Attachment A), with Palm Engineering Construction, for the Iris Rapid Route & Stations Infrastructure Construction in the amount of \$4,379,251.40 plus 10% contingency.

/S/ Sharon Cooney
Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachments: A. Draft Agreement MTS Doc. No. PWB342.0-22
B. Bid Price Form
C. Subcontractor Designation Form



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Att.A, AI 11, 04/14/2022

**STANDARD CONSTRUCTION AGREEMENT
FOR
MTS DOC. NO. PWB342.0-22
IRIS RAPID ROUTE CONSTRUCTION**

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: PALM ENGINEERING CONSTRUCTION CO., INC. Address: 7330 OPPORTUNITY RD. STES. A & B

SAN DIEGO, CA 92111

Form of Business: S-CORP
(Corporation, Partnership, Sole Proprietor, etc.)

Email: shauna@palmengineeringco.com

Telephone: 619-291-1495

Authorized person to sign contracts Rasoul Shahbazi President
Name Title

The specified Contract Documents are part of this Agreement. The Contractor agrees to furnish to MTS services and materials, as follows:

Contractor shall furnish all necessary management, supervision, labor, materials, tools, supplies, equipment, plant, services, engineering, testing and/or any other act or thing required to diligently and fully perform and complete the Project as specified in accordance with the Standard Agreement and General Conditions (Exhibit A), Scope of Work, Special Conditions and Attachments (Exhibit B), Bid Price Form (Exhibit C), and Forms (Exhibit D)

SCOPE OF WORK

Contractor, for and in consideration of the payment to be made to Contractor as hereinafter provided, shall furnish all plant, labor, technical and professional services, supervision, materials and equipment, other than such materials and equipment as may be specified to be furnished by MTS, and perform all operations necessary to complete the Work in strict conformance with the Contract Documents (defined below) for the following public work of improvement:

IRIS RAPID ROUTE CONSTRUCTION

Contractor is an independent contractor and not an agent of MTS. The Contractor and its surety shall be liable to MTS for any damages arising as a result of the Contractor's failure to comply with this obligation.



CONTRACT TIME

Time is of the essence in the performance of the Work. The Work shall be commenced by the date stated in MTS's Notice to Proceed. The Contractor shall complete all Base Work required by the Contract Documents within **210 calendar days** from the commencement date stated in the Notice to Proceed. The Contractor shall complete all Add Alternate one (1) Work required by the Contract Documents within **210 calendar days** from the commencement date stated in the Notice to Proceed. By its signature hereunder, Contractor agrees the Contract Time is adequate and reasonable to complete the Work.

CONTRACT PRICE

MTS shall pay the Contractor as full compensation for the performance of the Contract, subject to any additions or deductions as provided in the Dollars (\$4,379,251.40). Payment shall be made as set forth in the General Conditions.

PROVISIONS REQUIRED BY LAW

Each and every provision of law required to be included in these Contract Documents shall be deemed to be included in these Contract Documents. The Contractor shall comply with all requirements of the California Labor Code applicable to this Project.

INDEMNIFICATION

Contractor shall provide indemnification as set forth in the General Conditions.

PREVAILING WAGES

Contractor shall be required to pay the prevailing rate of wages in accordance with the Labor Code which such rates shall be made available at MTS's Administrative Office or may be obtained online at <http://www.dir.ca.gov> and which must be posted at the job site.

SAN DIEGO METROPOLITAN TRANSIT SYSTEM	PALM ENGINEERING CONSTRUCTION CO., INC.
By: _____ Sharon Cooney, Chief Executive Officer	By _____
Approved as to form:	
By: _____ Karen Landers, General Counsel	Title: _____

IRIS RAPID CONSTRUCTION BID PRICE FORM ADD 7

ITEM	PAYMENT REFERENCE	LOCATION (WB/GB/SSP)	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENSION
BASE BID							
1	7-3.4.1	WB	Mobilization	LS	1	\$407,750.00	\$407,750.00
2	3-12.6.5	GB	Water Pollution Control	LS	1	\$60,000.00	\$60,000.00
3	300-1.3	SP	Clearing and Grubbing	LS	1	\$220,975.00	\$220,975.00
4	402-4	GB	Utility Relocations	LS	1	\$12,500.00	\$12,500.00
5	601-7	WB	Traffic Control and Engineered Traffic Control Plans	LS	1	\$125,000.00	\$125,000.00
CIVIL / SITE IMPROVEMENTS							
6	201-6	GB	2 Sack Slurry	CY	19	\$220.00	\$4,180.00
7A	209-4.8.1	SSP	Install New 2-inch Water	EA	1	\$4,000.00	\$4,000.00
7B	209-4.8.2	SSP	Install New 2-inch Water Service (Allowance)	EA	1	\$16,000.00	\$16,000.00
8	300-2.9	GB	Unclassified Excavation	CY	1,230	\$50.00	\$61,500.00
9	301-2.4	GB	Crushed Aggregate Base	CY	550	\$60.00	\$33,000.00
10	301-7.2	SSP	Recycled Aggregate Base	CY	220	\$55.00	\$12,100.00
11	301-3.3.14	GB	Cement Treated Base	CY	22	\$200.00	\$4,400.00
12	302-5.9	SSP	Asphalt Concrete Pavement	TON	150	\$300.00	\$45,000.00
13	303-1.12	SSP	Type A Gravity Wall	CY	3	\$1,000.00	\$3,000.00
14	303-1.12	SSP	Install VMS Foundation (No Pole/Pedestal)	EA	1	\$8,204.00	\$8,204.00
15	303-5.9	GB/WB	6" Concrete Curb & Gutter	LF	800	\$75.00	\$60,000.00
16	303-5.9	GB/WB	6" Concrete Curb	LF	585	\$55.00	\$32,175.00
17	303-5.9	GB/WB	Concrete Bus Pad	CY	365	\$864.00	\$315,360.00
18	303-5.9	GB/WB	Concrete Cross Gutter (6')	SF	200	\$30.00	\$6,000.00
19	303-5.9	GB/WB	Concrete Sidewalk	SF	9,140	\$13.00	\$118,820.00
20	303-5.9	GB/WB	Concrete Stairs (Iris Transit Center West)	CY	5	\$1,500.00	\$7,500.00
21	303-5.10	WB	Concrete Curb Ramp	EA	7	\$5,500.00	\$38,500.00
22	303-7.5	SSP	Stamped Colored Concrete	SF	220	\$28.00	\$6,160.00
23	304-2.4	GB	Metal Hand Railings	LF	10	\$250.00	\$2,500.00
24	304-2.4	SSP	Relocate Existing Handrail	EA	2	\$2,500.00	\$5,000.00
25	304-6	WB	Reset Sign	EA	2	\$300.00	\$600.00
26	304-6	WB	Relocate Sign	EA	4	\$300.00	\$1,200.00
27	304-6	WB	Install Sign	EA	12	\$500.00	\$6,000.00
28	309-4	GB	Furnish and Install Survey Monument	EA	2	\$2,520.00	\$5,040.00
29	314-4.4.6	WB	Thermoplastic Traffic Striping	LF	575	\$19.00	\$10,925.00
30	314-4.4.6	WB	Thermoplastic Pavement Markings	SF	380	\$19.00	\$7,220.00
31	314-4.4.6	WB	Continental Crosswalks	SF	500	\$19.00	\$9,500.00
LIGHTING, TRAFFIC, ELECTRICAL, & COMMUNICATIONS							
32	700-9.1	WB	Type A Pedestrian Barricade	EA	3	\$1,400.00	\$4,200.00
33	701-2	SSP	Traffic Signal Modification - Iris Avenue and Howard Avenue	LS	1	\$86,330.00	\$86,330.00
34	701-2	SSP	Traffic Signal Modification - Coronado Ave / Beyer Blvd / 30th St	LS	1	\$314,080.00	\$314,080.00
35	701-2	SSP	Transit Center Electrical, Communication, and Lighting	LS	1	\$127,288.00	\$127,288.00
36	701-2	SSP	Interconnect on Imperial Beach Blvd	LS	1	\$26,180.00	\$26,180.00
37	701-2	SSP	Bus Stop Electrical and Communication	LS	1	\$208,180.00	\$208,180.00
38	701-2	SSP	Pier Plaza Lighting	LS	1	\$37,380.00	\$37,380.00
LANDSCAPING & IRRIGATION							
39	801-9	SSP	Irrigation, Planting, & Plant Establishment	LS	1	\$146,218.80	\$146,218.80
DRAINAGE / STORM WATER							
40	1002-15	SSP	Bioretention BMP	SF	1,610	\$75.00	\$120,750.00
TRANSIT CENTER & BUS STOP FURNISHINGS							
41	1100-1.4	SSP	VMS Pole, Pedestal, and Foundation	EA	14	\$20,204.00	\$282,856.00
42	1100-2.4	SSP	Standard Bus Shelter	EA	4	\$45,380.00	\$181,520.00
43	1100-3.4	SSP	Small Bus Shelter	EA	8	\$80,740.00	\$645,920.00

IRIS RAPID CONSTRUCTION BID PRICE FORM ADD 7

ITEM	PAYMENT REFERENCE	LOCATION (WB/GB/SSP)	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENSION
44	1100-4.4	SSP	Large Bus Shelter	EA	2	\$101,077.00	\$202,154.00
45	1100-5.1	SSP	Relocate Bus Shelters & Benches	LS	1	\$41,860.00	\$41,860.00
BASE BID PAYMENT AND PERFORMANCE BOND							\$122,251.00
BASE BID TOTAL							\$4,197,276.80
GB = Greenbook Spec Reference, 2018 Edition WB = City of San Diego Whitebook Spec Reference, 2018 Edition SSP = Supplementary Special Provision Reference							
ADD ALTERNATE 1							
46	300-1.3	SP	Clearing and Grubbing	LS	1	\$20,000.00	\$20,000.00
47	601-7	WB	Traffic Control and Working Drawings	LS	1	\$450.00	\$450.00
48	300-2.9	GB	Unclassified Excavation	CY	34	\$100.00	\$3,400.00
49	301-3.3.14	GB	Cement Treated Base	CY	16	\$200.00	\$3,200.00
50	303-5.9	GB/WB	6" Concrete Curb & Gutter	LF	70	\$75.00	\$5,250.00
51	303-5.9	GB/WB	Concrete Bus Pad	CY	24	\$864.00	\$20,736.00
52	303-5.9	GB/WB	Concrete Sidewalk	SF	400	\$13.00	\$5,200.00
53	304-3.4	GB	Chain Link Fence	LF	50	\$110.00	\$5,500.00
54	701-2	SSP	Bus Stop Electrical and Communication	LS	1	\$7,140.00	\$7,140.00
55	1100-1.4	SSP	VMS Pole, Pedestal, and Foundation	EA	1	\$20,204.00	\$20,204.00
56	1100-3.4	SSP	Small Bus Shelter	EA	1	\$80,740.00	\$80,740.00
57	ADD ALTERNATE 1 PAYMENT AND PERFORMANCE BOND						\$5,154.60
ADD ALTERNATE 1 TOTAL							\$176,974.60
58	BID BOND						\$5,000.00
GRAND TOTAL BASIS OF AWARD (ALL BID ITEMS)							\$4,379,251.40



**Metropolitan
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DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 04/07/2022

Agenda Item No. 12

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

April 14, 2022

SUBJECT:

LIGHT RAIL VEHICLE (LRV) BRAKE OVERHAULS – SOLE SOURCE CONTRACT AWARD

AGENDA ITEM WILL BE PROVIDED BEFORE BOARD MEETING





DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 04/07/2022

Agenda Item No. 13

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 14, 2022

SUBJECT:

**DESIGN SERVICES FOR THE GREEN LINE IMPERIAL TELEMATICS (IMT) DOUBLE TRACK
PROJECT – WORK ORDER AMENDMENT**

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute Work Order Amendment WOA1949-AE-31.06 under MTS Doc. No. G1949.0-17 (insubstantially the same format as Attachment A) with Jacobs Engineering Group, Inc. (Jacobs) in the amount of \$191,646.65 for bid support, and design support during construction (DSDC) services for the Bayside Terminal Double Track project.

