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Agenda

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

June 5, 2008

Executive Conference Room
9:00 a.m.

ACTION RECOMMENDED

A. ROLL CALL

B. APPROVAL OF MINUTES - May 15, 2008

Approve

C. COMMITTEE DISCUSSION ITEMS

1. MTS: APTA Update on 2008 International Exposition

Possible Action

Action would receive an update from representatives of the American Public Transportation Association (APTA) on activities related to the 2008 International Expo and Annual Conference in San Diego on October 5-8, 2008.

2. MTS: CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(a): Balfour Beatty/Ortiz v. Metropolitan Transit System (Superior Court Case No. GIC 868963)

Possible Action

D. RECOMMENDED FOR BOARD CONSENT AGENDA

1. MTS: 9th Avenue and C Street Rail Crossing Replacement - Fund Transfer

Approve

Action would forward a recommendation to the MTS Board of Directors to request from the SANDAG Board of Directors a transfer of funds from the Orange Line Head Span Replacement Project (CIP 1115600) to the City College Station Realignment Project (CIP 1049400) as shown in the Fund Transfer Summary.

Budget Impact - No change to the overall Capital Improvement Program (CIP) amount. \$300,000 would be added to the City College Station Realignment Project from the Orange Line Head Span Replacement Project in SANDAG's CIP budget.

Please turn off cell phones and pagers
during the meeting



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

2. MTS: Senior and Disabled Lift Replacement Project - Fund Transfer and Contract Award Approve
- Action would forward a recommendation to the Board of Directors to: (1) approve a fund transfer request from Capital Improvement Programs (CIPs) 11216 and 11221 to CIP 11148; and (2) authorize the CEO to execute MTS Doc No. L0826.0-08 with Complete Coach Works, Inc. to furnish and install senior and disabled lifts on the fleet of 52 SD 100 light rail vehicles (LRVs).
- Budget Impact - The total contract cost of \$348,580.35, including training, spares, and freight, would come from CIP 11148-0800 (Senior and Disabled Lift Replacement Project).
3. MTS: Poway Transit Services Approve
- Action would forward a recommendation to the Board of Directors to: (1) authorize the Chief Executive Officer (CEO) to exercise two carryover months allowable under the current contract (MTS Doc. No. B0339.0-02) with First Transit (formerly Laidlaw Transit Services, Inc.) for Poway transit Route Nos. 844 and 845 from July 1, 2008, through August 30, 2008; and (2) assign the service to Southland Transit to operate effective Sunday, August 31, 2008, for a projected savings of approximately \$50,000 annually.
- Budget Impact - The carryover months for Poway's First Transit fixed-route service result in no additional budget impacts. The current unit rates for the First Transit agreement remain in effect for July and August 2008 and are within the FY 09 budget for MTS contract services. The assignment of the service will save approximately \$50,000 annually.
4. MTS: Poway Transit Vehicles Approve
- Action would forward a recommendation to the Board of Directors authorize the CEO to execute MTS Document No. B0478.1-07 with Creative Bus Sales to purchase up to eight additional medium-duty buses utilizing the public agency/state contract with Creative Bus Sales (Specification No. 54309 of State of California Contract No.1-05-23-16).
- Budget Impact - The purchase of eight additional medium-duty buses requires an expenditure of not more than \$910,000 in funds from MTS CIP 11419-1300 (MCS Medium-Small DART Fixed Buses). There are sufficient capital funds within this project for this expenditure after July 1, 2008 (vehicle deliveries and the resultant payments are expected no earlier than July 1, 2008).
5. MTS: Contract Award for MTS Americans with Disabilities Act (ADA) Certification and Evaluation Services Approve
- Action would forward a recommendation to the Board of Directors to authorize the CEO to execute MTS Doc. No. G1149.0-08 with ADAride.com, LLC, for ADA certification and evaluation services.
- Budget Impact - The agreement would include a three-year base contract with two one-year options in an amount not to exceed \$929,098.68. The funding for these services is approved by the MTS Board on an annual basis and is within MTS's operating budget.

- E. REVIEW OF DRAFT JUNE 12, 2008, JOINT BOARD AGENDA
- F. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA Possible Action
Review of SANDAG Transportation Committee Agenda and discussion regarding any items pertaining to MTS, San Diego Transit Corporation, or San Diego Trolley, Inc. Relevant excerpts will be provided during the meeting.
- G. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS
- H. PUBLIC COMMENTS
- I. NEXT MEETING DATE: June 19, 2008
- J. ADJOURNMENT

DRAFT

EXECUTIVE COMMITTEE MEETING FOR THE METROPOLITAN TRANSIT SYSTEM (MTS), SAN DIEGO TRANSIT CORPORATION (SDTC), AND SAN DIEGO TROLLEY, INC. (SDTI)

May 15, 2008

MTS
1255 Imperial Avenue, Suite 1000, San Diego

MINUTES

A. ROLL CALL

Mr. Rindone called the meeting to order at 9:20 a.m. A roll call sheet listing Executive Committee member attendance is attached.

B. APPROVAL OF MINUTES

Ms. Atkins moved approval of the minutes of the April 17, 2008, Executive Committee meeting. Mr. Ewin seconded the motion, and the vote was 5 to 0 in favor.

C. COMMITTEE DISCUSSION ITEMS

1. MTS: Automobile Leasing Services (ADM 120, OPS 920.2, OPS 970.2)

Mr. Paul Jablonski, MTS CEO, advised the Executive Committee that MTS is currently purchasing all of its nonrevenue vehicles and reported that Mr. Tom Lynch, MTS Controller, would review staff's proposal to enter into a leasing program for the acquisition of these vehicles. Mr. Lynch provided details on the number of vehicles MTS currently owns, miles driven, age and maintenance cost of the vehicles, and reported that MTS has been purchasing an average of ten vehicles per year. He stated that because of a shortage of capital funding, purchases of nonrevenue vehicles have been deferred and many of MTS's vehicles are in poor condition and require substantial maintenance.

Mr. Lynch then reviewed the contract provisions of the proposed lease program and the contract cost. In response to a question from Mr. Ewin, Mr. Lynch reported that sales tax is built into the leasing cost. In response to another question from Mr. Ewin, Mr. Lynch stated that staff will be monitoring the vehicles to ensure that MTS is conforming to the terms of the lease. He added that adjustments can be made as they become necessary to avoid additional costs at the end of the contract. In response to a question from Mr. Roberts, Mr. Cliff Telfer, MTS Chief Financial Officer, stated that vehicle turnover is factored into the figures being presented. He added that having newer vehicles will reduce the need for back-up vehicles, and MTS will therefore be able to reduce the number of nonrevenue vehicles it needs. Mr. Ewin requested that the presentation be expanded to identify the different elements of the maintenance costs.

Mr. Lynch then reviewed the advantages of leasing nonrevenue vehicles. He reported that leasing will save approximately \$184,000 over a five-year period. He added that, because the lease has a fixed cost, there is an incentive for the lessor

to keep the program and the vehicles operating efficiently. Mr. Lynch also provided the Committee with comparative numbers for the purchase of vehicles at the current rate of ten vehicles per year, at the rate at which MTS should be purchasing these vehicles, and using the proposed leasing program. The Committee briefly discussed the asset value of purchased cars and agreed that, even taking value into consideration, the lease approach is more favorable. Mr. Roberts added that the lease program would also enable MTS to have a nonrevenue-vehicle fleet comprised of newer cars. Mr. Ewin suggested that staff consider purchasing smaller cars, possibly hybrids. In response to a question from Mr. Monroe, Mr. Lynch stated that managers in functional areas where cars are assigned will be consulted to determine which specific cars should be replaced first. In response to a Committee member question, Mr. Jablonski stated that MTS has to be cognizant of Federal Transit Administration Buy America regulations when it selects vehicles.

