

Date: Monday, April 27, 2009

Time: 9:00 a.m.

Where: Orange County Transportation Authority Headquarters
600 South Main Street, First Floor - Conference Room 154
Orange, California 92868



BOARD AGENDA

Orange County Transportation Authority Board Meeting
Orange County Transportation Authority Headquarters
First Floor - Room 154
600 South Main Street, Orange, California
Monday, April 27, 2009, at 9:00 a.m.

ACTIONS

REVISED

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the OCTA Clerk of the Board, telephone (714) 560-5676, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

Agenda Descriptions

The agenda descriptions are intended to give members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Board of Directors may take any action which it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

Public Comments on Agenda Items

Members of the public wishing to address the Board of Directors regarding any item appearing on the agenda may do so by completing a Speaker's Card and submitting it to the Clerk of the Board. Speakers will be recognized by the Chairman at the time the agenda item is to be considered. A speaker's comments shall be limited to three (3) minutes.

Public Availability of Agenda Materials

All documents relative to the items referenced in this agenda are available for public inspection at www.octa.net or through the Clerk of the Board's office at the OCTA Headquarters, 600 South Main Street, Orange, California.

Call to Order

Invocation

Director Bates

Pledge of Allegiance

Director Mansoor



BOARD AGENDA

ACTIONS

Special Matters

- 1. Presentation of Resolutions of Appreciation for Employees of the Month for April 2009**

Present Orange County Transportation Authority Resolutions of Appreciation Nos. 2009-19, 2009-20, 2009-21 to Shane Puailoa, Coach Operator; Charles Chang, Maintenance; and Denise Revel, Administration, as Employees of the Month for April 2009.

- 2. Workshop on Plans for Reduction of Bus Service**
Scott Holmes/Beth McCormick

Consent Calendar (Items 3 through 20)

All matters on the Consent Calendar are to be approved in one motion unless a Board Member or a member of the public requests separate action on a specific item.

Orange County Transportation Authority Consent Calendar Matters

- 3. Approval of Minutes - Special Meeting**

Of the Orange County Transportation Authority and affiliated agencies' special meeting of April 13, 2009.

- 4. Approval of Minutes - Regular Meeting**

Of the Orange County Transportation Authority and affiliated agencies' regular meeting of April 13, 2009.

- 5. Review of Contractor Drug and Alcohol Program Monitoring**
Kathleen M. O'Connell

Overview

The Internal Audit Department of the Orange County Transportation Authority has completed a review of contractor drug and alcohol program monitoring. Internal Audit has provided three recommendations to improve contract management and strengthen internal controls. Management has indicated recommendations provided in the report will be implemented or otherwise satisfactorily addressed.



BOARD AGENDA

ACTIONS

5. (Continued)

Recommendation

Direct staff to implement the recommendations made in the Review of Contractor Drug and Alcohol Program Monitoring, Internal Audit Report No. 09-104.

6. **State Legislative Status Report**
Kristin Essner/P. Sue Zuhlke

Overview

An oppose position is requested on a bill that would modify local agency closed session processes related to employee and collective bargaining negotiations.

Recommendation

Adopt the following recommended position on legislation:

Oppose SB 711 (Leno, D-San Francisco), which would prohibit a local agency legislative body from taking a final vote on specific employee and collective bargaining negotiations in closed session, and would require the release of specific documentation prior to closed session.

7. **Senate Bill 375 Clean-Up Legislation**
Kristin Essner/P. Sue Zuhlke

Overview

An overview is provided of the various legislative proposals that have been introduced this legislative session seeking to amend SB 375 (Chapter 728, Statutes of 2008) and integrate its principles into the environmental review process.



BOARD AGENDA

ACTIONS

7. (Continued)

Recommendation

Authorize staff to continue to work with various stakeholders to seek legislation which clarifies that environmental analysis of greenhouse gas emissions for transportation projects is to be done at the program level, rather than project by project, when a region is able to meet regional greenhouse gas reduction targets assigned by the California Air Resources Board.

8. **Project Requests for Federal Transportation Authorizing Legislation**

Richard J. Bacigalupo

Overview

Congress is in the early stages of considering new federal transportation authorizing legislation and members are requesting the submission of individual projects for inclusion in the new legislation.

Recommendations

- A. Approve the attached list of Orange County Transportation Authority projects for formal submission to members of Congress and possible inclusion in the next transportation authorizing legislation.
- B. Evaluate projects from other Orange County entities to determine whether or not to support these projects for possible inclusion in the next transportation authorizing legislation.

9. **Approval of the Fiscal Year 2009-10 Local Transportation Fund Claim for Laguna Beach Public Transportation Services**

James L. Cook, Jr./Kenneth Phipps

Overview

The Laguna Beach Municipal Transit Lines, a department within the City of Laguna Beach, is eligible to receive funding from the Local Transportation Fund in Orange County for providing public transportation services throughout the city. To receive the funds, the Laguna Beach Municipal Transit Lines must file a claim against the Local Transportation Fund with the Orange County Transportation Authority.



BOARD AGENDA

ACTIONS

9. (Continued)

Recommendation

Approve the Laguna Beach Municipal Transit Lines Fiscal Year 2009-10 Local Transportation Fund Claim for public transportation services in the amount of \$944,550, and authorize the Interim Chief Executive Officer of the Orange County Transportation Authority to issue allocation/disbursement instructions to the Orange County Auditor-Controller in the amount of the claim.

10. **91 Express Lanes' Software**

Kirk Avila/Kenneth Phipps

Overview

On January 12, 2009, the Board of Directors authorized staff to negotiate an amendment to Cofiroute USA, LLC's agreement to incorporate the development of a back-office software system. The software is expected to be deployed on the 91 Express Lanes by January 2011. The amendment will contain maintenance, software license, and software escrow agreements. Cofiroute USA, LLC was retained in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services to provide management and operational services for the 91 Express Lanes in October 2005.

Recommendation

Authorize the Interim Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-5-0300 between the Orange County Transportation Authority and Cofiroute USA, LLC, in an amount not to exceed \$150,000, that will cover up to four months for maintenance and software license agreements during the initial term of the contract and authorize the addition of two five-year option periods from January 2011 through January 2021, bringing the total contract value to \$31,433,854.



BOARD AGENDA

ACTIONS

10a. First Quarter 2009 Debt and Investment Report
Kirk Avila/Kenneth Phipps

Overview

The California Government Code requires the Orange County Transportation Authority Treasurer to submit a quarterly investment report detailing the investment activity for the period. This investment report covers the first quarter of 2009, January through March, and includes a discussion on the Orange County Transportation Authority's debt portfolio.

Recommendation

Receive and file the Quarterly Investment Report prepared by the Treasurer as an information item.

11. Amendment to the Agreement for Commercial Banking Services
Vicki Austin/Kenneth Phipps

Overview

On June 26, 2006, the Board of Directors approved a three-year agreement with Bank of the West, with two one-year options, in the amount of \$330,000, to provide commercial banking services. The commercial banking services consist primarily of a concentration account from which daily cash deposits and wire transfers are made and received, as well as three accounts from which accounts payable, payroll, and 91 Express Lanes cash deposits are made. An amendment is requested to exercise the first option term of the agreement.

Recommendation

Authorize the Interim Chief Executive Officer to execute Amendment No. 1 to Agreement No. C-6-0172 between the Orange County Transportation Authority and Bank of the West, in the amount of \$100,000, for commercial banking services through August 31, 2010, for a total contract amount of \$430,000.



BOARD AGENDA

ACTIONS

Orange County Service Authority for Freeway Emergencies Consent Calendar Matters

12. Agreement for Freeway Service Patrol Tow Contracts

Iain C. Fairweather/Paul C. Taylor

Overview

On June 30, 2009, several contracts for the provision of Freeway Service Patrol tow services will expire. To ensure the continuity of operations, offers were received in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services.

Recommendations

- A. Authorize the Interim Chief Executive Officer to execute Agreement No. C-8-1336 between the Orange County Transportation Authority and A.A & B Towing, in an amount not to exceed \$2,158,404 to provide freeway service patrol services, from July 1, 2009 to June 30, 2013.
- B. Authorize the Interim Chief Executive Officer to execute Agreement No. C-9-0349 between the Orange County Transportation Authority and California Coach Orange, Inc., in an amount not to exceed \$3,020,734, to provide freeway service patrol services, from July 1, 2009, to June 30, 2013.
- C. Authorize the Interim Chief Executive Officer to execute Agreement No. C-9-0350 between the Orange County Transportation Authority and Greater Southern California Towing, Inc., in an amount not to exceed \$2,436,908 to provide freeway service patrol services, from July 1, 2009 to June 30, 2013.



BOARD AGENDA

ACTIONS

Orange County Local Transportation Authority Consent Calendar Matters

13. **Approval to Release Request for Proposals for Construction Management Services for the San Diego Freeway (Interstate 405) West County Connectors Project**
Niall Barrett/Kia Mortazavi

Overview

Staff has developed a request for proposals to initiate a competitive procurement process to retain construction management consultants for the San Diego Freeway (Interstate 405) West County Connectors Project.

Recommendations

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals No. 9-0363 for selection of consultant services.
- B. Approve the release of Request for Proposals No. 9-0363 for the construction management services for the San Diego Freeway (Interstate 405) West County Connectors Project.

14. **Approval to Release Request for Proposals for Outreach Consultant for the San Diego Freeway (Interstate 405) West County Connectors Project**
Christina L. Byrne/Ellen S. Burton

Overview

Staff has developed a request for proposals to initiate a competitive procurement process to retain a community outreach consultant for the construction phase of the San Diego Freeway (interstate 405) West County Connectors Project.

Recommendations

- A. Approve the proposed evaluation criteria and weightings for selection of consultant services for request for proposals No. 9-0252.
- B. Approve the release of request for proposals No. 9-0252 for the community outreach consultant for the San Diego Freeway (Interstate 405) West County Connectors Project.



BOARD AGENDA

ACTIONS

15. **Cooperative Agreements with the Cities of Anaheim, Lake Forest, and San Clemente for Go Local Step Two Bus/Shuttle Service Planning**
Kelly Long/Darrell E. Johnson

Overview

The Orange County Transportation Authority Board of Directors has approved 27 bus/shuttle proposals submitted under Go Local Step One to be advanced to Step Two. As part of Step Two, each bus/shuttle proposal will undergo detailed service planning. Cooperative agreements are needed to outline roles and responsibilities for the Step Two service planning effort. Cooperative agreements with the cities of Anaheim, Lake Forest, and San Clemente for service planning of the cities' respective bus/shuttle proposals are presented for review and approval.

Recommendations

- A. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0306 between the Orange County Transportation Authority and the City of Anaheim to define each party's roles and responsibilities for service planning of four bus/shuttle proposals entitled, "Anaheim Regional Transportation Intermodal Center to Downtown Anaheim to Fullerton Transportation Center Connector," "Anaheim Regional Transportation Intermodal Center to Anaheim Canyon Station Connector," "Anaheim Regional Transportation Intermodal Center/Anaheim Resort/West Anaheim Commuter Shuttle," and "Anaheim Canyon Feeder Shuttles."
- B. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0305 between the Orange County Transportation Authority and the City of Lake Forest to define each party's roles and responsibilities for service planning of two bus/shuttle proposals entitled, "Demand Responsive Shuttle" and "Park-and-Ride Metrolink Shuttle."
- C. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0308 between the Orange County Transportation Authority and the City of San Clemente to define each party's roles and responsibilities for service planning of one bus/shuttle proposal entitled, "Tri-City Trolley."



BOARD AGENDA

ACTIONS

Orange County Transit District Consent Calendar Matters

16. Buy America Reviews
Kathleen M. O'Connell

Overview

The Internal Audit Department has conducted post-delivery Buy America reviews for two Orange County Transportation Authority agreements for the purchase of transit vehicles. The Internal Audit Department also conducted a pre-award Buy America review for the procurement of gasoline powered paratransit buses. One recommendation has been made to develop policies and procedures to ensure that the Orange County Transportation Authority complies with pre-award and post-delivery audit requirements.

Recommendations

- A. Direct staff to implement the recommendation in New Flyer of America, Inc. Post-Delivery Buy America Review, Internal Audit Report No. 09-032.
- B. Receive and file New Flyer of America, Inc. Post-Delivery Buy America Review, Internal Audit Report No. 09-032; EIDorado National, Inc. Pre-Award Buy America Review, Internal Audit Report No. 09-033; and EIDorado National, Inc. Post-Delivery Buy America Review, Internal Audit Report No. 09-034.

17. Agreement for the Purchase of 33 Paratransit Buses
Antonio P. Chavira, Jr./Beth McCormick

Overview

As part of the Orange County Transportation Authority's Fiscal Year 2008-09 Budget, the Board of Directors approved the purchase of revenue vehicles for ACCESS services. The Board of Directors' is requested to approve the purchase of 33 paratransit vehicles.



BOARD AGENDA

ACTIONS

17. (Continued)

Recommendation

Authorize the Interim Chief Executive Officer to execute Purchase Order No. C-8-1315 between the Orange County Transportation Authority and Creative Bus Sales, in an amount not to exceed \$3,429,628, for the purchase of 33 gasoline replacement paratransit buses for ACCESS service.

18. **Agreement for Underground Storage Tank Repair, Upgrade, Testing, and Certification Services**

Ryan Erickson/Beth McCormick

Overview

As part of the Orange County Transportation Authority's Fiscal Year 2008-09 Budget, the Board of Directors approved underground storage tank repair, upgrade, testing, and certification services. Offers were received in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services.

Recommendation

Authorize the Chief Executive Officer to execute Agreement No. 8-1351 between the Orange County Transportation Authority and Inland Petroleum Equipment & Repair, Inc., for a maximum obligation of \$600,000, to provide underground storage tank repair, upgrade, testing, and certification services for a three-year term from July 1, 2009, through June 30, 2012.

19. **Amendment to Agreement with the County of Orange, Orange County Sheriff's Department**

Bruce H. Gadbois/Beth McCormick

Overview

On May 23, 2008, the Board of Directors approved a five-year agreement with the County of Orange, Orange County Sheriff's Department to provide Transit Police Services. The firm fixed total cost to the Orange County Transportation Authority for services provided for a 12-month period is determined annually by the Orange County Sheriff's Department and approved by the Orange County Transportation Authority.



BOARD AGENDA

ACTIONS

19. (Continued)

Recommendation

Authorize the Interim Chief Executive Officer to execute Amendment No. 1 to Agreement No. C-8-1022 between the Orange County Transportation Authority and the County of Orange, Orange County Sheriff's Department, in an amount not to exceed \$4,930,894 for Transit Police Services, effective July 1, 2009, through June 30, 2010, bringing the maximum contract obligation to \$9,935,088.

20. **Local Transportation Fund Claims for Fiscal Year 2009-10**

James L. Cook, Jr./Kenneth Phipps

Overview

The Orange County Transit District is eligible to receive funding from the Local Transportation Fund for providing public transportation services throughout Orange County. In order to receive these funds, the Orange County Transit District, as the public transit and community transit services operator, must file claims with the Orange County Transportation Authority, the transportation planning agency for Orange County.

Recommendation

Adopt Orange County Transit District Resolution No. 2009-17 authorizing the filing of Local Transportation Fund claims, in the amounts of \$79,398,535, to support public transportation and \$4,228,583 for community transit services, including operation of the Senior Mobility Program.



BOARD AGENDA

ACTIONS

Regular Calendar

Orange County Local Transportation Authority Regular Calendar Matters

21. **Funding for Metrolink Stations in the Cities of Anaheim, Fullerton, Irvine, and Santa Ana**
Roger M. Lopez/Kia Mortazavi

Overview

In March 2009, the Board of Directors approved requests to fund the planning or construction of improvements for major expansion of four Metrolink stations and directed staff to return with a funding plan. The applications were submitted as part of a call for projects for the Renewed Measure M Regional Gateways Program. A funding plan is presented for Board of Directors' review and approval.

Committee Recommendations

- A. Approve funding allocations for the City of Anaheim using \$6 million of Measure M transit funds, \$82.3 million of Renewed Measure M Project T funds, and \$29.2 million in 2008 State Transportation Improvement Program funds. Disbursement of Project T funds are subject to the City of Anaheim becoming an eligible recipient for Renewed Measure M funds. Allocation of funds to the City of Irvine is contingent upon an agreement between OCTA and the City of Irvine that reserves 20 acres at the former El Toro base for a Metrolink maintenance facility.
- B. Approve funding allocations for the cities of Fullerton, Irvine, and Santa Ana using \$5.78 million in federal Surface Transportation Program funds and \$0.75 million of Measure M transit funds.
- C. Amend the Project T funding guidelines to permit use of 21 years versus 20 years of net revenues and to be consistent with the recommended Renewed Measure M programming amount of \$82.3 million.



BOARD AGENDA

ACTIONS

21. (Continued)

- D. Direct staff to return with funding agreements with each local agency for the associated projects and funding amounts presented in this report.
- E. Authorize staff to prepare and submit any necessary programming documents including amendments to the Regional Transportation Improvement Program and the 2008 State Transportation Improvement Program.
- F. Direct staff to seek state and federal funds to advance the Renewed Measure M and Measure M funding allocations included in this report.

Orange County Transit District Regular Calendar Matters

22. **Agreement for the Provision of Contracted Fixed Route, StationLink, and Express Bus Services** Curt Burlingame/Beth McCormick

Overview

The Orange County Transportation Authority is seeking a contractor to provide management and operations of contracted fixed route, StationLink, and express bus services. Proposals were received in accordance with the Orange County Transportation Authority's procurement procedures for technical and professional services. A summary of the procurement and recommendation for contract award are provided for review and approval.

Recommendation

Authorize the Chief Executive Officer to execute Agreement No. C-8-1326 between the Orange County Transportation Authority and MV Transportation, Inc., in an amount not to exceed \$33,702,256, for the operation of contracted fixed route, StationLink, and express bus services for a four-year initial term beginning July 1, 2009, with two one-year options terms.



BOARD AGENDA

ACTIONS

Discussion Items

23. Public Communications Update

Stella Lin/Ellen S. Burton

24. Public Comments

At this time, members of the public may address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors, but no action may be taken on off-agenda items unless authorized by law. Comments shall be limited to three (3) minutes per speaker, unless different time limits are set by the Chairman subject to the approval of the Board of Directors.

25. Interim Chief Executive Officer's Report

26. Directors' Reports

27. Closed Session

1. Pursuant to Government Code Section 54957 to consider the appointment of a Chief Executive Officer.
2. Pursuant to Government Code Section 54957.6, meet with designated representatives Chairman Buffa, Vice Chairman Amante, and Directors Cavecche and Winterbottom to discuss the compensation of the Chief Executive Officer.

28. Adjournment

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, May 11, 2009**, at the OCTA Headquarters.



ORANGE COUNTY
TRANSPORTATION AUTHORITY

RESOLUTION

SHANE PUAILOA

WHEREAS, the Orange County Transportation Authority recognizes and commends Shane Puailoa; and

WHEREAS, let it be known that Shane Puailoa has been a principal player at the OCTA since 1985 and has performed his responsibilities as a Coach Operator in a professional, safe, courteous and reliable manner; and

WHEREAS, Shane Puailoa has demonstrated that safety is paramount by achieving 23 years of safe driving; and

WHEREAS, Shane has demonstrated his integrity by maintaining an excellent attendance record, and his dedication exemplifies the high standards set forth for Orange County Transportation Authority employees; and

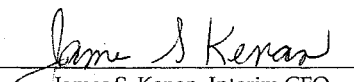
WHEREAS, Shane has proven that "Putting Customers First" is the only way to conduct yourself as a professional Coach Operator at OCTA and his attention to detail and concern for his customers have helped OCTA ridership grow.

NOW, THEREFORE, BE IT RESOLVED that the Authority does hereby declare Shane Puailoa as the Orange County Transportation Authority Coach Operator Employee of the Month for April, 2009; and

BE IT FURTHER RESOLVED that the Orange County Transportation Authority Board of Directors recognizes Shane Puailoa's valued service to the Authority.

Dated: April 27, 2009

Peter Buffa, Chairman
Orange County Transportation Authority



James S. Kenan, Interim CEO
Orange County Transportation Authority





ORANGE COUNTY
TRANSPORTATION AUTHORITY

RESOLUTION

CHARLES CHANG

WHEREAS, the Orange County Transportation Authority recognizes and commends Charles Chang; and

WHEREAS, be it known that Charles Chang has been a principal player in our Maintenance Department with his innovative contributions, service and commitment; and

WHEREAS, be it known that Charles Chang is an Automotive Mechanic who is proficient and performs all tasks with professionalism. His thoroughness and workmanship are of the highest quality. Charles can be depended upon to diagnose and repair all support vehicles in a timely fashion; and

WHEREAS, be it known that Charles Chang has outstanding records of perfect attendance and safety; and

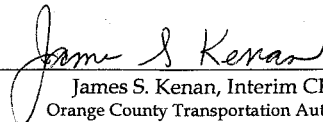
WHEREAS, his dedication to his duties and desire to excel are duly noted, and he is recognized as an outstanding Authority employee.

NOW, THEREFORE, BE IT RESOLVED that the Authority does hereby declare Charles Chang as the Orange County Transportation Authority Maintenance Employee of the Month for April, 2009; and

BE IT FURTHER RESOLVED that the Orange County Transportation Authority Board of Directors recognizes Charles Chang's valued service to the Authority.

Dated: April 27, 2009

Peter Buffa, Chairman
Orange County Transportation Authority



James S. Kenan, Interim CEO
Orange County Transportation Authority

OCTA Resolution No. 2009-020





ORANGE COUNTY
TRANSPORTATION AUTHORITY

RESOLUTION

DENISE REVEL

WHEREAS, the Orange County Transportation Authority recognizes and commends Denise Revel; and

WHEREAS, be it known that with her considerable experience, attention to detail, and commitment to excellence, Denise has assumed the lead Project Controls role in support of the Authority's Highway Project Delivery team; and

WHEREAS, Denise's experience and background in project scheduling and cost control is a key contributing factor to the successful delivery of the Authority's multi-billion dollar highway capital programs including Renewed Measure M; and

WHEREAS, Denise's superb knowledge and understanding of the Authority's business practices, project costs, schedules, and related funding sources make her a key resource in the day to day operations of the Highway Project Delivery team; and

WHEREAS, Denise's integrity, knowledge and commitment to assist others has earned her the respect of co-workers throughout the Authority.

NOW, THEREFORE, BE IT RESOLVED that the Authority does hereby declare Denise Revel as the Orange County Transportation Authority Administration Employee of the Month for April, 2009; and

BE IT FURTHER RESOLVED that the Orange County Transportation Authority Board of Directors recognizes Denise Revel's valued service to the Authority.

Dated: April 27, 2009

Peter Buffa, Chairman
Orange County Transportation Authority

James S. Kenan, Interim CEO
Orange County Transportation Authority

OCTA Resolution No. 2009-021



Minutes of the Special Meeting of the
Orange County Transportation Authority
Orange County Service Authority for Freeway Emergencies
Orange County Local Transportation Authority
Orange County Transit District
Board of Directors
April 13, 2009

Call to Order

The April 13, 2009, special meeting of the Orange County Transportation Authority and affiliated agencies was called to order by Chairman Buffa at 8:00 a.m. at the Orange County Transportation Authority Headquarters, Orange, California.

Roll Call

Directors Present: Peter Buffa, Chairman
Jerry Amante, Vice Chair
Patricia Bates
Arthur C. Brown
Bill Campbell
Carolyn V. Cavecche
William J. Dalton
Richard Dixon
Cathy Green
Allan Mansoor
John Moorlach
Janet Nguyen
Chris Norby
Curt Pringle
Gregory T. Winterbottom

Also Present: James S. Kenan, Interim Chief Executive Officer
Paul C. Taylor, Deputy Chief Executive Officer
Wendy Knowles, Clerk of the Board
Laurena Weinert, Assistant Clerk of the Board
Kennard R. Smart, Jr., General Counsel
Members of the Press and the General Public

Directors Absent: Paul Glaab
Miguel Pulido

Public Comments on Agenda Items

Chairman Buffa announced that members of the public who wished to address the Board of Directors regarding any item appearing on the agenda would be allowed to do so by completing a Speaker's Card and submitting it to the Clerk of the Board.

No public comments were received.

1. Closed Session

A Closed Session was held:

- A. Pursuant to Government Code Section 54957.6 to discuss negotiations with Teamsters, Local 952, representing coach operators and maintenance personnel. The designated representative for OCTA is Patrick J. Gough; the designated representative for Teamsters Local 952 is Patrick Kelly.
- B. Pursuant to Government Code Section 54957 to consider the appointment of a Chief Executive Officer.

2. Adjournment

The meeting adjourned at 8:45 a.m. Chairman Buffa announced that the next regularly scheduled meeting of this Board would follow this meeting at the OCTA Headquarters.

ATTEST

Wendy Knowles
Clerk of the Board

Peter Buffa
OCTA Chairman

Minutes of the Meeting of the
Orange County Transportation Authority
Orange County Service Authority for Freeway Emergencies
Orange County Local Transportation Authority
Orange County Transit District
Board of Directors
April 13, 2009

Call to Order

The April 13, 2009, regular meeting of the Orange County Transportation Authority and affiliated agencies was called to order by Chairman Buffa at 9:00 a.m. at the Orange County Transportation Authority Headquarters, Orange, California.

Roll Call

Directors Present: Peter Buffa, Chairman
Jerry Amante, Vice Chairman
Patricia Bates
Arthur C. Brown
Bill Campbell
Carolyn Cavecche
William J. Dalton
Richard Dixon
Cathy Green
Allan Mansoor
John Moorlach
Janet Nguyen
Chris Norby
Curt Pringle
Miguel Pulido
Gregory T. Winterbottom
Ryan Chamberlain, Deputy District Director, Caltrans,
attending for Cindy Quon, Governor's Ex-Officio Member

Also Present: James S. Kenan, Interim Chief Executive Officer
Paul C. Taylor, Deputy Chief Executive Officer
Wendy Knowles, Clerk of the Board
Laurena Weinert, Assistant Clerk of the Board
Kennard R. Smart, Jr., General Counsel
Members of the Press and the General Public

Directors Absent: Paul Glaab

Invocation

Director Moorlach gave the invocation.

Pledge of Allegiance

Director Brown led the Board and audience in the Pledge of Allegiance.

Public Comments on Agenda Items

Chairman Buffa announced that members of the public who wished to address the Board of Directors regarding any item appearing on the agenda would be allowed to do so by completing a Speaker's Card and submitting it to the Clerk of the Board.

Special Matters

There were no Special Matters items.

Consent Calendar (Items 1 through 20)

Chairman Buffa stated that all matters on the Consent Calendar would be approved in one motion unless a Board Member or a member of the public requested separate action on a specific item.

Orange County Transportation Authority Consent Calendar Matters

1. Approval of Minutes - Special Meeting

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to approve the minutes of the Orange County Transportation Authority and affiliated agencies' special meeting of March 23, 2009.

2. Approval of Minutes - Regular Meeting

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to approve the minutes of the Orange County Transportation Authority and affiliated agencies' regular meeting of March 23, 2009.

3. Investment Activities January 1 through June 30, 2008

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to direct staff to implement recommendations in the Investment Activities January 1 through June 30, 2008, Internal Audit Report No. 09-019.

4. Implementation of an Ethics Hotline

Director Pringle pulled this item and requested more detail on this hotline.

Janet Sutter, Senior Section Manager of Internal Audit, responded that this item is in response to a recommendation from the external auditors, who suggested that an ethics policy be developed and an ethics (fraud) hotline be implemented at OCTA. Ms. Sutter stated that typically this type of hotline is managed or administered by an Audit Department; therefore, the Internal Audit Department has developed a scope of work for a third party to provide this service.

Director Pringle indicated he felt an ethics policy should be developed first, and then evaluate how the hotline would fit into that.

Director Campbell indicated he would like this hotline put into place now, and emphasized the need for employees to be able to report fraudulent activity, whether there is a completed ethics policy in place or not.

Vice Chairman Amante inquired as to the status of the ethics policy, and General Counsel, Kennard R. Smart, Jr., stated it could be completed in one to two months.

Directors Campbell and Pringle requested a statement of purpose for an Ethics Hotline be provided, and an explanation of how it would be offered to users.

A motion was made by Director Campbell, seconded by Director Moorlach, and declared passed by those present, to

- A. Direct the Internal Audit Department to proceed with issuing a Request for Proposal for ethics hotline services.
- B. Direct staff to outline the use of the fraud hotline and how employees will be notified of the availability of the hotline.

5. California Emergency Management Agency Grant Authorization for November 2008 Wildfires

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to adopt Resolution No. 2009-16 to authorize the Interim Chief Executive Officer and Deputy Chief Executive Officer to file applications and execute agreements with the Federal Emergency Management Agency and California Emergency Management Agency for the purpose of obtaining federal and state financial assistance.

6. State Legislative Status Report

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to:

Adopt the following recommended positions on legislation:

Sponsor SB 454 (Lowenthal, D-Long Beach), which facilitates local flexibility and coordination in passenger rail service along the Los Angeles San Diego-San Luis Obispo rail corridor.

Support AB 729 (Evans, D-Santa Rosa), which would remove the 2011 sunset provision for transit design-build projects.

Support AB 1072 (Eng, D-Monterey Park), which would extend the current formula and policies for allocating Proposition 1B transit capital funds for the balance of the program.

Support with amendments for AB 628 (Block, D-Chula Vista), which provides toll operators with the option of implementing “pay by plate” as a toll collection method.

Oppose SB 372 (Kehoe, D-San Diego), which would prohibit the removal or modification of state park land without State Park and Recreation Commission recommendation and state legislative approval.

Oppose SB 679 (Wolk, D-Davis), which would prohibit the disposal or alternative use of state park land without state legislative approval and the identification of substitute land of equal value.

7. Federal Legislative Status Report

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to receive and file as an information item.

8. Drug and Alcohol Policy Manual

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to:

- A. Approve the Orange County Transportation Authority’s Drug and Alcohol Drug Policy Manual.
- B. Authorize the Interim Chief Executive Officer to certify the Orange County Transportation Authority’s Drug-Free Workplace Act statement.

9. Fiscal Year 2008-09 Second Budget Amendment #2

Public comments were heard from:

Carlos Amador, student at Cal State Fullerton, expressed his concern for service cuts and emphasized that many rely on this service to get to work and school.

Carlos Casteneda, student at Santa Ana College, requested the Board reconsider the service cuts and expressed his concern for people being able to get to work and school.

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to:

- A. Amend the bus transit fiscal year 2008-09 budget by reducing revenues by \$18.3 million, reducing the expenditure budget by \$6.1 million, and increasing the use of reserves by \$12.2 million.
- B. Amend the Local Transportation Authority fiscal year 2008-09 budget by reducing revenues by \$20.4 million, reducing expenditures by \$111.5 million and reducing the use of reserves by \$91.1 million.

Orange County Local Transportation Authority Consent Calendar Matters

10. Orange County Local Transportation Authority Measure M Agreed-Upon Procedures Reports, Year Ended June 30, 2008

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to:

- A. Receive and file the Orange County Local Transportation Authority Measure M Agreed-Upon Procedures Reports, Year Ended June 30, 2008.
- B. Direct staff to initiate an amendment to the Orange County Local Transportation Authority Ordinances No. 2 and 3, clarifying whether or not projects must be included in the Seven-Year Capital Improvement Program for every year in which expenditures are made and that turnback funds cannot be used for internal city borrowing or to pay interest or costs of issuance for debt incurred to advance projects.
- C. Direct staff to accept an amended Seven-Year Capital Improvement Program from the City of Irvine.

11. Cooperative Agreements with the Cities of Aliso Viejo and Irvine for Go Local Step Two Bus/Shuttle Service Planning

Director Pringle pulled this item and stated that the sentiment expressed by the Irvine City Council, in the March 26, 2009, Orange County Register article, as well as the subsequent Irvine World News article in which a Council Member is depicted in the articles as having harshly criticized OCTA's management and funding decisions, concerned him.

Director Pringle stated that he does not feel that is the sentiment of the City Council or management for the City of Irvine, yet when it is stated by Council Member Larry Agran that the fiscal management implemented in Irvine "is in contrast with what we are seeing at OCTA and the County of Orange who are letting us all down," he feels it is important to emphasize that just as OCTA works to cooperate with the City of Irvine, that OCTA hear from Irvine that they, in fact, wish to work with OCTA.

A motion was made by Director Pringle, seconded by Director Campbell, to:

- A. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0304 between the Orange County Transportation Authority and the City of Aliso Viejo to define each party's roles and responsibilities for service planning of the Aliso Viejo Town Center Shuttle Bus.
- B. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0303 between the Orange County Transportation Authority and the City of Irvine to define each party's roles and responsibilities for service planning of the Irvine Spectrum Shuttle.
- C. Amend the cooperative agreement with Irvine to state, "Whereas, the Irvine City Council does not concur with the comments made by individual council members regarding the cooperation, fiscal management and positive work by OCTA to better the lives of Irvine residents, as quoted in the March 26, 2009, Orange county Register."

Vice Chairman Amante stated that he was also disappointed to read the quote in the newspapers and feels that it is unfortunate views are expressed by a member of the Irvine City Council in the newspapers which are likely not the views of the entire community. Additionally, he stated that he feels the comments are extremely inaccurate in light of how OCTA is using its reserves and making every effort to approach all opportunities to fund as much transit as possible.

Vice Chairman Amante requested that staff prepare a report on the status of the lines proposed in the cooperative agreement with Irvine, how they are intended to work, what they are intended to provide for transit relief, the status of Irvine's bus service planning, and the success of the iShuttle.