Budget Impact

The total budget for this project shall not exceed \$1,274,253.65. This project is funded by the MTS Capital Improvement Project (CIP) 2005108201 – Green Line IMT Double Tracking.

Work Order No.	Purpose	Amount	Board Approval Date
WOA1949-AE-31	Original Work Order	\$706,805.56	02/14/2019, Item 10
WOA1949-AE-31.01	Increase Hourly Rates (Survey)	\$269.46	11/12/2020, Item 19
WOA1949-AE-31.02	No Cost Time Extension	\$0.00	n/a
WOA1949-AE-31.03	Exercise Alternative Design	\$20,142.01	11/12/2020, Item 19
WOA1949-AE-31.04	Project Management, Additional Design, and Bid Support	\$79,474.41	11/12/2020, Item 19
WOA1949-AE-31.05	Design Support During Construction (DSDC)	\$275,915.56	11/12/2020, Item 19
WOA1949-AE-31.06	Bid support and DSDC services.	\$191,646.65	Today's Proposed Action
	Total:	\$1,274,253.65	



DISCUSSION:

MTS contracted with Jacobs to provide design services to double track the Bayside Terminal on the Green Line located at 12th and Imperial Avenue. The present Green Line terminus at the 12th and Imperial Transit Center has one track which can result in train congestion and delays. The additional track will allow two trains to occupy the station, providing more flexibility for operations, improvement in on-time performance, and more easily accommodate special event schedule changes. The additional track will allow maintenance work and track service to occur on one track without impacting passengers and operations.

On February 14, 2019 (AI 10), the MTS Board authorized a contract with Jacobs for design services for Bayside Terminal Double Track project. At the start of the design process, the Jacobs design team focused on the original MTS track configuration. As design progressed from 30% complete to 60% complete, and the team submitted cost estimates for the proposed work, the project cost was exceeding the project budget. The Jacobs and MTS team conducted a joint evaluation of alternate track layout previously submitted by Jacobs as part of their original proposal, and determined the alternative layout would provide the same operational flexibility with a lower construction cost. In addition, the team determined the alternate configuration could be expanded in future years with the addition of a third track. Finding the short-term cost saving measure also provides longer term flexibility and room for additional growth made the change in design the MTS staff recommended option.

Thus, Amendment 3 adopted the “Jacobs Alternative” design, at a slight cost increase, to significantly reduce overall construction costs.

Amendment 4 provided additional design services for a more direct pedestrian connection between the passenger platform and 11th Avenue, to accommodate passengers headed to the ball park area and local business and hotels. The amendment also included design support during the bid process, to answer questions from prospective construction firms.

Amendment 5 included the provision of DSDC for the construction contract which was expected to be awarded in 2021. Staff solicited competitive bids for the project in 2021, but the bids received far exceeded the anticipated and available budget. Under the funding authority granted by Amendment 5, staff then worked with Jacobs to remove some of the project scope and divide the remaining scope into a base bid with two add alternates to account for potential budgetary constraints. The project was then bid again, using the modified scope. During the over 3 month bid process, Jacobs assisted by responding to bidder questions and providing design clarification as needed. MTS received bids in late October 2021 and a construction contract was approved for WCGG, a Joint Venture on December 16, 2021 (AI 14).

Under proposed work order Amendment 6, additional funds are being added to account for the services needed now that construction is getting underway. Also, Jacobs shall DSDC for add alternate 1. Jacobs will utilize one subcontractor: Pacific Rail Enterprises (a Disadvantaged Business Enterprise (DBE)) in the amount of \$16,134.72.

On January 12, 2016, San Diego Association of Governments (SANDAG) and MTS issued a joint Request for Statement of Qualifications (RFSQ) for On-Call Architectural and Engineering (A&E) Design Consulting services. The RFSQ resulted in the approval of 8 firms qualified to perform A&E services. Tasks are assigned to the firms through a work order process. MTS selects the most qualified firm based on the scope of work to be performed.

The original work order was the culmination of a competitive selection process via a Request for Proposals (RFP) to approved A&E firms, in which Jacobs was selected as the most qualified firm.

The proposed amount of the amendment was \$191,646.65 which was \$1,914.99 less than MTS's Independent Cost Estimate (ICE) of \$193,561.64.

Therefore, staff recommends that the MTS Board of Directors Authorize the CEO to execute Work Order Amendment WOA1949-AE-31.06 under MTS Doc. No. G1949.0-17 (in substantially the same format as Attachment A) with Jacobs in the amount of \$191,646.65 for bid support, and DSDC services for the Bayside Terminal Double Track project.

/S/ Sharon Cooney

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachment: A. Draft Work Order Amendment WOA2075-AE-31.06



April 14, 2022

MTS Doc. No. G1949.0-17
Work Order No. WOA1949-AE-31.06

Jacobs Engineering Group, Inc.
Tim Smith, Vice President
725 West Town & Country Road, Suite 300
Orange CA, 92868

Dear Mr. Smith:

Subject: AMENDMENT NO. 6 TO WORK ORDER WOA1949-AE-31, MTS DOC. NO. G1949.0-17
GENERAL ENGINEERING DESIGN SERVICES TO DOUBLE TRACK THE BAYSIDE
TERMINAL

This letter shall serve as Amendment No. 6 to Work Order WOA1949-AE-31 to MTS Doc. No. G1949.0-17, for professional services under the General Engineering Consultant Agreement, as further described below.

SCOPE OF SERVICES

This amendment repackages bid set and estimate and specifications into three distinct packages to provide flexibility based on programmed budget for construction (Attachment A).

SCHEDULE

There shall be no change to the schedule as a result of this amendment. The schedule shall remain in effect through June 30, 2023.

PAYMENT

This amendment shall increase the current payment amount of \$1,082,607.00 by \$191,646.65 (Attachment B). Payment for bid support and DSDC services shall be based on actual costs. The revised Work Order amount shall not exceed \$1,274,253.65 without prior authorization from MTS.



Please sign below, and return the document to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect.

Sincerely,

Accepted:

Sharon Cooney
Chief Executive Officer

Tim Smith
Jacobs Engineering Group, Inc.

Date: _____

Attachments: Attachment A, Scope of Services
Attachment B, Negotiated Fee Proposal



DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 04/07/2022

Agenda Item No. 14

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

April 14, 2022

SUBJECT:

MS4 PHASE II MUNICIPAL PERMIT- WORK ORDER AMENDMENT

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to execute Amendment No. 3 to Work Order 13.02 to MTS Doc. No. G1492.0-13 (in substantially the same format as Attachment B), with WSP, in the amount of \$105,350.00 to extend the as-needed MS4 Phase II compliance services for one (1) additional year.

Budget Impact

The total budget for this project shall not exceed \$1,423,450.00. This project is funded by the Storm Water Operations Budget 122010 – 571140.

DISCUSSION:

State law gives the California Regional Water Quality Control Board (SCRWQC) authority to regulate water quality. The SCRWQC does this partially by establishing regulations and requiring public agencies to obtain a permit for storm water discharges. MTS was enrolled as a permittee under the SCRWQC's MS4 general permit. As a permittee, MTS is required to have a formal plan committing to various storm water management, monitoring, reporting, education/outreach, illegal discharge detection and elimination, construction site requirements, and pollution prevention measures.

On June 9, 2016 (AI 6), the MTS Board of Directors awarded Parsons a Work Order for the provision of MS4 Phase II Municipal Permit compliance services. These services included the development and implementation of a systemwide comprehensive storm water plan and program. The plan and program are necessary to ensure MTS is in compliance with the MS4 Phase II Municipal Permit. The initial term of the Work Order was from July 1, 2016 to June 30, 2021.



On December 16, 2016, the CEO approved Amendment 1 to the Work Order that inserted prevailing wage, subcontractor, substitution of security, and assignment requirements to the terms and conditions, and add excavation requirements to the scope of work to the agreement. There was no cost to these changes.

On June 12, 2020, the CEO approved Amendment 2 to the Work Order that extended the term of the work to June 30, 2022. There was no cost to these changes.

Today's proposed Amendment 3 would extend the agreement to June 30, 2023 and add funds. The scope of services remains unchanged. The Amendment is necessary to ensure continued MS4 Phase II compliance services, and allow adequate time for new MTS staff training.

The Work Order and Amendments are summarized below:

Work Order No.	Purpose	Amount	Subs	Board Approval Date
13.02	Original Work Order	\$1,318,100.00	None.	6/9/16 (AI 6)
13.02.01	Term and Scope revisions.	\$0.00	None	CEO approval 12/16/16 per Board Policy No. 41
13.02.02	No cost time extension	\$0.00	None	CEO approval 6/12/20 per Board Policy No. 41
13.02.03	Extension of services for 1 additional year	\$105,350.00	None	Today's Proposed Action
	Total	\$1,423,450.00		

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to execute Amendment No. 3 to Work Order 13.02 to MTS Doc. No. G1492.0-13 (in substantially the same format as Attachment B), with WSP, in the amount of \$105,350.00 to extend the as-needed MS4 Phase II compliance services for one (1) additional year.