Mr. Jablonski introduced Mr. Bruce Feerer, MTS's newly hired Manager of Procurement.

Action Taken

Mr. Ewin moved to (1) forward a recommendation to the Board of Directors to authorize the CEO to award a contract (MTS Doc. No. G1146.0-08 in substantially the same form as Attachment A of the agenda item) to Enterprise Fleet Services for nonrevenue automobile leasing services; and (2) direct staff to expand and make clarifications in the presentation to address questions asked by Committee members. Ms. Atkins seconded the motion, and the vote was 4 to 1 in favor with Mr. Monroe casting the dissenting vote.

2. MTS: ADA Paratransit Vehicle Acquisition (CIP 11418)

Mr. Susan Hafner, MTS Director of Contract Services, provided an overview of staff's recommendation to purchase Americans with Disabilities (ADA) paratransit vehicles. She reviewed the number of vehicles currently being used and reported that the proposed 50 new vehicles would replace vehicles that are two to three years past their useful life. She also reviewed the funding that would be used.

Action Taken

Mr. Ewin moved to forward a recommendation to the Board of Directors to authorize the CEO to execute MTS Doc. No. B0499.0-08 (in substantially the same form as Attachment A of the agenda item) with BusWest to purchase 50 ADA paratransit vehicles utilizing the public agency/state contract with BusWest (Type II Specification of State of California Contract No. 1-06-23-15). Ms. Atkins seconded the motion, and the vote was 5 to 0 in favor.

3. MTS: Regional Transit Management System – Contract Amendment (CIP 10940)

Mr. Dan Bossert, MTS Chief Technology Officer, provided background on the Regional Transit Management System, which was purchased in January 2002. He reported that the initial warranty covered the period January 2007 to December 2007 and that the Board approved a six-month extension in December 2007 to

provide warranty until June 30, 2008. He then reviewed the cost elements of the recommended additional extension for one year to June 2009.

In response to a question from Mr. Monroe, Mr. Bossert stated that MTS would have to add staff to perform the functions provided under the warranty contract. He added that a parts inventory would also have to be acquired, and a capital cost would be incurred. Mr. Jablonski pointed out that, under this approach, MTS would not have access to necessary software upgrades that are also included in the warranty contract. Mr. Monroe felt that this item should have been brought to the Committee at an earlier date. Mr. Jablonski stated that staff has been in negotiations with Motorola for many months regarding this contract and that the price was initially much higher. Mr. Monroe suggested that a longer warranty period, e.g. two years, be considered going forward. Ms. Atkins stated that she understood Mr. Monroe's request to bring these types of things forward at an earlier date but added that MTS staff usually does provide plenty of lead time for contract items. Mr. Rindone pointed out that it is not always possible to provide the desired leadtime.

In response to a question from Mr. Ewin, Mr. Jablonski stated that this is a joint project with the North County Transit District (NCTD) and that it is basically one system. He confirmed that NCTD participated in negotiations with Motorola. Mr. Monroe stated that if the cost is under \$900,000 per year, the Executive Committee doesn't need to see it; staff can simply report it. Mr. Rindone stated that staff could bring something to the Executive Committee two to three months prior to presentation to the Board, even if action is not needed. Mr. Jablonski stated that he has already had a discussion with MTS's new Manager of Procurement about making it a priority to have more advance notice when contracts are about to expire.

Action Taken

Mr. Ewin moved to authorize the CEO to execute (1) MTS Doc. No. G0867.5-03 (in substantially the same format as Attachment A) with Motorola, Inc. for Regional Transit Management System warranty support services; and (2) MTS Doc. No. G0868.3-03 (in substantially the same format as Attachment B of the agenda item) for reimbursement from North County Transit District. Ms. Atkins seconded the motion, and the vote was 3 to 0 in favor with Mr. Roberts and Mr. Monroe abstaining.

Ms. Tiffany Lorenzen, MTS General Counsel, reported that this motion passed because a majority of the members present voted in favor, which is the appropriate requirement.

D. REVIEW OF DRAFT MAY 22, 2008, BOARD AGENDA

Recommended Consent Item

6. MTS: San Diego and Arizona Eastern (SD&AE) Railway Company Quarterly Reports and Ratification of Actions Taken by the SD&AE Railway Company Board of Directors at its April 29, 2008, Meeting (SDAE 710)

Recommend that the Board of Directors (1) receive the San Diego and Imperial Valley Railroad, Pacific Southwest Railway Museum Association, and Carrizo Gorge Railway, Inc. quarterly reports (Attachment A of the agenda item); and (2) ratify actions taken by the SD&AE Railway Company Board of Directors at its meeting on April 29, 2008.

7. MTS: Workers' Compensation Claims Administration Services (LEG 491)

Recommend that the Board of Directors authorize the CEO to temporarily extend the contract period of CorVel Enterprise Comp, Inc. d/b/a HRMS (in substantially the same format as Attachment A of the agenda item – MTS Doc. No. G0843.3-03) through September 1, 2008. During the extended contract period, MTS anticipates issuing a new Request for Proposal for Third-Party Administration Services for Workers' Compensation and awarding and executing a new services contract.

8. MTS: Transit Security Grant Program (AG 210.9)

Recommend that the Board of Directors approve Resolution No. 08-7 (Attachment A of the agenda item) authorizing the CEO to submit applications for transit security grants funded by the federal Department of Homeland Security and administered through the State Office of Homeland Security.

Finance Workshop – May 22, 2008

In response to a question from Mr. Ewin, Mr. Telfer reported that staff will be providing an update to the Board that reflects recent developments related to state funding and also reported that the FY 2009 budget will be formally adopted by the Board on June 12, 2008. Mr. Jablonski stated that MTS budgets have historically been presented to the SANDAG Transportation Committee for adoption but that this year they will be presented to the full SANDAG Board on June 13, 2008. He stated that this approach is being taken because SANDAG's Executive Director, Gary Gallegos, wants to have a broader discussion of funding at the same time the budget is being discussed at the SANDAG Board level. He stated that NCTD Board member David Druker recently raised questions about SANDAG funding for transit during the last Joint Committee on Regional Transit (JCRT) meeting.

Mr. Jablonski stated that the Governor's May budget revise takes away the remainder of Transportation Development Act spillover funds but that this primarily affects capital. He added that recurring State Transit Assistance funds remained intact. He also reported that MTS has already addressed the other funding losses for operations in its budget.

Recommended Consent Items

Mr. Jablonski reported that, starting next month, the Executive Committee will be asked to determine whether items on the next Board meeting agenda should be placed on Consent or Discussion.

Action Taken

Mr. Ewin moved to place May 22, 2008, Board Discussion Agenda Items 31 and 33 to the Consent portion of the Board agenda. Mr. Monroe seconded the motion, and the vote was 4 to 0 in favor.

Recommended Board Discussion Items

There was no discussion of recommended Discussion Items.

E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA

Ms. Sharon Cooney, Director of Government Affairs and Community Relations, reported that the SANDAG Transportation Committee agenda for May 16, 2008, pertains primarily to NCTD. She briefly reviewed those items. She then reported that one of the agenda items relates to the preparation of funding applications for grade separation projects for E&H Street in Chula Vista, Taylor Street, and Sorrento Valley Boulevard. Mr. Jablonski stated that the region hopes to get \$30 million from Proposition 1B funds for these projects and reported that Taylor Street is being given a lower priority because the cost to make the necessary changes at this location would be well over \$100,000 million.