12. Cooperative Agreement with the California Department of Transportation for the Eastbound Riverside Freeway (State Route 91) Project

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0359 between the California Department of Transportation and the Orange County Transportation Authority, in an amount not to exceed the current estimate of \$67.852 million, for construction of an eastbound lane on the Riverside Freeway (State Route 91).

13. Cooperative Agreement with the California Department of Transportation for the San Diego Freeway (Interstate 5) High-Occupancy Vehicle Project

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0270 between the Orange County Transportation Authority and the California Department of Transportation for the project approval and environmental document phase of the San Diego Freeway (Interstate 5) High-Occupancy Vehicle Project between San Juan Creek Road and Avenida Pico.

14. Cooperative Agreement with California Department of Transportation for the Construction and Construction Administration of the Garden Grove Freeway (State Route 22) Additional Soundwalls

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0320 between the Orange County Transportation Authority and the California Department of Transportation for the construction and construction administration for the additional soundwalls along the Garden Grove Freeway (State Route 22), in an amount not to exceed \$2.92 million.

15. Agreement for Measure M Taxpayers' Oversight Committee Recruitment

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to authorize the Interim Chief Executive Officer to execute Agreement No. C-9-0301 between the Orange County Transportation Authority and the Grand Jurors' Association of Orange County, in an amount not to exceed \$50,000, for five years for managing the Taxpayers' Oversight Committee recruitment process.

Orange County Transit District Consent Calendar Matters

16. Orange County Transportation Authority Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account Planning Agency Schedule of Revenues, Expenses, and Change in Net Assets, Year Ended June 30, 2008

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to receive and file the Orange County Transportation Authority Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account Planning Agency Schedule of Revenues, Expenses, and Changes in Net Assets, Year Ended June 30, 2008.

17. Amendment to Agreement for the Provision of Special Agency Transportation Service

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to authorize the Interim Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-3-1284 between the Orange County Transportation Authority and American Logistics, Inc., to extend the term of the agreement, in an amount not to exceed \$754,000, for the provision of special agency transportation service through June 30, 2011, bringing the total contract value to \$2,815,142.

Directors Cavecche and Nguyen abstained from voting on this item.

18. Amendment to Cooperative Agreements for Provision of Senior Transportation to Congregate Meal Sites

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to:

- A. Authorize the Interim Chief Executive Officer to execute Amendment No. 1 to Cooperative Agreement No. C-8-0224 between the Orange County Transportation Authority and the Orange County Office on Aging for its share of the program expense for the provision of senior transportation to congregate meal sites, in an amount not to exceed \$330,952, through June 30, 2010.
- B. Authorize the Interim Chief Executive Officer to execute amendments to agreements with ten participating cities for the cities' share of the program expense through June 30, 2010, based on the Orange County Office on Aging allocation, for a total amount not to exceed \$83,000.

19. Customer Information Center Update

Director Campbell pulled this item and stated there is an increased number of calls and the concern is that since there is a per-call charge, the budget will be exhausted. He observed that the proposed solution is to change the standard from a 30-second response to a one-minute response, thus making customers wait longer for assistance, which he did not feel was the best customer service.

Marlon Perry, Manager of Customer Relations, stated that in looking at the performance for the contractor, Alta Resources, it is seen as very good, and most calls are handled within the first few seconds. He stated that many calls in the queue are for inquiries about bus times or late buses. Mr. Perry advised the Members there is no “pre-sorting” of calls which go into one queue.

Director Campbell stated that could be an area to research and perhaps offer alternatives for the caller to select an option on the menu to direct the call, based on its purpose. He also suggested there be a “front-end” message to allow callers to leave a message without waiting.

A motion was made by Director Campbell, seconded by Vice Chairman Amante, and declared passed by those present, to return this item to the Transit Committee for further exploration of options.

20. Amendment to Agreement for Bus Revenue-Generating Advertising Contract

A motion was made by Director Green, seconded by Vice Chairman Amante, and declared passed by those present, to authorize the Interim Chief Executive Officer to execute Amendment No. 3 to Agreement No. C-5-0127 between the Orange County Transportation Authority and Titan Outdoor, to modify the payment provisions and to exercise the second option term.

Regular Calendar

Orange County Transit District Regular Calendar Matters

21. Fare Evasion Report

Bruce Gadbois, Manager of Security and Emergency Preparedness, presented this report to the Board and indicated it is in response to a previous request by the Board.

Mr. Gadbois provided information on the types of fare evasion techniques used by riders and OCTA’s policy which coach operators are required to follow. He additionally reported the number of incident reports over the past five years and marketing efforts to curtail fare evasion as it relates to the abuse of various types of bus passes. Mr. Gadbois informed the Board what other agencies are doing regarding the issue of fare evasion and explained the limitations on law enforcement.

21. (Continued)

Director Norby asked what percentage of fare evaders a typical Metrolink “sweep” would identify, and it was reported there is a .08 percent fare evasion rate.

Director Norby asked staff to report back if there are other agencies that do not charge fares to their riders.

Public comments were heard from:

Donna Metcalfe, representing Teamsters Union Local 952, stated that she believes the issue is larger than reported and suggested surveying the coach operators to learn more about the situation. She stated the customer comments policy hinders coach operators in how they handle this problem.

Ken Perez, OCTA Coach Operator, provided comments on the misuse of passes and other experiences with fare evasion.

Pam Smith, OCTA Coach Operator, expressed her feeling that riders need to show some form of identification to use the pass they are presenting, and felt more “backing” by management was needed.

Gary Parkhouse, OCTA Coach Operator, stated that there is increased dishonesty in the use/abuse of passes.

Alan Robinson, OCTA Coach Operator, offered comments regarding the abuse of passes and stated he felt the video has been helpful in that coach operators are able to tell fare evaders that a video is recording the transaction.

Linda Hill, OCTA Coach Operator, offered comments regarding seniors. She also stated there is a concern among coach operators regarding customer comments being made to management which could portray an incident very differently than how it actually occurred.

Deanna Campbell, OCTA Coach Operator, stated that she observes a high incidence of pass fraud, particularly of late.

Ed Speltie, OCTA Coach Operator, provided comments relative to fare evasion and the fraudulent use of passes. He stated that he has posted the fares on the bus for passengers to read and to be aware.

Director Mansoor requested information on the consideration for incorporating all current types of fares (seniors, students, etc.) into one single fare.

21. (Continued)

Director Campbell requested that a report be provided at a future meeting on the types of bus passes sold, how they are sold, to whom they are sold, and enforcement of rules.

Chairman Buffa requested staff look at ways to redesign passes with different/larger typeface for easier reading.

Director Winterbottom requested information on “fare cards” as an alternative to bus passes.

Director Dixon requested staff explore a method by which coach operators can “flag” a fare evasion incident.

Discussion followed; no action was taken on this receive and file item.

22. Bus Stop Maintenance Program

Ryan Erickson, Manager of Facility Maintenance, provided background on this item and stated that previous direction from the Board was to survey the cities and return to the Board with that information.

Mr. Erickson further explained the scope of work for bus stop maintenance tasks, OCTA’s supplemental service at the stops, survey findings, recommendations, and next steps.

Director Mansoor requested that staff follow up with Costa Mesa as to their level of bus stop maintenance and to what degree OCTA has had to be involved in this work.

Director Campbell requested information if the County could buy service by OCTA’s provider for bus stop maintenance.

A motion was made by Director Pringle, seconded by Vice Chairman Amante, and declared passed by those present, to:

- A. Approve a revised scope of work for bus stop maintenance.
- B. Direct staff to meet with representatives from each city on the bus stop maintenance program to discuss challenges and possible solutions.

22. (Continued)

- C. Direct staff to expend \$300,000 in year one for this maintenance, and reduce OCTA's maintenance of the "hot spots" by half (to \$150,000) in year two of the contract, and reduce to zero in year three of the contract.
- D. Direct staff to analyze potential augmentation of OCTA's funding based on supplemental revenues received from cities or the County of Orange to supplant the contract

Directors Bates, Moorlach, Pulido were not present to vote on this item.

Director Norby voted to oppose the motion.

Discussion Items

23. Economic Stimulus Update

Kia Mortazavi, Executive Director of Development, presented this item to the Board and provided details on project activities and communications and related meetings which have taken place. Mr. Mortazavi indicated this report will come to the Board on a monthly basis.

Chairman Buffa inquired as to when the stimulus money starts to flow into the County, and Mr. Mortazavi responded that the money is available now, although it has to get into the Federal Capital Improvement Program, otherwise known as the Transportation Improvement Program. Mr. Mortazavi added that the Program is being amended to reflect the projects. As soon as OCTA can clear the right-of-way, which is the last hurdle that needs to be addressed, construction activity can begin and the State can seek reimbursement.

24. Public Communications Update

Kristin Johnson, Associate Community Relations Specialist, provided a demonstration of the newly-designed "Transparency in Transportation" section on the OCTA website which provides information on the status of economic stimulus money. Ms. Johnson stated that the development of this website section was requested by the Executive Committee, and is intended to keep taxpayers informed on how the economic stimulus funds are being spent.

Director Pringle expressed his appreciation for the response to the Executive Committee's request and stated that this section should be kept "real" and up-to-date, not become static so that those visiting the website are able to readily see the level of money spent and what OCTA is doing with the funds.

24. (Continued)

He further stated that this section should indicate “Economic Stimulus to Orange County” and requested that a press release be done to notify Orange County that this information is now available on the OCTA website.

Board Members were very complimentary to the Public Relations staff for the quick turn-around of this request and the excellent results.

25. Public Comments

At this time, Chairman Buffa stated that members of the public may address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors, but no action would be taken on off-agenda items unless authorized by law.

Public comment was heard from Patrick Kelly, representing Teamsters Union Local 952, who expressed his concern regarding the fare evasion situation. He also stated that he felt the Board may need to look at fare increases in light of the budget situation. Mr. Kelly stated that it would be his preference that the service reductions be done over two years, not one, and that he hoped the American Public Transportation Association will get involved in pursuing federal funds to become available for transit service.

26. Interim Chief Executive Officer's Report

James S. Kenan, Interim Chief Executive Officer (CEO), reported:

- Upcoming meetings and events;
- Community meetings will be held by OCTA at various locations at 5:30 p.m. on May 12, 13, and 14 to offer the public an opportunity to provide input and get questions answered in regard to the bus service reductions. Directors Green and Winterbottom will participate in those sessions;
- A public hearing on the bus service reductions will be held at the OCTA Board meeting on May 22 at the OCTA Headquarters.

27. Directors' Reports

Director Cavecche will attend future Regional Targets Advisory Committee meetings (regarding Senate Bill 375) as an observer in Sacramento; the Committee meets monthly. She will also serve as OCTA's former CEO, Arthur T. Leahy's, alternate when he is unable to attend.

Director Campbell reported that he and Director Cavecche traveled to Sacramento on March 31 to meet with Caltrans.

28. Closed Session

A Closed Session was not held as part of this regular meeting.

29. Adjournment

The meeting adjourned at 11:48 a.m. The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, April 27, 2009**, at the OCTA Headquarters.

ATTEST

Wendy Knowles
Clerk of the Board

Peter Buffa
OCTA Chairman



MEMO

April 22, 2009


To: Members of the Board of Directors
From: Wendy Knowles^{WK}, Clerk of the Board
Subject: **Board Committee Transmittal for Agenda Item**

The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



April 22, 2009

To: Finance and Administration Committee
From:  James S. Kenan, Interim Chief Executive Officer
Subject: Review of Contractor Drug and Alcohol Program Monitoring

Overview

The Internal Audit Department of the Orange County Transportation Authority has completed a review of contractor drug and alcohol program monitoring. Internal Audit has provided three recommendations to improve contract management and strengthen internal controls. Management has indicated recommendations provided in the report will be implemented or otherwise satisfactorily addressed.

Recommendation

Direct staff to implement the recommendations made in the Review of Contractor Drug and Alcohol Program Monitoring, Internal Audit Report No. 09-104.

Background

The Orange County Transportation Authority (OCTA) has approximately 1,600 safety-sensitive positions subject to OCTA's drug and alcohol program. On October 13, 2008, the Internal Audit Department (Internal Audit) issued a report on the results of a review of medical providers with which OCTA contracts for drug and alcohol screening. The audit report, Review of Medical Examinations and Services Contract Compliance, Internal Audit Report No. 08-006, was provided to the Board of Directors (Board) on November 24, 2008. Following discussion, the Board directed Internal Audit to also review policies and procedures used by OCTA with regard to monitoring the drug and alcohol program of OCTA's paratransit service provider, Veolia Transportation Company (Veolia).

Discussion

OCTA's contract with Veolia for paratransit service includes approximately 500 safety-sensitive positions. During the review, Internal Audit noted that OCTA's Community Services Transportation Services (CTS) Department is conducting

monthly reviews of Veolia's drug and alcohol program. Internal Audit recommended enhancements to these monitoring procedures.

During the review Internal Audit identified additional transportation programs and contracts funded by OCTA where drug and alcohol monitoring is either a component of the program or a contract. Some of these include the Freeway Service Patrol program, Metrolink, the Vanpool program, the Taxicab Administration program, and contracts with not-for-profit companies providing senior and disabled transportation services in lieu of ACCESS service. There are also contractors authorized to drive OCTA vehicles for maintenance and there may be Measure M Go Local programs where drug and alcohol programs are, or will be, required.

Currently, monitoring of drug and alcohol programs for OCTA-sponsored programs and contracts is decentralized. While the Human Resources Department coordinates the drug and alcohol program for OCTA safety-sensitive positions, transportation program managers throughout OCTA must individually develop knowledge and expertise in the area of drug and alcohol programs as well as develop their own monitoring procedures.

Internal Audit recommended a more coordinated approach to monitoring contractor drug and alcohol programs. Such an approach would promote knowledge and awareness of program requirements throughout OCTA, as well as provide a mechanism for the escalation of unresolved contract violations.

Summary

Based on the review, Internal Audit offered three recommendations and management has indicated they have been or will be implemented.

Attachment

- A. Review of Contractor Drug and Alcohol Program Monitoring, Internal Audit Report No. 09-104

Prepared by:



Kathleen M. O'Connell
Executive Director, Internal Audit
(714) 560-5669



INTEROFFICE MEMO

March 16, 2009

To: Paddy Gough, Executive Director
Human Resources & Organizational Development

Jim Kenan, Executive Director
Finance & Administration

Beth McCormick, General Manager
Transit

From: Gerry Dunning, Senior Internal Auditor *GD*
Internal Audit

Subject: **Review of Contractor Drug and Alcohol Program Monitoring-
Internal Audit Report No. 09-104**

Attached hereto is the Review of Contractor Drug and Alcohol Program Monitoring - Internal Audit Report No. 09-104, and the accompanying staff report to the Board of Directors. Management responses to the three recommendations made in the review have been incorporated into the final audit report. Internal Audit concurs with the responses.

We appreciate the cooperation received during this review. Internal Audit will follow up on management's planned corrective actions in six months.

Please note that we anticipate including this item on the Finance and Administration Committee agenda in the future, but no earlier than April 22, 2009.

Attachments: Review of Contractor Drug and Alcohol Program Monitoring -
Internal Audit Report No. 09-104
Staff Report - Review of Contractor Drug and Alcohol
Program Monitoring

c: Virginia Abadessa
Lisa Arosteguy-Brown
Lorraine Mills
Erin Rogers
Curt Burlingame
Kathleen O'Connell

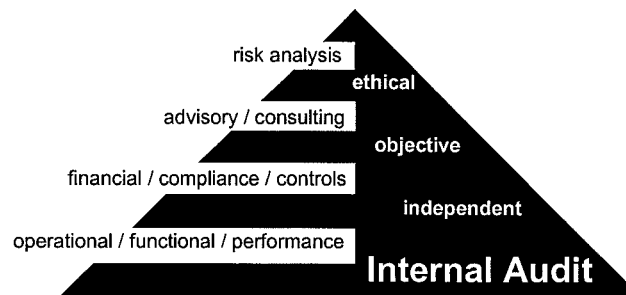
**Orange County Transportation Authority
Internal Audit Department**



**Review of Contractor Drug and Alcohol Program
Monitoring**

INTERNAL AUDIT REPORT NO. 09-104

March 4, 2009



Internal Audit Team:

Kathleen M. O'Connell, CPA, Executive Director, Internal Audit
Gerald Dunning, CIA, CISA, CFE, Senior Internal Auditor

ORANGE COUNTY TRANSPORTATION AUTHORITY
INTERNAL AUDIT DEPARTMENT
Review of Contractor Drug and Alcohol Program Monitoring
March 4, 2009

CONCLUSION	1
BACKGROUND.....	1
OBJECTIVES, SCOPE, AND METHODOLOGY	2
Noteworthy Accomplishments	3
Coordination of Drug and Alcohol Program Monitoring	3
Drug and Alcohol Related Contract Provisions.....	4
Monitoring Procedures Could Be Enhanced.....	5

ORANGE COUNTY TRANSPORTATION AUTHORITY
INTERNAL AUDIT DEPARTMENT
Review of Contractor Drug and Alcohol Program Monitoring
March 4, 2009

CONCLUSION

The Internal Audit Department (Internal Audit) has completed a review of contractor drug and alcohol program monitoring by the Orange County Transportation Authority (OCTA).

Based on this review, Internal Audit has determined that OCTA's Community Transportation Services (CTS) Department is conducting monthly reviews of elements of Veolia Transportation Company's (Veolia) drug and alcohol program. Internal Audit has recommended enhancements to these procedures. Furthermore, after reviewing drug and alcohol contract terms for other service providers, Internal Audit has recommended a more coordinated approach to drug and alcohol program monitoring agency wide.

BACKGROUND

The Internal Audit Plan for Fiscal Year 2007-08 included a review of medical examinations and services contracts. The objectives of that review were to determine that contractors providing drug and alcohol testing for OCTA's 1,584 safety sensitive positions comply with contract terms as well as the United States Department of Transportation (DOT) and Federal Transportation Administration (FTA) testing requirements, and that OCTA was appropriately monitoring these contractors and their subcontractors.

On October 13, 2008, Internal Audit issued a report (Internal Audit Report No. 08-006) on the results of the review. Internal Audit recommended that OCTA more closely monitor the contractor's clinical laboratory subcontractors. Internal Audit also recommended that there be greater coordination between OCTA's Human Resources Department, which administers contracts for medical examination contracts, and the Safety Department with regard to the safety implications of contractor or subcontractor non-compliance. Management agreed to implement Internal Audit's recommendations.

Internal Audit Report No. 08-006 was provided to the Board of Directors (Board) on November 24, 2008. Following discussion, the Board directed Internal Audit to also review the policies and procedures employed by OCTA with regard to monitoring other contracts with drug and alcohol components, particularly OCTA's paratransit transportation provider.

ORANGE COUNTY TRANSPORTATION AUTHORITY
INTERNAL AUDIT DEPARTMENT
Review of Contractor Drug and Alcohol Program Monitoring
March 4, 2009

OBJECTIVES, SCOPE, AND METHODOLOGY

The objective of this review was to determine that OCTA has implemented adequate monitoring and oversight of contracts with drug and alcohol policy requirements. The scope of the review included current operating policies and procedures as well as various transportation program contracts. The review methodology included, but was not limited to, the following:

- Review of DOT and FTA regulations
- Review of OCTA's Fiscal Year 2007 FTA Triennial Review
- Review of reports, procedures, and questionnaires used by the CTS Department to monitor Veolia's drug and alcohol program.
- Review of a sample of other OCTA contracts with drug and alcohol policy requirements

This review was conducted in accordance with Generally Accepted Government Auditing Standards, except for the triennial peer review requirement, which has not yet been fulfilled. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

ORANGE COUNTY TRANSPORTATION AUTHORITY
INTERNAL AUDIT DEPARTMENT
Review of Contractor Drug and Alcohol Program Monitoring
March 4, 2009

Audit Comments, Recommendations and Management Responses

Noteworthy Accomplishments

OCTA's contract with Veolia requires that Veolia establish and implement a drug and alcohol program that complies with 49 Code of Federal Regulations Part 655. Veolia is required to certify its compliance annually. The contract also permits OCTA to inspect the facilities and records associated with Veolia's drug and alcohol program.

Internal Audit noted that the CTS Department conducts a monthly review of this program using procedures derived from a questionnaire available through the FTA. Any negative findings resulting from this monthly review are included in a written report sent to Veolia management. Outstanding and unresolved findings and recommendations are followed-up by the CTS Department until resolved.

Coordination of Drug and Alcohol Program Monitoring

There are approximately 1,600 safety sensitive positions at OCTA and another 500 safety sensitive positions under OCTA's contract with Veolia. During this review, Internal Audit identified additional transportation programs and contracts funded through OCTA where drug and alcohol monitoring is either a component of the program or a contract.

Some of these include the Freeway Service Patrol program, Metrolink, the Vanpool program, the Taxicab Administration program and contracts with not-for-profit companies providing senior and disabled transportation services in lieu of ACCESS service. There are also contractors authorized to drive OCTA vehicles for maintenance service and there may be Measure M Go Local programs where drug and alcohol programs are, or will be, required.

Currently, oversight of drug and alcohol programs for these various programs and related contracts is decentralized. While the Human Resources Department (Human Resources) coordinates the program for OCTA safety-sensitive positions, transportation program managers are left to individually develop knowledge and expertise in the area of drug and alcohol programs and develop their own monitoring procedures. Human Resources is available to provide information and training to OCTA program managers; however, it has no responsibility for coordinating oversight activities, monitoring results, evaluating collective safety risks and escalating issues.

Recommendation 1: Internal Audit recommends that OCTA develop a centralized and coordinated approach to oversight of drug and alcohol programs. Such an approach should include communication between the Human Resources Department, the Contracts Administration and Materials Management Department, the Health, Safety,

ORANGE COUNTY TRANSPORTATION AUTHORITY
INTERNAL AUDIT DEPARTMENT
Review of Contractor Drug and Alcohol Program Monitoring
March 4, 2009

and Environmental Compliance Department, the Risk Management Department, and OCTA's legal counsel.

Furthermore, Internal Audit recommends that management evaluate all transportation programs and related contracts for drug and alcohol program components to ensure there is adequate OCTA monitoring and oversight.

Management Response: Human Resources recommends that OCTA create a Contractor Drug and Alcohol Program Monitoring Committee. Under direction of the Executive Director of Human Resources and Organization Development he will chair the committee. The committee members would be a representative from each of the following departments: Human Resources, Contracts Administration and Material Management, Health, Safety and Environmental Compliance, Risk Management, Transit and OCTA's legal counsel. This committee would meet on a quarterly basis or more frequent if necessary. It would be the committee's responsibility to monitor contractors drug and alcohol programs.

Drug and Alcohol Related Contract Provisions

OCTA's contracts with various transportation service providers contain language related to drug and alcohol policies or programs, which may be inconsistent with the nature of the services and/or the contractor's relationship with OCTA. For example, OCTA's contract with Veolia establishes that Veolia will maintain a drug and alcohol program consistent with FTA requirements and that Veolia will provide OCTA with testing results and other reports. This would appear appropriate based on the services. However, OCTA's contract with VPSI, Inc., the vanpool service provider, requires the same stringent reporting to OCTA's Human Resources Department, despite the fact that VPSI, Inc. is not responsible for transporting vanpool passengers and the program manager is in the External Affairs Division of OCTA rather than the Human Resources Department.

Internal Audit also identified "boiler-plate" language in other contracts such as a senior adult day transportation contract that requires a "safe and healthy work environment free from the influence of alcohol or drugs." Internal Audit was unable to determine whom, if anyone, monitors contractors' compliance.

Recommendation 2: Internal Audit recommends that the Human Resources and Organizational Development Department and the Contracts Administration and Materials Management Department, together with legal counsel, evaluate the necessity and appropriateness of contract boiler plates related to drug and alcohol, and then establish monitoring or follow-up procedures as appropriate.

Management Response: Human Resources recommends the evaluation of the necessity and appropriateness of contract boiler plates related to drugs and alcohol be

ORANGE COUNTY TRANSPORTATION AUTHORITY
INTERNAL AUDIT DEPARTMENT
Review of Contractor Drug and Alcohol Program Monitoring
March 4, 2009

reviewed by the newly created Contractor's Drug and Alcohol Program Monitoring Committee, as stated in management's response to recommendation 1.

Management Response: Contracts Administration and Materials Management (CAMM) requested legal counsel review existing contract language for compliance with 41 U.S.C. sections 701-707 (the Drug Free Workplace Act of 1988). Legal counsel concluded that for contracts that use federal grant funds and involve "safety sensitive functions" the current contract language is applicable. For all other federally funded contracts that do not involve safety sensitive functions, contract requirements should be changed to require compliance with the "Drug Free Workplace Act" of 1988.

In response to the legal counsel's direction, CAMM has amended the contract templates to reflect the changes recommended. CAMM will retain the current contract language that is applicable to federally funded contracts that involve "safety sensitive functions." CAMM will work with Human Resources to develop appropriate monitoring procedures as required.

Monitoring Procedures Could Be Enhanced

While the CTS Department has developed a process and procedures for monitoring Veolia's compliance with its drug and alcohol program, which was considered satisfactory by the FTA during its 2007 triennial review, these monitoring procedures, could be further enhanced to reflect a more risk-based approach and require the escalation of unresolved findings to OCTA's Chief Executive Officer and/or Board of Directors.

Recommendation 3: Internal Audit recommends that the CTS Department enhance formal monitoring procedures of Veolia's compliance with its drug and alcohol policy and related regulatory requirements. These monitoring procedures should include, among other things:

- A risk-based methodology for selection of monitoring procedures to ensure that the most critical controls over Veolia's drug and alcohol program are reviewed on a more regular and thorough basis;
- Documentation standards for the review, including appropriate review and approval of procedures planned and performed, and results thereof, by management and OCTA's Health, Safety and Environmental Compliance Department;
- Provisions for the escalation of unresolved findings to OCTA management and Board of Directors

Management Response: The Transit Division in CTS has established a Drug and Alcohol Desktop Instruction Manual, which is intended to clarify the instructions for administering the drug and alcohol audit process, along with ensuring adherence to all

ORANGE COUNTY TRANSPORTATION AUTHORITY
INTERNAL AUDIT DEPARTMENT
Review of Contractor Drug and Alcohol Program Monitoring
March 4, 2009

guidelines required by the Federal Transit Administration (FTA) and the U.S. Department of Transportation (DOT).

The CTS Drug and Alcohol Desktop Instruction Manual requires that FTA questionnaires be used as guidelines to monitor the drug and alcohol process. These questionnaires include the following:

- Policy Review Questionnaire
- Drug and Alcohol Program Manager Questionnaire
- Records Management Questionnaire
- Urine Collection Questionnaire
- Breath Alcohol Tech Questionnaire
- Medical Review Officer Questionnaire
- Substance Abuse Professional Questionnaire

The Drug and Alcohol Desktop Instruction Manual contains language that includes corrective action to be taken when the contractor has not satisfactorily addressed findings received through the drug and alcohol audit process. When findings remain unresolved, a three-step course-of-action is undertaken.

The first step of the process notifies the contractor of the finding and provides the contractor with 10 days to respond with the required corrective action.

If, at the conclusion of the initial 10 day period the contractor has not corrected the matter, the second step of the process allows for a possible 10-day extension period, granted upon CTS Section Manager approval.

The third step would consist of escalating the failure of the contractor to correct the deficiencies to the Authority's Contractor Drug and Alcohol Program Monitoring Committee in order for the committee to recommend and monitor any actions taken.



BOARD COMMITTEE TRANSMITTAL

April 27, 2009

To: Members of the Board of Directors
From: Wendy Knowles^{WK}, Clerk of the Board
Subject: State Legislative Status Report

Legislative and Communications Committee Meeting of April 16, 2009

Present: Directors Buffa, Dalton, Glaab, and Mansoor
Absent: Directors Bates, Brown, and Cavecche

Committee Vote

This item was passed by all Committee Members present.


Committee Recommendation

Adopt the following recommended positions on legislation:

Oppose SB 711 (Leno, D-San Francisco), which would prohibit a local agency legislative body from taking a final vote on specific employee and collective bargaining negotiations in closed session, and would require the release of specific documentation prior to closed session.



April 16, 2009

To: Legislative and Communications Committee
From:  James S. Kenan, Interim Chief Executive Officer
Subject: State Legislative Status Report

Overview

An oppose position is requested on a bill that would modify local agency closed session processes related to employee and collective bargaining negotiations.

Recommendation

Adopt the following recommended position on legislation:

Oppose SB 711 (Leno, D-San Francisco), which would prohibit a local agency legislative body from taking a final vote on specific employee and collective bargaining negotiations in closed session, and would require the release of specific documentation prior to closed session

Discussion

SB 711 (Leno, D-San Francisco)

SB 711 (Leno, D-San Francisco) would prohibit a legislative body of a local agency from taking a final vote during closed session on labor negotiations with a collective bargaining unit and unrepresented employees related to subjects including, but not limited to, appointment, compensation, and dismissal. Thus, all final votes related to the above matters would have to be taken during a public meeting. Furthermore, SB 711 would require the legislative body to release specific information prior to closed sessions including information on the employee or class of employee, representatives of the employee, the scope of negotiations, and any new collective bargaining agreements or initial proposals. Finally, SB 711 would remove provisions included under existing law which allow public agencies to report on activities related to the above that occur during closed session.

The Orange County Transportation Authority (OCTA) traditionally has used closed session as a time to discuss issues related to sensitive organizational matters such as collective bargaining negotiations. Such practice seeks to ensure the privacy of all individuals involved and the organization. SB 711 would disrupt this current practice thereby compromising the "good faith" negotiations entered into by the local agency and bargaining unit. Furthermore, by requiring specific information to be released prior to closed session, sensitive, confidential information is again put at risk, and the flexibility which traditionally exists in such negotiations is limited due to the stringent noticing requirements.

Staff Recommendation: OPPOSE

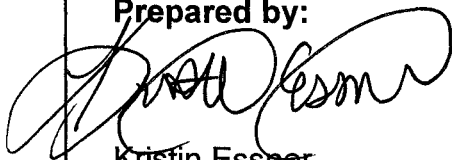
Summary

A position is recommended on one bill related to collective bargaining.

Attachments

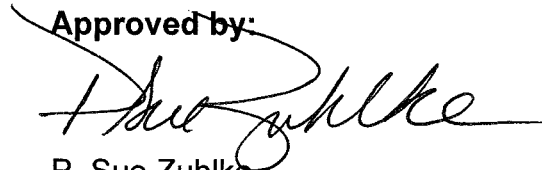
- A. Bill Analysis for SB 711 (Leno, D-San Francisco)
- B. Orange County Transportation Authority Legislative Matrix

Prepared by:



Kristin Essner
Government Relations
Representative
(714) 560-5754

Approved by:



P. Sue Zuhlke
Chief of Staff
(714) 560-5574

BILL: SB 711 (Leno, D-San Francisco)
Introduced February 27, 2009

SUBJECT: Would prohibit legislative bodies of a local government agency negotiating labor contracts, compensation, and/or dismissals from taking a final vote during closed session and require the legislative body to provide specific documentation on the scope of collective bargaining negotiations or initial proposals prior to entering into closed session

STATUS: Set for hearing before the Senate Local Government Committee, on April 15, 2009

SUMMARY AS OF APRIL 8, 2009:

SB 711 would modify the way legislative bodies of local agencies (legislative body) carry out closed sessions as they pertain to employee and collective bargaining negotiations. Under the Ralph M. Brown Act, existing state statute requires a legislative body to publicly report on any action taken in closed session with regards to a collective bargaining agreement upon being accepted or ratified by the negotiating labor group. Existing law also prohibits a legislative body from taking any final action in closed session on proposed compensation for an unrepresented employee or employees. SB 711 would prohibit a legislative body from taking any final vote on labor negotiations with a collective bargaining unit and unrepresented employees on issues including, but not limited to, the appointment, compensation, and dismissal thereof during a closed session. As a result, all final votes by a legislative body would be required to be taken during a public meeting.

SB 711 also requires a legislative body to release additional documentation prior to entering into closed session including all known matters within the scope of the labor negotiations. Specifically, this bill requires a legislative body prior to holding a closed session, to release information on the employee or class of employee, the names of the representative(s) for the employee(s), and all elements within the scope of negotiations. Furthermore, a legislative body will be required to release new collective bargaining agreements or an initial proposal prior to commencing negotiations. Additionally, the legislative body would be required to vote on any matters associated with labor negotiations in an open session. Lastly, SB 711 removes current provisions which allow legislative bodies to publicly report on the final actions of a collective bargaining agreement after they are negotiated and ratified by the labor group.

EFFECTS ON ORANGE COUNTY:

The Orange County Transportation Authority (OCTA) Board of Directors (Board) utilize closed session to discuss sensitive organizational matters such as pending litigation, personnel issues, and collective bargaining negotiations. The closed session process allows Board members to discuss and deliberate confidential matters which, if made public, can compromise organizational operations, the privacy of individual employees,

and/or class of employees. The provisions laid out in SB 711 undermines the collective bargaining process between negotiating parties. Negotiations should be undertaken in “good faith” between a local agency and a bargaining unit. Requiring all elements of a new collective bargaining agreement or initial proposal to be released prior to a closed session discussion would compromise any negotiation effort between the local agency and the bargaining unit.

Prior to entering into collective bargaining negotiations, the OCTA Board meets with OCTA staff during closed session to discuss and set negotiating parameters for economic elements which will be negotiated. These parameters allow OCTA staff and union representatives to negotiate in good faith and provides OCTA staff with the flexibility to effectively reach a consensus within the Board approved parameters. Under SB 711, all preliminary reports, data, and analysis related to collective bargaining negotiations would need to be released with the agenda associated with the open session prior to any closed session discussions taking place. These materials would contain confidential information such as salary parameters, health care benefits, and initial OCTA proposals for contract changes. This sensitive information potentially compromises the initial negotiation strategies and flexibility as well as potentially providing represented members with invalid expectations.