/S/ Sharon Cooney
Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachments: A. Draft Amendment 13.02.03, MTS Doc No. G1492.0-13



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

ORIGINAL

December 15, 2016

MTS Doc. No. G1492.0-13
Work Order 13.02.01

Mr. Rex Plummer
Project Manager
Parsons Brinckerhoff, Inc.
401 B Street, Suite 1605
San Diego, CA 92101

Dear Mr. Plummer:

Subject: MTS DOC. NO. G1492.0-13, AMENDMENT 1 TO WORK ORDER 13.02; GENERAL
ENGINEERING AND REAL ESTATE SERVICES FOR MS4 PHASE II MUNICIPAL
PERMIT COMPLIANCE SERVICES

This letter shall serve as Amendment 1 for Work Order No. 2 to our agreement for professional services, under the General Engineering Consultant Agreement, MTS Doc. No. G1492.0-13, as further described below.

SCOPE OF SERVICES

- 1) Provide general engineering services incorporating prevailing wage requirements as attached in Attachment C, Prevailing Wage.
- 2) Add the following provisions to the Scope of Services:

EXCAVATION

Excavations Four (4) Feet or More in Depth: Per Cal. Pub. Con. Code 7104, if the Work involves excavating trenches or other excavations that extend deeper than four (4) feet below the surface, Contractor shall promptly, and before the excavation is further disturbed, notify MTS in writing of any of the following conditions:

- i. Material that the Contractor believes may be material that is hazardous waste, as defined in section 25117 of the Health and Safety Code, that is required to be removed to a Class I, Class II, or Class III disposal site in accordance with provisions of existing law.
- ii. Subsurface or latent physical conditions at the site differing from those indicated.
- iii. Unknown physical conditions at the site of any unusual nature, different materially from those ordinarily encountered and generally recognized as inherent in work of the character provided for in the Contract.



SUBCONTRACTORS

The name, address, the California contractor license number and the portion of the work that will be done by each subcontractor who will perform work or labor or render service to the prime contractor must be provided to MTS. If Contractor fails to specify a subcontractor in the bid or contract documents, the Contractor agrees that he or she is fully qualified to perform that portion himself or herself, and that the prime contractor shall perform that portion himself or herself.

ASSIGNMENT TO MTS

Pursuant to Public Contract Code Section 7103.5, in entering into a public works contract or subcontract to supply goods, services, or materials pursuant to a public works contract, Contractor or subcontractor offers and agrees to assign to MTS all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 USC, Section 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from the purchase of goods, services, or materials pursuant to this contract or any subcontract.

SUBSTITUTION OF SECURITY

MTS will retain a percentage of each progress payment as provided by the Contract Documents. At the request and expense of the successful Bidder, MTS will substitute securities for the amount so retained in accordance with Public Contract Code Section 22300.

SCHEDULE

The period of performance remains unchanged.

PAYMENT

Payment remains unchanged in accordance with the negotiated costs as originally agreed to by the Parties.

Please sign below, and return the document marked "Original" to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect. Retain the other copy for your records.

Sincerely,



Paul C. Jablonski
Chief Executive Officer

Date: 12/16/16

Attachment: Attachment C – Prevailing Wage

Accepted:



Rex Plummer
Parsons Brinckerhoff, Inc.

Date: 12/22/2016

Prevailing Wage

A. PUBLIC WORK

Work performed by Contractor and Subcontractor in accordance with this Contract may be a public work under California Labor Code, 1720, et seq. All public work projects are subject to compliance monitoring and enforcement by the Department of Industrial Relations (DIR).

The following requirements listed in this section apply to any bid or proposal submitted on or after March 1, 2015 and any contract for public work entered into on or after April 1, 2015:

A contractor or subcontractor shall not be qualified to bid on, be listed in a bid or proposal subject to the requirements of Public Contract Code, 4104, or engage in the performance of any contract for public work unless currently registered and qualified by the DIR to perform a public work project pursuant to Labor Code, 1725.5. (Labor Code, 1771.1 subd. (a)).

MTS will not accept a bid or enter into any contract or subcontract without proof of the Contractor and Subcontractor's current registration to perform public work pursuant to Labor Code, 1725.5. (Labor Code, 1771.1 subd. (b)). If a contract is entered into with an unregistered contractor or subcontractor, the contract shall be subject to cancellation, but shall not be voided solely for failure to comply with Labor Code, 1725.5 or 1771.1.

If an unregistered contractor submits a bid that is authorized by Business and Professions Code, 7029.1 or by Public Contract Code, 10164 or 20103.5, it will not be violation of Labor Code, 1771.1 so long as the contractor is registered at the time the contract is awarded.

If by inadvertent error an unregistered subcontractor is listed in a bid proposal, it shall not be grounds for filing a bid protest or grounds for considering the bid nonresponsive, provided that any of the following apply: 1) subcontractor is registered at bid opening; 2) within 24 hours after the bid opening, the subcontractor is registered and has paid the penalty registration fee; or 3) the subcontractor is replaced by another registered subcontractor pursuant to Public Contract Code, 4107.

To register with the DIR, use the following link: <http://www.dir.ca.gov/Public-Works/PublicWorks.html>.

B. PREVAILING WAGE

(1) Payment of Prevailing Wage

If work performed under this Contract is a public work, state prevailing wages may be applicable. When applicable, the Contractor shall pay its employees the general prevailing rate of wages as determined by the Director of the DIR for all public works projects (See Labor Code, 1771, 1774).

It is the sole responsibility of Contractor to ensure that all workers who perform work pursuant to this Contract are paid the correct rate of prevailing wages. This includes ensuring compliance with the requirements relating to the employment and payment of prevailing wage to apprentices, in accordance with Labor Code, 1777.5. Noncompliance with state prevailing wage regulations may be subject to penalties, as prescribed in Labor Code, 1775, 1776, 1813 and 1815.

If Contractor will receive federal funds, this Contract may also be subject to the payment of prevailing wages pursuant to the Davis-Bacon Act, 40 U.S.C. 3141 et seq., and other federal laws. When working on a federally funded project, Contractor shall ensure that all workers entitled to the payment of prevailing wages receive the higher of the applicable

State or federal prevailing wage.

MTS has obtained from the Director of the DIR general prevailing wage determinations for the locality in which work is being performed. These determinations are on file and available at MTS' offices located at 1255 Imperial Avenue, Suite 1000, San Diego, California 92101, and are available from the DIR on the internet at <http://www.dir.ca.gov/DLSR/PWD/>. Federal prevailing wage rates are available from the U.S. Department of Labor on the internet at www.access.gpo.gov.

(2) Certified Payroll

If work performed under this Contract is a public work, each Contractor and Subcontractor shall comply with Labor Code, 1776 regarding maintaining accurate payroll records. This includes certifying the payroll records and making the certified payroll records available for inspection or furnishing upon request.

(3) Job Site Notice

For all public work contracts awarded on or after January 1, 2015, the prime contractor shall post a notice at each job site stating prevailing wage rates will be enforced in accordance with 8 CCR 16451 subd. (d). In addition, the prime contractor shall post a notice at each job site of the applicable DIR prevailing wage rates in accordance with Labor Code, 1773.2.

Labor Compliance

Before invoicing MTS, the successful Prime Contractor shall provide a copy of the invoice and an original copy of the labor compliance documents to MTS Labor Compliance Consultant for review and approval to the following address:

Teresa Gonzalez-White
3439 Via Beltran
San Diego, CA 92117

For questions regarding Prevailing Wage, please contact Teresa Gonzalez-White at (619) 518-1821 or by e-mail at tgwhite@sprintmail.com.

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
DESIGNATION OF SUBCONTRACTORS - GOODS and/or SERVICES**

List Subcontractor participants below. If 100% of item is not to be performed or furnished by subcontractor, describe exact portion of item to be performed or furnished by subcontractor. The successful bidder must execute and return this form even if no subcontractor participation will be reported:

Subcontractor Company Name	Address	Description of Work	% of Work	Contractor License or Certificate Number	DBE, WBE, MBE, DVBE, SB, LGBT
Downstream Services, Inc	2855 Progress Place, Escondido, CA 92029	Storm Filter Vault Maintenance at IAD Facility	100%	807953	SB
Whitson CM Contracting & Management, Inc.	11021 Via Frontera, Ste E San Diego, CA 92127	Storm Filter Installation and Erosion Control at KMD and LRV Yard	100%	823289	SB

Date: 12/22/2016 Firm: Parsons Brinckerhoff, Inc.
 By: Richard S. Bottcher, P.E.
 Signature: *Richard S. Bottcher*
 Title: Senior Engineering Manager

State or federal prevailing wage.

MTS has obtained from the Director of the DIR general prevailing wage determinations for the locality in which work is being performed. These determinations are on file and available at MTS' offices located at 1255 Imperial Avenue, Suite 1000, San Diego, California 92101, and are available from the DIR on the internet at <http://www.dir.ca.gov/DLSR/PWD/>. Federal prevailing wage rates are available from the U.S. Department of Labor on the internet at www.access.gpo.gov.

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3439 Via Beltran
San Diego, CA 92117

For questions regarding Prevailing Wage, please contact Teresa Gonzalez-White at (619) 518-1821 or by e-mail at tgwhite@sprintmail.com.



Metropolitan Transit System

April 14, 2022

MTS Doc. No. G1492.0-13
Work Order No. 13.02.03

WSP USA Inc.
Ms. Patti Boekamp
Area Manager
401 B Street, Suite 1650
San Diego, CA 92101

Dear Ms. Boekamp:

Subject: AMENDMENT NO. 3 WORK ORDER 13.02, MTS DOC. NO. G1492.0-13, GENERAL
ENGINEERING AND REAL ESTATE SERVICES FOR MS4 PHASE II MUNICIPAL PERMIT
COMPLIANCE SERVICES

This letter shall serve as Amendment No. 3 to Work Order 13.02 to MTS Doc. No. G1492.0-13, for professional services under the General Engineering Consultant Agreement, as further described below.

SCOPE OF SERVICES

As a result of this amendment, the Scope of Services has been updated to include the as-needed MS4 Phase II Municipal Permit Compliance Services for the extended period of performance (Attachment A).

NEGOTIATED RATES

Classifications listed in Schedule B - Fee & Payment Schedule (2022-2023 Ranges) have been updated to include a 3.0% increase as part of this amendment.

SCHEDULE

This amendment shall add an additional year to the Work Order. The new completion date shall be June 30, 2023.

PAYMENT

As a result of this Amendment the payment shall be increased by \$105,350.00. The total payment under this Work Order shall not exceed \$1,423,450.00 without prior authorization from MTS. Payment shall be based on actual costs.



Please sign below, and return the document to the Contracts Specialist at MTS. All other terms and conditions shall remain the same and in effect.

Sincerely,

Accepted:

Sharon Cooney
Chief Executive Officer

Patti Boekamp
WSP USA Inc.