Ms. Cooney also reported that NCTD is proposing service changes, and SANDAG will be determining which ones are regionally significant. She stated that a couple of changes being recommended by NCTD involve portions of their rural service that are located in MTS's area of jurisdiction. She also reported that the SANDAG Transportation Committee is being asked to review a draft Memorandum of Understanding with the San Diego County Regional Airport Authority for long-range transportation planning.

Mr. Jablonski reported on recent staff changes at NCTD and that Tom Lichterman will now be overseeing both bus and rail.

Mr. Monroe pointed out that NCTD used Congestion Mitigation and Air Quality three-year start-up funds for the Sprinter but compressed those funds into a two-year period.

F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS

Letter from MTS and NCTD to SANDAG Regarding Fare Study: In response to a question from Mr. Monroe about this letter, Mr. Jablonski reported that MTS is currently proposing to SANDAG that trolley fares be increased. He reminded the Committee that bus fare increases were recently implemented. He stated that SANDAG is proposing additional items, such as creating a \$14 Super Day Pass and some other things related to Senior & Disabled cash and Access fares. He stated that MTS is supportive of some of the ideas proposed by SANDAG but not all, and that North County Transit has some issues with some of the ideas being proposed as well. He stated that it was proposed at the recent JCRT meeting that a letter be sent to SANDAG requesting that proposals go forward for some of the increases but to hold other issues related to the fare study until a later date.

He added that MTS is concerned about the SANDAG proposal to split the revenue based on where the fare is sold; e.g. if a fare is sold to a Coaster passenger, NCTD would retain the revenue even though a large portion of those riders transfer to MTS services. He added that SANDAG is presenting all of the ideas at the upcoming public hearing on fare increases. Ms. Cooney reported that there will be two hearings.

Full Access and Coordinated Transportation (FACT): Mr. Monroe, who is a member of this committee, reported that New Freedom Funds are currently available for the establishment of a call center. He stated that expanding the parameters for this funding would actually help get service on the street and would be a positive step toward getting FACT services started.

Press Conference – Homeland Security Funding: Mr. Rindone reported that he represented MTS at this press conference to accept a check from the Office of Homeland Security for the purchase of cameras for buses (\$1.2 million) and cameras for 10 locations on the trolley system (\$1.5 million). He pointed out that this represents the first of three years of funding from Proposition 1B for security purposes. Mr. Jablonski stated that many of MTS's security elements are being addressed through the use of these funds.

G. PUBLIC COMMENTS

Clive Richard: Mr. Richard asked what it costs MTS to run its service. He stated that he felt that the general public does not understand. He also asked why automated station announcements were not yet being made on the trolley.

Mr. Jablonski reported that MTS would break even if it could collect \$2.50 from each passenger per trip. He stated that MTS is now collecting about 88 cents per passenger per trip.

He also reported that the contractor who was going to provide the system for automated station announcements is going through reorganization, and, therefore, the contract for this system is on hold. He stated that they are the only contractor in the country that provides this system.

H. NEXT MEETING DATE:

The next meeting is scheduled for Thursday, June 5, 2008, in the Executive Conference Room.

Mr. Rindone pointed out that this date conflicts with the League of California Cities Mayors & Council Members Executive Forum.

I. ADJOURNMENT

Mr. Rindone adjourned the meeting at 9:46 a.m.

Chairman

Attachment: A. Roll Call Sheet

**EXECUTIVE COMMITTEE
METROPOLITAN TRANSIT SYSTEM**

ROLL CALL

MEETING OF (DATE) 5/15/08

CALL TO ORDER (TIME) 9:20 a.m.

RECESS _____

RECONVENE _____

CLOSED SESSION _____

RECONVENE _____

ADJOURN 9:46 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ATKINS	<input checked="" type="checkbox"/> (Young) <input type="checkbox"/>		10:18 a.m. during AI D
EMERY	<input type="checkbox"/> (Cafagna) <input type="checkbox"/>		<input checked="" type="checkbox"/>
EWIN	<input checked="" type="checkbox"/> (Clabby) <input type="checkbox"/>		
MATHIS	<input type="checkbox"/>		<input checked="" type="checkbox"/>
MONROE	<input checked="" type="checkbox"/> (McLean) <input type="checkbox"/>		
RINDONE	<input checked="" type="checkbox"/> (Emery) <input type="checkbox"/>		
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>		

SIGNED BY OFFICE OF THE CLERK OF THE BOARD

Gail Williams

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL:

Jeff Williams



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Agenda

Item No. C1

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

June 5, 2008

SUBJECT:

MTS: APTA UPDATE ON 2008 INTERNATIONAL EXPOSITION

RECOMMENDATION:

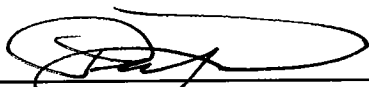
That the Executive Committee receive an update from representatives of the American Public Transportation Association (APTA) on activities related to the 2008 International Expo and Annual Conference in San Diego on October 5-8, 2008.

Budget Impact

None.

DISCUSSION:

A presentation will be given during the meeting.



Paul S. Jablonski
Chief Executive Officer

Key Staff Contacts: Sharon Cooney, 619.557.4513, Sharon.Cooney@sdmts.com
Rob Schupp, 619.557.4511, Rob.Schupp@sdmts.com

JUNE5-08.C1.APTA EXPO UPDATE.SCOONEY.doc





**Recommended
for Board Consent
Calendar on 6/12/08**

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

Item No. D1

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

CIP 10494, 11156

June 5, 2008

SUBJECT:

**MTS: 9TH AVENUE AND C STREET GRADE CROSSING REPLACEMENT – FUND
TRANSFER**

RECOMMENDATION:

That the Executive Committee forward a recommendation to the Board of Directors to request from the San Diego Association of Governments (SANDAG) Board of Directors a transfer of funds from the Orange Line Head Span Replacement Project (CIP 1115600) to the City College Station Realignment Project (CIP 1049400) as shown in the Fund Transfer Summary (Attachment A).

Budget Impact

No change to the overall CIP amount. \$300,000 would be added to the City College Station Realignment Project from the Orange Line Head Span Replacement Project in SANDAG's CIP budget.

DISCUSSION:

On June 14, 2007, the MTS Board requested that the SANDAG Transportation Committee transfer funds to the City College Realignment Project so a change order could be issued to the contractor for relocation and replacement of old worn track crossover between 8th and 9th Avenues and C Street. The fund transfer was approved and preliminary field work began early this year. During this investigation, it was discovered that rails in the 9th Avenue and C Street grade crossing, which is adjacent to track crossover scheduled to be replaced, were extremely worn creating wide gauge, which is beyond the Federal Railway Administration's (FRA's) limit for Class 3. Train-speed restrictions were implemented immediately to reduce the operation to FRA



Class 1. These worn rails need to be replaced urgently so that continuing rail wear does not further widen the gauge. The most expeditious way to accomplish this work is by adding an additional scope of work in the current change order for replacing and relocating track crossover under the City College Realignment Project. Both of these work areas are adjacent to each other and overlap to some extent, which would make it much more efficient and faster for one contractor to do all work. SANDAG staff estimates that the 9th and C Street grade-crossing track could be replaced for an additional \$300,000 if all work is done under one change order.

SDTI has completed a cost analysis and recommends that the work be done under a change order to the SANDAG City College Realignment Project for the following reasons:

1. In early 2008, grade crossings at L Street in Chula Vista and West Park Avenue were rehabilitated under another SANDAG project with very similar scopes of work for \$550,000.00. This compares favorably with current work at C Street considering that the other two crossings did not involve catenary work (whereas this one does).
2. If work is done under a separate standalone project, it would require design, competitive bidding, and a formal contract award process adding four to five months in addition to construction time.
3. Design and administrative costs add approximately \$25,000 to the total project cost, which could be eliminated with a SANDAG contract change order for the City College Realignment Project.
4. Separate mobilization and insurance would add an estimated \$18,000 to the total cost of the project, which could be eliminated with a SANDAG contract change order.
5. Additional construction management costs would be approximately \$25,000, which could be significantly reduced if all work is done under one contract change order.
6. The City College Realignment Project was competitively bid, and a contract change order would include the same unit prices for the track, civil, and catenary work as in the original bid.