Moreover, requiring a proposal or initial plan to be released prior to being discussed and modified by a legislative body raises a number of additional questions. First, union representatives and the public may interpret an initial plan as the “final” proposal and could potentially be perceived as a local agency not willing to negotiate. Because all reports and cost projections will need to be released publicly, both union representatives and the public will review an agencies “best case” scenario which could result in both collective bargaining representatives and a local agency to take predetermined positions rather than commencing with open discussions. Second, upon the release of all data, public groups may pressure either union representatives and/or the local agency into meeting their own interests. Third, for unrepresented employees, the release of all data jeopardizes the employee’s confidentiality and personal information.

Overall, SB 711 challenges the integrity of earnest balanced negotiations for both represented and unrepresented employees. Most importantly, the provisions of SB 711 seriously compromises any good faith negotiations between local agencies and union representatives in the collective bargaining process.

OCTA POSITION:

Staff recommends: OPPOSE

Introduced by Senator LenoFebruary 27, 2009

An act to amend Sections 54954.5, 54957.1, and 54957.6 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

SB 711, as introduced, Leno. Public meetings: closed sessions: labor negotiations.

(1) The Ralph M. Brown Act requires the meetings of the legislative body of a local agency to be conducted openly and publicly, with specified exceptions. Under the act, the legislative body of a local agency may hold a closed session with the local agencies' designated representatives regarding negotiations concerning employee compensation but is required, in an open and public session prior to those closed sessions, to disclose specified information identifying the agency's designated representatives. Existing law prohibits a closed session from including any final action on the proposed compensation of unrepresented employees. The act also requires the legislative body of a local agency to publicly report any action taken in closed session, as prescribed, including the approval of an agreement concluding labor negotiations with represented employees after the agreement is final and has been accepted or ratified by the other party. The act provides a legislative body or elected official is not in violation of certain provisions of the act if the agenda that describes a closed session item is in substantial compliance by including specified information.

This bill would additionally require a local agency, before holding a closed session regarding employee compensation, to identify the employee or class of employees that are the subject of the negotiations, the representatives of the employees, and all known matters within the

scope of the negotiations, and to also make available to the public certain written proposals. The bill would require the legislative body, before commencing negotiations for a new collective bargaining agreement or initial proposal for an unrepresented employee, to present, in an open and public session, the new collective bargaining agreement or an initial proposal. The bill would additionally require any vote of the legislative body on the collective bargaining agreement or initial proposal to be taken at an open and public session.

The bill would revise the prohibition against a closed session including a final action on the proposed compensation of unrepresented employees to instead prohibit the closed session from including any final vote. The bill would require a final vote on any action taken pursuant to a closed session to be conducted during an open and public regular meeting of the legislative body, and only after disclosure of certain writings, cost projections, and methodology. The bill would also make a conforming change to delete the requirement that the legislative body publicly report the action taken in closed session after the agreement is final. The bill would also make conforming changes to the information required to be included in an agenda describing a closed session, for purposes of compliance with the act.

The bill would impose a state-mandated local program by imposing new duties upon local agencies.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 54954.5 of the Government Code is
2 amended to read:
3 54954.5. For purposes of describing closed session items
4 pursuant to Section 54954.2, the agenda may describe closed
5 sessions as provided below. No legislative body or elected official
6 shall be in violation of Section 54954.2 or 54956 if the closed

1 session items were described in substantial compliance with this
2 section. Substantial compliance is satisfied by including the
3 information provided below, irrespective of its format.

4 (a) With respect to a closed session held pursuant to Section
5 54956.7:

6 LICENSE/PERMIT DETERMINATION

7 Applicant(s): (Specify number of applicants)

8 (b) With respect to every item of business to be discussed in
9 closed session pursuant to Section 54956.8:

10 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

11 Property: (Specify street address, or if no street address, the
12 parcel number or other unique reference, of the real property under
13 negotiation)

14 Agency negotiator: (Specify names of negotiators attending the
15 closed session) (If circumstances necessitate the absence of a
16 specified negotiator, an agent or designee may participate in place
17 of the absent negotiator so long as the name of the agent or
18 designee is announced at an open session held prior to the closed
19 session.)

20 Negotiating parties: (Specify name of party (not agent))

21 Under negotiation: (Specify whether instruction to negotiator
22 will concern price, terms of payment, or both)

23 (c) With respect to every item of business to be discussed in
24 closed session pursuant to Section 54956.9:

25 CONFERENCE WITH LEGAL COUNSEL—EXISTING
26 LITIGATION

27 (Subdivision (a) of Section 54956.9)

28 Name of case: (Specify by reference to claimant's name, names
29 of parties, case or claim numbers)

30 or

31 Case name unspecified: (Specify whether disclosure would
32 jeopardize service of process or existing settlement negotiations)

33 CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED
34 LITIGATION

35 Significant exposure to litigation pursuant to subdivision (b) of
36 Section 54956.9: (Specify number of potential cases)

37 (In addition to the information noticed above, the agency may
38 be required to provide additional information on the agenda or in
39 an oral statement prior to the closed session pursuant to

- 1 subparagraphs (B) to (E), inclusive, of paragraph (3) of subdivision
2 (b) of Section 54956.9.)
- 3 Initiation of litigation pursuant to subdivision (c) of Section
4 54956.9: (Specify number of potential cases)
- 5 (d) With respect to every item of business to be discussed in
6 closed session pursuant to Section 54956.95:
- 7 LIABILITY CLAIMS
- 8 Claimant: (Specify name unless unspecified pursuant to Section
9 54961)
- 10 Agency claimed against: (Specify name)
- 11 (e) With respect to every item of business to be discussed in
12 closed session pursuant to Section 54957:
- 13 THREAT TO PUBLIC SERVICES OR FACILITIES
- 14 Consultation with: (Specify name of law enforcement agency
15 and title of officer, or name of applicable agency representative
16 and title)
- 17 PUBLIC EMPLOYEE APPOINTMENT
- 18 Title: (Specify description of position to be filled)
- 19 PUBLIC EMPLOYMENT
- 20 Title: (Specify description of position to be filled)
- 21 PUBLIC EMPLOYEE PERFORMANCE EVALUATION
- 22 Title: (Specify position title of employee being reviewed)
- 23 PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE
- 24 (No additional information is required in connection with a
25 closed session to consider discipline, dismissal, or release of a
26 public employee. Discipline includes potential reduction of
27 compensation.)
- 28 (f) With respect to every item of business to be discussed in
29 closed session pursuant to Section 54957.6:
- 30 CONFERENCE WITH LABOR NEGOTIATORS
- 31 Agency designated representatives: (Specify names of designated
32 representatives attending the closed session) (If circumstances
33 necessitate the absence of a specified designated representative,
34 an agent or designee may participate in place of the absent
35 representative so long as the name of the agent or designee is
36 announced at an open session held prior to the closed session.)
- 37 *The employee or class of employees that are the subject of the*
38 *negotiations*
- 39 *Representative of the employees*

- 1 Employee organization: (Specify name of organization
2 representing employee or employees in question)
3 or
4 Unrepresented employee: (Specify position title of unrepresented
5 employee who is the subject of the negotiations)
6 *All known matters within the scope of the negotiations*
7 *Any written proposals communicated by the local agency to*
8 *representatives of public employees and proposals received by the*
9 *local agency from representatives of the public employees*
10 (g) With respect to closed sessions called pursuant to Section
11 54957.8:
12 CASE REVIEW/PLANNING
13 (No additional information is required in connection with a
14 closed session to consider case review or planning.)
15 (h) With respect to every item of business to be discussed in
16 closed session pursuant to Sections 1461, 32106, and 32155 of the
17 Health and Safety Code or Sections 37606 and 37624.3 of the
18 Government Code:
19 REPORT INVOLVING TRADE SECRET
20 Discussion will concern: (Specify whether discussion will
21 concern proposed new service, program, or facility)
22 Estimated date of public disclosure: (Specify month and year)
23 HEARINGS
24 Subject matter: (Specify whether testimony/deliberation will
25 concern staff privileges, report of medical audit committee, or
26 report of quality assurance committee)
27 (i) With respect to every item of business to be discussed in
28 closed session pursuant to Section 54956.86:
29 CHARGE OR COMPLAINT INVOLVING INFORMATION
30 PROTECTED BY FEDERAL LAW
31 (No additional information is required in connection with a
32 closed session to discuss a charge or complaint pursuant to Section
33 54956.86.)
34 (j) With respect to every item of business to be discussed in
35 closed session pursuant to Section 54956.96:
36 CONFERENCE INVOLVING A JOINT POWERS AGENCY
37 (Specify by name)
38 Discussion will concern: (Specify closed session description
39 used by the joint powers agency)

1 Name of local agency representative on joint powers agency
2 board: (Specify name)

3 (Additional information listing the names of agencies or titles
4 of representatives attending the closed session as consultants or
5 other representatives.)

6 (k) With respect to every item of business to be discussed in
7 closed session pursuant to Section 54956.75:

8 AUDIT BY BUREAU OF STATE AUDITS

9 SEC. 2. Section 54957.1 of the Government Code is amended
10 to read:

11 54957.1. (a) The legislative body of any local agency shall
12 publicly report any action taken in closed session and the vote or
13 abstention on that action of every member present, as follows:

14 (1) Approval of an agreement concluding real estate negotiations
15 pursuant to Section 54956.8 shall be reported after the agreement
16 is final, as follows:

17 (A) If its own approval renders the agreement final, the body
18 shall report that approval and the substance of the agreement in
19 open session at the public meeting during which the closed session
20 is held.

21 (B) If final approval rests with the other party to the negotiations,
22 the local agency shall disclose the fact of that approval and the
23 substance of the agreement upon inquiry by any person, as soon
24 as the other party or its agent has informed the local agency of its
25 approval.

26 (2) Approval given to its legal counsel to defend, or seek or
27 refrain from seeking appellate review or relief, or to enter as an
28 amicus curiae in any form of litigation as the result of a
29 consultation under Section 54956.9 shall be reported in open
30 session at the public meeting during which the closed session is
31 held. The report shall identify, if known, the adverse party or
32 parties and the substance of the litigation. In the case of approval
33 given to initiate or intervene in an action, the announcement need
34 not identify the action, the defendants, or other particulars, but
35 shall specify that the direction to initiate or intervene in an action
36 has been given and that the action, the defendants, and the other
37 particulars shall, once formally commenced, be disclosed to any
38 person upon inquiry, unless to do so would jeopardize the agency's
39 ability to effectuate service of process on one or more unserved

1 parties, or that to do so would jeopardize its ability to conclude
2 existing settlement negotiations to its advantage.

3 (3) Approval given to its legal counsel of a settlement of pending
4 litigation, as defined in Section 54956.9, at any stage prior to or
5 during a judicial or quasi-judicial proceeding shall be reported
6 after the settlement is final, as follows:

7 (A) If the legislative body accepts a settlement offer signed by
8 the opposing party, the body shall report its acceptance and identify
9 the substance of the agreement in open session at the public
10 meeting during which the closed session is held.

11 (B) If final approval rests with some other party to the litigation
12 or with the court, then as soon as the settlement becomes final,
13 and upon inquiry by any person, the local agency shall disclose
14 the fact of that approval, and identify the substance of the
15 agreement.

16 (4) Disposition reached as to claims discussed in closed session
17 pursuant to Section 54956.95 shall be reported as soon as reached
18 in a manner that identifies the name of the claimant, the name of
19 the local agency claimed against, the substance of the claim, and
20 any monetary amount approved for payment and agreed upon by
21 the claimant.

22 (5) Action taken to appoint, employ, dismiss, accept the
23 resignation of, or otherwise affect the employment status of, a
24 public employee in closed session pursuant to Section 54957 shall
25 be reported at the public meeting during which the closed session
26 is held. Any report required by this paragraph shall identify the
27 title of the position. The general requirement of this paragraph
28 notwithstanding, the report of a dismissal or of the nonrenewal of
29 an employment contract shall be deferred until the first public
30 meeting following the exhaustion of administrative remedies, if
31 any.

32 ~~(6) Approval of an agreement concluding labor negotiations~~
33 ~~with represented employees pursuant to Section 54957.6 shall be~~
34 ~~reported after the agreement is final and has been accepted or~~
35 ~~ratified by the other party. The report shall identify the item~~
36 ~~approved and the other party or parties to the negotiation.~~

37 ~~(7)~~

38 (6) Pension fund investment transaction decisions made pursuant
39 to Section 54956.81 shall be disclosed at the first open meeting of
40 the legislative body held after the earlier of the close of the

1 investment transaction or the transfer of pension fund assets for
2 the investment transaction.

3 (b) Reports that are required to be made pursuant to this section
4 may be made orally or in writing. The legislative body shall provide
5 to any person who has submitted a written request to the legislative
6 body within 24 hours of the posting of the agenda, or to any person
7 who has made a standing request for all documentation as part of
8 a request for notice of meetings pursuant to Section 54954.1 or
9 54956, if the requester is present at the time the closed session
10 ends, copies of any contracts, settlement agreements, or other
11 documents that were finally approved or adopted in the closed
12 session. If the action taken results in one or more substantive
13 amendments to the related documents requiring retyping, the
14 documents need not be released until the retyping is completed
15 during normal business hours, provided that the presiding officer
16 of the legislative body or his or her designee orally summarizes
17 the substance of the amendments for the benefit of the document
18 requester or any other person present and requesting the
19 information.

20 (c) The documentation referred to in subdivision (b) shall be
21 available to any person on the next business day following the
22 meeting in which the action referred to is taken or, in the case of
23 substantial amendments, when any necessary retyping is complete.

24 (d) Nothing in this section shall be construed to require that the
25 legislative body approve actions not otherwise subject to legislative
26 body approval.

27 (e) No action for injury to a reputational, liberty, or other
28 personal interest may be commenced by or on behalf of any
29 employee or former employee with respect to whom a disclosure
30 is made by a legislative body in an effort to comply with this
31 section.

32 (f) This section is necessary to implement, and reasonably within
33 the scope of, paragraph (1) of subdivision (b) of Section 3 of
34 Article I of the California Constitution.

35 SEC. 3. Section 54957.6 of the Government Code is amended
36 to read:

37 54957.6. (a) (1) Notwithstanding any other ~~provision of law,~~
38 a legislative body of a local agency may hold ~~a closed-sessions~~
39 *session pursuant to this section* with the local agency's designated
40 representatives regarding the salaries, salary schedules, or

1 compensation paid in the form of fringe benefits of its represented
2 and unrepresented employees, and, for represented employees,
3 any other matter within the statutorily provided scope of
4 representation.

5 ~~However, prior to the~~

6 *(2) Before holding a closed session pursuant to paragraph (1),*
7 *the legislative body of the local agency shall hold an open and*
8 *public session in which it identifies its designated representatives.*
9 *does all of the following:*

10 *(A) Identifies the agency's designated representatives, the*
11 *employee or class of employees that are the subject of the*
12 *negotiations, and the representatives of the employees.*

13 *(B) Identifies all known matters within the scope of the*
14 *negotiations.*

15 *(C) Makes available to the public any written proposals*
16 *communicated by the local agency to representatives of public*
17 *employees and proposals received by the local agency from*
18 *representatives of the public employees.*

19 *(3) The notice required by subparagraphs (A) and (B) of*
20 *paragraph (2) may be given orally or as part of the meeting*
21 *agenda.*

22 *(b) A legislative body of a local agency shall present a new*
23 *collective bargaining agreement or an initial proposal for an*
24 *unrepresented employee in an open and public session, before*
25 *commencing negotiations regarding that new collective bargaining*
26 *agreement or initial proposal. A vote of a legislative body on the*
27 *new collective bargaining agreement or initial proposal subject*
28 *to this subdivision shall be taken at an open and public session.*

29 *(c) A closed session of a legislative body of a local agency*
30 *authorized pursuant to this section is subject to all of the following*
31 *conditions:*

32 ~~Closed sessions of a legislative body of a local agency, as~~
33 ~~permitted in this section,~~

34 *(1) The closed session shall be only for the purpose of reviewing*
35 *its the position of the local agency and instructing the local*
36 *agency's designated representatives.*

37 ~~Closed sessions, as permitted in this section,~~

38 *(2) The closed session may only take place prior to and during*
39 *consultations and discussions with representatives of employee*
40 *organizations and unrepresented employees.*

1 ~~Closed sessions~~

2 (3) *The closed session* with the local agency’s designated
3 representative regarding the salaries, salary schedules, or
4 compensation paid in the form of fringe benefits may include
5 discussion of an agency’s available funds and funding priorities,
6 but only insofar as these discussions relate to providing instructions
7 to the local agency’s designated representative.

8 ~~Closed sessions~~

9 (4) *The closed session* held pursuant to this section shall not
10 include ~~any final action on the proposed compensation of one or~~
11 ~~more unrepresented employees vote.~~

12 ~~For~~

13 (d) *A final vote on any action taken pursuant to this section*
14 *shall be conducted during an open and public regular meeting of*
15 *the legislative body, but only after disclosure, pursuant to*
16 *subdivision (a) of Section 54957.5 of all writings associated with*
17 *the proposed action, including any projections of the proposed*
18 *action’s costs and any assumptions and methodology used to*
19 *calculate those costs.*

20 (e) *For the purposes enumerated in this section, a legislative*
21 *body of a local agency may also meet with a state conciliator who*
22 *has intervened in the proceedings.*

23 ~~(b)~~

24 (f) *For the purposes of this section, the term “employee” shall*
25 *include includes an officer or an independent contractor who*
26 *functions as an officer or an employee, but shall not include any*
27 *an elected official, member of a legislative body, or other*
28 *independent contractors contractor.*

29 SEC. 4. If the Commission on State Mandates determines that
30 this act contains costs mandated by the state, reimbursement to
31 local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.



Orange County Transportation Authority Legislative Matrix

2009 State Legislation Session
April 16, 2009

SPONSORED BILL

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SB 454 (Lowenthal – D) Department of Transportation: Division of Rail	Serves as the legislative vehicle for any necessary policy modifications resulting from the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail integration study currently being completed by several Southern California regional transportation agencies	INTRODUCED: 2/26/2009 LOCATION: Senate Rules Committee STATUS: 03/12/2009 To SENATE Committee on RULES	Staff Recommends: SPONSOR