Date: _____

Attachments: A - Scope of Services
B - Schedule B - Fee & Payment Schedule (2022-2023 Ranges)

DRAFT

**ATTACHMENT A
SCOPE OF SERVICES**

DRAFT

MTS MS4 SUPPORT SCOPE OF WORK

FY 2022/2023

TASK 1 PROGRAM MANAGEMENT

- Monthly Meetings
 - Prepare draft agenda for review
 - Submit final agenda
 - Participate in meeting
- Invoice/Progress Report
 - Submit monthly invoice and progress report to MTS

TASK 2 MS4 SUPPORT SERVICES

Provide regulatory support associated with the Small MS4 General Permit Water Quality Order 2013-0001-DWQ and amendments. Regulatory support may include but is not limited to the following:

- Annual Report
 - Prepare draft Annual Report on SMARTS
 - Download in PDF file format for review by MTS and outside legal counsel
 - Incorporate comments and prepare final Annual Report
 - Submit final Annual Report to MTS approved signatory for certification on SMARTS
- SWPPP/WQTR Review
 - Review SWPPP and WQTRs as requested
 - Submit comment matrix to MTS
 - Review response to comments
 - Attend meetings as needed for final comment resolution
- Treatment BMP Inspections
 - Inspect Treatment BMPs as requested by MTS
 - Complete MTS Inspection form and submit with photos to MTS within five (5) days after the inspection
- Training Development
 - Develop draft and final slide decks on training pertaining to MS4 Permit compliance as requested by MTS
 - Deliver training to MTS as requested
- Track MS4 Permit Requirements
 - Track required training, inspections and permit reporting requirements on a monthly basis
 - Provide updates to MTS Environmental Health Specialist to ensure MTS compliance with MS4 Permit reporting requirements
- Annual Guidance Updates
 - Update MTS MS4 Guidance documents based on changes to MTS facilities or modifications to the MS4 Permit
 - Submit changes in draft form and submit final based on comments from MTS
- Total Maximum Daily Loads (TMDL) Compliance Implementation
 - Support MTS with implementation of TMDL monitoring requirements
 - Support MTS with any coordination for sampling and analysis of TMDL pollutants of concern such as total suspended solids and bacteria

ATTACHMENT B
SCHEDULE B - FEE & PAYMENT SCHEDULE (2022-2023
RANGES)

DRAFT

Schedule B - Fee & Payment Schedule (2022-2023 Ranges)

RFQ No.: 5001817Firm Name: **WSP USA, Inc.** (formerly Parsons Brinckerhoff (PB))Rates Applicable to Contracts: 5001900 - 5001914Approved Consultant under Contract No.: 5001903, 5001904, 5001909Last Updated: 5/6/2020

5001904	
Parsons Brinckerhoff	
OH Rate (%) :	158.00%
Parsons Brinckerhoff	
OH Rate (%) :	158.00%
Fee (%) :	8.125%
Multiplier :	2.7896

Contract Classification (The Contract Classification must be used when invoicing)	Max Actual Hourly Rate	Max Loaded Rate	
		Contract	(8/1/2022 - 7/31/2023)
Admin 1	\$ 31.83	5001904	\$ 99.93
Admin 2	\$ 42.44	5001904	\$ 133.24
Admin 3	\$ 53.05	5001904	\$ 166.55
Architect 1	\$ 37.13	5001904	\$ 116.58
CADD 1	\$ 21.22	5001904	\$ 66.62
CADD 2	\$ 58.35	5001904	\$ 183.20
CADD 3	\$ 63.65	5001904	\$ 199.86
Designer 1	\$ 42.44	5001904	\$ 133.24
Drafter 1	\$ 21.22	5001904	\$ 66.62
Engineer 1	\$ 47.74	5001904	\$ 149.89
Engineer 2	\$ 53.05	5001904	\$ 166.55
Engineer 3	\$ 58.35	5001904	\$ 183.20



DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 04/07/2022

Agenda Item No. 15

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

April 14, 2022

SUBJECT:

**40-FOOT LOW-FLOOR ELECTRIC BUS – CHARGEPOINT CPE 250 CHARGER 3-YEAR
EXTENDED WARRANTY CONTRACT AMENDMENT**

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors authorize the Chief Executive Officer (CEO) to:

- 1) Ratify Amendment 5 to MTS Doc. No. B0688.0-18 in the amount of \$223.15 (Attachment A), and
- 2) Execute Amendment No. 6 to MTS Doc. No. B0688.0-18 (in substantially the same format as Attachment B) with New Flyer of America Inc. (New Flyer), in the amount of \$133,200.00 for a Chargepoint CPE 250 Charger 3-year warranty extension.

Budget Impact

The current board approval amount of \$6,221,171.23 will increase to a not-to-exceed amount of \$6,354,371.23. The funding for the amendments is allocated under the following operating cost centers. Amendment No. 6 is summarized below:

Location	Funding	Amount
Imperial Avenue Division (IAD)	902014-130010	\$66,600.00
Kearny Mesa Division (KMD)	902014-130010	\$22,200.00
South Bay Division (SB)	902012-130010	\$22,200.00
El Cajon Division (EC)	902012-130010	\$22,200.00
Total		\$133,200.00



DISCUSSION:

MTS contracted with New Flyer to purchase six (6) battery electric buses and up to twelve (12) electric depot charger units for the Zero Emission Bus (ZEB) pilot program. In order to operate the electric buses, depot chargers are required.

MTS has purchased twelve (12) depot chargers. Today's proposed action, approving Amendment 6, extends the warranty for three (3) years as shown below:

- 1) Imperial Avenue Division (IAD) - 6 chargers: Extended warranty begins July 30, 2022 and expires July 30, 2025.
- 2) Kearny Mesa Division (KMD) - 2 chargers: Extended warranty begins April 29, 2023 and expires April 29, 2026.
- 3) South Bay - 2 chargers: Extended warranty begins April 29, 2023 and expires April 29, 2026.
- 4) East County - 2 chargers: Extended warranty begins April 29, 2023 and expires April 29, 2026.

The cost for the extended warranty on each charger is \$11,100.00 which is the same cost paid for past warranty, a cost that MTS deems fair and reasonable.

Below is a summary of all amendments to date:

Amendment #	Amount	Description
Original Agreement	\$5,355,367.11	Six 40ft low-floor electric, battery-powered buses.
PO 4500021238	\$378,685.33	Six depot chargers and related services.
Amendment No. 1	\$12,634.09	SR2344 price changes 1 (parking brake switch and 4k DVR w/10-inch monitor).
Amendment No. 2	\$(552.90)	SR2344 price changes 2 (seat fabric).
Amendment No. 3	\$87,961.95	160 hours of training.
Amendment No. 4	\$386,852.50	Exercise the option for 3 depot chargers totaling of \$190,308.89; Add \$190,308.88 for 3 additional depot chargers; Diagnostics, tools, and PPE in the amount of \$6,234.73.
Amendment No. 5	\$223.15	Rear door decal and tools change orders.
Amendment No. 6 (Board approval on 4/14/22)	\$133,200.00	3 years extended warranty for the depot chargers.
Total	\$6,354,371.23	

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to:

- 1) Ratify Amendment 5 to MTS Doc. No. B0688.018 in the amount of \$223.15 (Attachment A), and

- 2) Execute Amendment No. 6 to MTS Doc. No. B0688.0-18 (in substantially the same format as Attachment B) with New Flyer, in the amount of \$133,200.00 for a Chargepoint CPE 250 Charger 3-year warranty extension.

/S/ Sharon Cooney

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachments: A. MTS Doc. No. B0688..5-18
B. Draft MTS Doc. No. B0688..6-18



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

July 23, 2019

MTS Doc. No. B0688.5-18

Ms. Jennifer McNeill
V.P., Sales and Marketing
New Flyer of America, Inc.
711 Kernaghan Avenue
Winnepeg, Manitoba, CANADA R2C 3T4

Subject: AMENDMENT NO. 5 TO THE METROPOLITAN TRANSIT SYSTEM (MTS)
DOC. NO. B0688.0-18; 40-FOOT HEAVY DUTY LOW-FLOOR BATTERY ELECTRIC
BUSES (XE40)

Dear Ms. McNeill:

This shall serve as Amendment No. 5 to MTS Doc. No. B0688.0-18. The purpose of this letter is to document the applicable changes to the technical specifications and price change for the six (6) "MTS" battery electric buses piggybacked through the Commonwealth of Virginia Contract #E194-75548-MA2275.

TECHNICAL SPECIFICATIONS

This amendment is to authorize the following changes:

1. Correction on total tool price from \$5,786.29 to \$5,520.05 (reduction of \$266.24, excluding sales tax);
2. Change of rear door decal to new light green to match "clean" at \$78.89 per bus, excluding use tax.

Pricing:

1. CHANGE: total tool price reduction in the amount of **(\$286.87)** [\$266.24 plus \$20.63 7.75% sales tax].
2. CHANGE: rear door decal to new light green to match "clean" at \$85.00 (78.89 plus \$6.11 7.75% use tax) per bus or **\$510.02** (\$473.34 plus \$36.68 use tax) for all six (6) buses.

SCHEDULE

There shall be no changes to the production schedule.

PAYMENT

Total price changes for all six (6) buses shall be in the amount of \$223.15 [\$510.02 for decal less \$286.87 for tools].



New Flyer of America, Inc.
Ms. Jennifer McNeill
July 23, 2019
Page Two

As a result of this Amendment, the total contract/PO value for the Zero Emission Bus (ZEB), including all taxes, will be increased by \$223.15. (*Use Tax in the amount of \$16.05 shall be payable to the CA B.O.E.*); from \$5,461,644.98 to **\$5,461,868.13**.

Note: There are no price changes on the depot chargers, which shall remain the same in the amount of **\$759,303.10** (\$378,685.33 under PO #4500021238 plus \$380,617.77 under PO #4500025451).

Total contract amount shall not exceed **\$6,221,171.23** (\$6,220,948.08 plus \$223.15 for this amendment), without prior written approval by MTS.

All other terms and conditions remain unchanged. Please sign and return the copy marked "Original" to the Contracts Specialist at MTS. The remaining copy is for your records.