The FY 09 Capital Improvement Program (CIP) includes the Orange Line Head Span Replacement Project with a total budget of \$700,000. The scope of this project is to replace and improve worn head spans in the catenary system of the Orange Line. The design for this project is just getting started, and actual construction is about six months away. Due to the urgency of the 9th and C Street grade crossing rail replacement work, San Diego Trolley, Inc. (SDTI) staff recommends transferring \$300,000 from the Orange Line Head Span Replacement Project to the City College Realignment Project. This would allow rail-crossing replacement work to proceed right away and would not impact

design progress for the Head Span Replacement Project. The future construction of Head Span Project would be phased based on available funds and future availability of more capital funds. SDTI staff feels that some delay in the Head Span replacement work could be tolerated to accomplish grade-crossing rail replacement work at 9th and C Street.

Since both of these projects are in SANDAG's CIP budget, staff is recommending that the MTS Board forward a request to the SANDAG Board to approve the fund transfer.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Russ Desai, 619.595.4908, rdesai@sdmti.sdmmts.com

JUNE5-08.D1.9TH & C GRADE
CROSS REPLACEMENT PROJ.RDESAI.doc

Attachment: A. Fund Transfer Summary

FUND TRANSFER SUMMARY

PROJECT (CIP NO.)	FY 08 Budget	Proposed Budget	Budget Change
1. City College Realignment Project (CIP 1049400)	\$16,497,049	\$16,797,049	\$300,000
2. Head Span Replacement Project (CIP 1115600)	\$700,000	\$400,000	-\$300,000



Recommended
for Board Consent
Calendar on 6/12/08

1255 Imperial Avenue, Suite 1000
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Agenda

Item No. D2

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

CIPs 11216, 11221,
11148

June 5, 2008

SUBJECT:

MTS: SENIOR AND DISABLED LIFT REPLACEMENT PROJECT – FUND TRANSFER
AND CONTRACT AWARD

RECOMMENDATION:

That the Executive Committee forward a recommendation to the Board of Directors:

1. approve a fund transfer request (Attachment A) from Capital Improvement Programs (CIPs) 11216 and 11221 to CIP 11148; and
2. authorize the Chief Executive Officer (CEO) to execute MTS Doc No. L0826.0-08 (in substantially the same form as shown on Attachment B) with Complete Coach Works, Inc. to furnish and install senior and disabled lifts on the fleet of 52 SD 100 light rail vehicles (LRVs).

Budget Impact

The total contract cost of \$348,580.35, including training, spares, and freight, would come from CIP 11148-0800 (Senior and Disabled Lift Replacement Project).

DISCUSSION:

San Diego Trolley, Inc.'s (SDTI's) fleet of 52 SD 100 LRVs was procured between 1995 and 1998. Prior to beginning regular revenue service, senior and disabled lifts were installed on all vehicles. These lifts are now 10 to 13 years old and at the end of their useful lives—SDTI is experiencing increased age-related failures. In FY 2006, capital funding for LRV lift replacement was approved.



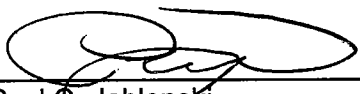
Metropolitan Transit System (MTS) is a California public agency and is comprised of San Diego Transit Corporation and San Diego Trolley, Inc. nonprofit public benefit corporations, in cooperation with Chula Vista Transit and National City Transit. MTS is the taxicab administrator for eight cities and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

In November 2007, the project was advertised in two disadvantaged business enterprise newspapers and one general-circulation newspaper. In addition, bid packages were mailed to interested bidders.

In response, only one bid was received from Complete Coach Works, Inc. on January 14, 2008. Since it was single bid, the Procurement Department conducted a price analysis and determined that the bid prices were fair and reasonable; however, the total bid amount exceeded the available budget in the project by \$116,000 for fleet-wide lift replacement. Two factors contributed to the cost increase compared to the original estimate:

1. The original estimate was based on the cost of the existing lifts three years ago. The new lifts specified require more capacity to accommodate new, heavier wheelchairs, and the existing lifts can barely lift them. There is an associated cost increase due to the need for stronger lifts.
2. The original lifts were supplied by Ricon Corporation, which was acquired in 2007 by much a larger multinational company. MTS believes there is some cost increase due to this transition.

Replacement of existing lifts is the highest priority for SDTI because of rapidly deteriorating old equipment; therefore, SDTI staff recommends that some funds be transferred from two capital projects into the Senior and Disabled Lift Replacement Project to cover the shortfall. The proposed transfer is the entire balance of \$96,274 from CIP 11221 (Rehabilitate Electronics Control Circuit) and \$19,726 from CIP 11216 (Low-Voltage Train Line Wiring) as shown in the Fund Transfer Summary (Attachment A). Staff believes that postponing the Low-Voltage Train Line Wiring Project to a future year and slightly reducing the scope on the Rehabilitate Electronics Control Circuit Project would not impact car performance significantly whereas delaying the lift replacement would have a bigger impact on operations and possible safety implications.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Russ Desai, 619.595.4908, rushikesh.desai@sdmts.com

JUNE5-08.D2.SR DISABLED LIFT-
REPLACMT.RDESAI.doc

Attachments: A. Budget Transfer Summary
B. MTS Doc No. L0826.0-08

BUDGET TRANSFER SUMMARY

CIP NO.	PROJECT NAME	BUDGETS		
		<i>Orig. Budget Total</i>	<i>Proposed</i>	<i>Change</i>
11221	Low-Voltage Train Line Wiring	\$96,274	\$0.0	-\$96,274
11216	Rehabilitate Electronics Control Circuit	\$250,000	\$230,274	-\$19,726
11148	Senior and Disabled Lift Replacement	\$250,000	\$366,000	+\$116,000

DRAFT

STANDARD PROCUREMENT AGREEMENT

L0826.0-08

CONTRACT NUMBER

CIPs 11216, 11221, 11148

FILE NUMBER(S)

THIS AGREEMENT is entered into this _____ day of _____, 2008, in the State of California by and between San Diego Metropolitan Transit System, a California public agency, and the following contractor, hereinafter referred to as "Contractor":

Name: Complete Coach Works, Inc. Address: 1863 Service Court

Form of Business: Corporation Riverside, CA 92507
(Corporation, partnership, sole proprietor, etc.)

Telephone: 951.684.9585

Authorized person to sign contracts: Dale E. Carson President
Name Title

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

Provide 55 and install 52 complete senior and disabled handicapped lifts for MTS's light rail vehicles (LRVs). Provide lifts, as stipulated in MTS's Invitation for Bids, including Addendums, Responses to Approved Equals/Clarifications, and in accordance with the Standard Procurement Agreement, including the Standard Conditions Procurement, Federal Requirements, MTS's Safety Program, and Bid Proposal except removal and disposal of the existing lifts and one spare unassembled lift. If there are any inconsistencies between the Invitation for Bids, Standard Conditions Procurement, and/or Federal Requirements, the following order of precedence will govern the interpretation of this contract.

1. Invitation for Bids, Addendum, Responses to Approved Equals/Clarifications, MTS Safety Program, and Bid Proposal.
2. Standard Services/Procurement Agreement, including the Standard Conditions Procurement, and Federal Requirements.

The total amount of this contract shall not exceed \$348,580.35.