BILLS BEING MONITORED

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 26 (Hernandez – D)</p> <p>Public Contracts: Bid Preferences: Employee Health Care</p>	<p>Requires a state agency awarding a public works contract to provide a bid preference to a bidder whose employee health care expenditures, and those of its subcontractors, are a percentage of the aggregate Social Security Wages paid to its employees in the state. Requires a bidder and its subcontractors to submit statements certifying that they qualify for the bid preference. Requires the bidder and contractors to continue to make employee health care expenditures.</p>	<p>INTRODUCED: 12/01/2008 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/01/2009 In ASSEMBLY Committee on APPROPRIATIONS: To Suspense File</p>	<p>Sponsor: State Building and Construction Trades Council of California</p> <p>Support: American Federation of State, County and Municipal Employees(AFSCME)</p> <p>Oppose: Associated General Contractors National Federation of Independent Business California State University California Chamber of Commerce</p>
<p>► AB 31 (Price – D)</p> <p>Public Contracts: Small Business Procurement Act</p>	<p>Relates to existing law which permits a state agency to award a contract to a certified small business without complying with competitive bidding requirements. Increases the maximum amount of the contracts from \$100,000 to \$250,000. Requires the contractor upon completion of a public contract for which a commitment to achieve small business or disabled veteran business enterprise participation goals was made, to report the actual percentage of participation that was achieved.</p>	<p>INTRODUCED: 12/01/2008 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 03/31/2009 From ASSEMBLY Committee on JOBS, ECONOMIC DEVELOPMENT AND THE ECONOMY: Do pass to Committee on APPROPRIATIONS</p>	<p>Sponsor: Department of General Services</p> <p>Support: National Federation of Independent Businesses</p> <p>Oppose: None</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 109 (Feuer – D) Outdoor Advertising</p>	<p>Amends the Outdoor Advertising Act; prohibits an advertising display that is visible from a state, county or city highway from being constructed as, or converted, enhanced, improved, modified, modernized or altered into a digital advertising display; prohibits an official highway changeable message sign from being constructed as or converted, enhanced, improved, modified, modernized or altered into a digital advertising display for the purpose of displaying messages other than traffic operations.</p>	<p>INTRODUCED: 1/13/2009 LAST AMENDED: 03/24/2009 LOCATION: Assembly Governmental Organization Committee. STATUS: 03/24/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on GOVERNMENTAL ORGANIZATION. HEARING: 04/22/2009 1:30 pm</p>	<p>Support: Association of California Insurance Companies City of Los Angeles Scenic America Oppose: California Chamber of Commerce Clear Channel Outdoor</p>
<p>AB 118 (Logue – R) California Global Warming Solutions Act of 2006</p>	<p>Repeals the California Global Warming Solutions Act of 2006, which requires the State Air Resources Board to adopt regulations to require the reporting of greenhouse gases and to adopt a statewide greenhouse gas emissions limit.</p>	<p>INTRODUCED: 01/15/2009 LOCATION: Assembly Natural Resources Committee STATUS: 02/26/2009 To ASSEMBLY Committee on NATURAL RESOURCES</p>	<p>None Listed</p>
<p>► AB 216 (Beall – D) Public Contracts: Claims</p>	<p>Provides for a mediation process and binding arbitration process for 3rd party claim disputes between a contractor and a local agency, charter city, or charter county that does not have an alternative dispute process, if those claims remain unresolved after a 105 day time period for review of the claim, 10 day period for a meet and confer conference to occur, and 30 day time period for mediation.</p>	<p>INTRODUCED: 02/03/2009 LOCATION: Assembly Judiciary Committee STATUS: 03/20/2009 Hearing canceled at request of author</p>	<p>None Listed</p>
<p>► AB 231 (Huffman – D) Global Warming Solutions Act of 2006: Trust Fund</p>	<p>Requires the State Air Resources Board to adopt a schedule of fees to be paid by the sources of greenhouse emissions which would be deposited in the Climate Protection Trust Fund for purposes of carrying out the Global Warming Solutions Act of 2006.</p>	<p>INTRODUCED: 02/05/2009 LOCATION: Assembly Natural Resources Committee STATUS: 03/04/2009 To ASSEMBLY Committee on NATURAL RESOURCES HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 251 (Knight – R) L.A. County Metropolitan Transportation Authority</p>	<p>Provides for the appointment of one member of the Los Angeles County Metropolitan Transportation Authority by the city councils of the Cities of Palmdale, Lancaster, and Santa Clarita, and deletes one of the public members appointed by the Mayor of Los Angeles. Excludes the Cities of Palmdale, Lancaster, and Santa Clarita from the selection of the 4 members appointed from other cities in the county.</p>	<p>INTRODUCED: 02/10/2009 LOCATION: Assembly Local Government Committee STATUS: 03/09/2009 To ASSEMBLY Committee on LOCAL GOVERNMENT HEARING: 04/22/2009 1:30 pm</p>	<p>None Listed</p>
<p>► AB 254 (Jeffries – R) Emergency Vehicles: Payment of Tolls</p>	<p>Exempts emergency vehicles from the payment of a toll or charge on a bridge or toll road while engaged in rescue operations.</p>	<p>INTRODUCED: 02/11/2009 LOCATION: Assembly Transportation Committee STATUS: 03/04/2009 To ASSEMBLY Committee on TRANSPORTATION HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>
<p>AB 263 (Miller – R) Riverside County Transportation Commission</p>	<p>Authorizes the Riverside County Transportation Commission (RCTC) to approve and award one best-value design-build contract for transportation improvements on the State Highway Route 91 corridor based on criteria established by RCTC.</p>	<p>INTRODUCED: 02/11/2009 LOCATION: Assembly Transportation Committee STATUS: 03/04/2009 To ASSEMBLY Committee on TRANSPORTATION</p>	<p>None Listed</p>
<p>► AB 266 (Carter – D) Transportation Needs Assessment</p>	<p>Requires the California Transportation Commission to develop an assessment of the unfunded costs of programmed state projects and federally earmarked projects in the state, as well as an assessment of available funding for transportation purposes and unmet transportation needs on a statewide basis.</p>	<p>INTRODUCED: 02/11/2009 LOCATION: Assembly Transportation Committee STATUS: 03/04/2009 To ASSEMBLY Committee on TRANSPORTATION HEARING: 04/13/2009 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 282 (Assembly Transportation Committee)</p> <p>Transportation</p>	<p>Requires any interest or other return earned by a city or county from investment of bond funds from Proposition 1B - the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 to be expended or reimbursed under the same conditions as are applicable to the bond funds themselves. Extends the time period with which transit operators must file an annual report of their operation with transportation planning agencies having jurisdiction over them and the state Controller from 90 to 110 days after the close of the operator's fiscal year, if the report is filed electronically.</p>	<p>INTRODUCED: 02/12/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 03/04/2009 To ASSEMBLY Committee on TRANSPORTATION HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>
<p>AB 309 (Price – D)</p> <p>Public Contracts: Small Business Participation</p>	<p>Requires state agencies, departments, boards, and commissions to establish and achieve a goal of small business participation in state procurements and contracts and to work with the Department of General Services to help small businesses market their products, goods and services to the state by providing access to information about current bid opportunities on their web sites. Requires the Office of Small Business Advocate to collaborate with the Department of General Services to enhance the states small business program.</p>	<p>INTRODUCED: 02/17/2009 LOCATION: Assembly Jobs, Economic Development, and The Economy Committee</p> <p>STATUS: 03/09/2009 To ASSEMBLY Committees on JOBS, ECONOMIC DEVELOPMENT AND THE ECONOMY and BUSINESS AND PROFESSIONS. HEARING: 04/21/2009 9:00 am</p>	<p>None Listed</p>
<p>► AB 319 (Niello – R)</p> <p>Elections: Ballot Titles</p>	<p>Requires the Legislative Analyst, instead of the Attorney General, to prepare the ballot title and summary for all measures submitted to the voters of the state. Requires the Legislative Analyst, instead of the Department of Finance and the Joint Legislative Budget Committee, to prepare any fiscal estimate or opinion required by a proposed initiative measure.</p>	<p>INTRODUCED: 02/18/2009 LOCATION: Assembly Elections and Redistricting Committee</p> <p>STATUS: 03/04/2009 To ASSEMBLY Committee on ELECTIONS AND REDISTRICTING HEARING: 04/21/2009 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 338 (Ma – D)</p> <p>Transit Village Developments: Infrastructure Financing</p>	<p>Recasts the area included in a transit village plan to include all land within at least a half mile of the main entrance to a transit station. Provides that voter approval for the formation of an infrastructure financing district, adoption of a financing plan, and an issuance of bonds for developing and financing a transit facility would be eliminated. A transit village plan financed by these bonds would have to show affordable housing benefits, and include provisions dedicating at least 20 percent of revenues derived from the property tax increment to affordable housing in the transit village.</p>	<p>INTRODUCED: 02/18/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/01/2009 From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass to Committee on APPROPRIATIONS</p>	<p>Sponsor: San Francisco Bay Area Rapid Transit District</p> <p>Support: American Federation of State, County, and Municipal Employees</p> <p>Oppose: Howard Jarvis Taxpayers Association</p>
<p>► AB 397 (Jeffries – R)</p> <p>South Coast Air Quality Management District Election</p>	<p>Requires the members of the South Coast Air Quality Management District governing board to be elected by the divisions commencing with the 2012 general election.</p>	<p>INTRODUCED: 02/23/2009 LOCATION: Assembly Local Government Committee</p> <p>STATUS: 03/12/2009 Withdrawn from ASSEMBLY Committee on NATURAL RESOURCES</p> <p>03/12/2009 Re-referred to ASSEMBLY Committees on LOCAL GOVERNMENT and NATURAL RESOURCES HEARING: 04/15/2009 1:30 pm</p>	<p>None Listed</p>
<p>► AB 594 (Harkey – R)</p> <p>State Mandated Local Programs</p>	<p>Provides that legislation that mandates a new program or higher level of service on any local government shall include a provision to repeal the enactment within six years; requires the Legislative Analyst to report on the enactment, except for legislation that specifically makes this requirement inapplicable, contains a provision to repeal the enactment in less than six years/creates a new crime; changes the definition of a crime/changes the penalty for a crime.</p>	<p>INTRODUCED: 02/25/2009 LOCATION: Assembly Local Government Committee</p> <p>STATUS: 03/12/2009 To ASSEMBLY Committee on LOCAL GOVERNMENT HEARING: 04/15/2009 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 619 (Blumenfield – D)</p> <p>Transportation Projects: Federal Funds</p>	<p>Requires the Department of Transportation to notify the Legislature when it is determined that a project, including a project designated in the National Corridor Infrastructure Improvement Program, will be delayed beyond its scheduled completion date due to state cashflow or other funding issues, if the places at risk federal funds.</p>	<p>INTRODUCED: 02/25/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 03/23/2009 To ASSEMBLY Committee on TRANSPORTATION</p>	<p>None Listed</p>
<p>► AB 628 (Block - D)</p> <p>Vehicles: Toll Evasion Violations</p>	<p>Permits agencies to use pay-by-plate processing for toll roads and bridges. Provides that where the issuing agency permits pay-by-plate toll processing and payment of tolls and other charges, it is prima facie evidence of toll evasion violation for a person to enter the toll road or bridge without lawful money of the United States in the person's immediate possession, a transponder or other electronic payment device, or valid California vehicle plates properly affixed to the vehicle.</p>	<p>INTRODUCED: 02/25/2009 LAST AMENDED: 04/02/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 04/02/2009 From ASSEMBLY Committee on TRANSPORTATION with author's amendments</p> <p>04/02/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on TRANSPORTATION HEARING: 04/20/2009 1:30 pm</p>	<p>Staff Recommends: SUPPORT</p> <p>Sponsor: South Bay Expressway (State Route 125)</p>
<p>► AB 652 (Skinner – D)</p> <p>Vehicles: Vehicle Length Limitations</p>	<p>Permits a bus or trolley to possess a folding device that extends a maximum 40 inches from the front of the body and allows the transportation of a bicycle with handlebars that do not exceed 46 inches from the front of the vehicle. Requires that the total length of the bus, including the folding device not exceed 48.8 inches.</p>	<p>INTRODUCED: 02/25/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 03/23/2009 To ASSEMBLY Committee on TRANSPORTATION HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 726 (Nielsen – R) <i>Transportation Capital Improvement Projects</i></p>	<p><i>States that local road rehabilitation projects are eligible for transportation capital improvement under the State Transportation Improvement Program.</i></p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 03/23/2009 To ASSEMBLY Committee on TRANSPORTATION HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>
<p>► AB 729 (Evans - D) <i>Public Contracts: Transit Design-Build Contracts</i></p>	<p>Repeals the January 1, 2011 sunset provision to allow transit operators to enter into design-build contracts for transit capital projects.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 03/26/2009 To ASSEMBLY Committee on TRANSPORTATION HEARING: 04/20/2009 1:30 pm</p>	<p>Staff Recommends: SUPPORT</p> <p>Sponsor: California Transit Association</p>
<p>► AB 732 (Jeffries – R) <i>Transportation Projects</i></p>	<p><i>Would extend the current sunset date which authorizes the State Department of Transportation to use phase two of the design-sequence construction method on 12 transportation projects until January 1, 2012.</i></p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 03/23/2009 To ASSEMBLY Committee on TRANSPORTATION HEARING: 04/13/2009 1:30 pm</p>	<p>None Listed</p>
<p>► AB 733 (Galgiani – D) <i>High Speed Rail Authority</i></p>	<p><i>Authorizes the High Speed Rail Authority to consider the creation of jobs in the state when awarding major contracts or purchasing high speed trains.</i></p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 03/23/2009 To ASSEMBLY Committee on TRANSPORTATION HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 744 (Torrico – D)</p> <p>Bay Area High Occupancy Transportation Network</p>	<p>Authorizes the Bay Area Toll Authority to acquire, construct, administer, and operate a value pricing high occupancy vehicle network program on state highways within the geographic jurisdiction of the Metropolitan Transportation Commission. Authorizes capital expenditures for this program to be funded from program revenues, revenue bonds, and revenue derived from tolls on state owned toll bridges.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 03/23/2009 To ASSEMBLY Committee on TRANSPORTATION HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>
<p>► AB 782 (Jeffries - R)</p> <p>Regional Transportation Plans: Sustainable Communities</p>	<p>Provides that upon the California Air Resources Board's (CARB) acceptance that the sustainable communities strategy or an alternative planning strategy, if implemented, will achieve the greenhouse gas emissions reduction targets established by CARB, that acceptance shall be final, and no person or entity may initiate or maintain any judicial proceeding to review the propriety of the CARB's acceptance. Expands the Regional Targets Advisory Committee membership to include commercial builders, the business community, and those involved in transportation funding. Exempts transportation projects funded by Proposition 1B, the American Recovery and Reinvestment Act of 2009, and expands the exemption related to sales tax projects to include measures passed until 2010. Expands California Environmental Quality Act (CEQA) streamlining provisions to additional projects consistent with a sustainable communities strategy or alternative planning scenario.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Natural Resources Committee</p> <p>STATUS: 03/26/2009 To ASSEMBLY Committees on NATURAL RESOURCES and LOCAL GOVERNMENT HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>
<p>► AB 798 (Nava – D)</p> <p>Transportation Financing Authority: Toll Facilities</p>	<p>Creates the Transportation Financing Authority with specified powers and duties relative to the issuance of bonds to fund transportation projects. Bonds are proposed to be backed in whole or in part, by various revenues streams of transportation funds and toll revenues in order to increase the construction of new capacity or improvements for the state transportation system.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 03/23/2009 To ASSEMBLY Committee on TRANSPORTATION HEARING: 04/13/2009 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 815 (Ma – D) Public Contracts: Plans and Specifications</p>	<p><i>Requires a local public entity, charter city, or charter county, before entering into any contract for a project, to provide full, complete, and accurate plans and specifications and estimates of cost, giving such direction as will enable any competent mechanic or other builder to carry them out. Exempts from these provisions any clearly identified design-build projects or design-build portions thereof.</i></p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Judiciary Committee STATUS: 03/26/2009 To ASSEMBLY Committee on JUDICIARY</p>	<p>None Listed</p>
<p>► AB 878 (Caballero – D) Infrastructure Financing</p>	<p><i>Authorizes a local governmental agency to enter into an agreement with a private entity for financing for specified types of revenue-generating infrastructure projects.</i></p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Local Government Committee STATUS: 03/23/2009 To ASSEMBLY Committee on LOCAL GOVERNMENT HEARING: 04/29/2009 1:30 pm</p>	<p>None Listed</p>
<p>► AB 881 (Huffman – D) Local Transportation Authorities: Greenhouse Emissions</p>	<p><i>Authorizes a local transportation authority to implement programs and projects to comply with statewide or federal greenhouse gas emission standards. Makes legislative findings and a statement of legislative intent with respect to the exercise of that authority by the Sonoma County Transportation Authority in that regard.</i></p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Transportation Committee STATUS: 04/02/2009 To ASSEMBLY Committees on TRANSPORTATION and NATURAL RESOURCES HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>
<p>► AB 892 (Furutani – D) Goods Movement Emission Reduction Program</p>	<p><i>Authorizes an applicant for Proposition 1B Air Quality funds to reallocate these funds to backup projects covered by the same grant agreement, or these funds revert to the state board for reallocation consistent with guidelines to be developed by the State Air Resources Board. Funds reallocated either by the applicant or the Air Resources Board must be liquidated within four years of the date of the award of the original contract, or the funds revert to the California Ports Infrastructure, Security, and Air Quality Improvement Account for allocation upon appropriation by the Legislature.</i></p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Transportation Committee STATUS: 03/26/2009 To ASSEMBLY Committee on TRANSPORTATION HEARING: 04/13/2009 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 978 (Perez – D) Transactions and Use Taxes: Counties</p>	<p>Authorizes the board of supervisors of a county to impose a transactions and use tax at a rate of 0.125% by the adoption of an ordinance, if certain conditions are met. Provides that revenues from the tax could be used only for funding economic development within the county, including the construction and acquisition of facilities within the county.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Assembly Revenue and Taxation Committee STATUS: 03/26/2009 To ASSEMBLY Committee on REVENUE AND TAXATION HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>
<p>► AB 1018 (Hill – D) State Finance</p>	<p>Requires the Governor's proposed budget to include estimates of revenues and expenditures for the three subsequent fiscal years. Requires the Director of Finance to submit revised estimates of revenue and expenditures for the current fiscal year and three subsequent fiscal years on or before May 14, July 15, and September 15 of each year. Requires the state Controller and Treasurer to review revised estimates and submit assessment to the fiscal committees of each house and the Director of Finance on or before May 31 of each year.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Appropriations Committee STATUS: 03/31/2009 To ASSEMBLY Committee on APPROPRIATIONS</p>	<p>None Listed</p>
<p>► AB 1062 (Garrick - R) Design-build contracts</p>	<p>Revises the definition of skilled labor force availability for purposes of public works design-build contracting to mean a commitment to training the future construction workforce through apprenticeship and requires the design-build entity to provide specified information from which it intends to request the dispatch of apprentices for use on the design-build contract.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Business and Professions Committee STATUS: 03/31/2009 To ASSEMBLY Committees on BUSINESS AND PROFESSIONS and LABOR AND EMPLOYMENT</p>	<p>None Listed</p>
<p>► AB 1072 (Eng - D) Public Transportation Modernization, Improvement, and Service Enhancement Account</p>	<p>Clarifies that the formula used to calculate an agency's share of Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) is to be the same in future fiscal years (FY) as was used to appropriate funding in the FY 2009-2010 budget. Requires eligible project sponsors to provide the California Department of Transportation a list of projects that they plan to fund with PTMISEA funds that have not yet been appropriated.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Transportation Committee STATUS: 03/26/2009 To ASSEMBLY Committee on TRANSPORTATION</p>	<p>SUPPORT Sponsor: California Transit Association</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1085 (Mendoza - D)</p> <p>State Air Resources Board: Regulations</p>	<p>Requires CARB to make available to the public all methodologies, inputs, assumptions, and any other information used in the development of a proposed regulation.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: <i>Assembly Natural Resources Committee</i></p> <p>STATUS: 03/26/2009 To ASSEMBLY Committee on NATURAL RESOURCES HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>
<p>AB 1086 (Miller - R)</p> <p>Public Contracts and Bids</p>	<p>Relates to public works contracts and bid specifications. Makes findings and declarations regarding the intent to encourage contractors and manufacturers to develop and implement new and ingenious materials, products, and services that provide the same functionality as those required by contract, but at a lower cost to tax payers. An agency when drafting a contract is not to limit materials to a specific type without also specifying that material "equal" to that specified may also be used. A period of time is to be specified within the contract related to requests to substitute materials with equivalent items.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly</p> <p>STATUS: 02/27/2009 INTRODUCED</p>	<p>None Listed</p>
<p>► AB 1091 (Ruskin - D)</p> <p>Natural Resources: Climate Change</p>	<p>Requires the Natural Resources Agency to incorporate climate change predictions into all relevant planning processes. Specifies key tools for adaptation planning, including requiring a plan for how proposed investments in infrastructure, such as highways, are to incorporate climate change impact on reducing or increasing protection of natural resources from climate change.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: <i>Assembly Natural Resources Committee</i> LAST AMENDED: 03/26/2009</p> <p>STATUS: 03/26/2009 To ASSEMBLY Committee on NATURAL RESOURCES</p> <p>03/26/2009 From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments</p> <p>03/26/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1135 (Skinner - D)</p> <p>Vehicles: Registration Renewal</p>	<p>Requires the owner of a vehicle, upon application for renewal of a vehicle registration, to report the current odometer reading of the vehicle. Requires the information, except for the name of the vehicle owner, to be public information. States intent that data can be used to better transportation and land use planning, and would be key to CARB and local agencies in reducing greenhouse gas emissions related to tailpipe controls, and in agency monitoring of vehicle miles traveled.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 03/26/2009 To ASSEMBLY Committee on TRANSPORTATION HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>
<p>► AB 1204 (Huber - D)</p> <p>Environment: CEQA: Sustainable Communities Strategy</p>	<p>Expands CEQA streamlining provisions related to greenhouse gas emissions and growth inducing impacts to any project consistent with a sustainable communities strategy or alternative planning strategy that meets the regional greenhouse gas targets set by CARB.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Natural Resources Committee</p> <p>STATUS: 03/31/2009 To ASSEMBLY Committee on NATURAL RESOURCES HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>
<p>► AB 1212 (Ruskin - D)</p> <p>Air Resources: Clean Vehicle Incentive Program</p>	<p>Authorizes CARB to adopt and implement a clean vehicle incentive, or feebate, program consisting of one-time rebates and one-time surcharges on the sale of new passenger motor vehicles. CARB is only to establish this program if it funds that the implementation of the program would be beneficial to achieving AB 32 greenhouse gas emission reduction goals. This is to be implemented in such a way that does not result in a levying of a tax, and all revenues are to be deposited into the Air Pollution Control Fund.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 03/31/2009 To ASSEMBLY Committee on TRANSPORTATION</p>	<p>None Listed</p>
<p>► AB 1229 (Evans - D)</p> <p>Public Contracts: Local Public Agencies</p>	<p>Requires the Contractors State License Board, rather than the Department of Industrial relations, in collaboration with impacted agencies and parties, to develop guidelines and a standardized questionnaire related to qualifying bidders and regulating local public works projects. Factors to be considered in qualifying bidders are to include the size and contract volume of a perspective bidder. Factors are to be used to determine qualifications of a bidder on a weighted basis. Specifies that a prequalifying questionnaire, if used by a public entity, shall remain valid for three years, rather than a year, as long as the public entity determines the information has not substantially changed for that three year period.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Business and Professions Committee</p> <p>STATUS: 03/31/2009 To ASSEMBLY Committees on BUSINESS AND PROFESSIONS and LOCAL GOVERNMENT</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1277 (Harkey - R) State Bonds: Sale</p>	<p>Authorizes the Treasurer to delay the sale of state bonds that are subject to the approval under Article 16 of the state constitution if the Treasurer, in consultation with the state Controller and Director of Finance determine that making the principal and interest payments would result in payments from the general fund for total debt service on the bonds would exceed six percent of total general fund revenues for the fiscal year, or if the cost of commercial paper needed to find a start-up loan would be more than three times the normal costs of commercial paper experienced by the Treasurer over the last two fiscal years, or if the Treasurer determines the Pooled Money Investment Account does not have sufficient funds to loan an amount equal to the bond proceeds.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: <i>Assembly Appropriations Committee</i> STATUS: 03/31/2009 To <i>ASSEMBLY Committee on APPROPRIATIONS</i></p>	<p>None Listed</p>
<p>► AB 1278 (Harkey - R) Elections: Initiatives</p>	<p>Requires the Legislative Analyst to include additional information in the ballot pamphlet for each state initiative measure that proposes the issuance of a state bond. This information is to include the total amount of proposed bond indebtedness, the total amount of interest that would be paid over the term of the proposed bond, state that by approving this measure it is authorizing the state to incur debt, state whether tax revenue will be used to repay the bond, and state that repayment of the proposed bond may take priority over funding provided to local government or provided for public services.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: <i>Assembly Elections and Redistricting Committee</i> STATUS: 03/31/2009 To <i>ASSEMBLY Committee on ELECTIONS AND REDISTRICTING</i> HEARING: 04/21/2009 1:30 pm</p>	<p>None Listed</p>
<p>AB 1299 (Coto - D) State Taxes: Vote Requirement</p>	<p>Clarifies the meaning of state taxes for purposes of the constitutional vote requirement to mean taxes that are imposed by state law, levied and collected by the state, and required by state law to be deposited in the state treasury.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly STATUS: 02/27/2009 INTRODUCED</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1321 (Eng – D) Environment: Strategic Growth Council</p>	<p>Enacts the Advance Infrastructure Mitigation Program Act. Provides for effective mitigation and conservation of natural resources and natural processes on a landscape, regional, or statewide scale, to expedite the environmental review of planned infrastructure projects and to facilitate the implementation of measures to mitigate the impacts of those projects. Establishes and funds mitigation banks. Authorizes mitigation credits.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: <i>Assembly Natural Resources Committee</i> LAST AMENDED: 04/02/2009</p> <p>STATUS: 04/02/2009 To ASSEMBLY Committee on NATURAL RESOURCES</p> <p>04/02/2009 From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments</p> <p>04/02/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES</p>	<p>None Listed</p>
<p>AB 1323 (Lowenthal – D) Business, Transportation and Housing Agency</p>	<p>States the intent of the Legislature to enact legislation to require the Secretary of Business, Transportation and Housing to consider job creation when prioritizing infrastructure projects.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly</p> <p>STATUS: 02/27/2009 INTRODUCED</p>	<p>None Listed</p>
<p>► AB 1364 (Evans – D) Public Contracts</p>	<p>Provides that any state agency that has entered into a contract where the agency has or may be unable to comply with the terms of that contract because of the suspension of programs by the Pooled Money Investment Board shall have authority to amend the terms of the contract to address contract deadlines and deliverables that may not be met because of the suspension.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: <i>Assembly Business and Professions Committee</i></p> <p>STATUS: 03/31/2009 To ASSEMBLY Committee on BUSINESS AND PROFESSIONS</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1375 (Galgiani – D)</p> <p>High-speed Rail</p>	<p>Revises and recasts provisions by repealing and reenacting the California High-Speed Train Act. Continues the High-Speed Rail Authority. Would also create the Department of High-Speed Trains within the Business, Transportation and Housing Agency to implement policies related to Proposition 1A (2008) and specifies its duties in relation to the High-Speed Rail Authority. Requires the newly formed department to have control over the annual submission of a 6-year high-speed train capital improvement program and progress report to the Legislature.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 03/31/2009 To ASSEMBLY Committee on TRANSPORTATION</p>	<p>None Listed</p>
<p>► AB 1381 (Perez – D)</p> <p>High-occupancy Toll Lanes</p>	<p>Requires the Los Angeles County Metropolitan Transportation Authority high-occupancy toll lanes program to be implemented with the active participation of the Department of the California Highway patrol. Requires the Los Angeles County Metropolitan Transportation Authority to establish appropriate performance measures for the purpose of ensuring optimal use of the high-occupancy toll lanes without adversely affecting other traffic on the state highway system.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 03/31/2009 To ASSEMBLY Committee on TRANSPORTATION HEARING: 04/13/2009 1:30 pm</p>	<p>None Listed</p>
<p>► AB 1382 (Niello – R)</p> <p>State Budget</p>	<p>Requires that the state budget submitted by the Governor to the Legislature for the 2011-2012 fiscal year and each following year be developed pursuant to performance-based budgeting methods, for each state agency. Requires the Department of Finance to utilize the annual report on the measurements of performance-based budgeting methods prepared by the Joint Legislative Budget Committee.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 03/31/2009 To ASSEMBLY Committee on APPROPRIATIONS</p>	<p>None Listed</p>
<p>► AB 1411 (Torrice – D)</p> <p>Legislative Payments During a Delayed Budget</p>	<p><i>Prohibits payment to the Members of the Legislature of travel and living expenses if the budget is not passed by the legislature and sent to the Governor by midnight June 15 until the budget is passed and sent. Prohibits Members from engaging in campaign fundraising activities until the Budget Bill is passed.</i></p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 04/02/2009 To ASSEMBLY Committee on APPROPRIATIONS</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1414 (Hill – D) Transportation Planning</p>	<p><i>Amends apportionment of federal funding to the state for allocation to metropolitan planning organizations for transportation planning, project programming in interregional and regional transportation improvement programs and in the state transportation improvement program. Includes the fund and the county share formula estimates. Requires projects funded by the Traffic Congestion Relief Act to be included in the state transportation improvement program. Authorizes issuance of notes back by future funds.</i></p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 04/02/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 04/02/2009 To ASSEMBLY Committee on TRANSPORTATION</p> <p>04/02/2009 From ASSEMBLY Committee on TRANSPORTATION with author's amendments</p> <p>04/02/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on TRANSPORTATION</p>	<p>None Listed</p>
<p>► AB 1471 (Eng – D) Design-Build Procurement: L.A. County Transportation</p>	<p><i>Authorizes the Los Angeles County Metropolitan Transportation Authority to use a design-build procurement process for the construction of soundwalls along any freeway or expressway that is located within the jurisdiction of the authority.</i></p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 04/02/2009 To ASSEMBLY Committee on TRANSPORTATION</p>	<p>None Listed</p>
<p>► AB 1500 (Lieu – D) High Occupancy Lanes: Single Occupancy Vehicles</p>	<p><i>Authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles, which may also be used by low-emission and hybrid vehicles.</i></p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 04/02/2009 To ASSEMBLY Committee on TRANSPORTATION</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1502 (Eng – D)</p> <p>Vehicles: High-Occupancy Vehicle Lanes</p>	<p><i>Authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles, which may also be used by certain low-emission, hybrid, or alternative fuel vehicles.</i></p>	<p>INTRODUCED: 02/27/2009 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 04/02/2009 To ASSEMBLY Committee on TRANSPORTATION</p>	<p>None Listed</p>
<p>ACA 1 (Silva – R)</p> <p>Legislature</p>	<p>Proposes an amendment to the Constitution to provide that no bill that would result in more than \$150,000 of annual expenditure by the state may be passed unless, by roll call vote entered in the journal, two thirds of the membership of each house concurs.</p>	<p>INTRODUCED: 12/01/2008 LOCATION: Assembly</p> <p>STATUS: 12/01/2008 INTRODUCED</p>	<p>None Listed</p>
<p>ACA 3 (Blakeslee – R)</p> <p>Initiatives: Bond Funding Source</p>	<p>Requires an initiative measure that would authorize the issuance of state general obligation bonds in a total amount exceeding \$1 billion to either provide additional tax or fee revenues, the elimination of existing programs, or both, as necessary to fully fund the bonds, as determined by the Legislative Analyst, in order to be submitted to the voters or take effect.</p>	<p>INTRODUCED: 12/01/2008 LOCATION: Assembly</p> <p>STATUS: 12/01/2008 INTRODUCED</p>	<p>None Listed</p>
<p>ACA 5 (Calderon – D)</p> <p>Initiatives: State General Obligation Bonds</p>	<p>Proposes an amendment to the State Constitution to require an initiative measure that would authorize the issuance of state general obligation bonds to either provide additional tax or fee revenues, the elimination of existing programs, or both, as necessary to fully fund the bonds, as determined by the Legislative Analyst, in order to be submitted to the voters or to take effect. Requires the Attorney General to identify the new revenue source. Requires at least 55 percent of voters approve an initiative authorizing the issuance of state general obligation bonds.</p>	<p>INTRODUCED: 12/15/2008 LOCATION: Assembly</p> <p>STATUS: 12/15/2008 INTRODUCED</p>	<p>None Listed</p>
<p>ACA 9 (Huffman – D)</p> <p>Local Government Bonds: Special Taxes: Voter Approval</p>	<p>Changes the two-thirds voter-approval requirement for special taxes to, instead, authorize a city, county, or special district to impose a special tax with the approval of 55 percent of its voters voting on the tax. Lowers the voter-approval threshold for a city, county, or city and county to incur general obligation bonded indebtedness for amounts exceeding in one year the income and revenue provided in that year to 55 percent.</p>	<p>INTRODUCED: 02/06/2009 LOCATION: Assembly</p> <p>STATUS: 02/06/2009 INTRODUCED</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► ACR 14 (Niello – R)</p> <p>Global Warming Solutions Act of 2006</p>	<p>Calls upon the State Air Resources Board, prior to any regulatory action being taken consistent with the scoping plan for the implementation of the Global Warming Solutions act of 2006, to perform an economic analysis that will give the State a more complete picture of costs and benefits of the implementation. Calls upon the Governor to use the authority granted by the act to adjust any applicable deadlines.</p>	<p>INTRODUCED: 01/27/2009 LAST AMENDED: 03/27/2009 LOCATION: Assembly Natural Resources Committee</p> <p>STATUS: 03/27/2009 From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments</p> <p>03/27/2009 In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>
<p>ACR 16 (Silva – R)</p> <p>Joint Rules: Fiscal Committee</p>	<p>Provides that whenever a bill that would result in net costs for a program is referred or re-referred to the fiscal committee of either house, the bill shall not be heard or acted upon by the committee or either house until the bill either provides for an appropriation or other funding source in an amount that meets or exceeds the net costs.</p>	<p>INTRODUCED: 02/02/2009 LOCATION: Assembly</p> <p>STATUS: 02/02/2009 INTRODUCED</p>	<p>None Listed</p>
<p>SB 27 (Hancock – D)</p> <p>Local Agencies: Sales and Use Tax: Reallocation</p>	<p>Prohibits a local agency from entering into any agreement with a retailer, or any other person that would involve the payment, transfer, diversion or rebate of any amount of local tax proceeds if the agreement results in a reduction in the amount of revenue received by another agency from a retailer located within the jurisdiction of that other agency, and the retailer continues to maintain a physical presence within the territorial jurisdiction of the other local agency. Provides exceptions.</p>	<p>INTRODUCED: 12/02/2008 LAST AMENDED: 02/23/2009 LOCATION: Assembly</p> <p>STATUS: 03/12/2009 In SENATE. Read third time, urgency clause adopted. Passed SENATE. To ASSEMBLY</p>	<p>Support (partial list): City of Livermore (sponsor), American Federation of State, County, and Municipal Employees; California State Association of Counties; City of Industry; League of Cities; California Peace Officers Association; California Professional Firefighters</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 31 (Pavley – D)</p> <p>Global Warming Solutions Act</p>	<p>Relates to the Global Warming Solutions Act of 2006. Requires that revenues collected pursuant to compliance mechanisms adopted by the State Air Resources Board be deposited in the Air Pollution Control Fund. Specifies that uses of the revenues collected pursuant to the fee and the compliance mechanisms are to include such things as renewable energy and energy efficiency programs, investments in technologies to reduce greenhouse gas emissions, green jobs development and training, and for administrative costs related to implementing the Act.</p>	<p>INTRODUCED: 12/02/2008 LOCATION: Senate Environmental Quality Committee</p> <p>STATUS: 01/29/2009 To SENATE Committees on ENVIRONMENTAL QUALITY and ENERGY, UTILITIES AND COMMUNICATIONS HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>
<p>► SB 104 (Oropeza – D)</p> <p>Global Warming Solutions Act of 2006: Greenhouse Gases</p>	<p>Amends the Global Warming Solutions Act of 2006 to include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. Includes nitrogen trifluoride and any other anthropogenic gas, one metric ton of which makes the same or greater contribution to global warming as one metric ton of carbon dioxide. Includes a procedure by which any person could petition for a designation. Requires the State Air Resources Board to adopt appropriate regulations.</p>	<p>INTRODUCED: 01/27/2009 LOCATION: Senate Environmental Quality Committee</p> <p>STATUS: 02/05/2009 To SENATE Committee on ENVIRONMENTAL QUALITY HEARING: 04/27/2009 1:30 pm</p>	<p>None Listed</p>
<p>SB 136 (Huff - R)</p> <p>Surplus State Real Property: Exemption from CEQA</p>	<p>Exempts the sale of surplus state real property made on an "as is" basis from designated provisions of the California Environmental Quality Act (CEQA). Exempts from those provisions of CEQA the execution of the disposition agreement for surplus state real property when the disposition is not made on an "as is" basis and the close of escrow is contingent on specified conditions.</p>	<p>INTRODUCED: 02/10/2009 LOCATION: Senate Environmental Quality Committee</p> <p>STATUS: 02/23/2009 To SENATE Committee on ENVIRONMENTAL QUALITY</p>	<p>None Listed</p>
<p>SB 165 (Lowenthal – D)</p> <p>Federal Transportation Funds</p>	<p>Makes legislative findings and declarations relative to additional federal funds to be made available to the state pursuant to federal economic stimulus legislation, the American Recovery and Reinvestment Act of 2009. States that the investment of federal transportation funds should be guided by the principles that investments should stimulate job creation in the near term and support economic activity in the long term, and contribute to a transportation system that is environmentally sustainable.</p>	<p>INTRODUCED: 02/14/2009 LOCATION: Senate Rules Committee</p> <p>STATUS: 03/05/2009 To SENATE Committee on RULES</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 205 (Hancock – D) Traffic Congestion</p>	<p><i>Authorizes a countywide transportation planning agency to impose an annual fee on motor vehicles registered within the county for programs and projects for certain purposes; requires voter approval; requires the Department of Motor Vehicles to collect the additional fee and distribute the net revenues to the agency.</i></p>	<p>INTRODUCED: 02/23/2009 LOCATION: Senate Appropriations Committee STATUS: 03/31/2009 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass as amended to Committee on APPROPRIATIONS</p>	<p>Sponsor; Alameda County Congestion Management Agency Support: Santa Clara Transportation Authority Oppose: Automobile Club of Southern California</p>
<p>► SB 225 (Florez – D) Emission Reduction Credits</p>	<p><i>Authorizes an air quality management district and an air pollution control district to create an emission reduction credit from the emission reductions resulting from a project that is funded from both public and private moneys if specified requirements are met.</i></p>	<p>INTRODUCED: 02/23/2009 LOCATION: Senate Environmental Quality Committee STATUS: 03/05/2009 To SENATE Committees on ENVIRONMENTAL QUALITY and RULES HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>
<p>► SB 295 (Dutton - R) California Global Warming Solutions Act of 2006</p>	<p><i>Prohibits CARB from implementing regulations under AB 32 until June 1, 2009 and until CARB conducts a peer-review economic analysis, including impacts on small business. Also prohibits CARB from implementing AB 32 regulations until the unemployment rate in the state is below 5.8 percent for three consecutive months.</i></p>	<p>INTRODUCED: 02/25/2009 LOCATION: Senate Environmental Quality Committee STATUS: 03/05/2009 To SENATE Committee on ENVIRONMENTAL QUALITY HEARING: 04/20/2009 1:30 pm</p>	<p>None Listed</p>
<p>► SB 333 (Handcock – D) Voluntary Greenhouse Gas Emission Offset Program</p>	<p><i>Creates the Voluntary Greenhouse Gas Emission Offset Program Fund, and provides that funds received by the state on a voluntary basis from the federal government, individuals, or other sources for the mitigation of climate change impacts related to greenhouse gas emissions be deposited in this fund. Requires that moneys from the fund be directed to the California Conservation Corps and local conservation corps for specified projects.</i></p>	<p>INTRODUCED: 02/25/2009 LOCATION: Senate Environmental Quality Committee STATUS: 03/05/2009 To SENATE Committee on ENVIRONMENTAL QUALITY HEARING: 04/27/2009 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 372 (Kehoe – D) State Parks System</p>	<p>Prohibits the modification or adjustment of state park units, or the removal of state park units from within the state park system, without the State Park and Recreation Commission making that recommendation to the Legislature and the Legislature enacting legislation approving the recommendation.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Senate Natural Resources and Water Committee STATUS: 03/12/2009 To SENATE Committee on NATURAL RESOURCES AND WATER HEARING: 04/28/2009 9:00 am</p>	<p>OPPOSE</p>
<p>► SB 391 (Liu – D) California Transportation Plan</p>	<p><i>Requires the California Transportation Plan to be updated to address how the state will achieve maximum feasible emission reductions in order to attain a statewide reduction of greenhouse gas emissions to 1990 levels by 2020 and 80 percent below 1990 levels by 2050. Also requires the plan to identify a statewide integrated multimodal transportation system needed to achieve greenhouse gas reductions.</i></p>	<p>INTRODUCED: 02/26/2009 LOCATION: Senate Transportation and Housing Committee STATUS: 03/12/2009 To SENATE committees on TRANSPORTATION AND HOUSING and ENVIRONMENTAL QUALITY HEARING: 04/14/2009 1:30 pm</p>	<p>None Listed</p>
<p>► SB 406 (DeSaulnier – D) Land Use: Environmental Quality</p>	<p><i>Proposes changes to the membership of the Planning Advisory and Assistance Council and requires that the Council work with the State Strategic Growth Council. Authorizes a municipal planning organization or council of governments to levy a motor vehicle registration surcharge on vehicles registered to be used to develop and implement a regional blueprint plan.</i></p>	<p>INTRODUCED: 02/26/2009 LOCATION: Senate Local Government Committee STATUS: 03/12/2009 To SENATE Committees on LOCAL GOVERNMENT and RULES HEARING: 04/15/2009 9:30 am</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 409 (Ducheny – D) Department of Railroads</p>	<p><i>Creates the Department of Railroads within the Business, Transportation, and Housing Agency. Transfers responsibilities for various state railroad programs currently administered by other agencies to the Department. Provides that the Department shall be the only state agency eligible to apply for and receive grant and loan funds from the federal government for intercity rail, high speed rail, or freight rail purposes.</i></p>	<p>INTRODUCED: 02/26/2009 LOCATION: Senate Transportation and Housing Committee STATUS: 03/12/2009 To SENATE committees on TRANSPORTATION AND HOUSING HEARING: 04/14/2009 1:30 pm</p>	<p>None Listed</p>
<p>► SB 414 (Correa – D) County Employee Retirement: Boards</p>	<p><i>Requires a County retirement Board to appoint a replacing alternate member in the same manner as prescribed for the initial appointment of an alternate retired member who shall serve out the remaining term of the leaving member.</i></p>	<p>INTRODUCED: 02/26/2009 LOCATION: Senate Public Employment and Retirement Committee STATUS: 03/12/2009 To SENATE Committee on PUBLIC EMPLOYMENT AND RETIREMENT</p>	<p>None Listed</p>
<p>► SB 425 (Simitian – D) Vehicle Trip Reduction</p>	<p><i>Requires the California Air Resources Board, in coordination with the Department of Transportation, to develop a program for employers employing more than a certain number of individuals to reduce the number of single-occupant vehicle trips.</i></p>	<p>INTRODUCED: 02/26/2009 LOCATION: Senate Transportation and Housing Committee STATUS: 03/12/2009 To SENATE Committees on TRANSPORTATION AND HOUSING and ENVIRONMENTAL QUALITY HEARING: 04/21/2009 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 455 (Lowenthal – D)</p> <p>High Speed Rail</p>	<p>Would require the Governor's appointments to the California High Speed Rail Authority to be based on the advice and consent of the Senate. Requires the Authority to ensure the selected projects, including right-of-way acquisition are consistent with the criteria as specified in the approved high speed rail bond. Waives specific state approval processes for capital outlay purchases by the Authority.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 03/12/2009 To SENATE Committee on TRANSPORTATION AND HOUSING HEARING: 04/21/2009 1:30 pm</p>	<p>None Listed</p>
<p>► SB 474 (Ducheny – D)</p> <p>Transportation: Reporting Requirements</p>	<p>Relates to the State Department of Transportation authority to enter into agreements for transportation projects under pilot programs using public-private partnerships, design-build, and design sequencing. Requires the Department to provide an annual consolidated report to the Legislature on the progress of and savings resulting from such programs.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Senate Rules Committee</p> <p>STATUS: 03/12/2009 To SENATE Committee on RULES</p>	<p>None Listed</p>
<p>► SB 476 (Correa – D)</p> <p>Environmental Quality Act: Noncompliance Allegations</p>	<p>Allows an action or proceeding to be brought based on alleged grounds of noncompliance with CEQA raised after the public comment period if the person can demonstrate that the alleged grounds were not known and could not have been known with reasonable diligence at the time the EIR negative declaration, or mitigated negative declaration was made available for public view and, as a result, could not have been presented prior to the close of the comment period.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Senate Environmental Quality Committee</p> <p>STATUS: 03/12/2009 To SENATE Committee on ENVIRONMENTAL QUALITY HEARING: 04/27/2009 1:30 pm</p>	<p>None Listed</p>
<p>► SB 518 (Lowenthal – D)</p> <p>Vehicles: Parking Services and Fees</p>	<p>Requires that state funds not be used to subsidize parking services for students, employees, and other persons on district owned or leased property. Authorizes a community college district to exempt specified students who receive financial assistance, who rideshare, or who carpool from paying parking fees.</p>	<p>INTRODUCED: 02/26/2009 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 03/12/2009 To SENATE Committees on TRANSPORTATION AND HOUSING and EDUCATION</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 527 (Ashburn – R) High Speed Rail</p>	<p><i>States intent of the legislature to reorganize the High-Speed Rail Authority to ensure greater oversight and accountability for the high-speed rail project.</i></p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Rules Committee STATUS: 03/12/2009 To SENATE Committee on RULES</p>	<p>None Listed</p>
<p>► SB 528 (Negrete McLeod – D) Toll Facilities: Lease Agreements</p>	<p><i>Relates to existing law that authorizes the Department of Transportation and regional transportation agencies to enter into comprehensive development lease agreements with public and private entities. Prohibits a lease agreement entered into after a certain date from providing for compensation for adverse effects of competing projects.</i></p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Transportation and Housing Committee STATUS: 03/12/2009 To SENATE Committee on TRANSPORTATION AND HOUSING</p>	<p>None Listed</p>
<p>► SB 545 (Cedillo – D) Freeway Construction</p>	<p><i>Authorizes the State Department of Transportation to construct a freeway, without an agreement with a county or city, on the route determined by the Transportation Commission, if specified requirements have been met</i></p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Transportation and Housing Committee STATUS: 03/12/2009 To SENATE Committee on TRANSPORTATION AND HOUSING</p>	<p>None Listed</p>
<p>► SB 553 (Wiggins – D) Payment of State Claims: Nonprofit Corporations</p>	<p><i>Relates to the Prompt Payment Act which requires timely payment of grants between any state agency and a local government agency or organization authorized to accept grant funding. Provides that, in the event a state agency fails to make timely payment because no Budget Act has been enacted, penalties shall continue to accrue. Provides that nonprofit public benefit corporations are eligible for late payment penalties.</i></p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Governmental Organization Committee STATUS: 03/12/2009 To SENATE Committee on GOVERNMENT ORGANIZATION HEARING: 04/28/2009 9:30 am</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 555 (Kehoe – D)</p> <p>Public Lands: Condemnation of Conservation Easement</p>	<p><i>Prohibits a governmental entity from condemning a conservation easement acquired by a state agency or nonprofit land trust, unless specified procedures are followed. The bill would require the governmental entity to give the holder of the easement notice and an opportunity to state any objections to the condemnation. The bill would also require the governmental entity to prove by clear and convincing evidence that its proposed use satisfies statutory requirements that the condemnation be for compatible use and necessary for public use.</i></p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Judiciary Committee</p> <p>STATUS: 03/12/2009 To SENATE Committee on JUDICIARY HEARING: 04/21/2009 1:00 pm</p>	<p>None Listed</p>
<p>SB 560 (Ashburn - R)</p> <p>Regional Transportation Plans: Sustainable Communities</p>	<p>Relates to transportation planning. Provides that greenhouse gas emission credits for counties and cities that permit commercial wind, solar, and biomass projects may be used as credit in the formulation of the sustainable communities strategy or an alternative planning strategy. Excludes transportation trips related to a military installation.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Environmental Quality Committee</p> <p>STATUS: 03/12/2009 To SENATE Committees on ENVIRONMENTAL QUALITY and TRANSPORTATION AND HOUSING</p>	<p>None Listed</p>
<p>► SB 575 (Steinberg -- D)</p> <p>Local Planning: Housing Element</p>	<p>Requires that all local governments within the regional jurisdiction of the San Diego Association of Governments adopt their 5th revision of the housing element of its general plan no later than an unspecified period of time. Relates to the implementation of SB 375 (Chapter 728, Statutes of 2008).</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 03/19/2009 To SENATE Committees on TRANSPORTATION AND HOUSING and APPROPRIATIONS HEARING: 04/21/2009 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 632 (Lowenthal – D)</p> <p>Ports: Congestion Relief: Air Pollution Mitigation</p>	<p>Requires the Ports of Los Angeles, Long Beach, and Oakland beginning January 1, 2010, to assess their infrastructure and air quality improvement needs, including but not limited to, projects that improve the efficiency of the movement of cargo, reduce congestion impacts associated with movement of cargo, and reduce pollution associated with the movement of cargo. Requires the Ports to provide this assessment to the Legislature by July 1, 2010 and to include in the assessment the total costs of infrastructure and air quality improvements, possible funding options for these projects, and estimated timelines for implementation.</p>	<p>INTRODUCED: 02/27/2009 LAST AMENDED: 03/31/2009 LOCATION: Senate Environmental Quality Committee</p> <p>STATUS: 03/31/2009 From SENATE Committee on TRANSPORTATION AND HOUSING with author's amendments</p> <p>03/31/2009 In SENATE. Read second time and amended. Re-referred to Committee on TRANSPORTATION AND HOUSING</p> <p>03/31/2009 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass to Committee on ENVIRONMENTAL QUALITY HEARING: 04/27/2009 1:30 pm</p>	<p>None Listed</p>
<p>► SB 679 (Wolk - D)</p> <p>State Parks and Acquired Land</p>	<p>Prohibits land acquired for the state park system, through public funds or gifts, from being disbursed of or used for other than park purposes without the express authority of an act of the Legislature. Any request for such authority would be required to provide for the substitution of other lands of equal environmental value and fair market value and reasonably equivalent usefulness and location to those to be disposed of or used for other than park purposes.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Natural Resources and Water Committee</p> <p>STATUS: 03/19/2009 To SENATE Committee on NATURAL RESOURCES AND WATER HEARING: 04/28/2009 9:00 am</p>	<p>OPPOSE</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 711 (Leno - D)</p> <p>Public Meetings: Sessions: Labor Negotiations</p>	<p>Amends the Ralph M. Brown Act. Requires a local agency, before holding a closed session regarding employee compensation to identify the employee(s) subject to the negotiations, the representatives of the employees, all known negotiation matters, and to make public written proposals. In addition, before an agency commences negotiations for a new collective bargaining agreement or initial proposal for an unrepresented employee, to present, in an open and public session, a new collective bargaining agreement or initial proposal. Requires any vote on the collective bargaining agreement or initial proposal to be taken at an open and public session.</p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Local Government Committee</p> <p>STATUS: 03/19/2009 To SENATE Committee on LOCAL GOVERNMENT HEARING: 04/15/2009 9:30 am</p>	<p>Staff Recommends: OPPOSE</p>
<p>► SB 716 (Wolk – D)</p> <p>Local Transportation Funds</p>	<p><i>Authorizes a county, city, county transportation commission, or transit operator to file a claim for an allocation of funds for vanpool service operation expenditures and capital improvement expenditures, including for vanpool services for purposes of farmworker transportation.</i></p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 03/19/2009 To SENATE Committee on TRANSPORTATION AND HOUSING HEARING: 04/21/2009 1:30 pm</p>	<p>None Listed</p>
<p>► SB 734 (Lowenthal – D)</p> <p>Transportation</p>	<p><i>Relates to the \$2 billion Proposition 1B dollars allocated to cities and counties for specified street and road improvements. The act requires a city or county to reimburse the state for funds it receives if it fails to comply with certain conditions applicable to the expenditure of the bond funds. SB 734 requires any interest or other return earned by a city or county from investment of bond funds received under these provisions to be expended or reimbursed under the same conditions as are applicable to the bond funds themselves.</i></p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 03/19/2009 To SENATE Committee on TRANSPORTATION AND HOUSING</p>	<p>None Listed</p>
<p>► SB 777 (Wolk – D)</p> <p>State Budget</p>	<p><i>Requires the budget of a state agency submitted to the Department of Finance to utilize a performance based budgeting method. Establishes a task force comprised of the Director of Finance, the Controller, and the Chairperson of the Joint Legislative Budget Committee to develop performance based budgeting guidelines and procedures and in addition, develop a training and education program for state agency personnel involved in the budget process.</i></p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Budget and Fiscal Review Committee</p> <p>STATUS: 03/19/2009 To SENATE Committee on BUDGET AND FISCAL REVIEW</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SCA 1 (Walters – R) State Budget	Proposes an amendment to the State Constitution. Provides, that if the total amount of General Fund appropriations in a Budget Bill for the ensuing fiscal year combined with all other General Fund appropriations for that fiscal year on the date of passage does not exceed by five percent or more the amount of the General Fund appropriations for the immediately preceding fiscal year, the budget bill may be passed by a simple majority.	INTRODUCED: 12/01/2008 LOCATION: Senate Rules Committee STATUS: 01/29/2009 To SENATE Committees on RULES and ELECTIONS, REAPPORTIONMENT AND CONSTITUTIONAL AMENDMENTS	None Listed
SCA 3 (Wyland – R) Transportation Investment Fund	Proposes an amendment to the State Constitution. Deletes current provisions authorizing the transfer of revenues to the Transportation Investment Fund to be suspended during a fiscal emergency. Prohibits a loan of fund revenues under any circumstances. Prohibits any statute that would reduce the extent to which these tax revenues are deposited into the General Fund for transfer to the fund for transportation purposes.	INTRODUCED: 12/01/2008 LOCATION: Senate Revenue and Taxation Committee STATUS: 01/29/2009 To SENATE Committees on REVENUE AND TAXATION; ELECTIONS, REAPPORTIONMENT AND COSTITUTIONAL AMENDMENTS; and APPROPRIATIONS	None Listed
SCA 5 (Hancock – D) State Budget	Exempts General Fund appropriations in the Budget Bill from the two-thirds vote requirement.	INTRODUCED: 12/02/2008 LOCATION: Senate Rules Committee STATUS: 01/29/2009 To SENATE Committees on RULES; and ELECTIONS, REAPPORTIONMENT AND CONSTITUTIONAL AMENDMENTS	None Listed