Sincerely,


Paul C. Jablonski
Chief Executive Officer

Agreed:


Jennifer McNeill
V.P., Sales and Marketing
New Flyer of America, Inc.
Date: July 25, 2019

JULYB0688.5-18.ZEB.NEWFLYER

Attachment(s): SR2344 San Diego XE40 Updated Tools

cc: M. Wygant, T. Burrie, K. Whatley, W. Wells, E. Cheng, G. Myers, P. Ma, S. Elmer, A. Monreal, Procurement File

CONTRACT DELIVERABLES LIST		DIAGNOSTICS & TOOLS						
CUSTOMER NAME	San Diego Transit							
BID/OPTION/SR NUMBER	2018-014							
TECHNICAL SUMMARY	Rev Draft							
BUS MODEL	XE40							
QUANTITY	6							
PROPULSION	Siemens							
ALTERNATOR	Vanner EBA							
ENERGY STORAGE SYSTEM	XALT XMOD							
DEPOT CHARGER	ChargePoint							
ESS RADIATOR	EMP							
AXLES	MAN VOK07 Frt, HY1350 Rear							
ABS	Meritor Wabco							
AIR CONDITIONING	TK TE15, Intelligaire III, R407c							
CABIN HEATER	Spheros Electric							
PLC	Vansco							
DESTINATION SIGNS	Luminator							
DOORS	Vapor ETO w Class							
APC	IRMA							
PAGE REFERENCE	COMMENTS	DESCRIPTION	QUOTED PART #	BID QTY	TOTAL SELLING PRICE	CURRENCY	REQUIREMENT	BILLABLE: Y/N
	no charge from OEM	Diagnostic Laptops						
		Siemens PCAN Software (Download from Net)	NPN	1	\$0.00	USD	Recommended	N
		Siemens PCAN Interface Harness	711447	1	\$92.22	USD	Recommended	N
		USB CAN Adapter - Siadis Interface	6402046	1	\$384.25	USD	Recommended	N
	no charge from OEM	ice Tool Software (no charge from XALT)	NPN	1	\$0.00	USD	Recommended	N
		XALT Interface Cable - Batteries	704950	1	\$294.83	USD	Recommended	N
		Nexiq USB Link 2 - WIFI Edition	6465863	1	\$1,138.77	USD	Recommended	N
		Diagnostic Kit - Vanner HBA/EBA	6406922	1	\$1,047.90	USD	Recommended	N
	no charge from OEM	Vansco Software (Download from Net)	NPN	1	\$0.00	USD	Recommended	N
	no charge from OEM	EMP Software (Download from Net)	NPN	1	\$0.00	USD	Recommended	N
		Spheros Diagnostic Software & Cables	6396448	1	\$468.32	USD	Recommended	N
		Adapter Harness - Spheros Interface	6430418	1	\$188.48	USD	Recommended	N
		Luminator Software	6339791	1	\$660.20	USD	Recommended	N
	no charge from OEM	Vapor VETC2 Software (no charge from Vapor)	NPN	1	\$0.00	USD	Recommended	N
		Vapor Class System Diagnostic Interface Kit	6358421	1	\$131.78	USD	Recommended	N
	no charge from OEM	Vapor Class System Software	NPN	1	\$0.00	USD	Recommended	N
		Service Cable - IRMA APC Analyzer	479892	1	\$36.60	USD	Recommended	N
		Ethernet Cable - IRMA APC	6465569	1	\$100.05	USD	Recommended	N
		Special Tools & PPE						
		Lifting Device - XALT XMOD Battery Modules	6474871	1	\$976.67	USD	Recommended	N

NOTE: TOOL KITS MAY BE SUBJECT TO CHANGE

**** All claims for concealed shortages must be reported within 20 days of shipment date. Shipping damages and / or loss must be noted on the delivering carrier waybill at the time of receipt of shipment. A copy of the carrier waybill and / or carrier inspection report must be submitted with your claim within 5 days of receipt of shipment to New Flyer Customer Service.**

NOTE: TOOL KITS MAY BE SUBJECT TO CHANGE

** All claims for concealed shortages must be reported within 20 days of shipment date. Shipping damages and / or loss must be noted on the delivering carrier waybill at the time of receipt of shipment. A copy of the carrier waybill and / or carrier inspection report must be submitted with your claim within 5 days of receipt of shipment to New Flyer Customer Service.

INCLUDED IN BUS PRICE

\$5,520.05



Customer Signature

 7-23-19
 Date

Customer Name		San Diego Transit		BUS MODEL		XE40		QUANTITY		6		PROPULSION		Siemens		ALTERNATOR		Vanner EBA		ENERGY STORAGE SYSTEM		XALT XMOD		DEPOT CHARGER		ChargePoint		ESS RADIATOR		EMP		AXLES		MAN VOK07 Frt, HY1350 Rear		ABS		Meritor Wabco		AIR CONDITIONING		TK TE15, Intelligaire III, R407c		CABIN HEATER		Spheros Electric		PLC		Vansco		DESTINATION SIGNS		Luminator		DOORS		Vapor ETO w Class		APC		IRMA	
STAGE 1 BILL OF MATERIALS		DESCRIPTION		QUOTED PART #		BID QTY		TOTAL SELLING PRICE		CURRENCY		REQUIREMENT		BILLABLE: Y/N																																																	
no charge from OEM		Diagnostic Laptop		NPN		1		\$0.00		USD		Recommended		N																																																	
no charge from OEM		Siemens PCAN Interface Harness		711447		1		\$92.22		USD		Recommended		N																																																	
no charge from OEM		USB CAN Adapter - Siads Interface		6402046		1		\$384.25		USD		Recommended		N																																																	
no charge from OEM		Ice Tool Software (no charge from XALT)		NPN		1		\$0.00		USD		Recommended		N																																																	
no charge from OEM		XALT Interface Cable - Batteries		704950		1		\$294.83		USD		Recommended		N																																																	
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no charge from OEM		Adapter Harness - Spheros Interface		6430418		1		\$188.48		USD		Recommended		N																																																	
no charge from OEM		Luminator Software		6339791		1		\$660.20		USD		Recommended		N																																																	
no charge from OEM		Vapor VETC2 Software (no charge from Vapor)		NPN		1		\$0.00		USD		Recommended		N																																																	
no charge from OEM		Vapor Class System Diagnostic Interface Kit		6358421		1		\$131.78		USD		Recommended		N																																																	
no charge from OEM		Vapor Class System Software		NPN		1		\$0.00		USD		Recommended		N																																																	
no charge from OEM		Service Cable - IRMA APC Analyzer		479892		1		\$36.60		USD		Recommended		N																																																	
no charge from OEM		Ethernet Cable - IRMA APC		6465569		1		\$100.05		USD		Recommended		N																																																	
Special Tools & PPE		Lifting Device - XALT XMOD Battery Modules		6474871		1		\$976.67		USD		Recommended		N																																																	

NOTE: TOOL KITS MAY BE SUBJECT TO CHANGE

** All claims for concealed shortages must be reported within 20 days of shipment date. Shipping damages and / or loss must be noted on the delivering carrier waybill at the time of receipt of shipment. A copy of the carrier waybill and / or carrier inspection report must be submitted with your claim within 5 days of receipt of shipment to New Flyer Customer Service.

NOTE: TOOL KITS MAY BE SUBJECT TO CHANGE

** All claims for concealed shortages must be reported within 20 days of shipment date. Shipping damages and / or loss must be noted on the delivering carrier waybill at the time of receipt of shipment. A copy of the carrier waybill and / or carrier inspection report must be submitted with your claim within 5 days of receipt of shipment to New Flyer Customer Service.

\$5,520.05

INCLUDED IN BUS PRICE

7-23-19
Date

Customer Signature



**Metropolitan
Transit
System**

Amendment 6

April 14, 2022

MTS Doc No. B0688.6-18

40-FOOT HEAVY DUTY LOW-FLOOR BATTERY ELECTRIC BUSES (XE40) – DEPOT CHARGERS 3-YEAR EXTENDED WARRANTY

New Flyer of America, Inc.
Ms. Jennifer McNeill
V.P., Sales and Marketing
711 Kernaghan Avenue
Winnipeg, Manitoba, Canada R2C 3T4

This shall serve as Amendment No.6 to the original agreement B0688.0-18 as further described below.

SCOPE

MTS has previously purchased twelve (12) depot chargers under this agreement. There are no changes to the scope of work in this agreement.

SCHEDULE

This amendment extends the depot chargers warranty for three (3) years as shown below, at the current cost of \$11,200 each:

1. Imperial Avenue Division (IAD) - 6 chargers: Extended warranty begins July 30, 2022 and expires July 30, 2025.
2. Kearney Mesa Division (KMD) - 2 chargers: Extended warranty begins April 29, 2023 and expires April 29, 2026.
3. South Bay - 2 chargers: Extended warranty begins April 29, 2023 and expires April 29, 2026.
4. East County - 2 chargers: Extended warranty begins April 29, 2023 and expires April 29, 2026.

There are no other changes to the schedule term of the agreement.

PAYMENT

This contract amendment shall authorize additional costs not to exceed \$133,200 (\$11,100 X 12 chargers). See Attachment 1.

The total value of this contract including this amendment shall be in the amount of \$6,354,371.23. 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:

Sharon Cooney, Chief Executive Officer

Ms. Jennifer McNeill, V.P., Sales and
Marketing
New Flyer of America, Inc.

Date: _____

Attachment: Quote ID: Q-180406-1

cc: K. Whatley, Contract File



If quotation is acceptable, please sign quote and return with Purchase Order to:

Email: orders@chargepoint.com
Address: 254 E. Hacienda Ave, Campbell, CA 95008, USA

Quotation for San Diego Metro Transit Authority

Diana Singleton

Senior Procurement Specialist
San Diego Transit Corporation
1255 Imperial Avenue, # 1000
San Diego, CA 92101
Quote ID: Q-180406-1

Date: March 21, 2022

ChargePoint Contact: Andrew Siciliano

andrew.siciliano@chargepoint.com

ChargePoint Equipment, Charge Management and Warranty

Variant	CP Part Number	Qty	List Price		Unit Price w/ Discount	Total
Assure Extended Warranty for CPE250 - 3 years <small>3 years prepaid Assure for CPE250 stations</small>	CPE250-ASSURE-3	12	\$ 11,100.00		\$ 11,100.00	\$ 133,200.00
Total						\$ 133,200.00

Notes:

- VAT, Duties and Taxes - Not included, to be discussed. **Freight to customer site not included as there is no need to ship any items.** If desired customer can provide freight account or ChargePoint can prepay and add to invoice. All prices are FCA ChargePoint warehouse(s). Pricing does not include installation or mounting services unless specifically quoted above.
- Pricing valid through 06/30/22. Customer to be invoiced at time of shipment. All invoices are Net 30 days. Credit Checks are required for new customers.
- Standard hardware warranty of parts only for 1 year. See term 5 for details on extended warranty.
- Purchase Terms and Conditions can be found at <http://www.chargepoint.com/termsandconditions> unless otherwise specified through separate agreement or terms.

5. Assure is offered as a parts and labor warranty and operated by ChargePoint Support Staff located in Scottsdale, AZ. The dispensers are remotely monitored real-time through the API interface and proactively assessed every fifteen minutes 24 X 7 to ensure uptime and functionality. Should an issue be identified a support ticket is automatically opened. The ticket is delivered to a priority support queue where the Support Engineer will attempt to resolve the issue remotely or dispatch a field technician, if necessary. This proposal includes a CP managed spare parts program which is required for AssurePro. Additional terms and conditions for ChargePoint Assure apply.