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

AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$348,580.35	11148-0200	2008

By: _____ Date
Chief Financial Officer

(____ total pages, each bearing contract number)

JUNE5-08.C3-b.AttB.SR DISABLED LIFT L0826.0-08.RDESAI.doc



**Recommended
for Board Consent
Calendar on 6/12/08**

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

Agenda

Item No. D3

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

OPS 920.5

June 5, 2008

SUBJECT:

MTS: POWAY TRANSIT SERVICES

RECOMMENDATION:

That the Executive Committee forward a recommendation to the Board of Directors to:

1. authorize the Chief Executive Officer (CEO) to exercise two carryover months allowable under the current contract (MTS Doc. No. B0339.0-02 in substantially the same format as Attachment A) with First Transit (formerly Laidlaw Transit Services, Inc.) for Poway transit Route Nos. 844 and 845 from July 1, 2008, through August 30, 2008; and
2. assign the service to Southland Transit to operate effective Sunday, August 31, 2008, for a projected savings of approximately \$50,000 annually.

Budget Impact

The carryover months for Poway's First Transit fixed-route service result in no additional budget impacts. The current unit rates for the First Transit agreement remain in effect for July and August 2008 and are within the FY 09 budget for MTS contract services. The assignment of the service will save approximately \$50,000 annually.



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

DISCUSSION:

Poway Transit Services

Poway's transit services were originally contracted by the County of San Diego. Since the divestiture of County Transit Services (CTS) to MTS in 2002, MTS has been responsible for managing and providing this service to Poway residents. Currently, Routes 844 and 845 are available in Poway, and most passengers are local residents. First Transit provides weekday and weekend services, including vehicles under contract with MTS. The First Transit contract expires on June 30, 2008. MTS has the option to extend the service provided by First Transit for up to three consecutive one-month periods after the base term or any option term. The extension would cover July 1, 2008, through August 30, 2008.

The FY 09 projected revenue hours for both Poway routes amount to approximately 13,800 hours, which is a small amount of service to independently bid out in the competitive marketplace. As a cost-savings measure, staff is proposing to reassign the Poway local fixed-route service to Southland Transit, Inc., the operator of other MTS minibus and medium-size transit services, effective Sunday, August 31, 2008. The projected savings for this assignment is approximately \$50,000.

Therefore staff recommends exercising two carryover months allowable under the current contract (MTS Document No. B0339.2-02) with First Transit for Poway transit Route Nos. 844 and 845 from July 1, 2008, through August 30, 2008, and authorizing the CEO to assign the service to Southland Transit effective August 31, 2008.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Susan Hafner, 619.595.3084, Susan.Hafner@sdmts.com

JUNE5-08.D3.POWAYTRANSITSVCS.EHURWITZ.

Attachment: A. Draft MTS Doc. No. B0339.2-02

June 12, 2008

DRAFT

MTS Doc. No. B0339.2-02
OPS 920.5

Mr. Nick Prompanas
Senior Vice-President
First Transit
7581 Willow Drive, Suite 103
Tempe, AZ 85283

Dear Mr. Prompanas:

Subject: AMENDMENT NO. 2 TO MTS DOC. NO. B0339.0-02 FOR POWAY TRANSIT SERVICES

In accordance with MTS Doc. No. B0339.1-02, Article IV. CARRYOVER TERM states the following:

In consideration of this Agreement; CONTRACTOR grants to the COUNTY the below carryover options, exercisable in writing solely by the COUNTY's representative, the Director of Public Works. The COUNTY shall have the option to extend the service provided by CONTRACTOR under this Agreement for up to three consecutive one-month periods after the base term or any option term. Compensation related to such carryover period(s) shall be the same compensation as for the most recent rate prior to the carryover period. If COUNTY desires to exercise any of these carryover months, the COUNTY shall notify CONTRACTOR of its intent at least 15 calendar days before the carryover month is to begin.

This agreement was transferred from the County of San Diego to MTS in 2003. MTS and its Chief Executive Officer have the authority to exercise any carryover months. In accordance with Article IV, MTS elects to exercise two one-month carryover option months. First Transit will continue to operate the Poway transit services pursuant to the original terms and conditions of the agreement during the two carryover months.

SCHEDULE AND TERM

The additional carryover option term shall begin on July 1, 2008, and be completed on Saturday, August 30, 2008. Due to the scheduled service changes in the region, First Transit will not be required to provide service on Sunday, August 31, 2008.

PAYMENT

Payment shall be based upon the contract rates in effect for June 2008, which will be extended through August 30, 2008. All other payment terms and conditions shall remain unchanged. The total purchased transportation cost for the approximate carryover term of service is estimated to be not greater than \$110,000, excluding fuel and other pass-through items. All other conditions remain unchanged. If you agree with the above, please sign below and return the document marked "original" to the Contracts Specialist at MTS. The other copy is for your records.

Sincerely,

FIRST TRANSIT

Paul C. Jablonski
Chief Executive Officer

Nick Prompanas
First Transit

JUNE5-08.C3-c.AttA.POWAY
TRANSIT SVCS B0339.2-02.EHURWITZ.doc

Date: _____



**Recommended
for Board Consent
Calendar on 6/12/08**

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

Agenda

Item No. D4

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

CIP 11419

June 5, 2008

SUBJECT:

MTS: POWAY TRANSIT VEHICLES

RECOMMENDATION:

That the Executive Committee forward a recommendation to the Board of Directors to authorize the Chief Executive Officer (CEO) to execute MTS Document No. B0478.1-07 (in substantially the same form as Attachment A) with Creative Bus Sales to purchase up to eight additional medium-duty buses utilizing the public agency/state contract with Creative Bus Sales (Specification No. 54309 of State of California Contract No.1-05-23-16).

Budget Impact

The purchase of eight additional medium-duty buses requires an expenditure of not more than \$910,000 in funds from MTS CIP 11419-1300 (MCS Medium-Small DART Fixed Buses). There are sufficient capital funds within this project for this expenditure after July 1, 2008 (vehicle deliveries and the resultant payments are expected no earlier than July 1, 2008).

DISCUSSION:

New Poway Vehicles

The buses that currently operate under the existing Poway contract are owned by First Transit and have served their useful lives. Included within the capital program for FY 2009 are funds for the replacement of these buses with MTS-purchased and -owned buses. The total funding available in CIP 11419 is \$960,000. Of that amount, approximately \$910,000 would be used to purchase eight new medium-duty buses.



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

MTS can procure these vehicles from the competitively bid public agency/state contract with Creative Bus Sales (Specification No. 54309 of State of California Contract No. 1-05-23-16). Staff has previously purchased buses off of this state contract; a contractor for 18 buses was previously awarded by the Board on November 18, 2007. The Procurement Department has reviewed the pricing for the additional eight buses and found it to be fair and reasonable.

Therefore staff recommends executing MTS Document No. B0478.1-07 with Creative Bus Sales to purchase up to eight additional medium-duty buses utilizing the public agency/state contract with Creative Bus Sales (Specification No. 54309 of State of California Contract No.1-05-23-16).



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Susan Hafner, 619.595.3084, Susan.Hafner@sdmts.com

Attachment: A. Draft MTS Doc. No. B0478.1-07

June 12, 2008

MTS Doc. No. B0478.1-07
CIP 11419

DRAFT

Mr. Michael L. Dirnberger
Creative Bus Sales
13501 Benson Avenue
Chino, CA 91710

Dear Mr. Dirnberger:

Subject: AMENDMENT NO. 1 TO MTS DOC. NO. B0478.0-07 FOR EIGHT MIDSIZE TRANSIT BUSES

In accordance with our original agreement (MTS Doc. No. B0478.0-07), MTS amends the agreement to exercise its right to purchase eight additional midsize transit buses.