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>SCA 7 (Maldonado – R)</p> <p>Legislature: Compensation</p>	<p>Proposes an amendment to the State Constitution. Provides that if a Budget Bill is not passed by June 15, Members of the Legislature may not be paid any salary or per diem until the Budget Bill is passed and sent to the Governor.</p>	<p>INTRODUCED: 01/15/2009 LOCATION: Senate Rules Committee</p> <p>STATUS: 02/24/2009 Re-referred to SENATE Committee on RULES</p>	<p>None Listed</p>
<p>SCA 9 (Ducheny – D)</p> <p>Finance: State Budget: Taxes</p>	<p>Proposes an amendment to the Constitution that exempts from the two-thirds vote requirement appropriations made in a Budget Bill, and appropriations made in a bill identified in the Budget Bill containing only changes in law necessary to implement the Budget Bill, and instead be passed by a 55 percent vote in each house.</p>	<p>INTRODUCED: 01/26/2009 LOCATION: Senate Budget & Fiscal Review Committee</p> <p>STATUS: 02/05/2009 To SENATE Committees on BUDGET AND FISCAL REVIEW; and ELECTIONS, REAPPORTIONMENT, AND CONSTITUTIONAL AMENDMENTS</p>	<p>None Listed</p>
<p>► SCA 14 (Ducheny – D)</p> <p>Initiative Measures: Funding Source</p>	<p><i>Proposes an amendment to the Constitution to prohibit an initiative measure that would result in a net increase in state government cost from being submitted to the electors or having any effect unless and until the Legislative Analyst and the Director of Finance jointly determine that the initiative provides for additional revenues in an amount that meets or exceeds the net increase in costs.</i></p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Elections, Reapportionment, and Constitutional Amendments Committee</p> <p>STATUS: 03/19/2009 To SENATE Committee on ELECTIONS, REAPPORTIONMENT AND CONSTITUTIONAL AMENDMENTS</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SCA 15 (Calderon – D)</p> <p><i>State Budget</i></p>	<p><i>Exempts General Fund appropriations in the Budget Bill from the 2/3 vote requirement by the Legislature.</i></p>	<p>INTRODUCED: 02/27/2009 LOCATION: Senate Budget and Fiscal Review Committee</p> <p>STATUS: 03/19/2009 To SENATE Committee on BUDGET AND FISCAL REVIEW and ELECTIONS, REAPPORTIONMENT AND CONSTITUTIONAL AMENDMENTS</p>	<p><i>None Listed</i></p>



BOARD COMMITTEE TRANSMITTAL

April 27, 2009

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board
Subject: Senate Bill 375 Clean-Up Legislation

Legislative and Communications Committee Meeting of April 16, 2009

Present: Directors Buffa, Dalton, Glaab, and Mansoor
Absent: Directors Bates, Brown, and Cavecche

Committee Vote


This item was passed by all Committee Members present.

Committee Recommendation

Authorize staff to continue to work with various stakeholders to seek legislation which clarifies that environmental analysis of greenhouse gas emissions for transportation projects is to be done at the program level, rather than project by project, when a region is able to meet regional greenhouse gas reduction targets assigned by the California Air Resources Board.



April 16, 2009

To: Legislative and Communications Committee
From:  James S. Kenan, Interim Chief Executive Officer
Subject: Senate Bill 375 Clean-Up Legislation

Overview

An overview is provided of the various legislative proposals that have been introduced this legislative session seeking to amend SB 375 (Chapter 728, Statutes of 2008) and integrate its principles into the environmental review process.

Recommendation

Authorize staff to continue to work with various stakeholders to seek legislation which clarifies that environmental analysis of greenhouse gas emissions for transportation projects is to be done at the program level, rather than project by project, when a region is able to meet regional greenhouse gas reduction targets assigned by the California Air Resources Board.

Discussion

Last year, the Governor signed SB 375 (Chapter 728, Statutes of 2008), which requires the California Air Resources Board (CARB) to provide each region in the state with greenhouse gas (GHG) emission reduction targets for light trucks and automobiles for 2020 and 2035 by September 30, 2010. Each region will then develop a sustainable communities strategy (SCS) to be integrated into the regional transportation plan (RTP) that will seek to achieve such targets through the integration of transportation, housing, and land use planning. If a region is unable to achieve the designated regional target, the region must create an alternative planning strategy (APS) which details how the targets could be achieved and describes any current constraints, such as funding, which prevent the targets from being achieved. The APS is not part of the RTP.

Throughout last legislative session, the Orange County Transportation Authority (OCTA) held an oppose unless amended position on SB 375. OCTA sought amendments that would maintain traditional local government roles in the transportation planning process, protect existing funding structures for transportation projects, and extend environmental incentives provided under SB 375 for specific development projects to consistent transportation projects. As a result of extensive participation throughout the stakeholder process, several amendments were integrated within SB 375, as chaptered. One authorizes county transportation commissions within the Southern California Association of Governments (SCAG) region, such as OCTA, in conjunction with local councils of governments to create a subregional SCS to be integrated into the larger SCS adopted by SCAG. Another specifies that county transportation commissions are to have a representative on the Regional Targets Advisory Committee, appointed by CARB to assist in setting regional GHG emission reduction targets. Yet another creates more clearly defined exemptions for transportation projects funded pursuant to local sales tax measures.

Notably absent from SB 375 was clarity as to how GHG emissions should be analyzed under the California Environmental Quality Act (CEQA) for transportation projects consistent with plans adopted under SB 375. Various CEQA streamlining provisions, however, were included in SB 375 providing environmental review streamlining for specific development projects consistent with plans developed under SB 375. Governor Schwarzenegger acknowledged this inconsistency in his signing message for SB 375, specifically pointing to the need to expand CEQA streamlining to other types of projects, including transportation projects, that are consistent with an adopted SCS in order to avoid duplicate project-level analysis. Moreover, the Governor pointed out that the intent of this bill is to implement a comprehensive programmatic approach to land-use planning, and that by not expanding CEQA streamlining, this undermines the intent of the bill.

In addition to the call for further expansion of environmental streamlining to other types of consistent projects, the Governor pointed to the need to address other issues present in SB 375 in future clean-up legislation including:

- More clearly exempting projects funded pursuant to Proposition 1B
- Elimination of scheduling conflicts with housing element updates and RTPs
- Mitigation for impacts to the state highway system

SB 375 Clean-up Legislation

Thus far in the 2009 legislative session, a variety of legislation has been introduced which seeks either to clean-up SB 375 in different ways, or to delay the implementation overall of activities related to AB 32 – the Global Warming Solutions Act of 2006 (Chapter 488, Statutes of 2006), which set the original statewide goal of reducing statewide GHG emission to 1990 levels by 2020. Among these proposals is SB 295 (Dutton, R-Rancho Cucamonga), which would delay implementation of regulations under AB 32 until specific economic milestones have been reached. The intent of such bills is to renew discussion related to the economic impacts of implementing AB 32. Much of the criticism related to the economic analysis of AB 32 stems from an analysis conducted by the Legislative Analyst's Office last year which pointed to various deficiencies in CARB's analysis. In response to this criticism, CARB staff, as a condition to the adoption of the AB 32 Scoping Plan last year, has agreed to conduct a more thorough economic analysis of the plan by December 31, 2009, and consult with outside stakeholders about additional methods of analysis. This will be in addition to the economic analysis that will be conducted for each individual regulation CARB adopts under AB 32. As these discussions continue, OCTA staff will monitor such efforts and provide applicable updates to the Board.

SB 375, as a separate law from AB 32, will not likely be impacted by any legislation authorizing a delay for AB 32. With the SB 375 process moving forward rapidly, and some regional RTPs set to be complete starting in 2011, it will be necessary to influence any clean-up legislation for SB 375 now.

In OCTA's 2009 State Legislative Platform, the OCTA Board of Directors (Board) directed staff to sponsor legislation which clarifies that a programmatic approach is to be used when analyzing GHG emissions for transportation projects under CEQA. Such proposal was to be integrated into SB 375 clean-up legislation to align CEQA incentives already included in SB 375 with consistent transportation projects, as well as to fulfill the Governor's request that such language be included in any clean-up. In response to the Board's request, OCTA has begun working with stakeholders to include language which will accomplish the Board's direction into various SB 375 clean-up attempts. However, Senator Steinberg (D-Sacramento) has indicated that he will be the sole author of any SB 375 clean-up legislation. At this time, he has only included technical clean-up language in his legislative proposal, with plans to continue to explore other amendments as the session continues. Due to the variety of related proposals and the amount of stakeholders involved in the SB 375 clean-up process, staff is recommending that OCTA not sponsor separate legislation at this time, and instead, work with all stakeholders and

regional partners to continue to push the needed clean-up legislation in existing legislative vehicles. Regional agencies, including SCAG, are also pushing the same language. OCTA will seek to work with a variety of stakeholders involved in this process to keep all avenues of achieving the Board's purpose open.

To allow a more complete picture of the SB 375 clean-up process thus far, below is a summary of each piece of legislation that relates to the Board's direction.

AB 782 (Jeffries, R-Lake Elsinore)

AB 782 (Jeffries, R-Lake Elsinore) is an effort spurred by a portion of the business community, which seeks to change several elements of SB 375, including many unrelated to OCTA concerns. AB 782 would provide that after CARB's acceptance that a SCS or APS would achieve the regional GHG target, then the acceptance is to be deemed final with no person or entity able to initiate or maintain a judicial proceeding to review such determination. In addition, AB 782 would expand the membership of the Regional Targets Advisory Committee (RTAC) to include commercial builders, the business community, and those involved in transportation funding. Currently, the RTAC includes a representative from Brookfield San Diego Builders, Inc., a homebuilder company, and representatives from a variety of metropolitan planning organizations (MPO) and transportation interests. With the final RTAC report due to CARB this September, it will likely be difficult to add additional representatives, limiting this language to any efforts the RTAC may be assigned in the future. AB 782 would also require each MPO completing a SCS or APS to create a business advisory committee to provide input on potential impacts of the plan(s) on business activities and the economy. Finally, AB 782 includes language which clearly states that projects funded by Proposition 1B or the American Recovery and Reinvestment Act of 2009 are not subject to any provisions included in SB 375, expands the exemption related to sales tax projects to include measures passed until 2010, and clearly states that the sections do not relieve entities from mitigating a project's impacts on the state highway system.

Specifically related to CEQA, AB 782 would expand streamlining provisions included in SB 375 to additional projects consistent with a SCS or APS, including residential projects, health facilities, educational facilities, retail facilities, commercial job centers, and transportation projects. This language states that projects consistent to the SCS or APS would not need to reference growth inducing impacts or cumulative impacts from cars or light-truck trips generated by the project in the project-level CEQA document. Amendments

will be needed, however, to create more applicable language for transportation projects. Currently, the language would require any project using these provisions to be consistent with any applicable use designation, density, building intensity, and policies associated with the project area in a SCS or APS. Many of these factors are not applicable for transportation projects. The author's office has indicated a willingness to work on clarifying language.

AB 1204 (Huber, D-El Dorado Hills)

AB 1204 (Huber, D-El Dorado Hills), similar, to AB 782, would extend the same CEQA streamlining provisions included in SB 375 to all projects consistent with the SCS or APS. Unlike, AB 782 though, the term "project" is not defined, meaning that it could apply to a greater variety of projects than under AB 782. However, similar to the situation with AB 782, amendments will be necessary to more clearly deal with the transportation projects where such factors as density and building intensity are not applicable.

SB 575 (Steinberg, D-Sacramento)

SB 575 (Steinberg, D-Sacramento), is Senator Steinberg's SB 375 clean-up bill, and as mentioned before, will be the sole vehicle for SB 375 amendments. At this point, SB 575 only includes technical language which would require local governments within the San Diego Association of Governments (SANDAG) region to adopt their fifth housing element revision no later than an unspecified period of time. This amendment would allow SANDAG to align the housing element and RTP cycles for SB 375 purposes. It is expected that Senator Steinberg will include additional amendments later in the legislative session as stakeholder meetings continue.

Governor's Office of Planning and Research California Environmental Quality Act Guidelines

Parallel to efforts at amending SB 375, the Governor's Office of Planning and Research (OPR) are developing amendments to the CEQA guidelines to take into account GHG emissions. Under SB 97 (Chapter 185, Statutes of 2007), the Natural Resources Agency is to adopt the CEQA amendments by January 1, 2010. Throughout these efforts, numerous opportunities for public comment are presented, thus far all of which OCTA staff has participated. As a result of this participation, and work by other stakeholders, in OPR's draft guidelines released in January 2009, OPR recognizes the programmatic approach for analyzing GHG emissions as the preferred option rather than project by project analysis. This reiterates arguments in favor of program level review of GHG emissions CARB made during the development of the Scoping

Plan, which outlines measures CARB will implement to meet the AB 32 emission reduction goal. These statements demonstrate each agency's acknowledgement of the regional nature of GHG emissions and the need to develop regional documents that balance various projects to meet emission reduction goals.

OCTA will continue to monitor and participate in all efforts related to SB 375 clean-up and CEQA guideline amendments and seek to maintain language favorable to program level environmental review for GHG emissions from transportation projects. In addition, OCTA will continue to work with regional partners and other stakeholders to ensure that there is a collaborative effort behind the Board's request.

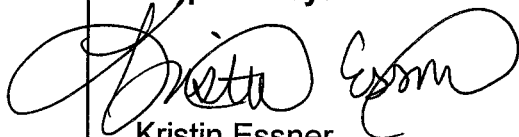
Summary

An overview of legislative proposals related to SB 375 (Chapter 728, Statutes of 2008) implementation is provided.

Attachment

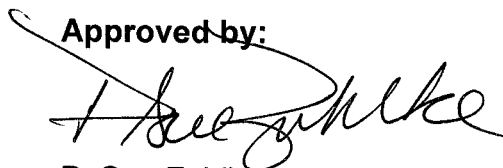
None.

Prepared by:



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BOARD COMMITTEE TRANSMITTAL

April 27, 2009

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Project Requests for Federal Transportation Authorizing Legislation

Legislative and Communications Committee Meeting of April 16, 2009

Present: Directors Buffa, Dalton, Glaab, and Mansoor
Absent: Directors Bates, Brown, and Cavecche

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations

- A. Approve the attached list of Orange County Transportation Authority projects for formal submission to members of Congress and possible inclusion in the next transportation authorizing legislation.
- B. Evaluate projects from other Orange County entities to determine whether or not to support these projects for possible inclusion in the next transportation authorizing legislation.

Note: Revised Attachment A is provided herewith; shaded text highlights Committee's suggested changes on Page Two.



**Orange County Transportation Authority
Transportation Authorization Project List**

HIGHWAYS

A. Riverside Freeway (State Route 91) Congestion Relief Project

Support requested for direct connection between State Route 91 (SR-91) Express Lanes and Eastern Toll Road (State Route 241) interchange.

Total Project Cost: \$400 million Request: \$10 million

B. San Diego Freeway (Interstate-405) Improvements

Support capacity improvements in each direction of Interstate 405 (I-405), including the addition of up to two lanes from Euclid Street in Fountain Valley to Interstate 605 (I-605).

Total Project Cost: \$1.1 billion Request: \$100 million

C. San Diego Freeway (Interstate 5) Segment Improvements

Support capacity improvements along Interstate 5 (I-5), from Pacific Coast Highway (State Route 1) to Avenida Pico, including a potential connection with planned San Diego County high-occupancy-vehicle (HOV) lanes along the I-5.

Total Project Cost: \$250 million Request: \$25 million

D. Santa Ana Freeway (Interstate 5) Segment Improvements

Support improvements to the Interstate 5 (I-5)/State Route 55 (SR-55) Freeway interchange, on the I-5 between Fourth Street and Newport Avenue and on SR-55 between Fourth Street and Edinger Avenue.

Total Project Cost: \$300 million Request: \$10 million

E. Bristol Street Multimodal Corridor Widening

Support the widening of Bristol Street in the City of Santa Ana, which also supports OCTA's plan for bus rapid transit service.

Total Project Cost: \$236 million Request: \$50 million

Commuter Rail

F. State College Boulevard Grade Separation

Support the grade separation of State College Boulevard and the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor in the City of Anaheim.

Total Project Cost: \$70 million Request: \$56 million

G. Ball Road Grade Separation

Support the grade separation of Ball Road and the LOSSAN rail corridor in the City of Anaheim.

Total Project Cost: \$71 million Request: \$57 million

H. Metrolink Service Expansion Second Track

Support the construction of a second main track south of the Laguna Niguel/Mission Viejo Station to San Juan Capistrano.

Total Project Cost: \$47 million Request: \$38 million



Orange County Transportation Authority Transportation Authorization Project List

I. Metrolink Service Expansion Fiber Optic Communications

Support the implementation of a new fiber optics communications backbone along the LOSSAN corridor in Orange County.

Total Project Cost: \$21.9 million Request: \$15 million

J. Metrolink Service Expansion - Maintenance Tracks

Support the construction of maintenance tracks and spurs at three locations in Orange County to provide dedicated locations for maintenance and inspection of rail equipment.

Total Project Cost: \$3.457 million Request: \$2.766 million

K. Positive Train Control

Support the development and implementation of positive train control (PTC) to enhance safety while helping meet 2015 federal mandate.

Total Project Cost: \$201 million Request: \$127 million

TRANSIT NEW STARTS

L. Go Local – Anaheim Fixed Guideway

Support the Anaheim Fixed Guideway system to connect Metrolink commuter rail service via the ARTIC to two of Anaheim’s major employment and activity centers.

Total Project Cost: \$286 million Request: \$229 million

M. Go Local – Santa Ana-Garden Grove Fixed Guideway

Support the Santa Ana-Garden Grove Fixed Guideway system to extend the reach of Metrolink commuter rail service via the Santa Ana Regional Transportation Center to Harbor Boulevard in the City of Garden Grove.

Total Project Cost: \$332 million Request: \$266 million

HIGH SPEED RAIL

N. High-Speed Rail Anaheim-Las Vegas

Support the Anaheim to Ontario segment of the Anaheim/Las Vegas high-speed rail project.

Total Project Cost: \$1.8 billion Request: \$10 million

O. High-Speed Rail Anaheim-Los Angeles

Support the Anaheim to Los Angeles high-speed rail project.

Total Project Cost: \$1.9 billion Request: \$700 million

MULTIMODAL – TRANSIT, COMMUTER RAIL, HIGH-SPEED RAIL

P. Anaheim Regional Transportation Intermodal Center (ARTIC)


Expand on first phase of the ARTIC intermodal transportation center in the City of Anaheim, which includes relocation of the existing station and supporting transit facilities to the ARTIC site.

Total Project Cost: \$930 million Request: \$130 million



April 16, 2009

To: Legislative and Communications Committee

From:  James S. Kenan, Interim Chief Executive Officer

Subject: Project Requests for Federal Transportation Authorizing Legislation

Overview

Congress is in the early stages of considering new federal transportation authorizing legislation and members are requesting the submission of individual projects for inclusion in the new legislation.

Recommendations

- A. Approve the attached list of Orange County Transportation Authority projects for formal submission to members of Congress and possible inclusion in the next transportation authorizing legislation.
- B. Evaluate projects from other Orange County entities to determine whether or not to support these projects for possible inclusion in the next transportation authorizing legislation.

Background

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) expires on September 30, 2009. SAFETEA-LU, which was signed into law in 2005, is the prime ongoing source for federal transportation funding to the Orange County Transportation Authority (OCTA). Over the five-year life of SAFETEA-LU, OCTA has received \$754 million in federal highway and transit funding. Nearly 90 percent of that funding was dictated by federal statutory formulas, received either directly or through the state. However, SAFETEA-LU also contained approximately \$80 million in specifically identified or earmarked transportation projects for Orange County.

Discussion

Congress will soon be taking up the development and enactment of new transportation authorizing legislation to follow on the expiration of SAFETEA-LU. Congressman James Oberstar (D-MN), Chair of the House Transportation and Infrastructure Committee, has notified House membership of his goal to pass a new authorizing bill by June and have a final bill on the President's desk in September. The Senate has not yet announced any timetable for enactment.

Congressman Gary Miller (R-CA) is the only California Republican on the Transportation and Infrastructure Committee and the only member of the Orange County delegation on that Committee. In a March 17, 2009, letter Congressman Miller invited entities within his district, including OCTA, to submit federal transportation funding requests for consideration as a part of this new authorizing legislation. This letter was followed up by a meeting held on March 25 in the congressman's district to review the basics of the authorization process and the desire to fund transportation projects of a regional nature which can be completed or reach major milestones within the expected five- to six-year life of the new legislation.

Based upon prior OCTA Board of Directors endorsements and approvals, staff has submitted draft forms to Congressman Miller's office for the projects contained in Attachment A. These projects fall into four general categories. First, there are five highway projects for which OCTA has consistently sought federal assistance. These projects will either be completed or complete significant phases during the next authorization period. Second, there are seven commuter rail and goods movement projects which would be eligible for transit funding under the current program eligibility requirements. Third, there are two fixed-guideway projects which are planned for full funding agreements within the next authorization period. Lastly, the list contains the two high-speed rail corridors supported by OCTA in case a new high-speed rail program is part of the next authorization legislation. The scope and requested amounts for these high-speed rail projects are yet to be determined.

Staff is seeking formal approval of the list of projects in order that the forms may be finalized and certifications and letters of support can be submitted to Congressman Miller's Office. These projects can then also be presented to other members of Congress for possible requests by them.

As part of the March 25 informational meeting, Congressman Miller's staff emphasized that "in order for Congressman Miller to request funding, the project must be supported by a regional entity and/or regional governments."

This has led to several requests from other local governments within the County for OCTA support of their proposed projects. In addition, staff is aware of two major projects in Orange County, each in excess of \$75 million, which are seeking transportation funding in the next authorization.

The OCTA's Federal Legislative Platform (adopted on January 26, 2009) provides that, in considering which transportation projects from throughout the County to support for funding in the next authorization, OCTA will evaluate projects in accordance with the following criteria:

1. The extent to which the project results from, or relates to, an OCTA major investment study or major planning initiative such as the Go Local or Metrolink service enhancement programs.
2. The extent to which the project provides congestion relief or provides increased capacity to address future documented congestion.
3. The adequacy of the overall funding plan and the ability to expend project funds to complete the project within the authorization timeframe (generally, six years).
4. The regional significance of the project.
5. The contribution which the project makes to improving environmental quality.

Attachment B is a list of the known transportation projects to date from other entities within Orange County seeking earmark funding as a part of the next transportation authorization. Using the criteria from the Federal Legislative Platform, staff has evaluated these projects based upon the information which is available to the OCTA. Based upon this information, staff is seeking input as to which, if any, projects should be supported by OCTA for specific inclusion in the next federal authorization legislation.

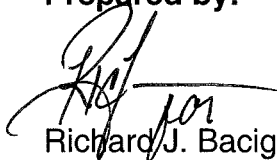
Summary

Staff is seeking formal approval of a list of specific project requests for submission to be included in the next transportation authorizing legislation and input regarding whether or not to support the inclusion of projects from other Orange County entities in this legislation.

Attachments

- A. Orange County Transportation Authority Transportation Authorization Project List
- B. Transportation Authorization Projects from Other Agencies Seeking OCTA Support

Prepared by:



Richard J. Bacigalupo
Federal Relations Manager
(714) 560-5901



**Orange County Transportation Authority
Transportation Authorization Project List**

HIGHWAYS

A. Riverside Freeway (State Route 91) Congestion Relief Project

Support requested for direct connection between State Route 91 (SR-91) Express Lanes and Eastern Toll Road (State Route 241) interchange.

Total Project Cost: \$400 million Request: \$10 million

B. San Diego Freeway (Interstate-405) Improvements

Support capacity improvements in each direction of Interstate 405 (I-405), including the addition of up to two lanes from Euclid Street in Fountain Valley to Interstate 605 (I-605).

Total Project Cost: \$1.1 billion Request: \$100 million

C. San Diego Freeway (Interstate 5) Segment Improvements

Support capacity improvements along Interstate 5 (I-5), from Pacific Coast Highway (State Route 1) to Avenida Pico, including a potential connection with planned San Diego County high-occupancy-vehicle (HOV) lanes along the I-5.

Total Project Cost: \$250 million Request: \$25 million

D. Santa Ana Freeway (Interstate 5) Segment Improvements

Support improvements to the Interstate 5 (I-5)/State Route 55 (SR-55) Freeway interchange, on the I-5 between Fourth Street and Newport Avenue and on SR-55 between Fourth Street and Edinger Avenue.

Total Project Cost: \$300 million Request: \$10 million

E. Bristol Street Multimodal Corridor Widening

Support the widening of Bristol Street in the City of Santa Ana, which also supports OCTA's plan for bus rapid transit service.

Total Project Cost: \$236 million Request: \$50 million

COMMUTER RAIL

F. Anaheim Regional Transportation Intermodal Center (ARTIC)

Support first phase of the ARTIC intermodal transportation center in the City of Anaheim, which includes relocation of the existing station and supporting transit facilities to the ARTIC site.

Total Project Cost: \$930 million Request: \$130 million

G. State College Boulevard Grade Separation

Support the grade separation of State College Boulevard and the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor in the City of Anaheim.

Total Project Cost: \$70 million Request: \$56 million

H. Ball Road Grade Separation

Support the grade separation of Ball Road and the LOSSAN rail corridor in the City of Anaheim.

Total Project Cost: \$71 million Request: \$57 million



Orange County Transportation Authority Transportation Authorization Project List

I. Metrolink Service Expansion Second Track

Support the construction of a second main track south of the Laguna Niguel/Mission Viejo Station to San Juan Capistrano.

Total Project Cost: \$47 million Request: \$38 million

J. Metrolink Service Expansion Fiber Optic Communications

Support the implementation of a new fiber optics communications backbone along the LOSSAN corridor in Orange County.

Total Project Cost: \$21.9 million Request: \$15 million

K. Metrolink Service Expansion - Maintenance Tracks

Support the construction of maintenance tracks and spurs at three locations in Orange County to provide dedicated locations for maintenance and inspection of rail equipment.

Total Project Cost: \$3.457 million Request: \$2.766 million

L. Positive Train Control

Support the development and implementation of positive train control (PTC) to enhance safety while helping meet 2015 federal mandate.

Total Project Cost: \$201 million Request: \$127 million

NEW STARTS

M. Go Local – Anaheim Fixed Guideway

Support the Anaheim Fixed Guideway system to connect Metrolink commuter rail service via the ARTIC to two of Anaheim's major employment and activity centers.

Total Project Cost: \$286 million Request: \$229 million

N. Go Local – Santa Ana-Garden Grove Fixed Guideway

Support the Santa Ana-Garden Grove Fixed Guideway system to extend the reach of Metrolink commuter rail service via the Santa Ana Regional Transportation Center to Harbor Boulevard in the City of Garden Grove.

Total Project Cost: \$332 million Request: \$266 million

HIGH SPEED RAIL

O. High-Speed Rail Anaheim-Las Vegas

Support the Anaheim to Ontario segment of the Anaheim/Las Vegas high-speed rail project.