6. San Diego Assure Warranty Renewal Date and Invoice Timeline:

- Imperial Ave. Division - 6 chargers: Extended warranty begins July 30, 2022 and expires 07/30/25.
- Kearney Mesa Division - 2 chargers: Extended warranty begins April 29, 2023 and expires 04/29/26.
- South Bay - 2 chargers: Extended warranty begins April 29, 2023 and expires 04/29/26.
- East County - 2 chargers: Extended warranty begins April 29, 2023 and expires 04/29/26.



DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 04/07/2022

Agenda Item No. 16

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

April 14, 2022

SUBJECT:

**PURCHASE OF 18 CLASS E PROPANE POWERED MEDIUM DUTY MINIBUSES -
CONTRACT AWARD**

RECOMMENDATION:

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

- 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0744.0-22, (in substantially the same format as Attachment A) with Creative Bus Sales (CBS) for the purchase of up to eighteen (18) propane powered Class E Minibuses in the amount of \$4,465,915.38; and
- 2) Approve the transfer of \$2.6 million from project 1001110101 - FY20 ADA Bus Procurement to project 1001111601 – FY22 Minibus Replacement to support the procurement of these Minibuses.

Budget Impact

The total budget for this project shall not exceed \$4,465,915.38 inclusive of all applicable taxes and fees. This project is funded by the Fiscal Year (FY) 2022 Capital Improvement Project (CIP) 1001111601 – FY22 Minibus Replacement.

DISCUSSION:

MTS operates fixed route service with Class E cutaway buses to provide lifeline transit services in areas where ridership does not warrant the use of 40-foot transit buses. Eighteen (18) vehicles have reached the end of their useful service life and have been scheduled for replacement as part of the FY 2022 MTS Fleet Replacement Plan. The new vehicles will maintain and enhance the agency's ability to provide transit services efficiently and cost effectively.

Federal Transit Administration (FTA) Circular 4220.1F, Chapter V, Section 4, encourages federal grant recipients to use state and local intergovernmental agreements for procurements of property and services. MTS staff identified an intergovernmental agreement that provides



Class E buses that meet MTS specifications, using a California State government purchasing schedule administered by the California Association of Coordinated Transportation (CalACT), Request for Proposal (RFP) No. 20-01. The CalACT Vehicle Purchasing Cooperative allows MTS to select vehicles from a pre-competed menu of choices from different vendors and manufacturers.

These Class E buses being purchased are the same make and model and are similarly equipped as the majority of the current MTS medium duty fleet which allows for additional savings in common spare parts and maintenance. MTS uses propane powered Class E buses because fueling with propane autogas leads to significant reductions in exhaust emissions with up to 25 percent less greenhouse gases, 20 percent less nitrogen oxide and up to 60 percent less carbon monoxide than gasoline-powered vehicles.

The smaller Class E buses are not currently part of the MTS Zero Emission Bus (ZEB) Transition Plan until 2026 at the earliest, for the following reasons: this type of bus is not part of the current California Innovative Clean Transit (ICT) rule requirements; battery electric bus options tested by MTS could not meet MTS's current range requirements; there is currently no charging infrastructure at the Copley Park Division where these buses operate from; and, the limited 7-year useful life (compared to 12-years for 40-foot buses) makes the significantly higher price for a battery electric bus cost-prohibitive. The Class E cutaways are being evaluated for inclusion in the ICT rule starting in 2026. MTS staff is monitoring the regulatory process and other technical developments for future inclusion in the ZEB Transition Plan. Our current ZEB Transition Plan activities are focused on adding charging infrastructure at the South Bay, Imperial Avenue, Kearny Mesa, and El Cajon bus divisions, which is necessary for MTS to add ZEB to those fleets.

CalACT negotiates the purchasing collective on behalf of multiple agencies and is able to obtain pricing that cannot be obtained through single agency procurements. The current pricing is in line with prior proposals from previous procurements for minibuses.

MTS currently has two CIP projects with available funding to support this procurement: FY20 ADA Bus Procurement (\$3.55 million available) and FY22 Minibus Replacement (\$2.06 million). The ADA Bus Procurement project has recently paused primarily due to the significant reduction in miles driven on that fleet as a result of the COVID-19 pandemic. As a result, staff is requesting that the Board of Directors approve a transfer of \$2.6 million from the FY20 ADA Bus Procurement project to the FY22 Minibus Replacement project.

Therefore, staff recommends that the MTS Board of Directors authorize the CEO to:

- 1) Authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. B0744.0-22, (in substantially the same format as Attachment A) with Creative Bus Sales (CBS) for the purchase of up to eighteen (18) propane powered Class E Minibuses in the amount of \$4,465,915.38; and
- 2) Approve the transfer of \$2.6 million from project 1001110101 - FY20 ADA Bus Procurement to project 1001111601 – FY22 Minibus Replacement to support the procurement of these Minibuses.

/S/ Sharon Cooney

Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachments: A. Draft Agreement, MTS Doc. No. B0744.0-22
B. Contractor's Proposal

**STANDARD AGREEMENT****FOR****MTS DOC. NO. B0744.0-22****PURCHASE OF 18 CLASS E PROPANE POWERED MEDIUM DUTY MINI BUSES**

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: Creative Bus Sales Address: 14740 Ramona Avenue
Chino CA 91710
City State Zip
 Form of Business: Corporation
 (Corporation, Partnership, Sole Proprietor, etc.) Email: TonyM@creativebussales.com
 Telephone: (562) 594-8948

Authorized person to sign contracts Tony Matijevich Vice President
Name Title

Provide up to eighteen (18) Class E Propane Powered Medium Duty Mini Buses as specified in the Creative Bus Sales Proposal dated February 7, 2022 (attached as Exhibit A), and in accordance with the Standard Agreement, including Standard Conditions (Exhibit B), Federal Requirements (Exhibit C), and signed MTS Forms (Exhibit D).

The contract is effective May 1, 2022.

MTS and Contractor shall agree to production and delivery schedules in writing upon execution of the Contract.

Vehicle shall be delivered to: Metropolitan Transit System (MTS) c/o First Transit
 7490 Copley Park Place
 San Diego, CA 92111

The registered owner will be: San Diego Metropolitan Transit System (MTS)
 1255 Imperial Avenue, Suite 1000
 San Diego, CA 92101

Payment terms shall be net 30 days from invoice date. The total contract cost shall be firm fixed price not exceed \$4,465,915.38, which includes tax, delivery, registration and California tire fee.



SAN DIEGO METROPOLITAN TRANSIT SYSTEM	CREATIVE BUS SALES
<p>By: _____ Sharon Cooney, Chief Executive Officer</p> <p>Approved as to form:</p> <p>By: _____ Karen Landers, General Counsel</p>	<p>By _____</p> <p>Title: _____</p>



February 7, 2022

CalACT Class E - Bus Proposal

San Diego MTS

Starcraft Allstar XL Ford F550 – Gasoline Engine

- 22 Ambulatory Passengers + 2 Wheelchairs or
- 28 Ambulatory Passengers + 0 Wheelchairs

PUBLIC AGENCY - MBTA/CalACT Cooperative Bid RFP #20-01

The Vehicle(s) To Be Provided In Accordance With Request for Proposals MBTA/CalACT RFP #20-01.

The Following Changes Are Incorporated To San Diego MTS. Purchase requires membership to CalACT and payment of procurement fees. Please contact Jacklyn Montgomery at 916.920.8018 at CalACT for letter of assignment and membership information.

PLEASE NOTE THAT THIS PROPOSAL IS BASED UPON AVAILABILITY OF FORD CHASSIS, ROUSH CARB CERTIFICATION (PROPANE). PRICING AND LEAD TIMES ARE SUBJECT TO CHANGE.

CalACT MBTA Class E – 32' Ford F-550 – 7.3 Liter V-8 Engine (with Gaseous Prep):

- *Seats to be Mid High Freedman Seats with USR Seatbelts*
- *Seat Fabric: Freedman Docket 90 Vinyl - #117 Wine*
- *Wheelchair Lift: Braun Century 34" x 54" with Vinyl Cover*
- *Restraints: Q-Straint 8100 (2-sets)*
- *Flooring: Altro Chroma TFCR27MTS Grey with Yellow Step Nosing and Yellow Standee Line*
- *OEM Radio: Remove and Install Radio Plate*
- *Driver Seat: Ford OEM Vinyl*
- *Foldaway Seats: Remove Armrest Brackets From Foldaway Seats to Eliminate Rubbing Location with Seatbelts*

Delivery times are 270 to 360-days from receipt of order.

OPTIONS:

(Add) – Leave OEM Battery Under Hood and Install 2 Matching Batteries in Tray	350.00
(Add) – Stop Request System with Lighted Sign / Push Button at Wheelchair Positions (ADA Compliant)	1,650.00
(Add) – San Diego MTS Paint with Clear Coat and Graphics	9,950.00
(Add) – Roof Vent	285.00
(Add) – Telma Brake Retarder	11,140.00
(Add) – Electronic Destination Signs (Luminator Horizon) Front/Side J1708 Compatible	9,995.00
(Add) – Sportworks Bike Rack - Black (2-Position) w/ Deployment Light	2,520.00
(Add) – Rear Tow Hooks	145.00
(Add) – White Painted Rims	495.00
(Add) – Liquid Spring Suspension	10,000.00
(Add) – Wheelchair Loop Compartment Under Flip Seat	550.00
(Add) – Key Buses Alike (All Keys)	595.00
(Add) – Foldaway Double Seats (1) with TDSS	1,365.00
(Add) – PA System with External Speaker and Handheld Microphone	395.00
(Add) – Double Flip Seats (2)	2,090.00
(Add) – Wheelchair Door Ajar Alarm	295.00
(Add) – Amerex Fire Suppression System w/o Methane Detection	3,005.00
(Add) – Upgrade Propane System to 75 GGE (IF AVAILABLE AND CARB CERTIFIED)	5,495.00
(Add) – Vinyl Wheelchair Lift Cover	350.00
(Add) – Propane Heat Mitigation System	2,700.00
(Add) – Conduent System Per Attached BOM (Includes Conduent Pre-Wire / Equipment Transfer / Install by Conduent)	18,634.00
(Add) – Conduent APC Sensor (Front Door) Installed	2,673.00
(Add) – SafeFleet System Per Attached Quote - Installed	11,215.00
(Add) – Diamond Farebox SV with Spare Vault (Keyed Alike)	1,895.00
(Add) – Pre-wire Only for INIT System (Customer to Purchase and Install)	395.00
(Add) – Communication Tower Behind Driver's Seat	2,495.00
(Add) – Back Up Camera	Included
(Add) – Watch Your Step Signage in Steps (Not Decals)	495.00
(Add) – Rubber Tire Flares	395.00
(Credit) – Remove Back Up Sensors	(200.00)
(Credit) – 1 Double Fixed Seat (2-Seats)	(240.00)
(Credit) – QRT 8100 Discount	(200.00)