The amendment shall consist of the following:

- Provide eight Type VII transit buses pursuant to the original terms and conditions of the contract in accordance with the public agency/state contract with Creative Bus Sales (Specification No. 54309 of State of California Contract No. 1-05-23-16).
- Vehicles shall be delivered to MTS no earlier than July 1, 2008, and no later than October 31, 2008.

The total cost of this amendment shall not exceed \$910,000, which includes sales tax and delivery.

All other conditions remain unchanged. If you agree with the above, please sign below and return the document marked "original" to the Contracts Specialist at MTS. The other copy is for your records.

Sincerely,

Agreed:

Paul C. Jablonski
Chief Executive Officer

Michael L. Dirnberger
Creative Bus Sales

JUNE5-08 CY AttA POWAYTRANSIT
VEHICLESB0478 1-08 SHAFNER.doc

Date: _____



**Recommended
for Board Consent
Calendar on 6/12/08**

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

***REVISED**

Agenda

Item No. D5

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

OPS 980.5

June 5, 2008

SUBJECT:

**MTS: CONTRACT AWARD FOR MTS AMERICANS WITH DISABILITIES ACT (ADA)
CERTIFICATION AND EVALUATION SERVICES**

RECOMMENDATION:

That the Executive Committee forward a recommendation to the Board of Directors to authorize the Chief Executive Officer (CEO) to execute MTS Doc. No. G1149.0-08 (in substantially the same format as Attachment A) with ADAride.com, LLC for ADA certification and evaluation services.

Budget Impact

The agreement would include a three-year base contract with two one-year options in an amount not to exceed \$929,098.68. The funding for these services is approved by the MTS Board on an annual basis and is within MTS's operating budget.

DISCUSSION:

On February 7, 2008, MTS issued a Request for Proposals (RFP) for ADA certification and evaluation services. The procurement was based on a negotiated "best value" process. The primary objectives of the RFP included:

- To secure web-based paratransit client eligibility certification services from a qualified professional organization.



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

- The geographic area of responsibility will be the entire MTS service jurisdiction. In addition, North County Transit District may choose to utilize the resulting contract for their service area.
- The duration of the agreement would be for 5 years or 60 months.
- The contractor's responsibilities would include: processing applications (written and electronic), certifying (eligibility or noneligibility), interviews, appeals, record keeping, outreach, and mobility training.

Paratransit eligibility determinations are the federally mandated gatekeeper function for use of the ADA Paratransit system. An individual using ADA paratransit goes through the eligibility application process, also known as a functional assessment, to measure an individual's ability to use fixed-route transit services. An individual who confirms that they are able to use fixed-route transit services would be denied eligibility for paratransit use. A well-managed eligibility program can offset associated costs by screening paratransit consumers to include only those individuals with a true functional entitlement.

The program that MTS is planning to implement and that was unanimously endorsed by the Accessible Services Advisory Committee (ASAC) balances a tightly run eligibility program with relatively low front-end costs. The former is achieved through the use of highly trained professionals evaluating each application with respect to the individual's specific condition while the latter is reduced significantly by minimizing In-Person Assessments (IPAs). An automated decision-making process incorporates equitable decision making and accurate determinations and reduces costs to the agency.

MTS reviews between 4,500 and 5,000 applicants a year (see Table 1 below). That number will obviously rise given the projected increase in the number of senior citizens and individuals with disabilities.

*Table 1: Paratransit Eligibility Applications	
FY 07:	4,504
FY 06:	4,745
FY 05:	4,714

On March 18, 2008, MTS received proposals from ADAride.com, LLC and C.A.R.E. Evaluators, LLC. The proposals were evaluated by an evaluation panel composed of MTS, SANDAG, and NCTD personnel. The evaluation panel interviewed both proposers based on the procurement objectives and the following criteria in order of importance:

- Cost and Price
- Work Plan
- Qualifications of Firm or Individual
- Staffing, Firm Organization, and Management Plan

MTS requested best and final offers (BAFOs) from both proposers. On April 22, 2008, MTS received a BAFO from ADAride.com, which lowered its pricing. C.A.R.E. Evaluators confirmed that its initial offer was its BAFO (see Attachment B).

It was the unanimous decision of the evaluation panel that the proposal and BAFO submitted by ADARide.com represented the best value to the MTS. The finding was based on the procurement objectives, the evaluation criteria contained in the RFP, and a consideration of both technical and price factors.

Therefore, MTS staff requests that the Executive Committee forward a recommendation to the Board of Directors to authorize the CEO to execute MTS Doc. No. G1149.0-08 with ADARide.com, LLC for ADA certification and evaluation services.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Susan Hafner, 619.595-3084, susan.hafner@sdmts.com

JUNE5-08.D5.ADA CERT EVAL SVCS.SHAFNER.doc

Attachments: A. Draft Agreement (MTS Doc. No. G1149.0-08)
B. BAFO Price Summary
C. BAFO Scoring Summary

STANDARD PROCUREMENT AGREEMENT

DRAFT

G1149.0-08
 CONTRACT NUMBER
 OPS 980.5
 FILE NUMBER (S)

THIS AGREEMENT is entered into this ____ day of ____ 2008, in the state of California by and between the Metropolitan Transit System (MTS), and the following contractor, hereinafter referred to as "Contractor":

Name: ADArides.com Address: 6150 W. Century Blvd., Ste. 304I

Form of Business: LLC Los Angeles, CA 90045
 (Corporation, partnership, sole proprietor, etc.)

Telephone: 310-846-4507

Authorized person to sign contracts: Art Hulscher President
 Name Title

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

Provide Americans with Disabilities Act (ADA) certification and evaluations services for a three-year base period with two 1-year options based on MTS's RFP (No. G1149.0-08), MTS's Responses to Questions and Clarifications, and in accordance with MTS's Standard Services Agreement including the Standard Conditions Services, Federal Requirements, and ADAride.com's original proposal dated March 17, 2008, and ADAride.com's Best and Final Offer (BAFO). If there are any inconsistencies between MTS's RFP No. G1149.0-08 including MTS's Responses to Questions and Clarifications, Standard Services Agreement, Standard Conditions Services, or Federal Requirements, the following order of precedence will govern the interpretation of this contract: (1) MTS's RFP No. G1149.0-08 ADA certification and evaluations services including: MTS's Responses to Questions and Clarifications, ADAride.com's proposal and BAFO and (2) Standard Services Agreement, including the Standard Conditions Services and Federal Requirements.

The total cost of the ADA certification and evaluations services shall not exceed \$929,098.68.

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

AMOUNT ENCUMBERED	BUDGET ITEM	FISCAL YEAR
\$929,098.68	ADA Access (PC 30117)	FY 08

By: Cliff Telfer, Interim Chief Financial Officer Date _____

PRICING SUMMARY

Att. B, 6/5/08

ADA Certification Evaluation Services

MTS Doc. No. G1149.0-08

BASE CONTRACT (Three Years)	ADARIDE.COM	C.A.R.E. EVALUATORS
CONTRACT YEAR 1 TOTAL:	\$ 174,999.96	\$ 189,155.50
CONTRACT YEAR 2 TOTAL:	\$ 180,249.96	\$ 194,357.38
CONTRACT YEAR 3 TOTAL:	\$ 185,657.52	\$ 199,822.38
SUBTOTAL YEARS 1-3:	\$ 540,907.44	\$ 583,335.26
OPTION YEARS (Two Years)	ADARIDE.COM	C.A.R.E. EVALUATORS
CONTRACT YEAR 4 TOTAL:	\$ 191,227.20	\$ 205,346.88
CONTRACT YEAR 5 TOTAL:	\$ 196,964.04	\$ 211,082.38
GRAND TOTAL FOR 5-YEAR CONTRACT	\$ 929,098.68	\$ 999,764.52
Average Evaluation Cost for all 5 Years:	\$ 37.16	\$ 39.99

BAFO EVALUATION SUMMARY**MTS ADA CERTIFICATION SERVICES
G1149.0-08****ADA Certification Evaluation Services**

EVALUATION PANELIST	ADARIDE.COM	C.A.R.E. Evaluators, LLC
PANELIST #1 PROPOSAL RANKING	First	Second
PANELIST #2 PROPOSAL RANKING	First	Second
PANELIST #3 PROPOSAL RANKING	First	Second
PANELIST #4 PROPOSAL RANKING	First	Second
PANELIST #5 PROPOSAL RANKING	First	Second
OVERALL RANKING	First	Second

The MTS Evaluation Panel, based upon a consideration of a combination of technical and price factors has determined that; the ADARide.com proposal is the most advantageous and of the greatest value to MTS.