Total Project Cost: TBD Request: TBD

P. High-Speed Rail Anaheim-Los Angeles

Support the Anaheim to Los Angeles high-speed rail project.

Total Project Cost: TBD Request: TBD

Transportation Authorization Projects from Other Agencies Seeking OCTA Support

	Proposed Project	Requesting Entity	Request Amount	Criteria				
				From Major OCTA Planning Initiative	Provides Congestion Relief	Within Authorization Timeframe	Regional/National Significance	Improves Environmental Quality
1	Add Lane on State Route 241 between Bake and Santa Margarita Parkway	Foothill/Eastern Transportation Corridor Agency	\$55M	√	√	√		√
2	Caltrans Groundwater Treatment Plant for State Highway 261	Foothill/Eastern Transportation Corridor Agency	\$25M			√		√
3	State Route 91/State Route 241 Connector	Foothill/Eastern Transportation Corridor Agency	\$10M	√	√	√	√	√
4	State Route 57/Lambert Road Interchange	City of Brea	\$37.2M		√	√		√
5	South Orange County Gateway Improvement Program	Cities of Laguna Niguel & Mission Viejo	\$79.6M	√	√			√
6	Harbor Boulevard Redevelopment	City of Garden Grove	\$78.6M	√	√	√		√
7	Bicycle- Pedestrian Overcrossing Project*	California State University, Fullerton	\$5M	√	√	√		√
8	San Juan Creek Road Widening Project	City of San Juan Capistrano	\$4.2M	√	√	√		√

**Staff is investigating alternative sources of OCTA funding*



MEMO

April 22, 2009


To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board ^{WK}
Subject: **Board Committee Transmittal for Agenda Item**

The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



April 22, 2009

To: Finance and Administration Committee
From:  James S. Kenan, Interim Chief Executive Officer
Subject: Approval of the Fiscal Year 2009-10 Local Transportation Fund Claim for Laguna Beach Public Transportation Services

Overview

The Laguna Beach Municipal Transit Lines, a department within the City of Laguna Beach, is eligible to receive funding from the Local Transportation Fund in Orange County for providing public transportation services throughout the city. To receive the funds, the Laguna Beach Municipal Transit Lines must file a claim against the Local Transportation Fund with the Orange County Transportation Authority .

Recommendation

Approve the Laguna Beach Municipal Transit Lines Fiscal Year 2009-10 Local Transportation Fund Claim for public transportation services in the amount of \$944,550, and authorize the Interim Chief Executive Officer of the Orange County Transportation Authority to issue allocation/disbursement instructions to the Orange County Auditor-Controller in the amount of the claim.

Discussion

The Transportation Development Act (TDA) of 1971 established a state funding source dedicated to public transit and transit-related projects. The TDA created in each county a Local Transportation Fund (LTF) for transportation purposes specified in the TDA. Revenues are derived from $\frac{1}{4}$ cent of the current $8\frac{3}{4}$ cent retail sales tax in Orange County. The distribution of the $8\frac{3}{4}$ sales tax in Orange County is as follows:

- One cent to cities and the County of Orange in unincorporated area;
- Seven cents to the State of California
- $\frac{1}{4}$ cent to State of California and transferred to the Orange County Local Transportation Fund; and

- ½ cent locally-approved tax (Measure M) to the Orange County Transportation Authority

The LTF revenues are collected by the State Board of Equalization and returned to the local jurisdictions based on the volume of sales during each month. As required under provisions of the TDA, in Orange County the LTF receipts are deposited in the Orange County LTF account (Fund 182) in the Orange County Treasury and are administered by the Orange County Auditor-Controller.

In Orange County, the Orange County Transportation Authority (OCTA) is the transportation planning agency responsible for the allocation of the LTF within its jurisdiction. Upon instructions from OCTA, LTF receipts are distributed by the Auditor-Controller among the various administrative, planning, public transportation, bicycle and pedestrian, and bus stop facilities program apportionments, as specified in the TDA. The Orange County Transit District (OCTD) and the Laguna Beach Municipal Transit Lines (LBMTL) are the only public transit operators in Orange County eligible to receive allocations from the LTF under Article 4 of the TDA. Section 6630 of the California Code of Regulations requires the City of Laguna Beach to file a claim with OCTA in order to receive an allocation from the LTF for providing public transportation throughout the city.

On March 23, 2009, the OCTA Board of Directors approved the LTF fiscal year (FY) 2009-10 apportionments. The total apportionment approved for LBMTL equaled \$944,550. On April 7, 2009, the Laguna Beach City Council adopted a resolution authorizing the filing of an LTF claim with OCTA for public transportation services. Laguna Beach has submitted its FY 2009-10 claim against the LTF in the amount of \$944,550. Of this amount, \$750,650 is needed by the city to meet current operating expenses and \$193,900 is needed to meet future capital expenditures.

The OCTA, as the transportation planning agency for Orange County, is authorized to approve claims and to make payments from the LTF through written instructions to the Auditor-Controller.

Summary

The Orange County Transportation Authority's approval of the City of Laguna Beach's claim against the Orange County Local Transportation Fund in the amount of \$944,550 will enable the Laguna Beach Municipal Transit Lines to continue providing public transportation services throughout the City of Laguna Beach during fiscal year 2009-10.

Attachment

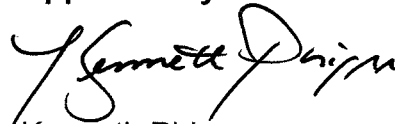
None.

Prepared by:



James L. Cook
Financial Analyst
Financial Planning and Analysis
(714) 560-5681

Approved by:



Kenneth Phipps
Acting Executive Director,
Finance and Administration
(714) 560-5637



MEMO

April 22, 2009


To: Members of the Board of Directors
From: Wendy Knowles^{WK}, Clerk of the Board
Subject: **Board Committee Transmittal for Agenda Item**

The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



April 22, 2009

To: Finance and Administration Committee
From:  James S. Kenan, Interim Chief Executive Officer
Subject: 91 Express Lanes Software

Overview

On January 12, 2009, the Board of Directors authorized staff to negotiate an amendment to Cofiroute USA, LLC's agreement to incorporate the development of a back-office software system. The software is expected to be deployed on the 91 Express Lanes by January 2011. The amendment will contain maintenance, software license, and software escrow agreements. Cofiroute USA, LLC was retained in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services to provide management and operational services for the 91 Express Lanes in October 2005.

Recommendation

Authorize the Interim Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-5-0300 between the Orange County Transportation Authority and Cofiroute USA, LLC, in an amount not to exceed \$150,000, that will cover up to four months for maintenance and software license agreements during the initial term of the contract and authorize the addition of two five-year option periods from January 2011 through January 2021, bringing the total contract value to \$31,433,854.

Discussion

In 2008, Cofiroute USA, LLC (CUSA) approached the Orange County Transportation Authority (Authority) with a proposal to develop back-office software for the 91 Express Lanes. The current software, TollPro, was installed in April 2003 and is approaching the end of its useful life. The software was developed by Northern Lakes Data Corporation (NLDC).

TollPro retrieves traffic data from the in-lane Electronic Traffic and Toll Management (ETTM) system, calculates the correct toll amount, and

automatically charges customer accounts. TollPro also retrieves license plate images and data from the ETTM system, electronically sends the images to the Department of Motor Vehicles for identification of vehicle owner and if appropriate, generates violation notices to be mailed to users of the facility who cannot be identified as customers. TollPro electronically interfaces with other toll agencies for cross billing purposes to account for other agency customers traveling on the 91 Express Lanes and for customers traveling on other toll facilities.

The Authority, along with the 91 Express Lanes consultant eTrans, evaluated the CUSA proposal along with the various other options available to replace the back-office software. With the exception of the CUSA proposal, all other options required significant cost commitments for the Authority and carried an inherent risk of schedule delays, cost overruns, and deployment issues.

The option proposed by CUSA included CUSA's funding of the development and implementation of the back-office software. This option will significantly speed up deployment of new software by eliminating the time required to develop and issue a request for proposals, evaluate responses, and educate the selected vendor on the intricacies of the 91 Express Lanes operations. On January 12, 2009, the Board of Directors (Board) selected the CUSA option and authorized staff to negotiate an amendment to the CUSA agreement to address a maintenance agreement, software license agreement, and a software escrow agreement.

The Authority currently pays \$120,000 per year for the maintenance agreement for the TollPro system. The proposed maintenance agreement with CUSA is for \$350,000 per year and will cover regularly scheduled and unscheduled maintenance service. This amount includes a dedicated onsite full-time technician, Monday through Friday, and a 24 hour, seven days a week remote monitoring and maintenance service.

Although the annual costs for the maintenance agreement are higher than the current expenditures, the level of service the Authority will receive will be greater than the current service. The Authority currently does not have a dedicated technician onsite to provide support services. The Authority requested the assistance of eTrans in evaluating the competitiveness of the costs associated with the maintenance and software license agreements. The consultant eTrans stated that the annual costs were consistent with costs experienced by other toll entities for the same level of service.

The proposed annual fee for the license agreement with CUSA is \$100,000 per year and includes the right to use the software on the 91 Express Lanes.

Although the software is being developed with the knowledge of a potential extension of the 91 Express Lanes into Riverside County, the license will not include the right to use the software with any extension. A future license agreement between CUSA and the Riverside County Transportation Commission will need to be entered prior to the opening of the extension.

In return for the development of the software, the terms of the agreement with CUSA will change to include two five-year option periods to commence at the end of the initial term of the contract. This change in the term structure of the CUSA agreement was approved by the Board on January 12, 2009. Amendment No. 4 will add the two five-year option periods beginning in January 2011. The first option term shall begin in January 2011 and continue until January 2016. The second five-year option term shall commence in January 2016 and continue until January 2021, provided that as of January 2016, CUSA has performed its obligations set forth in the operating agreement and is not in default.

CUSA has stated that the software will be ready for operational use by January 2011. If the software is deployed prior to this date, the Authority will pay a prorated share of the annual cost for the maintenance and software license agreements, in an amount not to exceed \$150,000, for the initial term. Approval of this amendment is being requested at this juncture to allow enough time for the development of the software.

Annual costs for maintenance and software license for the five-year option terms will be incorporated in a new scope. Staff will return to the Board with the new scope for operational services for Agreement No. C-5-0300 with CUSA before the end of calendar year 2009. This scope will cover various operational services including violation processing, customer assistance patrols, customer service center staffing, maintenance and software license agreements for the new back-office software, accounting, general administration, and several other services components.

Fiscal Impact

This amendment will be funded in the 91 Express Lanes budget during fiscal year 2011.

Summary


Based on the information provided, staff recommends executing Amendment No. 4 to Agreement No. C-5-0300 between the Orange County Transportation Authority and Cofiroute USA, LLC, in an amount not to exceed \$150,000, for

maintenance and software license agreements associated with the back-office software through the end of the initial term.


Attachment

- A. Agreement No. C-5-0300 Fact Sheet

Prepared by:


Kirk Avila
Treasurer/
General Manager, 91 Express Lanes
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Approved by:


Kenneth Phipps
Acting Executive Director,
Finance and Administration
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Virginia Abadessa
Director, Contracts Administration and
Materials Management
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ATTACHMENT A

Cofiroute USA, LLC Agreement No. C-5-0300 Fact Sheet

1. October 24, 2005, Agreement No. C-5-0300, \$30,800,854, approved by Board of Directors
 - Provide management and operational services for the State Route 91 Express Lanes
2. June 5, 2006, Amendment No. 1 to Agreement No. C-5-0300, no additional dollar amount requested, approved by Contracts Administration and Materials Management Department Manager.
 - Amendment No. 1 deleted certain key personnel; amended scope of work to remove marketing services and add special projects, and; removed "Performance Management System" and incorporated "91 Express Lanes Performance Standards."
3. November 20, 2006, Amendment No. 2 to Agreement No. C-5-0300, no additional dollar amount requested, approved by Contracts Administration and Materials Management Department Manager.
 - Amendment No. 2 designated \$1,561,752 of the maximum cumulative payment obligation as "special projects" funding; incorporated "order of precedence" clause; included any annual increase above 3 percent in the firm fixed annual payment with "special projects"; incorporated "91 Express Lanes expense responsibilities."
4. November 10, 2008, Amendment No. 3 to Agreement No. C-5-0300, \$483,000, approved by Board of Directors.
 - Amendment No. 3 designated \$483,000 for two additional information technology professionals
5. May 11, 2009, Amendment No. 4 to Agreement No. C-5-0300, \$150,000, pending approved by Board of Directors.
 - Amendment No. 4 designates \$150,000 for four months of maintenance and software license agreement fees; adds two five-year options from January 3, 2011 through January 2, 2021

Total committed to Cofiroute USA, LLC, Agreement No. C-5-0300: \$31,433,854, including amount requested herewith.



BOARD COMMITTEE TRANSMITTAL

April 27, 2009

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: First Quarter 2009 Debt and Investment Report

Finance and Administration Committee meeting of April 22, 2009

Present: Directors Amante, Bates, Brown, Buffa, Campbell, Green, and Moorlach
Absent: None

Committee Vote


This item was passed by all Committee Members present.

Committee Recommendation

Receive and file the Quarterly Investment Report prepared by the Treasurer as an information item.



April 22, 2009

To: Finance and Administration Committee
From:  James S. Kenan, Interim Chief Executive Officer
Subject: First Quarter 2009 Debt and Investment Report

Overview

The California Government Code requires the Orange County Transportation Authority Treasurer to submit a quarterly investment report detailing the investment activity for the period. This investment report covers the first quarter of 2009, January through March, and includes a discussion on the Orange County Transportation Authority's debt portfolio.

Recommendation

Receive and file the Quarterly Investment Report prepared by the Treasurer as an information item.

Discussion

The Treasurer is currently managing the Orange County Transportation Authority's (Authority) investment portfolio totaling \$890.3 million as of March 31, 2009. The portfolio is divided into two managed portfolios: the liquid portfolio for immediate cash needs and the short-term portfolio for future budgeted expenditures. In addition to these portfolios, the Authority has funds invested in debt service reserve funds for the various outstanding debt obligations.

The Authority's debt portfolio had an outstanding principal balance of \$361.1 million as of March 31, 2009. Approximately 45 percent of the outstanding balance is comprised of Measure M debt, 7 percent is associated with the Renewed Measure M Program, and the remaining 48 percent is for the 91 Express Lanes.

Economic Summary: In minutes released from the most recent Federal Open Market Committee (Fed) meeting in March, officials fear the economy may fall into a self-reinforcing cycle of rising unemployment and slumping business and consumer spending. The net effect will be tighter credit in an already vulnerable financial system. The Fed Funds rate remained unchanged during the quarter at zero to 0.25 percent. Unable to reduce rates further, the Fed voted unanimously to increase its open-market purchase of bonds by \$1.25 trillion, continuing its unprecedented increase in money supplied to the economy.

During the quarter the unemployment rate rose to 8.5 percent, the highest level since 1983. Since the recession began in December 2007, the economy has lost about 5.1 million jobs. This includes 3.1 million jobs lost in 2008 and 2 million already in 2009. Gross Domestic Product for the fourth quarter of 2008 was revised downward to negative 6.3 percent. With little good news on the economic front, it will likely be several months before efforts by the Fed and the Department of Treasury take effect.

Debt Portfolio Activity: On February 5, 2009, the Authority retired the final \$11 million in principal from the Measure M Tax-Exempt Commercial Paper (TECP) Program. On February 15, 2009, the Authority remitted a debt service payment to Measure M investors in the amount of \$82 million. Of this amount, \$75 million was used to retire Measure M principal. The Measure M Program currently has \$161 million in outstanding debt and will be fully repaid by 2011.

Also on February 15, 2009, the Authority remitted a debt service payment for the 91 Express Lanes. The Authority paid \$4.6 million in interest on the bonds. Currently, there remains \$175 million in principal outstanding on the bonds. In addition to the amounts due on the bonds, the Authority has subordinated debt outstanding related to the acquisition of the 91 Express Lanes. The remaining balance (which will be repaid with 91 Express Lanes net revenues) totals approximately \$45 million. The outstanding balances for each of the Authority's debt securities are presented in Attachment A.

Staff continues to observe the situation regarding Lehman Brothers Holdings Company (Lehman). Lehman served as one of the Authority's counterparties for the swap component of the variable rate bonds. Lehman has not made their counterparty payments to the Authority since September 1, 2008 (the last payment date prior to the bankruptcy filing). Lehman has failed to pay \$700,870 to the Authority. However, on February 15, 2009, the Authority did not remit \$1.5 million owed to Lehman as part of the swap agreement. The

Authority will continue to work with bond counsel and monitor the legal options available.

Investment Portfolio Activity: During the quarter, the Authority liquidated \$20 million from the short-term portfolio to meet current cash flow needs.

Investment Portfolio Compliance: As of March 31, 2009, the Authority's portfolio was in compliance with its investment policy. The Authority continues its policy of reviewing the contents of the investment portfolio on a daily basis to ensure compliance. Attachment B provides a comparison of the portfolio holdings as of March 31, 2009, to the diversification guidelines of the policy.

Investment Portfolio Performance Versus Selected Benchmarks: The Authority's investment managers provide the Authority and its financial advisor, Sperry Capital, with monthly performance reports. The investment managers' performance reports calculate monthly total rates of return based upon the market value of the portfolios they manage at the beginning of the month versus the market value at the end of the month. The market value of the portfolio at the end of the month includes the actual value of the portfolio based upon prevailing market conditions as well as the interest income accrued during the month.

The Authority has calculated the total returns for each of the investment managers for short-term operating monies and compared the returns to specific benchmarks as shown in Attachment C. Attachment D contains an annualized total return performance comparison by the investment manager for the previous two years. Attachment E provides a two-year yield comparison between the short-term portfolio managers, the Orange County Investment Pool (OCIP), and the Local Agency Investment Fund.

The returns for the Authority's short-term operating monies are compared to the Merrill Lynch 1-3 year Treasury Index benchmark. The Merrill Lynch 1-3 year Treasury Index is one of the most commonly used short-term fixed income benchmarks. Each of the four managers invests in a combination of securities that all conform to the Authority's 2009 Annual Investment Policy. For the quarter ending March 31, 2009, the weighted average total return for the Authority's short-term portfolio was 0.57 percent, 48 basis points above the benchmark return of 0.09 percent. For the 12-month period ending March 31, 2009, the portfolio's return totaled 3.56 percent, 5 basis points below the benchmark return of 3.61 percent for the same period.

The strong performance relative to the benchmark for the quarter illustrates a reduction in flight to quality partially offsetting demand for treasury securities.

Further, there has been a rise in prices for corporate medium-term notes and mortgage-backed securities as the demand for these non-treasury sectors increased.

Fixed income security yields remain at historic lows, partially due to market forces and partially due to fiscal policy. The first quarter average yield for a two-year treasury security was 0.90 percent versus 1.60 percent for a comparable agency security. The yield advantage of agency securities has created an opportunity in that sector to add incremental income over treasuries.

Investment Portfolios: A summary of each investment manager's investment diversification, performance, and maturity schedule is provided in Attachment F. These summaries provide a tool for analyzing the different returns for each manager.

A complete listing of all securities is provided in Attachment G. Each portfolio contains a description of the security, maturity date, book value, market value, and current yield provided by the custodial bank.

Cash Availability for the Next Six Months: The Authority has reviewed the cash requirements for the next six months. It has been determined that the liquid and the short-term portfolios can fund all projected expenditures during the next six months.

Summary

As required under the California Government Code, the Orange County Transportation Authority is submitting its quarterly investment report to the Board of Directors. The investment report summarizes the Orange County Transportation Authority's Treasury activities for the period January 2009 through March 2009.

Attachments

- A. Orange County Transportation Authority Outstanding Debt March 31, 2009.
- B. Orange County Transportation Authority Investment Policy Compliance March 31, 2009.
- C. Orange County Transportation Authority Short-term Portfolio Performance Review Quarter Ending March 31, 2009.
- D. Orange County Transportation Authority Short-term Portfolio Performance March 31, 2009.
- E. Orange County Transportation Authority Comparative Yield Performance March 31, 2009.
- F. Investment Manager Diversification and Maturity Schedules March 31, 2009.
- G. Orange County Transportation Authority Portfolio Listing as of March 31, 2009.

Prepared by:



Kirk Avila
Treasurer/
General Manager, 91 Express Lanes
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Approved by:



Kenneth Phipps
Acting Executive Director,
Finance and Administration
(714) 560-5637

**Orange County Transportation Authority
Outstanding Debt
March 31, 2009**

Orange County Local Transportation Authority (OCLTA) - M1 Program

	<u>Issued</u>	<u>Outstanding</u>	<u>Final Maturity</u>
2001 Second Senior Sales Tax Revenue Bonds	\$ 48,430,000	\$ 32,970,000	2011
1998 Second Senior Sales Tax Revenue Bonds	213,985,000	45,385,000	2011
1997 Second Senior Sales Tax Revenue Refunding Bonds	57,730,000	30,145,000	2011
1992 First Senior Sales Tax Revenue Bonds	350,000,000	52,700,000	2011
Sub-total	\$ 670,145,000	\$ 161,200,000	

Orange County Local Transportation Authority (OCLTA) - M2 Program

	<u>Issued</u>	<u>Outstanding</u>	<u>Final Maturity</u>
2008 Tax-Exempt Commercial Paper	\$ 25,000,000	\$ 25,000,000	2011

91 Express Lanes *

	<u>Issued</u>	<u>Outstanding</u>	<u>Final Maturity</u>
2003 Toll Road Revenue Refunding Bonds	\$ 195,265,000	\$ 174,940,000	2030

* Not reflected is the intra-agency borrowing (subordinated debt) for the purchase of the 91 Express Lanes in the amount of \$44,773,675

TOTAL OUTSTANDING BALANCE **\$ 361,140,000**

ORANGE COUNTY TRANSPORTATION AUTHORITY
Investment Policy Compliance
March 31, 2009

<u>Investment Instruments</u>	<u>Dollar Amount Invested</u>	<u>Percent Of Portfolio</u>	<u>Investment Policy Maximum Percentages</u>
U.S. Treasuries	\$335,580,419	37.7%	100%
Federal Agencies & U.S. Government Sponsored	195,189,260	21.9%	100%
State of California & Local Agencies *	-	0.0%	25%
Money Market Funds & Mutual Funds	101,169,061	11.4%	20%
Bankers Acceptances	0	0.0%	30%
Negotiable Certificates of Deposit	12,917,217	1.5%	30%
Commercial Paper	3,795,844	0.4%	25%
Medium Term Maturity Corporate Securities	135,234,487	15.2%	30%
Mortgage and Asset-backed Securities	55,463,474	6.2%	20%
Repurchase Agreements	0	0.0%	75%
Investment Agreements Pursuant To Indenture	0	0.0%	100%
Local Agency Investment Fund	3,424,856	0.4%	\$ 40 Million
Orange County Investment Pool	13,904,694	1.6%	\$ 40 Million
CAMP	0	0.0%	10%
Variable & Floating Rate Securities	16,910,262	1.9%	30%
Debt Service Reserve Funds - Investment Agreements	16,348,970	1.8%	Not Applicable
Cash Equivalents	393,969	0.0%	Not Applicable
Derivatives (hedging transactions only)	0	0.0%	5%
TOTAL	<u>\$890,332,514</u>	100.0%	

* Balance does not include intra-agency borrowing for the purchase of the 91 Express Lanes in the amount of \$44,773,675.

**Orange County Transportation Authority
Short-term Portfolio Performance Review*
Quarter Ending March 31, 2009**

Month Ending	Merrill Lynch Treasury 1-3 Year Index Benchmark		JP Morgan		Payden & Rygel		Western Asset Mgmt		State Street Global Advisors	
	Monthly Return	Duration	Monthly Return	Duration	Monthly Return	Duration	Monthly Return	Duration	Monthly Return	Duration
1/31/2009	-0.34%	1.76 years	-0.10%	1.71 years	-0.09%	1.91 years	-0.05%	1.86 years	-0.33%	1.76 years
2/28/2009	-0.10%	1.84 years	0.09%	1.72 years	0.25%	2.03 years	0.07%	1.87 years	-0.15%	1.92 years
3/31/2009	0.53%	1.86 years	0.62%	1.79 years	0.72%	1.97 years	0.66%	1.93 years	0.58%	1.88 years
Jan 09 - Mar 09 Total Return		0.09%	0.61%		0.88%		0.68%		0.10%	

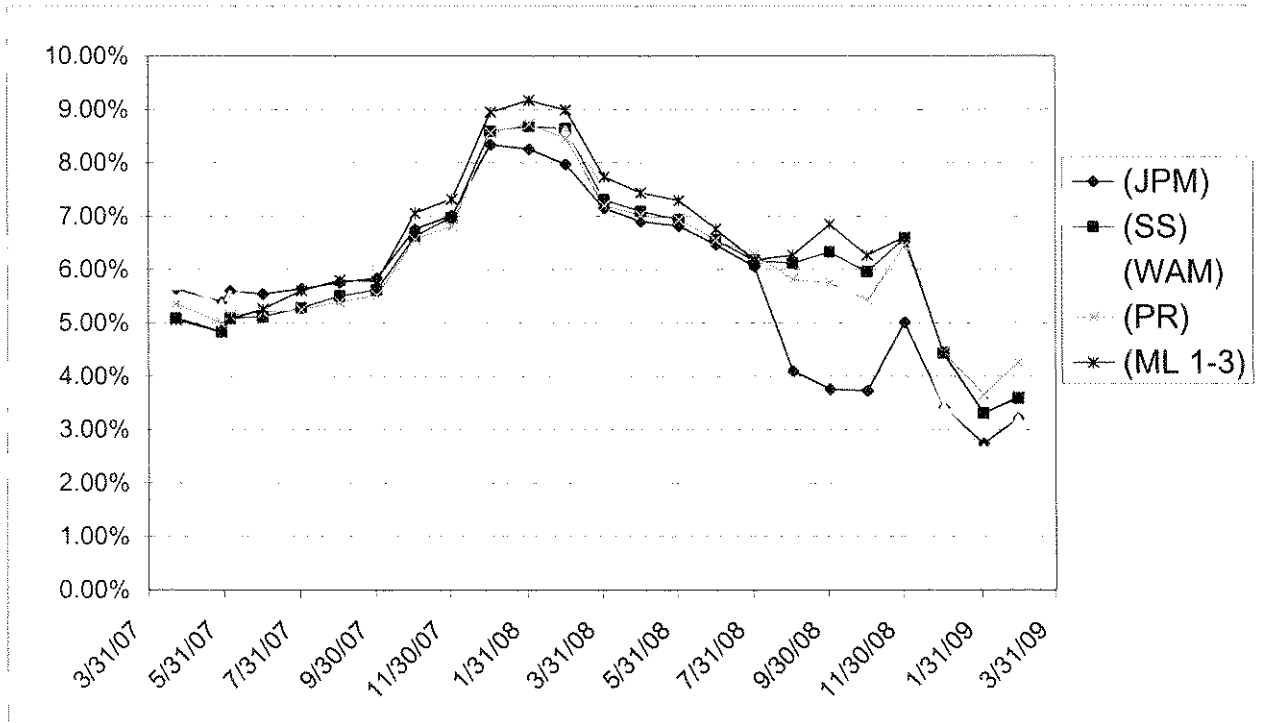
HISTORICAL QUARTERLY RETURNS

Apr 08 - Jun 08 Total Return	-0.86%	-0.31%	-0.85%	-0.36%	-0.87%
Jul 08 - Sep 08 Total Return	1.69%	-0.34%	1.22%	0.02%	1.53%
Oct 08 - Dec 08 Total Return	2.69%	3.25%	2.97%	2.85%	2.83%
Jan 09 - Mar 09 Total Return	0.09%	0.61%	0.88%	0.68%	0.10%
12-Month Total Return	3.61%	3.21%	4.25%	3.19%	3.59%

* - Month End Rates of Return are Gross of Fees

Orange County Transportation Authority Short-Term Portfolio Performance March 31, 2009

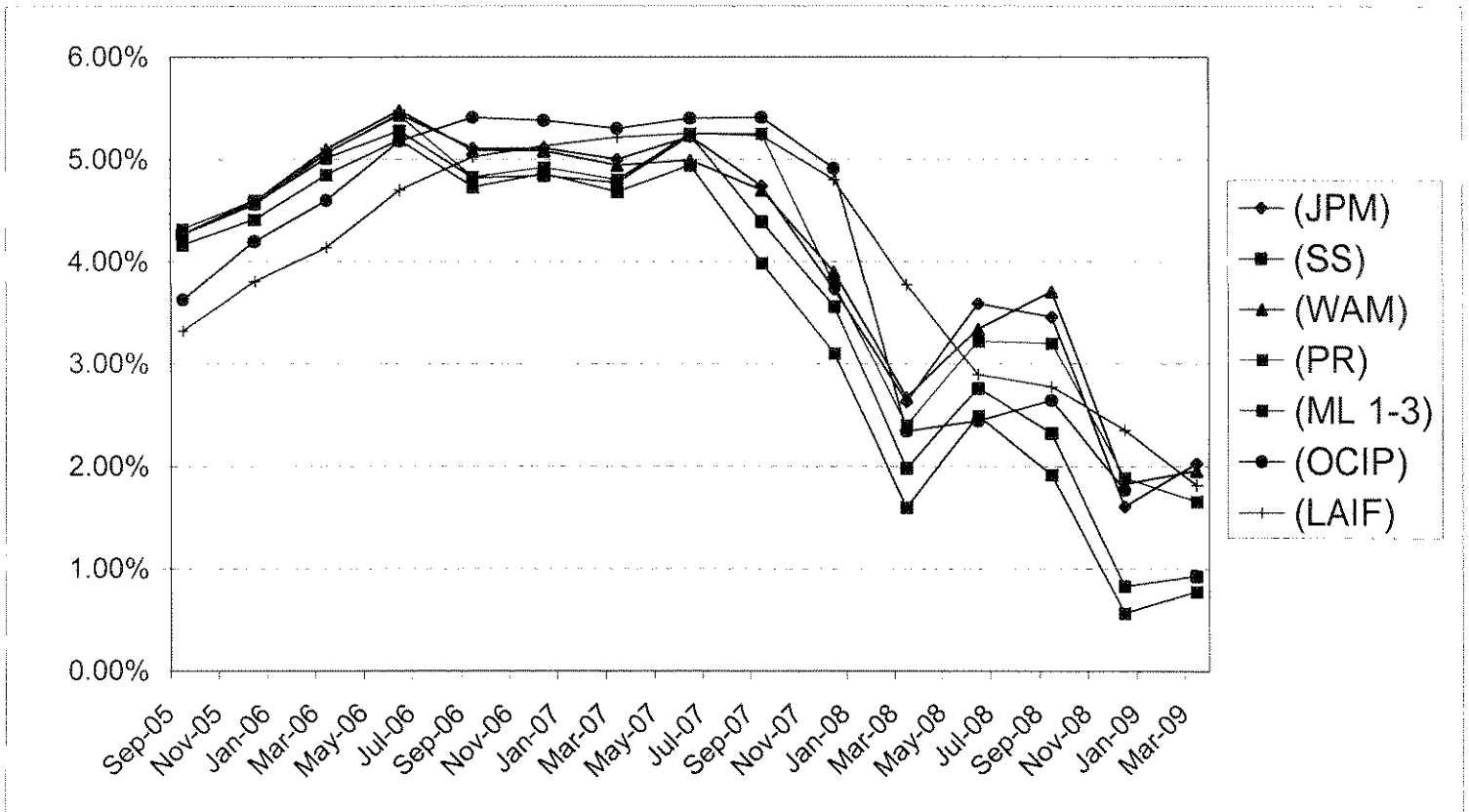
**Trailing 1-Year Total Return
Vs. The Merrill Lynch 1-3 Treasury Benchmark**



	JP Morgan (JPM)	State Street (SS)	Western Asset Mgmt (WAM)	Payden Rygel (PR)	Merrill Lynch 1-3 Yr (ML 1-3)
Apr-07	5.64%	5.09%	5.72%	5.36%	5.06%
May-07	5.39%	4.84%	5.35%	5.00%	4.83%
Jun-07	5.60%	5.09%	5.52%	5.15%	5.07%
Jul-07	5.54%	5.12%	5.77%	5.20%	5.26%
Aug-07	5.64%	5.28%	5.90%	5.25%	5.60%
Sep-07	5.76%	5.51%	6.01%	5.39%	5.80%
Oct-07	5.84%	5.62%	6.10%	5.52%	5.78%
Nov-07	6.76%	6.63%	7.07%	6.57%	7.06%
Dec-07	7.01%	6.97%	7.35%	6.81%	7.32%
Jan-08	8.34%	8.59%	8.99%	8.57%	8.95%
Feb-08	8.26%	8.69%	8.89%	8.73%	9.17%
Mar-08	7.97%	8.64%	8.60%	8.45%	8.99%
Apr-08	7.15%	7.31%	7.54%	7.20%	7.74%
May-08	6.90%	7.09%	7.45%	7.02%	7.44%
Jun-08	6.82%	6.94%	7.45%	6.94%	7.30%
Jul-08	6.47%	6.56%	6.89%	6.56%	6.76%
Aug-08	6.05%	6.17%	6.41%	6.29%	6.18%
Sep-08	4.10%	6.12%	4.86%	5.82%	6.27%
Oct-08	3.76%	6.33%	4.33%	5.75%	6.85%
Nov-08	3.73%	5.96%	4.15%	5.43%	6.27%
Dec-08	5.01%	6.59%	5.27%	6.46%	6.61%
Jan-09	3.41%	4.44%	3.42%	4.45%	4.43%
Feb-09	2.73%	3.31%	2.64%	3.66%	3.30%
Mar-09	3.21%	3.59%	3.19%	4.25%	3.61%