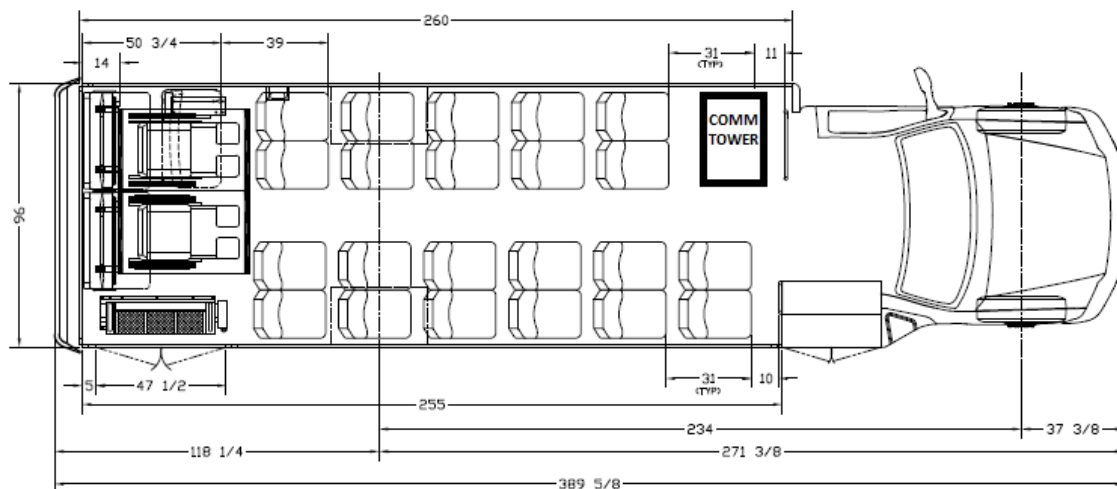
Pricing:

STARCRAFT ALLSTAR XL F550 PROPANE BUS		\$128,875.00
OPTIONS		\$100,927.00
FORD MOBILITY REBATE (ADDED FOR SALES TAX PURPOSE)		\$1,000.00
Document Prep Fee		\$85.00
Total		\$230,887.00
Non-Taxable	\$18,485.00	
Taxable Amount	\$212,402.00	
Tax Total 7.75%		\$16,461.16
Subtotal		\$247,348.16
CalACT Procurement Fee*		\$1,111.00
DMV Electronic Filing Fee		\$30.00
Estimated DMV Registration Fee	EXEMPT	\$0.00
Tire Fee (\$1.75 X 7-TIRES)		\$12.25
FORD MOBILITY REBATE (DEDUCTED)		(\$1,000.00)
Delivery		\$605.00
Total Cost Per Vehicle		\$248,106.41
Total Cost for 18-Vehicles		\$4,465,915.38

*CalACT MBTA Procurement Fee is capped at \$20,000 per purchase order. Should the number of units change on the final purchase order, the fee will change accordingly.

Seating Layout:

(Measurements subject to change)



ADA Amount is \$18,485.00 (Details are listed below):

- \$11,790.00 – Wheelchair Lift, Bus Interlock System, ADA Lift Doors, Wheelchair Restraints, Wheelchair Restraint Storage, Wheelchair Lift Cover, Torso Pads, ADA Signage, Wheelchair Tie Down Tracks, Wheelchair Restraint Storage System, and ADA Lighting.
- \$1,365.00 – One Double Foldaway Seat
- \$2,090.00 – Two Double Flip Seats
- \$1,650.00 – ADA Compliant Stop Request Sign with Lighted Sign
- \$395.00 – PA System with External Speaker
- \$550.00 – Wheelchair Loop Compartment Under Flip Seat on Rear Wall
- \$295.00 – Wheelchair Door Alarm
- \$350.00 – Wheelchair Lit Cover

Conduent BOM:

MTS 2022 cutaway BOM		
Conduent Part#	Description	QTY
120029-2	Sunrise Single Line Sign	1
131542-1	Bracket, Flat Mounting, Sunrise NXTPS 10x96, Sign	1
141267-48	Cable Assembly, AVA Sign to J1708 VAN, W16A (Split Loom)	1
141264-192	Cable Assembly, J1708 VAN, W15 (Split Loom)	1
141266-48	Cable Assembly, LUMINATOR ODK Sign to J1708 VAN, W13 (Split Loom)	1
131110	J1708 varplate	1
TMS-002838	8 pos terminal strip 10-24 studs	1
120039-1	Amplifier, PA	1
120041-1	Microphone, Audio Gain	1
141250-36	Cable Assembly, IVU to AVA PA Amp, W02 (SPLIT LOOM)	1
141259-36	Cable Assembly, +12v Power to PA Amp, W102 (Split Loom)	1
141253-120	Cable Assembly, PA Amp to AOC Microphone, W08B (SPLIT LOOM)	1
130682-1	PA Mounting Plate	1
120091-1	Antenna, WLAN, Mobile Mark (24" pigtail)	1
141268-240	Cable Assembly, IVU to WLAN Antenna, wSMA, W21 (Split Loom)	1
120103-2	Kit Antenna Garmin GPS 19X-HVS	1
140943-180	Cable Assy, Radio Tray to GPS Antenna, W11 use w/19c	1
141246-180	Cable Assy, Radio Antenna, N Male 90 Deg. To Mini UHF, W20 (Split Loom)	1
TMS-005184	6" ground plane disk	1
TMS-006042	NMO Mount (Tensco 23538)	1
TMS-006044	Antenna Voice/Data Radio Antenna	1
K-M12CAN-03-5m	CABLE-M12,CAN BUS,5m	1
K-M12CAT5-03-10m	CABLE-M12,CATS,10m	1
TMS-006332	CONNECTOR-H (M-F/F/F) WITH CAP	2
TMS-006333	CABLE-TERMINATION,GATEWAY	1
TMS-006334	TERMINATION-M12,CAN FEMALE	1
141599A-24	CABLE-POWER,MATRIX SENSORS	1
141598A-244	CABLE-EXTENSION,MATRIX SENSOR POWER	1
141590A-96	CABLE-GATEWAY to J1708 DOOR SIGNALS	1
TMS-006338	MODULE-APC GATEWAY,J1708	1
131205-5	Bracket Orbstar Mounting	1
141242-148	Cable Assy, I/O Connector to IVU, OrbStar W01 (Split Loom)	1
141243-195	Cable Assembly, SpeakEasy 2 Interface wirekey plate	1
141254-144	Cable Assembly, Odometer Interface, W10A (Split Loom)	1
141257-360	Cable Assembly, Wheelchair Interface, W10B (Split Loom)	1
141258-144	Cable Assembly, EA Switch w/NO Contacts, W10A (Split Loom)	1
141260-180	Cable Assy, Radio Box 24V Power Fused (Split Loom)	1
141261-180	Wire Assembly, Radio Box, 12V Power, Fused W103 (Split Loom)	1
141262-180	Wire Assembly, Radio Box 12V IGN, W104 (Split Loom)	1
141263-180	Wire Assembly, Radio Box GND, W105 (Split Loom)	1
141320-48	Ethernet switch power	1
TMS-004325	Ethernet HUB (LNX-500A)	1
120004-8	handset	1
130627-1	handset mounting box	1
141251-180	Cable Assembly, Radio tray to handset, W09 (Split Loom)	1

SafeFleet System:

QTY	PRODUCT	DESCRIPTION
38	NH16KH2T0	NH NVR Hybrid, 16 Channels, 8CH Analog HD Built-In, 16 Port POE Switch, Audio, Security Front Cover with Lock Set, Mounting Plates, Power Harnesses, Stacking Bracket, 2TB Single HDD
38	WT2E20S20G4	Wire bundle with adapter harness, RGY-Button and interconnect cable 20 ft., 5 signal inputs 20 ft., GPS receiver magnetic mount 20 ft. for compatible DVR
38	C3Q9PD03A-BK20	IP Camera, PoE, dome, black, 3MP progressive scan, 2.8 mm lens size, interior, IR Day/Night, audio, 20 ft. harness - to use with TH8 or NH16
38	C3Q9PD03A20	IP Camera, PoE, dome, white, 3MP progressive scan, 2.8 mm lens size, interior, IR Day/Night, audio, 20 ft. harness - to use with TH8 or NH16
38	C3Q9PD03A50	IP Camera, PoE, dome, white, 3MP progressive scan, 2.8 mm lens size, interior, IR Day/Night, audio, 50 ft. harness - to use with TH8 or NH16
38	C3W9PD03E-G50	IP Camera, PoE, wedge, glass bubble, 3MP progressive scan, 2.8 mm lens size, exterior (no audio), IR Day/Night, 50 ft. harness - to use with TH8 or NH16
38	C3W9PD03E-G50	IP Camera, PoE, wedge, glass bubble, 3MP progressive scan, 2.8 mm lens size, exterior (no audio), IR Day/Night, 50 ft. harness - to use with TH8 or NH16
38	C3W9PD03E-G50	IP Camera, PoE, wedge, glass bubble, 3MP progressive scan, 2.8 mm lens size, exterior (no audio), IR Day/Night, 50 ft. harness - to use with TH8 or NH16
38	C3W9PD03E-G75	IP Camera, PoE, wedge, glass bubble, 3MP progressive scan, 2.8 mm lens size, exterior (no audio), IR Day/Night, 75 ft. harness - to use with TH8 or NH16
38	C3W9PD03E-G75	IP Camera, PoE, wedge, glass bubble, 3MP progressive scan, 2.8 mm lens size, exterior (no audio), IR Day/Night, 75 ft. harness - to use with TH8 or NH16

QTY	PRODUCT	DESCRIPTION
38	SRLN07NP	SmartReach Lite,2.4/5GHz,ANT,No POE,-N
38	G-SENSOR-EXT	G-Sensor, module and cable kit for compatible DVR
38	FRGT-NH16-WG	Freight,FedEx Ground,W,NH16 System
38	FRGT-SURCHARGE-L	Freight,Shipping & Handling Surcharge
38	INST-TRCAMSYS	Installation TX/DX/TH/NX DVR with one analog camera/GPS and Signals
114	INST-INTCAM	Installation, CQ/CJ/CHQ/HD1Q/HD2Q/HD3Q/HD3U/C3Q/C8 cameras
152	INST-EXTCAM	Installation, CA/CHW/HD1W/HD1S/HD3W/HD3S/C3W/RVC400 cameras
38	INST-SRLB	Installation Smart Reach Wireless Bridge
1	VMC5B	vMax Commander 5.0: web-based wireless and automatic video management software to monitor video system health, automatically download video alarms, search video by time and location, and display historical GPS tracks of the vehicles in the fleet. Includes 100 user licenses (including 1 Admin).
38	VMC5V	vMax Commander 5.0: Vehicle Activation (per vehicle) - Annual Renewal Fees Apply

Steve Chung
Cell 909.549.9398
stevec@creativebussales.com

The Allstar XL F550



Designed for Performance

The XL, one of Starcraft's largest shuttle buses, utilizes straight side wall construction and features a wide aisle to maximize shoulder space, offering a spacious and comfortable experience for your passengers. The XL is engineered to accommodate a variety of seating arrangements including wheelchair accessibility and numerous storage options for luggage. The roomy driver area allows for easy maneuvering in and out of the driver's seat and the transition window across from the driver provides increased visibility. Finally, with its rock-solid steel frame cage the XL is truly designed for passenger comfort and safety.