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

DRAFT

Agenda

JOINT MEETING OF THE BOARD OF DIRECTORS

for the

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

June 12, 2008

9:00 a.m.

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

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

ACTION RECOMMENDED

1. Roll Call
2. Approval of Minutes - May 22, 2008
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.

Approve

Please turn off cell phones and pagers
during the meeting



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

CONSENT ITEMS

6. MTS: Uniform Report of DBE Awards or Commitments and Payments Approve
Action would receive the Uniform Report of Disadvantaged Business Enterprise (DBE) Awards or Commitments and Payments.

The Executive Committee will determine if the following items will be on the Board agenda as Consent or Discussion (see Executive Committee items under Section D).

7. MTS: 9th Avenue and C Street Rail Crossing Replacement Approve
Action would send a request to the SANDAG Board of Directors to transfer funds from the Orange Line Head Span Replacement Project (CIP 1115600) to the City College Station Realignment Project (CIP 1049400) as shown in the Fund Transfer Summary.

Budget Impact - No change to the overall Capital Improvement Program (CIP) amount. \$300,000 would be taken from the Orange Line Head Span Replacement Project in SANDAG's CIP budget.

8. MTS: Senior and Disabled Lift Replacement Project - Fund Transfer and Contract Award Approve
Action would: (1) approve a fund transfer request from Capital Improvement Programs (CIPs) 11216 and 11221 to CIP 11148; and (2) authorize the CEO to execute MTS Doc No. L0826.0-08 with Complete Coach Works, Inc. to furnish and install senior and disabled lifts on the fleet of 52 SD 100 light rail vehicles (LRVs).

Budget Impact - The total contract cost of \$348,580.35, including training, spares, and freight, would come from CIP 11148-0800 (Senior and Disabled Lift Replacement Project).

9. MTS: Poway Transit Services Approve
Action would: (1) authorize the Chief Executive Officer (CEO) to exercise two carryover months allowable under the current contract (MTS Doc. No. B0339.0-02) with First Transit (formerly Laidlaw Transit Services, Inc.) for Poway transit Route Nos. 844 and 845 from July 1, 2008, through August 30, 2008; and (2) assign the service to Southland Transit to operate effective Sunday, August 31, 2008, for a projected savings of approximately \$50,000 annually.

Budget Impact - The carryover months for Poway's First Transit fixed-route service result in no additional budget impacts. The current unit rates for the First Transit agreement remain in effect for July and August 2008 and are within the FY 09 budget for MTS contract services. The assignment of the service will save approximately \$50,000 annually.

10. MTS: Poway Transit Vehicles Approve
Action would authorize the CEO to execute MTS Document No. B0478.1-07 with Creative Bus Sales to purchase up to eight additional medium-duty buses utilizing the public agency/state contract with Creative Bus Sales (Specification No. 54309 of State of California Contract No.1-05-23-16).

Budget Impact - The purchase of eight additional medium-duty buses requires an expenditure of not more than \$910,000 in funds from MTS CIP 11419-1300 (MCS Medium-Small DART Fixed Buses). There are sufficient capital funds within this project for this expenditure after July 1, 2008 (vehicle deliveries and the resultant payments are expected no earlier than July 1, 2008).

11. MTS: Contract Award for MTS Americans with Disabilities Act (ADA) Certification and Evaluation Services Approve
Action would authorize the CEO to execute MTS Doc. No. G1149.0-08 with ADAride.com, LLC, for ADA certification and evaluation services.

Budget Impact - A three-year base contract with two one-year options in an amount not to exceed \$929,098.68. The funding for these services is approved by the MTS Board on an annual basis within the MTS operating budget.

CLOSED SESSION

24. a. MTS: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to California Government Code Section 54956.9(a): Balfour Beatty/Ortiz v. Metropolitan Transit System (Superior Court Case No. GIC 868963) Possible Action
- b. MTS: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to California Government Code section 54956.9: OPM, Inc. v. MTDB, Et Al. (Superior Court Case No. GIS 8067-1) Possible Action

Oral Report of Final Actions Taken in Closed Session

NOTICED PUBLIC HEARINGS

25. a. MTS: Proposed Fiscal Year 2009 Budget Possible Action
Action would: (1) hold a public hearing, receive testimony, and review and comment on the fiscal year 2009 budget information presented in this report; and (2) adopt Resolution No. 08-8 approving the operating and capital budget for MTS and approving the operating budgets for San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), MTS Contract Services, Chula Vista Transit, and the Coronado Ferry.

NOTICED PUBLIC HEARINGS - CONTINUED -

- | | | |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 25. | b. <u>MTS: Proposed Services Changes</u>
Action would conduct a public hearing regarding options for Route 923 weekend services. Alternatives include retaining the current service, operating a reduced level of service, or discontinuing all weekend service. The Board-approved alternative would be implemented on August 31, 2008. | Possible Action |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|

DISCUSSION ITEMS

30. None

REPORT ITEMS

- | | | |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| 45. | <u>SDTC: Pension Plan Actuarial Report</u>
Action would receive the annual actuarial evaluation. | Receive |
| 60. | <u>Chairman's Report</u> | Information |
| 61. | <u>Audit Oversight Committee Chairman's Report</u> | Information |
| 62. | <u>Chief Executive Officer's Report</u> | Information |
| 63. | <u>Board Member Communications</u> | |
| 64. | <u>Additional Public Comments Not on the Agenda</u>
If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments. | |
| 65. | <u>Next Meeting Date:</u> June 26, 2008 | |
| 66. | <u>Adjournment</u> | |



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Agenda

Item No. 6

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

LEG 430 (PC 50121)

June 12, 2008

**Draft for
Executive Committee
Review Date: 6/5/08**

SUBJECT:

MTS: UNIFORM REPORT OF DBE AWARDS OR COMMITMENTS AND PAYMENTS

RECOMMENDATION:

That the Board of Directors receive the Uniform Report of Disadvantaged Business Enterprise (DBE) Awards or Commitments and Payments (Attachment A).

Budget Impact

None.

DISCUSSION:

MTS is a subrecipient of Division of Mass Transportation Federal Transit Administration (FTA) funds and, as such, must report on DBE participation in its contracting opportunities. Twice yearly, subrecipients must submit a completed Awards/Commitments and Actual Payments spreadsheet. These spreadsheets were submitted by MTS to the California Department of Transportation (Caltrans) program representative on May 7, 2008, for the period of October 1, 2007, through March 31, 2008.

History

The DBE Program was originally created to ensure nondiscrimination in the award and administration of Department of Transportation (DOT)-assisted contracts. The DBE Program required that on all federally funded contracts, a contract-specific DBE goal be



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

established and met by the successful bidder. In order to qualify as a DBE, a company has to be certified by the grantee or designated state agency. Award of all federally funded contracts was conditioned upon meeting the DBE goal. If a firm was unable to meet the DBE goal, the firm was required to demonstrate that it made a good-faith effort to find a DBE subcontractor.