Orange County Transportation Authority Comparative Yield Performance March 31, 2009

**Historical Yields
Vs. The Merrill Lynch 1-3 Treasury Benchmark**

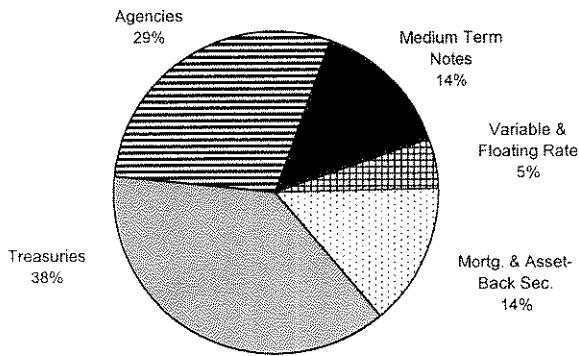


	JP Morgan (JPM)	State Street (SS)	Western Asset Mgmt (WAM)	Payden Rygel (PR)	Merrill Lynch 1-3 Yr (ML 1-3)	(OCIP)	(LAIF)
Sep-05	4.27%	4.27%	4.27%	4.32%	4.17%	3.63%	3.32%
Dec-05	4.56%	4.57%	4.59%	4.60%	4.41%	4.20%	3.81%
Mar-06	5.06%	5.01%	5.10%	5.06%	4.85%	4.60%	4.14%
Jun-06	5.44%	5.28%	5.48%	5.43%	5.19%	5.18%	4.70%
Sep-06	5.11%	4.82%	5.09%	4.83%	4.73%	5.41%	5.02%
Dec-06	5.11%	4.84%	5.08%	4.92%	4.86%	5.38%	5.13%
Mar-07	5.00%	4.77%	4.94%	4.80%	4.68%	5.30%	5.21%
Jun-07	5.22%	5.23%	4.99%	5.25%	4.94%	5.40%	5.25%
Sep-07	4.74%	4.39%	4.70%	5.25%	3.99%	5.41%	5.23%
Dec-07	3.73%	3.56%	3.90%	3.78%	3.10%	4.91%	4.80%
Mar-08	2.63%	1.98%	2.67%	2.40%	1.60%	2.34%	3.78%
Jun-08	3.59%	2.76%	3.34%	3.22%	2.49%	2.44%	2.89%
Sep-08	3.46%	2.32%	3.71%	3.20%	1.92%	2.64%	2.77%
Dec-08	1.61%	0.83%	1.83%	1.89%	0.57%	1.77%	2.35%
Mar-09	2.03%	0.93%	1.96%	1.66%	0.78%	N/A	1.82%

Investment Manager Diversification and Maturity Schedules

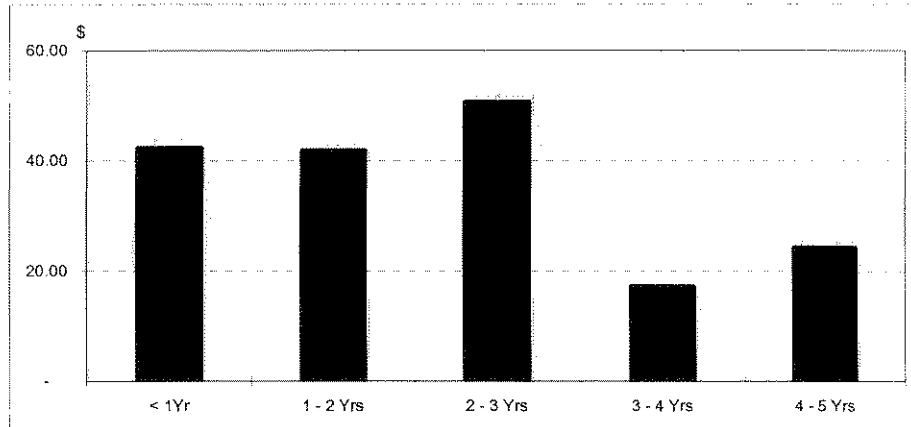
JP Morgan
March 31, 2009

SHORT-TERM PORTFOLIO (\$177.5 M)



	<u>Book Value</u>	<u>Market Value</u>
Treasuries	\$67,005,832	\$68,735,888
Agencies	51,277,171	52,562,297
Medium Term Notes	24,966,172	24,602,905
Variable & Floating Rate	9,226,785	9,075,162
Mortg. & Asset-Back Sec.	24,760,852	25,054,939
Money Market Funds	<u>233,228</u>	<u>233,228</u>
	<u>\$177,470,039</u>	<u>\$180,264,418</u>

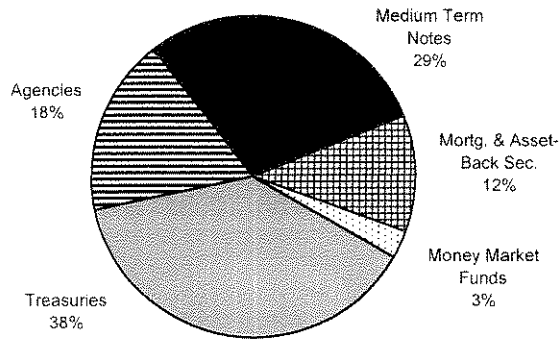
Wtd Avg Maturity	2.11 Yrs
Duration	1.79 Yrs
Quarter-end Yield	2.03%
Benchmark Comparison	0.78%
Quarter Return	0.61%
Benchmark Comparison	0.09%
12 Month Return	3.21%
Benchmark Comparison	3.61%



Investment Manager Diversification and Maturity Schedules

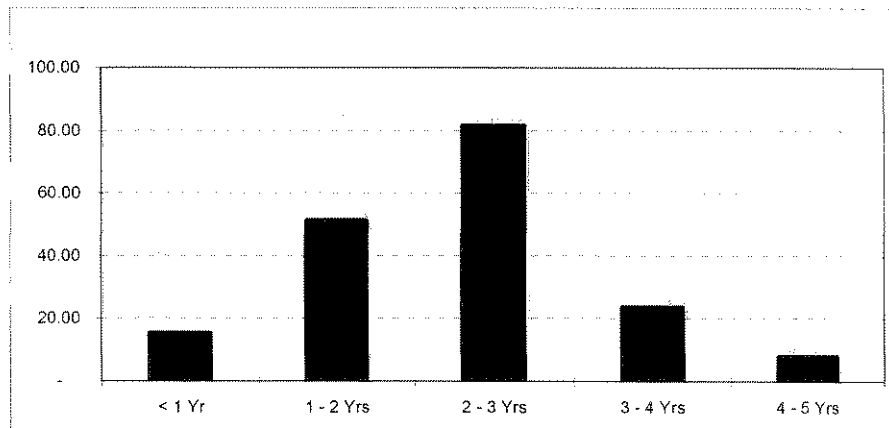
Payden & Rygel
March 31, 2009

SHORT-TERM PORTFOLIO (\$181.3 M)



	<u>Book Value</u>	<u>Market Value</u>
Treasuries	\$69,390,824	\$70,201,199
Agencies	32,529,344	32,596,469
Medium Term Notes	52,919,138	53,394,878
Mortg. & Asset-Back Sec.	21,140,219	21,548,227
Money Market Funds	5,274,167	5,274,167
	<u>\$181,253,693</u>	<u>\$183,014,940</u>

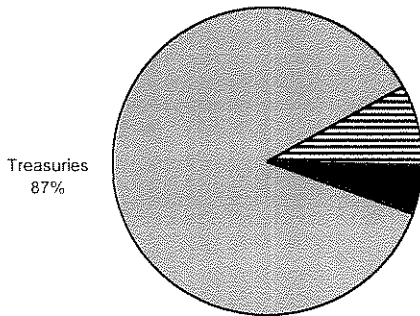
Wtd Avg Maturity	1.89 Yrs
Duration	1.97 Yrs
Quarter-end Yield	1.66%
Benchmark Comparison	0.78%
Quarter Return	0.88%
Benchmark Comparison	0.09%
12 Month Return	4.25%
Benchmark Comparison	3.61%



Investment Manager Diversification and Maturity Schedules

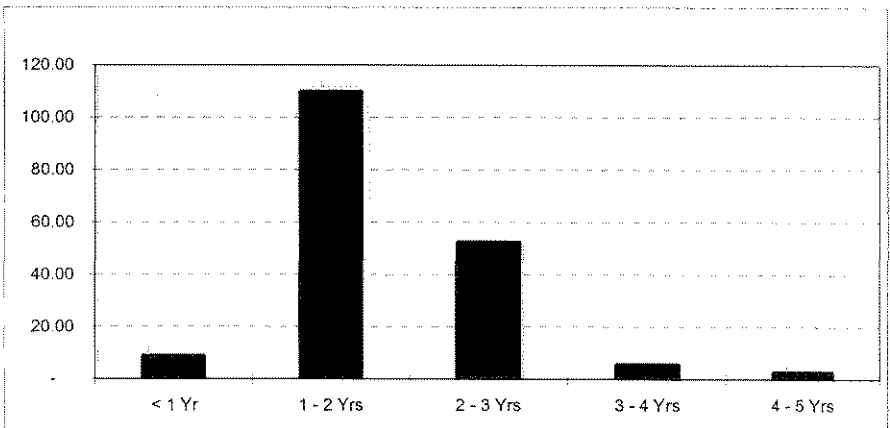
State Street
March 31, 2009

SHORT-TERM PORTFOLIO (\$180.9 M)



	<u>Book Value</u>	<u>Market Value</u>
Treasuries	\$156,268,422	\$157,422,773
Agencies	14,984,550	15,098,438
Medium Term Notes	9,524,870	9,757,878
Money Market Funds	<u>128,566</u>	<u>128,566</u>
	<u>\$180,906,408</u>	<u>\$182,407,655</u>

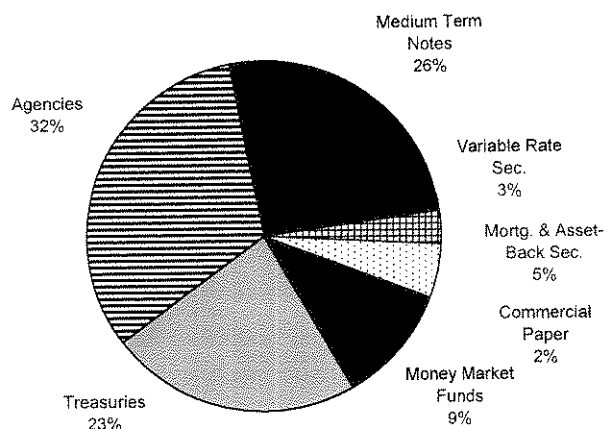
Wtd Avg Maturity	1.88 Yrs
Duration	1.88 Yrs
Quarter-end Yield	0.93%
Benchmark Comparison	0.78%
Quarter Return	0.10%
Benchmark Comparison	0.09%
12 Month Return	3.59%
Benchmark Comparison	3.61%



Investment Manager Diversification and Maturity Schedules

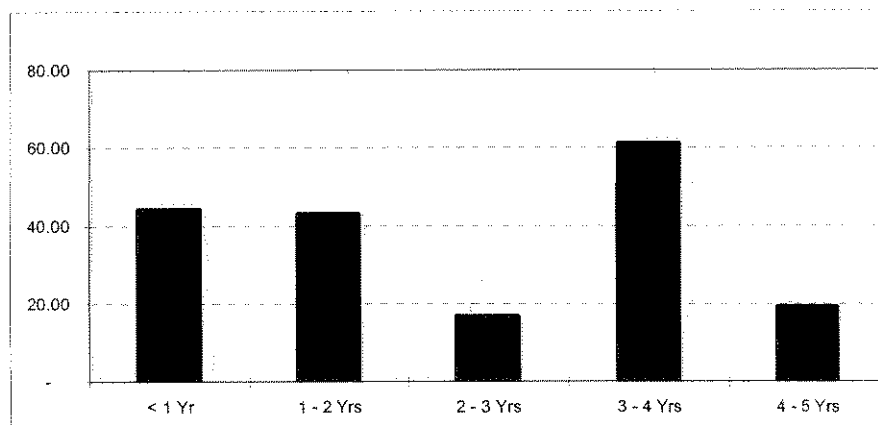
Western Asset Management March 31, 2009

SHORT-TERM PORTFOLIO (\$185.7 M)



	Book Value	Market Value
Treasuries	\$42,915,341	\$43,431,402
Agencies	59,689,351	60,746,728
Medium Term Notes	47,824,307	46,062,121
Variable Rate Sec.	5,683,505	5,447,308
Mortg. & Asset-Back Sec.	9,562,403	9,727,695
Commercial Paper	3,795,844	3,795,590
Money Market Funds	<u>16,184,426</u>	<u>16,184,426</u>
	<u>\$185,655,176</u>	<u>\$185,395,270</u>

Wtd Avg Maturity	2.18 Yrs
Duration	1.93 Yrs
Quarter-end Yield	1.96%
Benchmark Comparison	0.78%
Quarter Return	0.68%
Benchmark Comparison	0.09%
12 Month Return	3.19%
Benchmark Comparison	3.61%



**Orange County Transportation Authority
Portfolio Listing
As of March 31, 2009**

LIQUID PORTFOLIO

<u>Description</u>	<u>Maturity Date</u>	<u>Book Value</u>	<u>Market Value</u>	<u>Yield</u>
<i>Cash Equivalents</i>				
Cash Equivalent - Earnings Credit	4/1/2009	393,969.05	393,969.05	N/A
FHLB Discount Note	8/17/2009	750,093.06	751,172.80	0.51%
FHLB Discount Note	2/16/2010	6,531,679.54	6,558,380.80	0.91%
FHLMC Discount Note	8/14/2009	750,399.83	750,173.90	0.21%
FNMA Discount Note	2/12/2010	6,531,931.12	6,528,195.00	0.50%
Fidelity Funds Treasury I	N/A	5,069,682.27	5,069,682.27	0.33%
First American Treasury Obligations	N/A	116,941.46	116,941.46	0.04%
Goldman Sachs Financial Govt Fund	N/A	5,630,142.99	5,630,142.99	0.21%
Milestone Funds Treasury Obligations	N/A	20,547,503.45	20,547,503.45	0.35%
<i>Sub-total</i>		46,322,342.77	46,346,161.72	
<i>Local Agency Investment Fund (LAIF)</i>	N/A	3,424,856.23	3,424,856.23	1.87%
<i>Orange County Investment Pool (OCIP)</i>	N/A	13,904,693.85	13,904,693.85	1.00%
Liquid Portfolio - Total		\$ 63,651,892.85	\$ 63,675,711.80	

SHORT-TERM PORTFOLIO

<u>Description</u>	<u>Maturity Date</u>	<u>Book Value</u>	<u>Market Value</u>	<u>Yield</u>
<i>Cash Equivalents</i>				
Bank America Corp Commercial Paper	5/18/2009	1,897,817.11	1,897,817.11	0.46%
General Electric Commercial Paper	5/19/2009	1,898,027.17	1,897,773.29	0.41%
Milestone Funds Treasury Obligations	N/A	21,820,386.00	21,820,386.00	0.35%
<i>Sub-total</i>		25,616,230.28	25,615,976.40	
<i>U.S. Government & Agency Obligations</i>				
FHLB	2/23/2010	5,993,580.00	6,005,625.00	1.04%
FHLB	9/10/2010	10,942,239.00	11,391,640.63	4.83%
FHLB	12/10/2010	21,211,211.80	22,152,018.75	3.37%
FHLB	12/17/2010	4,093,920.00	4,155,000.00	3.48%
FHLB	6/24/2011	4,517,312.50	4,658,906.25	3.25%
FHLB	7/1/2011	4,095,373.00	4,175,000.00	3.47%
FHLB	9/16/2011	5,051,895.00	5,229,687.50	3.46%
FHLB	4/13/2012	1,496,518.50	1,511,250.00	2.23%
FHLB	9/16/2013	652,685.40	652,500.00	4.13%
FHLB	12/13/2013	2,033,300.00	2,026,875.00	3.08%
FHLMC	11/3/2009	2,234,772.00	2,300,625.00	4.64%
FHLMC	4/11/2011	5,107,089.00	5,229,093.75	2.68%
FHLMC	4/26/2011	4,997,650.00	5,014,062.50	1.62%
FHLMC	6/29/2011	5,026,620.00	5,256,250.00	3.68%
FHLMC	1/15/2012	2,225,188.00	2,218,750.00	5.18%
FHLMC	3/23/2012	3,985,440.00	4,030,000.00	2.10%
FHLMC	10/25/2012	5,466,210.00	5,425,000.00	4.26%
FHLMC	9/27/2013	2,962,377.90	2,902,500.00	3.83%
FHLMC	1/7/2014	8,017,040.00	8,005,600.00	2.49%
FNMA	1/15/2010	3,591,100.00	3,565,750.00	6.91%
FNMA	2/15/2011	10,296,284.10	10,522,125.00	4.25%

**Orange County Transportation Authority
Portfolio Listing
As of March 31, 2009**

FNMA	3/23/2011	18,980,430.00	19,124,687.50	1.73%
FNMA	5/15/2011	5,600,558.08	5,614,400.00	5.47%
FNMA	11/19/2012	6,609,876.00	6,577,500.00	4.33%
FNMA	7/17/2013	322,263.00	324,937.50	4.03%
FNMA	12/11/2013	10,969,510.00	10,937,406.25	2.81%
US Treasury Note	12/15/2009	8,736,659.89	9,188,100.00	3.42%
US Treasury Note	2/15/2010	8,985,187.52	9,013,026.00	4.58%
US Treasury Note	2/28/2010	11,224,049.81	11,183,946.10	1.97%
US Treasury Note	4/15/2010	14,868,059.24	14,381,241.06	0.87%
US Treasury Note	4/15/2010	29,888,234.35	29,920,531.25	3.86%
US Treasury Note	5/15/2010	9,012,633.66	9,289,019.00	4.31%
US Treasury Note	7/31/2010	7,032,289.11	7,197,680.00	2.67%
US Treasury Note	9/30/2010	4,136,941.71	4,199,175.32	1.96%
US Treasury Note	10/31/2010	32,760,651.51	32,785,884.00	1.48%
US Treasury Note	11/15/2010	12,551,625.55	12,699,623.50	4.23%
US Treasury Note	11/30/2010	14,134,734.40	14,113,260.00	1.23%
US Treasury Note	12/31/2010	6,006,348.24	6,011,040.00	0.87%
US Treasury Note	1/31/2011	500,157.93	501,093.75	0.87%
US Treasury Note	2/28/2011	10,348,234.99	10,487,531.25	4.20%
US Treasury Note	4/15/2011	526,737.93	545,604.09	2.31%
US Treasury Note	6/30/2011	22,108,831.03	22,476,328.13	4.67%
US Treasury Note	10/31/2011	1,616,430.81	1,639,921.88	4.23%
US Treasury Note	11/15/2011	48,668,955.74	49,337,750.00	1.71%
US Treasury Note	11/30/2011	10,959,034.62	11,313,443.75	4.12%
US Treasury Note	12/15/2011	14,156,305.11	14,136,378.00	1.12%
US Treasury Note	1/15/2012	9,954,721.00	10,006,250.00	1.12%
US Treasury Note	2/15/2012	8,905,401.75	8,987,434.38	1.36%
US Treasury Note	4/15/2012	6,307,565.54	6,903,310.11	1.94%
US Treasury Note	5/31/2012	22,041,097.12	22,467,934.80	4.28%
US Treasury Note	3/31/2013	11,744,765.63	12,536,250.00	2.39%
US Treasury Note	5/31/2013	3,979,535.83	4,012,465.00	3.22%
US Treasury Note	8/31/2013	2,117,187.50	2,141,400.00	2.91%
US Treasury Note	1/31/2014	2,308,042.72	2,315,640.00	1.73%
<i>Sub-total</i>		492,060,863.52	498,798,452.00	

Medium Term Notes

3M Company	11/6/2009	1,999,120.00	2,050,580.00	4.99%
3M Company	11/1/2011	1,482,871.00	1,537,406.00	4.24%
Abbott Labs	5/15/2011	1,051,630.00	1,072,240.00	5.22%
Alabama Power Co	11/15/2013	1,080,490.00	1,073,920.00	5.40%
Amgen Inc	11/18/2009	1,373,316.00	1,417,906.00	3.94%
Atlantic Richfield Company	4/15/2009	1,977,562.75	1,826,952.75	5.89%
Bank America Corp	4/30/2012	1,779,466.00	1,783,615.63	2.09%
Bank America Corp	6/15/2012	5,191,950.00	5,172,750.00	3.02%
Bank America Corp	6/22/2012	1,997,780.00	2,020,840.00	2.35%
Bank America Corp	9/15/2012	2,413,872.00	2,166,072.00	5.40%
Bank New York Inc	4/1/2013	200,622.00	198,198.00	4.54%
BB&T Corp	10/1/2012	195,174.00	192,944.00	4.92%
BellSouth Corp	9/15/2009	3,964,430.00	4,088,601.56	4.16%
Berkshire Hathaway Financial Corp	1/15/2010	1,484,487.10	1,524,660.00	4.05%
Berkshire Hathaway Inc	5/15/2012	631,692.00	616,008.00	4.62%
Campbell Soup Co	2/15/2011	1,879,535.00	1,887,882.50	6.25%
Caterpillar Financial Services	12/1/2010	2,790,788.00	2,855,440.00	4.95%
Chevron Corp	3/3/2012	699,958.00	718,515.00	3.36%
Cisco Systems Inc	2/22/2011	2,562,850.00	2,643,250.00	4.96%
Citigroup Inc	2/21/2012	292,218.00	273,816.00	6.57%

**Orange County Transportation Authority
Portfolio Listing
As of March 31, 2009**

Citigroup Inc	4/30/2012	3,373,442.80	3,391,390.60	2.11%
CME Group Inc	8/1/2013	181,622.00	177,497.25	5.32%
Conoco Phillips	2/1/2014	698,033.00	728,105.00	4.56%
Credit Suisse First Boston USA	1/15/2010	301,644.00	301,179.00	4.10%
Eli Lilly & Co	3/6/2012	399,592.00	408,668.00	3.47%
Genentech Inc	7/15/2010	737,077.50	760,781.25	4.33%
General Electric Capital Corp	12/1/2010	629,166.00	595,392.00	5.03%
General Electric Capital Corp	1/7/2011	999,320.00	1,005,670.00	1.61%
General Electric Capital Corp	2/22/2011	2,122,400.00	2,022,000.00	6.05%
General Electric Capital Corp	12/9/2011	309,110.30	319,188.40	2.91%
General Electric Capital Corp	6/8/2012	6,283,999.90	6,294,400.84	2.18%
Gillette Company	9/15/2009	484,250.00	505,320.00	3.75%
Goldman Sachs Group	6/15/2010	488,545.00	498,930.00	4.50%
Goldman Sachs Group	7/15/2011	3,754,886.40	3,762,744.80	1.62%
Goldman Sachs Group	1/15/2012	1,410,097.00	1,298,258.00	6.60%
Goldman Sachs Group	6/15/2012	7,564,843.20	7,682,220.80	3.11%
Heller Financial Inc	11/1/2009	2,081,240.00	1,994,300.00	7.39%
Hewlett Packard Co	2/24/2012	799,648.00	821,824.00	4.13%
Honeywell International Inc	3/1/2010	2,973,796.00	2,940,112.00	7.14%
Household Financial Corp	5/15/2009	1,961,780.00	1,987,860.00	4.77%
HSBC USA Inc	12/16/2011	1,747,003.64	1,806,418.16	3.02%
IBM	11/29/2012	127,898.75	132,488.75	4.48%
IBM International Group Capital LLC	10/22/2012	628,494.00	634,284.00	4.77%
John Deere Capital Corp	4/3/2013	1,557,441.60	1,530,344.40	4.58%
JP Morgan Chase & Co	12/1/2011	2,463,471.70	2,553,937.20	3.01%
JP Morgan Chase & Co	6/15/2012	5,739,769.30	5,780,306.50	2.18%
JP Morgan Chase & Co	1/2/2013	1,059,110.00	955,100.00	6.02%
JP Morgan Chase & Co	5/1/2013	652,260.00	678,524.00	4.90%
Kimberly Clark Corp	2/15/2012	84,393.10	90,615.10	5.27%
Lehman Brothers Holdings	1/24/2013	1,013,340.00	120,000.00	0.00%
Lowe's Company Inc	6/1/2010	127,993.75	131,918.75	7.81%
Merrill Lynch & Co Inc	8/15/2012	1,034,500.00	858,060.00	7.05%
Metropolitan Life Global	4/10/2013	2,851,458.40	2,593,743.60	5.61%
Morgan Stanley Co	12/1/2010	874,475.00	898,196.25	2.82%
Morgan Stanley Co	3/13/2012	873,766.25	881,798.75	2.23%
Morgan Stanley Co	4/1/2012	1,075,180.00	1,004,500.00	6.57%
Morgan Stanley Co	6/20/2012	4,992,450.00	4,992,550.00	1.95%
Nation Rural Utilities Financial	8/28/2009	2,639,594.00	2,623,738.00	5.69%
Nation Rural Utilities Financial	3/1/2012	1,275,612.00	1,246,620.00	6.97%
National City Bank	8/24/2009	337,245.16	276,203.45	2.79%
Oracle Corp	1/15/2011	1,309,368.71	1,362,907.00	4.76%
Oracle Corp	4/15/2013	161,491.50	179,654.30	4.68%
Pepsico Inc	3/1/2014	698,516.00	710,031.00	3.69%
Pfizer Inc	3/15/2012	1,098,493.00	1,129,865.00	4.33%
PNC Corp	6/22/2012	3,028,920.00	3,028,890.00	2.27%
Principal Life Income Fundings	4/1/2009	2,145,825.00	2,250,000.00	3.20%
Suntrust Bank Senior Notes	11/16/2011	1,233,590.40	1,234,764.00	2.91%
United Parcel Service Inc	1/15/2013	913,334.40	924,862.40	4.28%
United Technologies Corp	3/1/2011	1,515,668.00	1,492,093.75	5.95%
US Bancorp Notes	3/13/2012	1,599,808.00	1,615,184.00	2.22%
Verizon Global Corp	12/1/2010	2,990,512.00	2,958,144.00	6.86%
Wachovia Corp	10/15/2011	619,793.55	595,269.54	5.36%
Wal Mart Stores	8/10/2009	3,701,945.78	3,494,038.10	6.74%
Wal Mart Stores	5/1/2013	707,024.20	711,580.20	4.28%
Walt Disney Co	12/1/2012	619,986.00	619,146.00	4.55%
Wells Fargo	6/21/2010	771,652.50	755,490.00	7.49%

**Orange County Transportation Authority
Portfolio Listing
As of March 31, 2009**

Wells Fargo	8/9/2010	2,064,493.50	2,024,354.50	4.68%
Wells Fargo	12/9/2011	189,777.70	196,441.00	2.90%
Wells Fargo	6/15/2012	4,133,924.90	4,152,821.85	2.11%
World Savings Bank	12/15/2009	1,970,600.00	1,975,460.00	4.17%
<i>Sub-total</i>		135,234,486.74	133,817,782.93	

Variable Rate Notes

Allstate Life Global	2/26/2010	1,000,000.00	961,960.00	1.86%
American Express Credit Corp	6/19/2013	930,000.00	745,590.30	2.26%
American Honda Financial Corp	2/5/2010	1,230,000.00	1,225,744.20	1.63%
Bank New York Inc	2/5/2010	500,000.00	492,395.00	1.63%
Caterpillar Financial Services	2/8/2010	1,000,000.00	979,570.00	1.69%
FFCB Note	9/3/2010	1,999,972.00	1,996,740.00	0.70%
Goldman Sachs Group	11/9/2011	1,003,504.84	1,003,090.00	1.49%
Hewlett Packard Co	9/3/2009	1,325,000.00	1,324,960.25	1.66%
John Deere Capital Corp	2/26/2010	1,200,000.00	1,188,948.00	1.70%
JP Morgan Chase & Co	6/22/2010	1,750,000.00	1,709,347.50	1.26%
PNC Bank NA Pittsburgh	8/5/2009	1,498,950.00	1,495,740.00	1.63%
UBS AG Stamford Medium Term Note	7/23/2009	2,000,000.00	1,989,280.00	1.12%
Wachovia Bank NA	12/2/2010	1,472,835.00	1,405,845.00	1.33%
<i>Sub-total</i>		16,910,261.84	16,519,210.25	

Mortgage And Asset-Back Securities

American Express Issuance Trust	1/18/2011	190,000.00	198,776.50	4.04%
American Honda Auto Lease Trust	10/15/2010	668,083.38	670,587.74	5.08%
American Honda Auto Lease Trust	5/23/2011	203,525.43	204,410.01	5.37%
American Honda Auto Lease Trust	1/23/2012	1,039,875.00	1,078,256.17	5.19%
Bank of America Auto Trust	12/20/2010	1,455,000.00	1,507,988.55	5.14%
Capital One Prime Auto	7/15/2012	595,312.50	603,150.18	4.91%
Carmax Auto Owner Trust	12/15/2011	424,015.32	431,219.04	5.16%
Caterpillar Financial Trust	12/27/2010	440,226.92	444,983.02	4.11%
Caterpillar Financial Trust	8/25/2011	416,678.97	420,456.26	5.62%
Chase Issuance Trust	11/15/2011	1,785,937.50	1,777,273.38	1.07%
Citibank Credit Card Issuance	10/22/2012	313,094.06	339,550.25	4.71%
CNH Equipment Trust	8/16/2010	173,365.82	173,612.01	5.19%
FHLB Mortgage Pool	8/25/2009	898,849.76	922,163.44	4.05%
FHLB Mortgage Pool	11/25/2009	2,720,308.71	2,848,843.45	3.80%
FHLB Mortgage Pool	10/25/2010	5,337,202.14	5,473,116.72	4.61%
FHLMC Mortgage Pool	4/1/2009	1,327,609.15	1,327,411.10	4.00%
FHLMC Mortgage Pool	1/1/2010	1,198,770.58	1,248,225.52	3.95%
FHLMC Mortgage Pool	12/1/2010	1,113,645.76	1,148,001.67	4.40%
FHLMC Mortgage Pool	12/1/2010	1,026,177.65	1,051,726.64	4.86%
FHLMC Mortgage Pool	4/1/2011	1,634,759.93	1,639,489.63	4.35%
FHLMC Mortgage Pool	4/1/2011	1,324,208.56	1,356,663.64	5.35%
FHLMC Mortgage Pool	5/1/2011	3,385,784.35	3,451,334.67	4.38%
FHLMC Mortgage Pool	6/1/2011	3,023,914.00	3,075,311.06	3.94%
FHLMC Mortgage Pool	8/15/2011	3,332,474.99	3,426,140.07	5.11%
FHLMC Mortgage Pool	9/15/2011	2,107,770.63	2,152,934.00	5.27%
FHLMC Mortgage Pool	8/15/2012	6,028,125.00	6,143,830.80	4.39%
FNMA Mortgage Pool	6/25/2009	11,317.20	11,018.63	6.00%
FNMA Mortgage Pool	5/1/2010	1,357,982.41	1,426,402.05	4.41%
Ford Credit Auto Owner Trust	8/15/2011	3,127,851.56	3,056,353.51	5.43%
GE Capital Credit Card Master Trust	9/15/2012	3,039,843.75	2,997,443.10	5.08%
GS Auto Trust	12/15/2010	263,699.03	242,760.72	5.33%
Harley-Davidson Motorcycle Trust	5/15/2012	39,914.00	41,028.44	3.31%
Harley-Davidson Motorcycle Trust	5/15/2012	240,169.69	240,186.65	5.14%

**Orange County Transportation Authority
Portfolio Listing
As of March 31, 2009**

Harley-Davidson Motorcycle Trust	6/15/2013	375,375.00	386,681.60	5.39%
Hyundai Auto Receivables	1/17/2012	173,405.91	175,917.76	4.95%
Hyundai Auto Receivables	12/17/2012	436,378.13	459,038.46	4.77%
M&I Auto Trust	2/15/2011	426,533.75	434,458.35	4.86%
Nission Auto Receivables 2006-A	7/15/2011	170,891.32	171,978.70	4.72%
Nission Auto Receivables 2008-A	7/15/2010	183,150.00	186,737.65	3.85%
Nission Auto Receivables 2008-B	4/16/2012	893,250.00	916,356.42	4.38%
USAA Auto Owner Trust	2/15/2011	660,767.10	538,933.95	5.32%
USAA Auto Owner Trust	2/15/2012	93,822.32	99,316.85	5.28%
USAA Auto Owner Trust	10/15/2012	247,500.00	252,513.93	1.98%
USAA Auto Owner Trust	10/15/2012	130,200.00	142,128.83	4.57%
Volkswagen Auto Enhanced Trust	7/20/2012	531,667.50	559,253.00	4.44%
Wells Fargo Financial Auto Trust	5/15/2012	413,362.78	396,206.63	4.40%
World Omni Auto Trust	10/17/2011	481,676.68	480,690.28	5.00%
<i>Sub-total</i>		55,463,474.24	56,330,861.03	
Short-Term Portfolio - Total		\$ 725,285,316.62	\$ 731,082,282.61	

DEBT SERVICE RESERVE FUNDS

<u>Description</u>	<u>Maturity Date</u>	<u>Book Value</u>	<u>Required Amount</u>	<u>Yield</u>
<u>91 Express Lanes 2003 Refunding Bonds</u>	2030		24,347,369.26	
First American Treasury Obligations	N/A	202,656.16		0.04%
FHLB Discount Note	6/15/2009	12,634,047.45		0.22%
FHLB Discount Note	6/15/2009	11,510,665.65		0.22%
<u>91 Express Lanes 2003 Refunding Bonds - Operating & Maintenance Reserves</u>			12,917,217.40	
Operating Reserve - Bank of the West CD		3,220,113.60		0.35%
Maintenance Reserve - Bank of the West CD		9,697,103.80		0.35%
<u>Measure M Second Senior Sales Tax Bonds</u>			56,910,357.63	
<u>1992 Sales Tax Bonds -</u>	2011			
FSA GIC	2/15/2011	8,998,875.61		3.88%
Fidelity Funds Treasury I	N/A	6,411,025.48		0.33%
<u>1994 Sales Tax Bonds -</u>	2011			
CSFP Agmt - Various Treasury Securities		6,100,551.57		5.98%
Fidelity Funds Treasury I	N/A	7,404,359.55		0.33%
<u>1997 Sales Tax Bonds -</u>	2011			
FSA GIC	2/15/2011	1,249,542.82		3.88%
Fidelity Funds Treasury I	N/A	1,629,215.99		0.33%
<u>1998 Sales Tax Bonds -</u>	2011			
Fidelity Funds Treasury I		25,464,174.70		0.33%
<u>2001 Sales Tax Bonds -</u>	2011			
Fidelity Funds Treasury I	2/15/2011	6,872,972.99		0.33%
Debt Service Reserve Funds - Total		\$ 101,395,305.37		

**Orange County Transportation Authority
Portfolio Listing
As of March 31, 2009**

	<u>Book Value</u>	<u>Market Value</u>
TOTAL PORTFOLIO	<u>\$ 890,332,514.84</u>	<u>\$ 896,153,299.78</u>

FFCB - Federal Farm Credit Banks
FHLB - Federal Home Loan Banks
FHLMC - Federal Home Loan Mortgage Corporation
FNMA - Federal National Mortgage Association
SLMA - Student Loan Marketing Association



MEMO

April 22, 2009

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board ^{WK}
Subject: **Board Committee Transmittal for Agenda Item**


The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



April 22, 2009

To: Finance and Administration Committee

From:  James S. Kenan, Interim Chief Executive Officer

Subject: Amendment to the Agreement for Commercial Banking Services

Overview

On June 26, 2006, the Board of Directors approved a three-year agreement with Bank of the West, with two one-year options, in the amount of \$330,000, to provide commercial banking services. The commercial banking services consist primarily of a concentration account from which daily cash deposits and wire transfers are made and received, as well as three accounts from which accounts payable, payroll, and 91 Express Lanes cash deposits are made. An amendment is requested to exercise the first option term of the agreement.