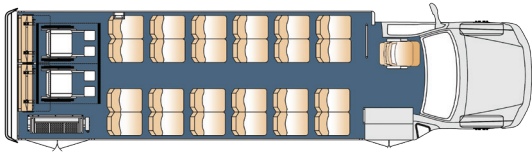
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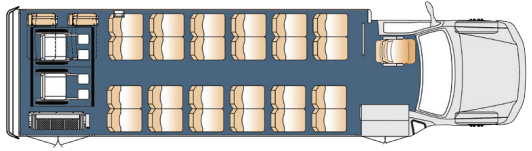

STARCRAFT BUS

Meeting America's Transportation Needs
One Customer at a Time

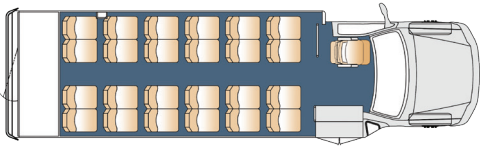
The Allstar XL F550



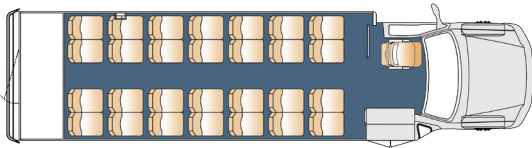
24 Passenger 2 Wheelchair with Flip Seats Plus Driver



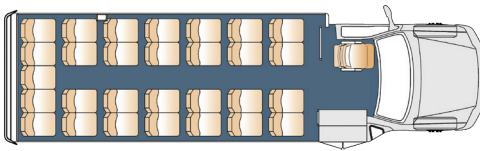
24 Passenger 2 Wheelchair with Foldaway Seats Plus Driver



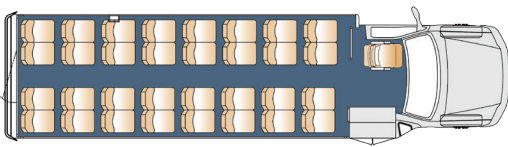
24 Passenger with Rear Luggage Plus Driver



28 Passenger with Rear Luggage Plus Driver



29 Passenger Plus Driver



32 Passenger Plus Driver



**Industry Leading 5-Year/100K
Comprehensive Warranty**

Standard Exterior Feature Highlights

- 96" wide exterior body
- Fully welded steel cage construction meeting all applicable FMVSS requirements
- "Starview" drivers visibility window in front of entry door
- Electric actuated passenger entry door with full length glass
- 36" wide x 36" high upper double T-Slider tempered safety glass windows with climate control tint
- Black powder coated steel rear bumper
- Rear mud flaps
- Pre-painted white aluminum side walls and skirts
- Fiberglass front and rear caps
- One-piece seamless FRP (fiberglass reinforced plastic) roof
- Breakaway rearview mirrors with convex
- Sealed LED stop, tail, and turn signal lights with LED reverse lights
- LED front and rear marker lights
- Exterior graphics package available in three colors (blue, green or burgundy)

Standard Interior Feature Highlights

- 93" interior width
- 80" interior floor to ceiling height with standard floor (raised floor is 75")
- Floor and wall seat track for flexible seating
- Black slip resistant floor covering
- 5/8" exterior grade plywood flooring
- Ceiling and rear wall fabric for sound abatement
- FRP (fiberglass reinforced plastic) sidewalls for ease of cleaning
- White step nosing
- 1.25" left hand vertical passenger assist rail at entry door
- Intermotive FlexTech Electrical System
- LED entry door step well lights
- LED driver and passenger area lighting
- Non-retractable seat belts

Popular Option Highlights

- Stainless steel wheel inserts
- Luggage Storage areas (overhead luggage racks with reading lights, interior luggage racks, rear luggage area)
- Rear emergency door with window(s)
- Passenger area rear heat and air conditioning
- Complete rubber flooring
- Passenger grab rails
- Padded vinyl or cloth walls and ceiling
- Audio and video systems
- Mid back or high back seating
- ADA and FMVSS compliant wheel chair lifts and securement systems
- Fiberglass side walls and skirts



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DRAFT FOR EXECUTIVE COMMITTEE REVIEW DATE: 4/7/2022

Agenda Item No. 17

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

April 14, 2022

SUBJECT:

**PROPOSED REVISION TO MTS BOARD POLICY NO. 48 "TRANSIT SERVICE
DISCRIMINATION COMPLAINTS PROCEDURES"**

RECOMMENDATION:

That the San Diego Metropolitan Transit System (MTS) Board of Directors approve the proposed revisions to MTS Board Policy No. 48 "Transit Service Discrimination Complaint Procedures".

Budget Impact

None with this action.

DISCUSSION:

MTS Board Policy No. 48 "Transit Service Discrimination Complaints Procedures" sets forth the process for submitting, investigating, and making determinations on transit service discrimination complaints. Per the requirements of the Federal Transit Administration, these procedures must be established for both Americans with Disabilities Act and Title VI discrimination complaints.

The proposed revisions: clarify that the Deputy General Counsel is the designated personnel for implementing these complaint procedures; updates the Deputy General Counsel's contact information; and makes clear that MTS communicates its findings to the complainant and documents a summary of the complaint review within MTS's internal files.

/S/ Sharon Cooney
Sharon Cooney
Chief Executive Officer

Key Staff Contact: Julia Tuer, 619.557.4515, Julia.Tuer@sdmts.com

Attachment: A. MTS Board Policy No. 48 (with red-line track changes)





Policies and Procedures No. 48

Board Approval: 9/17/154/14/22

SUBJECT:

TRANSIT SERVICE DISCRIMINATION COMPLAINTS PROCEDURES

PURPOSE:

To carry out Title II of the Americans with Disabilities Act of 1990 (ADA) and Title VI of the Civil Rights Act of 1964 (Title VI), the Federal Transit Administration (FTA) recommends that transit agencies adopt a procedure in which complaints alleging discrimination in provision of transit service are filed, investigated, and a determination made. This policy sets forth such procedures.

BACKGROUND:

It is the policy of the San Diego Metropolitan Transit System, hereinafter "MTS"; its subsidiaries, San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI); and its contractors to follow the established procedure for handling all alleged transit service ADA discrimination complaints on the basis of disability and all alleged transit service Title VI discrimination complaints on the basis of race, color, or national origin, hereinafter "complaints".

The responsibility for the implementation of the discrimination complaint procedures is assigned to the ~~Office of General Counsel~~Deputy General Counsel. Contact information for the ~~Office of General Counsel~~Deputy General Counsel is as follows:

San Diego Metropolitan Transit System
 Attn: ~~Staff Attorney—Regulatory Compliance~~Deputy General Counsel
 1255 Imperial Avenue, Suite 1000
 San Diego, CA 92101
 Tel.: 619-~~814-1559~~557-4539
Email: Samantha.Leslie@sdmts.com

All management personnel within MTS, SDTC, and SDTI, and MTS's Contractors, are expected to support and implement the following procedures.

PROCEDURES:

- 48.1 All complaints must be submitted in writing (paper or electronic) and signed by the complainant or his/her/their representative, hereinafter "complainant", before any action will be taken. A written complaint is necessary to provide a clear record of the issue to be investigated and to help define the scope of the investigation. If complainant is unable to complete the formssubmit their complaint in writing due to a disability or limited-English proficiency, upon request, reasonable accommodations will be made.



The complaints shall provide all pertinent facts and circumstances surrounding the alleged discrimination that will allow a thorough review and/or investigation. The complainant may use MTS's ADA or Title VI Complaint Form to submit their complaint, as seen in Exhibit A ~~and B, C and D~~ of this Policy.

The complaint should be filed within 180 calendar days from the time of the alleged discrimination. A complaint may be administratively closed when received later than this deadline if evidence of the alleged discrimination no longer exists to properly investigate the complaint.

- 48.2 Upon receipt of a ~~written~~ complaint, the ~~Office of General Counsel~~ Deputy of General Counsel will document and assign the complaint to investigating staff for further investigation. Within 10 working days after receipt, the investigating staff will begin investigating the complaint. The investigating staff may use the following resources when available to complete its investigation of the complaint: reviewing video footage, incident reports and employee reports and interviewing applicable personnel.

In instances where additional information is needed, the investigating staff will contact the complainant in writing or where appropriate, in a format accessible to the complainant. Failure of the complainant to provide the requested information by a certain date may result in the administrative closure of the complaint or a delay in complaint resolution.

Based upon all the information available from both parties (i.e., the complainant and the identified agency or department) the investigating staff will prepare a ~~written~~ response subject to review and approval by the ~~Office of General Counsel~~ Deputy General Counsel. The investigating staff will use its best efforts to ~~provide a written response of~~ communicate its determination on the matter to the complainant within 90 working days after receipt of complaint. If noncompliance with ADA or Title VI is determined, a recommendation on remedial action will be made. ~~If no violation of ADA or Title VI is determined, the complaint will be administratively closed by MTS.~~

In accordance with Department of Transportation (DOT) Regulations, a copy of the complaint will be maintained for at least one (1) year from the date the complaint was submitted. Documentation summarizing the complaint and MTS's findings will be maintained for at least (5) years from the date the complaint was submitted.

- 48.3 The complainant may appeal the determination from investigating staff to the Chief Executive Officer within 10 working days after receipt.

Within 15 working days after receipt of an appeal, the Chief Executive Officer will evaluate all information received and respond in writing, and, where appropriate, in a format accessible to the complainant, with a final determination of the complaint.

- 48.4 The complainant ~~who~~ is dissatisfied with the final determination of the Chief Executive Officer may submit their complaint to the FTA at FTACivilRightsCommunications@dot.gov, or to the address below, ~~no later than within~~ 180 days after the date of the alleged discrimination, unless the time for filing is extended by the FTA.

Federal Transit Administration

Office of Civil Rights
Attention: Complaint Team
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE
Washington, DC 20590

This policy was adopted 3/12/98.

Policy revised on 5/13/04.

Policy revised on 1/28/15.

Policy revised on 9/17/15.

Policy revised on 4/14/22

Attachments: Exhibit A – Title VI Complaint Form – English (Available in other languages on the MTS website and upon request)

Exhibit B – ADA Complaint Form – English (Available in other languages on the MTS website and upon request)