In 2005, the Ninth Circuit Court of Appeals published an opinion specifying that the State of Washington's contract-specific goal for a paving contract was unconstitutional. In that case, a bidder had submitted the lowest bid for the project but failed to meet the DBE goal. The state awarded the contract to a minority-owned company whose bid was higher. The low bidder then sued the FTA, the State of Washington, and the City of Vancouver claiming its constitutional rights had been violated. After several years of litigation and appeals, the federal Ninth Circuit Court of Appeals ruled that on its face, the premise behind the FTA's DBE Program was constitutional but as applied to this particular bidder, its constitutional rights had been violated. The court based its decision on the fact that the State of Washington had not conducted a disparity study to determine whether any discrimination was occurring in the award of its contracts; the state had simply ordered all contracts to have a DBE goal.

On December 21, 2005, in response to the Ninth Circuit's ruling, the nine states affected by the decision (Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) were required by DOT to submit proof of discrimination in their respective contracting opportunities. Caltrans took the lead for gathering this evidence for all transportation agencies within California. Caltrans considered past disparity studies, comments, and written evidence received during a 90-day public comment period ending on March 20, 2006. While there was some indirect evidence of discrimination contained in the information received, Caltrans concluded that the data lacked sufficient evidence to continue with a race-conscious DBE Program. In order to comply with the Ninth Circuit ruling, Caltrans then issued a directive that all federal transportation assistance subrecipients would implement a DBE Race-Neutral Program until a comprehensive state-wide disparity study was completed. MTS is still awaiting the results of the final study.

In addition, MTS is currently participating in a Southern California DBE Disparity Study, which will take about 18 months to complete. In summary, the DBE Program has changed from a contract-specific program (where goals are set for each federally funded contract) to a DBE availability program (DBE goals are set for the year and attainment is monitored). During this time, MTS will continue to comply with all DBE requirements.



Paul C. Jablonski
Chief Executive Officer

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

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Attachment: A. Uniform Report of DBE Awards or Commitments and Payments

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REPORTING REQUIREMENTS AWARDS/COMMITMENTS

A. Subrecipient/Agency: San Diego Metropolitan Transit System					
B. DBE Liaison Officer and Phone: Tiffany Lorenzen - 619.557.4512 C. Date: 5/5/08					
D. [X] Report due April 15 for the period October 1 to March 31 [] Report due October 15 for the period April 1 to Sept 30					
1	E. Contractor/Subcontractor	F. Type of Contract	G. DBE Y/N	H. DBE Cert Number	I. Amount
1	San Diego Association of Governments	Fund Transfer Agree	N		\$150,000.00
2	San Diego Association of Governments	Fund Transfer Agree	N		250,000.00
3	Corvel Enterprise	Prof Consult Services	N		283,730.00
4	United Transmission Exchange	Purch of Equip	N		2,331,854.38
5	Wisnar & Barber	Prof Consult Services	N		50,000.00
6	Bureau Veritas/San Diego Association of Governments	Prof Consult Services	Y		250,000.00
	- Aguirre & Associates (Subcontractor)			6729	
	- Estrada Land Planning (Subcontractor)			7103	
	- J L Patterson Associates, Inc. (Subcontractor)			7770	
	- Manuel Oncina Architects, Inc. (Subcontractor)			12582	
	- R2H Engineering, Inc. (Subcontractor)			22945	
	- Wiggans & Willett, Inc. (Subcontractor)			31308	
7	IBI Group	Prof Consult Services	N		100,000.00
8	United Pumping	Haz Waste Disposal	N		258,449.50

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REPORTING REQUIREMENTS

AWARDS/COMMITMENTS

E. Contractor/Subcontractor	F. Type of Contract	G. DBE Y/N	H. DBE Cert Number	I. Amount
9 Fuel Solutions Inc.	Prof Consult Services	N		83,074.00
10 Hecht, Solberg, Robinson	Prof Consult Services	N		500,000.00
11 Orthopaedic Hospital	Prof Consult Services	N		417,000.00
12 Hanson Bridgett Marcus	Prof Consult Services	N		50,000.00
13 Best Best & Krieger	Prof Consult Services	N		100,000.00
14 San Diego Association of Governments	Time Ext for Grant	N		0
15 Asbury Environmental Services	Pumping Services	N		41,650.96
16 Siemens Transport	Materials	N		0
17 Motorola	Purch of Equip	N		99,712.00
18 County of San Diego	Construction	N		19,500.00
19 Allied Weed Control	Weed Abatement	N		32,327.90
20 TMD Inc.	Prof Consult Services	N		20,000.00
21 Washington Group International	Prof Consult Services	N		168,082.00
22 Telliard Construction	Construction	N		297,000.00
23 Add-On's Inc.	Prof Consult Services	N		30,000.00
24 Creative Bus Sales	Purch of Equip	N		2,256,773.00
25 Bureau Veritas/San Diego Association of Governments	Prof Consult Services	Y		450,000.00
- Aguirre & Associates (Subcontractor)			6729	
- Estrada Land Planning (Subcontractor)			7103	

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REPORTING REQUIREMENTS

AWARDS/COMMITMENTS

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- J L Patterson Associates, Inc. (Subcontractor)			7770	
- Manuel Oncina Architects, Inc. (Subcontractor)			12582	
- R2H Engineering, Inc. (Subcontractor)			22945	
- Wiggins & Willett, Inc. (Subcontractor)			31308	
26 San Diego Association of Governments	Prof Consult Services	N		25,000.00
27 Giro, Inc.	I.T. Services	N		2,210,713.00
28 Giro, Inc.	I.T. Services	N		47,363.00
29 Giro, Inc.	I.T. Services	N		9,000.00
30 Advanced Rail Management	Rail Grinding Services	N		99,500.00
31 Hanson, Bridgett, Marcus	Prof Consult Services	N		65,000.00
32 Peachez, Inc. DBA Air Management	Construction	N		0.00
33 Select Electric	Construction	N		542,058.50
34 Union Switch	Purch of Equip	N		91,650.00
35 Siemens Energy & Automation	Purch of Equip	N		63,318.00
36 Telliard Construction	Construction	N		26,184.00
37 Electro Specialist Systems	Construction	N		183,324.52
38 Canon Business Solutions	Purch of Equip	N		43,447.25
39 New Flyer of America	Purch of Equip	N		28,626,658.06
40 AAA Printing	Printing Services	N		1,553,141.64

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REPORTING REQUIREMENTS AWARDS/COMMITMENTS

E. Contractor/Subcontractor	F. Type of Contract	G. DBE Y/N	H. DBE Cert Number	I. Amount
41 Best Best & Krieger	Prof Consult Services	N		30,000.00
42 Peachez Inc. DBA Air Management	Construction	N		0.00
43 Bureau Veritas	Prof Consult Services	N		28,473.00
44 Berryman Henigar	Prof Consult Services	N		5,811.00
45 Berryman Henigar	Prof Consult Services	N		7,000.00
46 Bureau Veritas	Prof Consult Services	N		9,835.00
47 Bureau Veritas	Prof Consult Services	N		13,000.00
48 Berryman & Henigar	Prof Consult Services	N		6,246.00
49 Bureau Veritas	Prof Consult-Time Ext	N		28,473.00
50 Bureau Veritas	Prof Consult Services	N		33,500.00
51 Berryman & Henigar	Prof Consult Services	N		5,020.00
52 LAN Engineering Corp.	Prof Consult Services	N		2,764.24

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