Recommendation

Authorize the Interim Chief Executive Officer to execute Amendment No. 1 to Agreement No. C-6-0172 between the Orange County Transportation Authority and Bank of the West, in the amount of \$100,000, for commercial banking services through August 31, 2010, for a total contract amount of \$430,000.

Discussion

The Orange County Transportation Authority (Authority) utilizes a financial institution for daily commercial banking services. The Authority's agreement with Bank of the West to provide commercial banking services is from September 1, 2006 to August 31, 2009, with two one-year options. The bank services include deposits for the 91 Express Lanes, credit sales of bus passes, farebox collection deposits, direct deposit of employee payroll checks, and investment activities, including daily investment of surplus cash in the Authority's account.

Procurement Approach

The agreement for commercial banking services with Bank of the West was executed on June 26, 2006, for a three-year term with two option terms. Option year pricing was negotiated in the original agreement that included various monthly fixed unit fees for the services they provide. The volume of services is an estimate and may vary per month depending on usage. Currently the actual amount the Authority is paying is near \$25,000 per quarter. The amended amount of \$100,000 will cover fees for the first option term of twelve months.

The firm has provided excellent service for the initial term of the agreement. Amending this contract will allow the Authority to continue uninterrupted banking service and eliminate the risk and costs associated with transitioning to another bank.

Fiscal Impact

The services are included in the Authority's proposed Fiscal Year 2010 Budget, Finance and Administration, Accounting and Financial Reporting Department, Account 1240-7629/A0001-F01.

Summary


Based on the information provided, staff recommends the Board of Directors approve Amendment No. 1 to Agreement No. C-6-0172 with Bank of the West, to exercise the first option term from September 1, 2009 to August 31, 2010, for commercial banking services not to exceed \$100,000.

Attachment

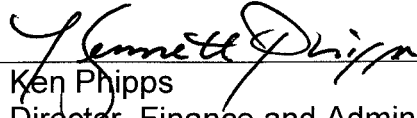
- A. Bank of the West – Agreement No. C-6-0172 Fact Sheet

Prepared by:

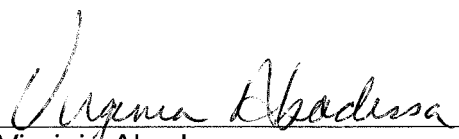
Approved by:



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**Bank of the West
Agreement No. C-6-0172 Fact Sheet**

1. June 26, 2006, Agreement No. C-6-0172, in the amount of \$330,000, was approved by the Board of Directors.
 - Contract to provide commercial banking services for Orange County Transportation Authority's 91 Express Lanes, credit sales of bus passes, farebox collection deposits, direct deposit of employee payroll checks, and investment activities, including daily investment of surplus cash in the Authority's account.

2. May 11 , 2009, Amendment No. 1 to Agreement No. C-6-0172, pending approval by Board of Directors.
 - Amendment to exercise the first option term for commercial banking services for the Orange County Transportation Authority's banking transactions for the period September 1, 2009 through August 31, 2010, in an amount not to exceed \$100,000.



MEMO

April 22, 2009

To: Members of the Board of Directors
From: Wendy Knowles^{WK}, Clerk of the Board
Subject: **Board Committee Transmittal for Agenda Item**


The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



April 23, 2009

To: Transit Committee

From:  James S. Kenan, Interim Chief Executive Officer

Subject: Agreement for Freeway Service Patrol Tow Contracts

Overview

On June 30, 2009, several contracts for the provision of Freeway Service Patrol tow services will expire. To ensure the continuity of operations, offers were received in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services.

Recommendations

- A. Authorize the Interim Chief Executive Officer to execute Agreement No. C-8-1336 between the Orange County Transportation Authority and A & B Towing, in an amount not to exceed \$2,158,404 to provide freeway service patrol services, from July 1, 2009 to June 30, 2013.
- B. Authorize the Interim Chief Executive Officer to execute Agreement No. C-9-0349 between the Orange County Transportation Authority and California Coach Orange, Inc., in an amount not to exceed \$3,020,734, to provide freeway service patrol services, from July 1, 2009 to June 30, 2013.
- C. Authorize the Interim Chief Executive Officer to execute Agreement No. C-9-0350 between the Orange County Transportation Authority and Greater Southern California Towing, Inc., in an amount not to exceed \$2,436,908 to provide freeway service patrol services, from July 1, 2009 to June 30, 2013.

Discussion

Orange County Freeway Service Patrol (FSP) is a traffic congestion management program designed for timely response to accidents and other incidents that require removal of debris on the freeways, as well as providing rapid removal of disabled motorists' vehicles from traffic lanes and shoulders (Attachment A). In November 1992, the FSP began providing peak-hour service along Orange County freeways. The FSP service on Orange County's freeway system is divided into 12 areas, which are called beats. Each contract for FSP service covers one or more beats. Beats are further divided into segments. There are from two to four segments per beat for a total of 35 segments. One tow truck is assigned to each segment, along with one back-up truck per beat. The FSP is a partnership between the California Department of Transportation (Caltrans), the California Highway Patrol (CHP), the Orange County Transportation Authority (OCTA), and the FSP tow truck operators. FSP now includes service to all major freeways in Orange County during peak commute hours (Attachment B).

This procurement was handled in accordance with OCTA's procedures for professional and technical services. On January 26, 2009, the Board of Directors (Board) approved the release of a request for proposals (RFP) and evaluation criteria to select contractors to provide these services. The procurement has been conducted and a recommendation for contract award is presented for Board approval. The RFP was issued on January 27, 2009, and was electronically sent to 52 firms registered on CAMM NET. The project was advertised in the Orange County Register on January 27, 2009 and February 3, 2009. A pre-proposal conference was held on February 5, 2009, and was attended by ten firms. Two addenda were issued to respond to questions and for clarifications.

On February 24, 2009, nine proposals were received. An evaluation committee comprised of OCTA staff from Contracts Administration and Materials Management, Motorist Services, Finance and Administration, Health, Safety, and Environmental Compliance, and a representative from the CHP was established to review all proposals submitted. The proposals were evaluated based on the following Board-approved criteria:

- Qualifications of the Firm 30 percent
- Staffing and Project Management 30 percent
- Work Plan 20 percent
- Cost and Price 20 percent

The greatest level of importance was assigned to the qualifications of firm and staffing and project management as the FSP contractors must meet very stringent state and local guidelines in order to operate as an FSP provider. Based on review of the written proposals, the evaluation committee short listed and conducted interviews with the following four firms listed in alphabetical order:

Firm and Location

A & B Towing
Costa Mesa, CA

California Coach Orange, Inc.
Orange, CA

Greater Southern California Towing, Inc.
Santa Ana, CA

Top Towing LLC
Santa Ana, CA

The interview consisted of a site visit to each firm's facility, followed by questions and answers. Based upon the proposal evaluation and the interviews, it is recommended that the following contracts be awarded:

Agreement No. C-8-1336: A & B Towing, for a total amount not to exceed \$2,158,404 for the period of July 1, 2009 to June 30, 2013, covering these two beats: Beat 3 – San Diego Freeway (Interstate 405) between the Los Angeles County line and Chapman Avenue - one tow truck, one back-up tow truck and two service trucks, in an amount not to exceed \$1,411,825 and Beat 10 – the Costa Mesa Freeway (State Route 55) from Lincoln Avenue to the Interstate 405 (I-405) – one tow truck, one back-up tow truck and one service truck, in an amount not to exceed \$746,579.

Agreement No. C-9-0349: California Coach Orange Inc, for a total amount not to exceed \$3,020,734 for the period of July 1, 2009 to June 30, 2013, covering these two beats: Beat 4 – the Orange Freeway (State Route 57) from the Los Angeles County line to Euclid Avenue - two tow trucks, one back-up tow truck and one service truck, in an amount not to exceed \$1,608,647 and Beat 5 – the Interstate 5 (I-5) from Tustin Ranch Road to Avery Parkway – one tow truck, one back-up tow truck and one service truck and on Saturday and Sunday, the Santa Ana Freeway (Interstate 5) from Alicia Parkway to Christianitos Road, in an amount not to exceed \$1,412,087.

Agreement No. C-9-0350: Greater Southern California Towing, Inc, for a total amount not to exceed \$3,020,734 for the period of July 1, 2009 to June 30, 2013, covering these two beats: Beat 1 – the Riverside Freeway (State Route 91) from Tustin Avenue to the Riverside County line – one tow truck, one back-up tow truck and two service trucks in an amount not to exceed \$1,485,732 and Beat 2 – I-5 from Chapman Avenue to Tustin Ranch Road - two service trucks and one back-up tow truck, and for the I-5 Gateway project from Magnolia Avenue to the Los Angeles County line, one back-up tow truck may be used in the amount not to exceed \$951,176.

Following is a brief summary of the evaluation results.

Qualifications of the Firm

All three of the firms being recommended are well qualified to provide freeway service patrol services. The firms each have extensive experience in the towing industry and currently provide services for the County and the CHP. Each firm's proposal and interview demonstrated knowledge and understanding of the service requirements.

Staffing and Project Management

The recommended firms all have certified tow operators who will be available to provide the required services. Each firm will provide a lead driver responsible for inspecting tow trucks, service vehicles, and drivers to ensure compliance with required supplies and uniforms.

Work Plan

The work plans proposed by the recommended firms provided an in-depth and thorough understanding of the requirements of the FSP program. The work plans detailed and communicated each firm's ability to meet or exceed all aspects of the service requirements for the assigned beat(s).

Cost and Price

Each of the interviewed firms provided very competitive pricing. The vehicle service hourly rates (VSH) were among the lowest of all nine proposals submitted for this RFP. Though Top Towing LLC provided the lowest pricing on five of the six beats, the firm's score on the other factors brought down its overall rating.

The total cost of the agreements is an amount not to exceed \$7,616,046 for a four-year term.

Based on the evaluation of the written proposals, the qualifications of each firm, and the information obtained from interviews and site visits, it is recommended that A & B Towing, California Coach Orange, Inc., Greater Southern California Towing, Inc., be selected for contract award.

Fiscal Impact

Funds for the operation of FSP service have been included in OCTA Fiscal Year 2009-10 Budget - Service Authority for Freeway Emergencies Fund 0013. The FSP program is funded by the State of California. OCTA provides a 25 percent match from local Department of Motor Vehicle registration funding.

Summary

The evaluation committee met and reviewed this item, and based on the material provided and criteria established, the committee recommends that OCTA select A & B Towing for Beats 3 and 10 – Agreement No. C-8-1336 in an amount not to exceed \$2,158,404; California Coach Orange, Inc. for Beats 4 and 5 – Agreement No. C-9-0349 in an amount not to exceed \$3,020,734; Greater Southern California Towing, Inc. for Beats 1 and 2 – Agreement No. C-9-0350 in an amount not to exceed \$2,436,908 to provide FSP operations.

Attachments

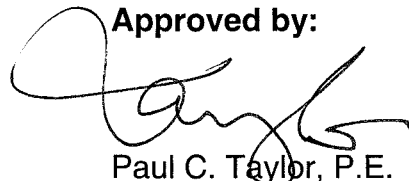
- A. Freeway Service Patrol Contracting Background
- B. Freeway Service Patrol Area Locations Map
- C. Freeway Service Patrol (FSP) Services Review of Proposals – RFP 8-1336
- D. Proposal Evaluation Criteria Matrix RFP 8-1336 - Freeway Service Patrol (FSP) Services
- E. Contract History for the Past Two Years – RFP 8-1336 - Freeway Service Patrol (FSP) Services

Prepared by:



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Manager, Motorist Services
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Approved by:



Paul C. Taylor, P.E.
Deputy Chief Executive Officer
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FREEWAY SERVICE PATROL CONTRACTING BACKGROUND

FSP operates on all Orange County freeways, five days a week during peak traffic hours. The eight-hour-per-day service is divided into morning and afternoon shifts. The morning shift is from 5:30 a.m. to 9:30 a.m. The afternoon shift is from 3:00 p.m. to 7:00 p.m.

The purpose of FSP is to reduce freeway congestion by removing disabled vehicles from traffic lanes and shoulders. Each tow truck driver patrols his assigned freeway segment during service hours, stopping to assist motorists. The driver offers assistance, such as changing a flat tire, offering a free gallon of ga's or taping a coolant hose. Any such assistance is to be completed within ten minutes. If it cannot be completed within that time, the tow truck driver tows the vehicle off the freeway to a drop zone. All FSP services are provided without charge to the motorist.

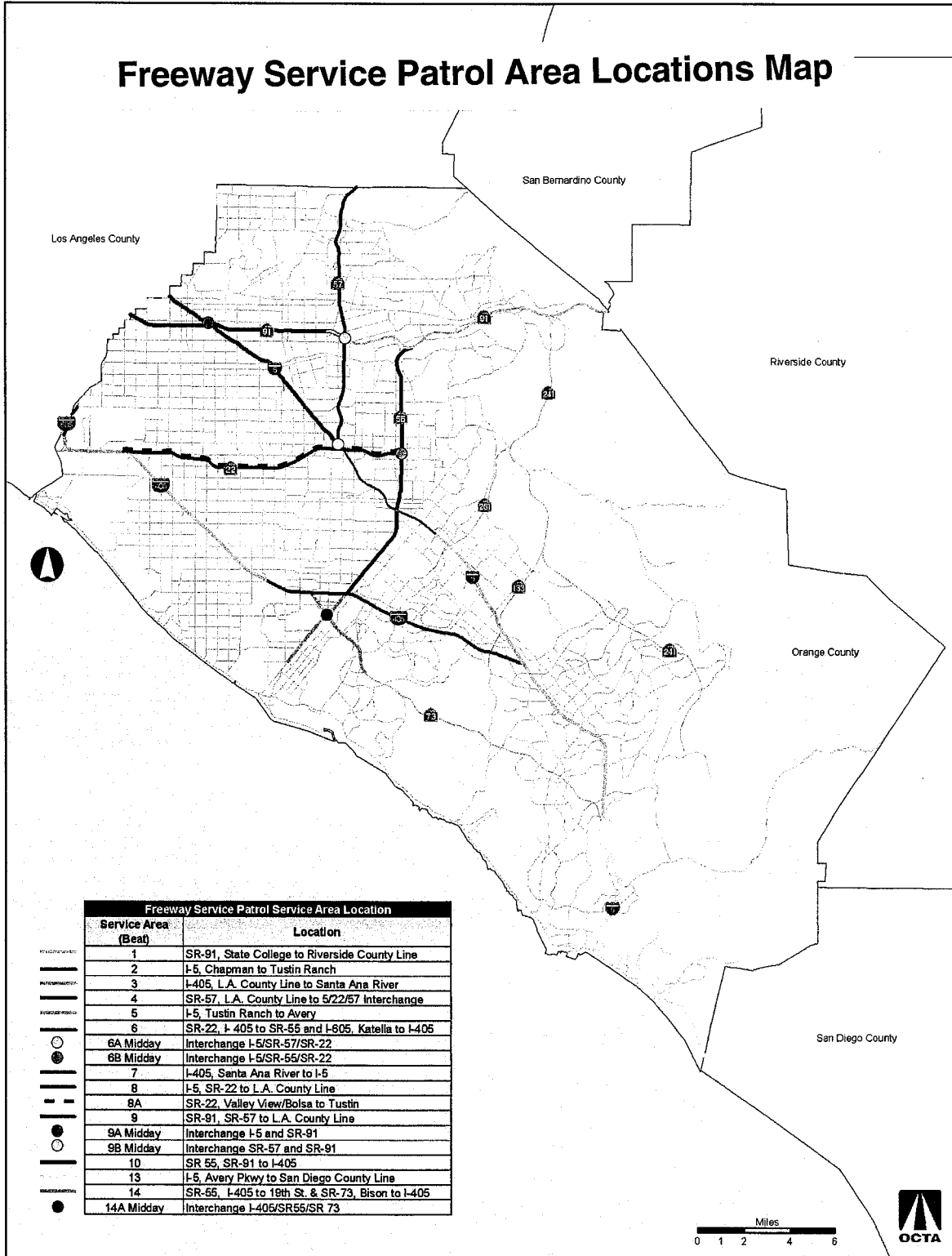
Private tow truck companies operate the service under contract to OCTA. For FSP service, Orange County's freeway system is divided into 12 areas, which are called beats. Each contract for FSP service covers one beat. Beats are further divided into segments. There are from two to four segments per beat for a total of 35 segments. One truck is assigned to each segment, along with one back-up truck per beat.

Terms for the 12 FSP tow truck contracts are for a straight four years. The contracts are staggered. The term for the six beats covered in this report (Beats 1, 2, 3, 4, 5, and 10) start July 1, 2009; their four-year terms expire on June 30, 2013. The terms for the second group of six beats (Beats 6, 7, 8, 9, 12, and 13) began December 1, 2007, and will expire on November 30, 2010, again with a one-year option. The terms are staggered to avoid all or a large number of the beats turning over at one time, as well as availability of equipment.

The following table shows the hourly service rates proposed by the selected contractors for the six beats being awarded. The table also shows the existing hourly rates for those beats and the proposed average hourly rates. The average decreases in rates is 13 percent

Beat Number	Current-Term Hourly Rate	Proposed Average Hourly Rate	Increase
1	\$64.95	\$56.69	-13%
2	\$56.50	\$54.44	-4%
3	\$56.50	\$53.87	-5%
4	\$64.95	\$61.38	-5%
5	\$64.95	\$53.88	-17%
10	\$64.95	\$42.73	-34%

Freeway Service Patrol Area Locations Map



May 11, 2004

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FREEWAY SERVICE PATROL (FSP) SERVICES

Review of Proposals- RFP 8-1336 - Beat 1

Presented to Transit Committee - 4/23/09

9 proposals were received, 3 firms was short-listed.

Overall Ranking	Proposal Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	VSH Rate
1	84	Greater Southern California Towing, Inc. Santa Ana, CA	None	Competitive pricing Very experienced with FSP Large, clean, secure facility Clear, specific work plan	\$55.50
2	82	California Coach Orange, Inc. Orange, CA	None	Good proposal and interview Current FSP experience in Orange and L.A. counties Large, secure facility Competitive Pricing	\$61.50
3	81	Top Towing LLC Santa Ana, CA	None	Lowest price Some experience with CHP and various police departments Good team of key personnel Interviewed well	\$48.33

Contracts Administration and Materials Management
 Motorist Services
 Financial Planning & Analysis
 Health, Safety & Environmental Compliance
 CHP

Qualifications of Firm
 Staffing and Project Organization
 Work Plan
 Cost and Price

30%
 30%
 20%
 20%

FREEWAY SERVICE PATROL (FSP) SERVICES

Review of Proposals- RFP 8-1336 - Beat 2

Presented to Transit Committee - 4/23/09

9 proposals were received, 3 firms was short-listed.

Overall Ranking	Proposal Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	VSH Rate
1	83	Greater Southern California Towing, Inc. Santa Ana, CA	None	Competitive pricing Very experienced with FSP Large, clean, secure facility Clear, specific work plan	\$53.50
2	82	California Coach Orange, Inc. Orange, CA	None	Good proposal and interview Current FSP experience in Orange and L.A. counties Large, secure facility Competitive Pricing	\$54.90
3	81	Top Towing LLC Santa Ana, CA	None	Lowest price Some experience with CHP and various police departments Good team of key personnel Interviewed well	\$44.89

Contracts Administration and Materials Management

Motorist Services

Financial Planning & Analysis

Health, Safety & Environmental Compliance

CHP

Qualifications of Firm

Staffing and Project Organization

Work Plan

Cost and Price

30%

30%

20%

20%

FREEWAY SERVICE PATROL (FSP) SERVICES

Review of Proposals- RFP 8-1336 - Beat 3

Presented to Transit Committee - 4/23/09

9 proposals were received, 4 firms was short-listed.

Overall Ranking	Proposal Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	VSH Rate
1	90	A & B Towing Costa Mesa, CA	None	Highest rated firm Current FSP experience Competitive pricing Clean, secure facility	\$50.10
2	84	Greater Southern California Towing, Inc. Santa Ana, CA	None	Competitive pricing Very experienced with FSP Large, clean, secure facility Clear, specific work plan	\$55.25
3	82	California Coach Orange, Inc. Orange, CA	None	Good proposal and interview Current FSP experience in Orange and L.A. counties Large, secure facility Competitive Pricing	\$62.75
4	81	Top Towing LLC Santa Ana, CA	None	Lowest price Some experience with CHP and various police departments Good team of key personnel Interviewed well	\$48.33

Evaluation Panel:

Contracts Administration and Materials Management
Motorist Services
Financial Planning & Analysis
Health, Safety & Environmental Compliance

Evaluation Criteria

Qualifications of Firm
Staffing and Project Organization
Work Plan
Cost and Price

Weight Factors

30%
30%
20%
20%

FREEWAY SERVICE PATROL (FSP) SERVICES

Review of Proposals- RFP 8-1336 - Beat 4

Presented to Transit Committee - 4/23/09

9 proposals were received, 3 firms was short-listed.

Overall Ranking	Proposal Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	VSH Rate
1	84	California Coach Orange, Inc. Orange, CA	None	Competitive pricing Very experienced with FSP Large, clean, secure facility Clear, specific work plan	\$60.50
2	82	Greater Southern California Towing, Inc. Santa Ana, CA	None	Good proposal and interview Current FSP experience in Orange and L.A. counties Large, secure facility Competitive Pricing	\$59.50
3	81	Top Towing LLC Santa Ana, CA	None	Lowest price Some experience with CHP and various police departments Good team of key personnel Interviewed well	\$49.55

Contracts Administration and Materials Management
 Motorist Services
 Financial Planning & Analysis
 Health, Safety & Environmental Compliance
 CHP

Qualifications of Firm	30%
Staffing and Project Organization	30%
Work Plan	20%
Cost and Price	20%

FREEWAY SERVICE PATROL (FSP) SERVICES

Review of Proposals- RFP 8-1336 - Beat 5

Presented to Transit Committee - 4/23/09

9 proposals were received, 3 firms was short-listed.

Overall Ranking	Proposal Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	VSH Rate
1	84	California Coach Orange, Inc. Orange, CA	None	Competitive pricing Very experienced with FSP Large, clean, secure facility Clear, specific work plan	\$52.50
2	82	Greater Southern California Towing, Inc. Santa Ana, CA	None	Good proposal and interview Current FSP experience in Orange and L.A. counties Large, secure facility Competitive Pricing	\$60.15
3	81	Top Towing LLC Santa Ana, CA	None	Lowest price Some experience with CHP and various police departments Good team of key personnel Interviewed well	\$48.41

Contracts Administration and Materials Management

Motorist Services

Financial Planning & Analysis

Health, Safety & Environmental Compliance

CHP

Qualifications of Firm

Staffing and Project Organization

Work Plan

Cost and Price

30%

30%

20%

20%

FREEWAY SERVICE PATROL (FSP) SERVICES

Review of Proposals- RFP 8-1336 - Beat 10

Presented to Transit Committee - 4/23/09

9 proposals were received, 4 firms was short-listed.

Overall Ranking	Proposal Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	VSH Rate
1	91	A & B Towing Costa Mesa, CA	None	Highest rated firm Current FSP experience Competitive pricing Clean, secure facility	\$40.28
2	81	California Coach Orange, Inc. Orange, CA	None	Competitive pricing Very experienced with FSP Large, clean, secure facility Clear, specific work plan	\$52.50
3	80	Greater Southern California Towing, Inc. Santa Ana, CA	None	Good proposal and interview Current FSP experience in Orange and L.A. counties Large, secure facility Competitive Pricing	\$60.15
4	78	Top Towing LLC Santa Ana, CA	None	Lowest price Some experience with CHP and various police departments Good team of key personnel Interviewed well	\$48.60

Evaluation Panel:

Contracts Administration and Materials Management
 Motorist Services
 Financial Planning & Analysis
 Health, Safety & Environmental Compliance

Evaluation Criteria

Qualifications of Firm
 Staffing and Project Organization
 Work Plan
 Cost and Price

Weight Factors

30%
 30%
 20%
 20%

PROPOSAL EVALUATION CRITERIA MATRIX									
RFP 8-1336 - FREEWAY SERVICE PATROL (FSP) SERVICES (BEAT 1)									
FIRM: CALIFORNIA COACH ORANGE, INC.							Weights	Overall Score	
Evaluator Number	1	2	3	4	5				
Qualifications of Firm	4.5	4.0	4.0	4.5	4.5			6	25.8
Staffing/Project Organization	4.0	4.0	4.0	3.5	4.0			6	23.4
Work Plan	4.0	4.0	4.5	4.0	4.5			4	16.8
Cost and Price	3.9	3.9	3.9	3.9	3.9			4	15.6
Overall Score	82.6	79.6	81.6	79.6	84.6				82
FIRM: GREATER SOUTHERN CALIFORNIA TOWING							Weights	Overall Score	
Evaluator Number	1	2	3	4	5				
Qualifications of Firm	4.5	4.0	4.0	4.0	4.5			6	25.2
Staffing/Project Organization	4.5	4.0	4.0	4.0	4.5			6	25.2
Work Plan	4.0	4.0	4.0	4.0	4.0			4	16.0
Cost and Price	4.4	4.4	4.4	4.4	4.4			4	17.6
Overall Score	87.6	81.6	81.6	81.6	87.6				84
FIRM: TOP TOWING LLC							Weights	Overall Score	
Evaluator Number	1	2	3	4	5				
Qualifications of Firm	4.0	3.5	3.5	4.0	4.0			6	22.8
Staffing/Project Organization	4.0	4.0	3.5	3.5	4.0			6	22.8
Work Plan	4.0	4.0	4.0	3.5	4.0			4	15.6
Cost and Price	5.0	5.0	5.0	5.0	5.0			4	20.0
Overall Score	84.0	81.0	78.0	79.0	84.0				81
The range of scores for the non-short listed firms was 56 to 71.									

PROPOSAL EVALUATION CRITERIA MATRIX										
RFP 8-1336 - FREEWAY SERVICE PATROL (FSP) SERVICES (BEAT 2)										
FIRM: CALIFORNIA COACH ORANGE, INC.							Weights	Overall Score		
Evaluator Number	1	2	3	4	5					
Qualifications of Firm	4.5	4.0	4.0	4.5	4.5			6		25.8
Staffing/Project Organization	4.0	4.0	4.0	3.5	4.0			6		23.4
Work Plan	4.0	4.0	4.5	4.0	4.5			4		16.8
Cost and Price	4.1	4.1	4.1	4.1	4.1			4		16.4
Overall Score	83.4	80.4	82.4	80.4	85.4					82
FIRM: GREATER SOUTHERN CALIFORNIA TOWING							Weights	Overall Score		
Evaluator Number	1	2	3	4	5					
Qualifications of Firm	4.5	4.0	4.0	4.0	4.5			6		25.2
Staffing/Project Organization	4.5	4.0	4.0	4.0	4.5			6		25.2
Work Plan	4.0	4.0	4.0	4.0	4.0			4		16.0
Cost and Price	4.2	4.2	4.2	4.2	4.2			4		16.8
Overall Score	86.8	80.8	80.8	80.8	86.8					83
FIRM: TOP TOWING LLC							Weights	Overall Score		
Evaluator Number	1	2	3	4	5					
Qualifications of Firm	4.0	3.5	3.5	4.0	4.0			6		22.8
Staffing/Project Organization	4.0	4.0	3.5	3.5	4.0			6		22.8
Work Plan	4.0	4.0	4.0	3.5	4.0			4		15.6
Cost and Price	5.0	5.0	5.0	5.0	5.0			4		20.0
Overall Score	84.0	81.0	78.0	79.0	84.0					81
The range of scores for the non-short listed firms was 55 to 70.										

PROPOSAL EVALUATION CRITERIA MATRIX									
RFP 8-1336 - FREEWAY SERVICE PATROL (FSP) SERVICES (BEAT 3)									
FIRM: A & B TOWING							Weights	Overall Score	
Evaluator Number	1	2	3	4	5				
Qualifications of Firm	4.5	4.5	4.5	4.0	4.5			6	26.4
Staffing/Project Organization	4.5	4.5	5.0	4.5	4.5			6	27.6
Work Plan	4.5	4.5	4.0	4.0	4.5			4	17.2
Cost and Price	4.8	4.8	4.8	4.8	4.8			4	19.2
Overall Score	91.2	91.2	92.2	86.2	91.2				90
FIRM: CALIFORNIA COACH ORANGE, INC.							Weights	Overall Score	
Evaluator Number	1	2	3	4	5				
Qualifications of Firm	4.5	4.0	4.0	4.5	4.5			6	25.8
Staffing/Project Organization	4.0	4.0	4.0	3.5	4.0			6	23.4
Work Plan	4.0	4.0	4.5	4.0	4.5			4	16.8
Cost and Price	3.9	3.9	3.9	3.9	3.9			4	15.6
Overall Score	82.6	79.6	81.6	79.6	84.6				82
FIRM: GREATER SOUTHERN CALIFORNIA TOWING							Weights	Overall Score	
Evaluator Number	1	2	3	4	5				
Qualifications of Firm	4.5	4.0	4.0	4.0	4.5			6	25.2
Staffing/Project Organization	4.5	4.0	4.0	4.0	4.5			6	25.2
Work Plan	4.0	4.0	4.0	4.0	4.0			4	16.0
Cost and Price	4.4	4.4	4.4	4.4	4.4			4	17.6
Overall Score	87.6	81.6	81.6	81.6	87.6				84
FIRM: TOP TOWING LLC							Weights	Overall Score	
Evaluator Number	1	2	3	4	5				
Qualifications of Firm	4.0	3.5	3.5	4.0	4.0			6	22.8
Staffing/Project Organization	4.0	4.0	3.5	3.5	4.0			6	22.8
Work Plan	4.0	4.0	4.0	3.5	4.0			4	15.6
Cost and Price	5.0	5.0	5.0	5.0	5.0			4	20.0
Overall Score	84.0	81.0	78.0	79.0	84.0				81
The range of scores for the non-short listed firms was 56 to 71.									

PROPOSAL EVALUATION CRITERIA MATRIX										
RFP 8-1336 - FREEWAY SERVICE PATROL (FSP) SERVICES (BEAT 4)										
FIRM: CALIFORNIA COACH ORANGE, INC.								Weights	Overall Score	
Evaluator Number	1	2	3	4	5					
Qualifications of Firm	4.5	4.0	4.0	4.5	4.5			6		25.8
Staffing/Project Organization	4.5	4.0	4.0	3.5	4.5			6		24.6
Work Plan	4.0	4.0	4.5	4.0	4.5			4		16.8
Cost and Price	4.1	4.1	4.1	4.1	4.1			4		16.4
Overall Score	86.4	80.4	82.4	80.4	88.4					84
FIRM: GREATER SOUTHERN CALIFORNIA TOWING								Weights	Overall Score	
Evaluator Number	1	2	3	4	5					
Qualifications of Firm	4.5	4.0	4.0	4.0	4.5			6		25.2
Staffing/Project Organization	4.0	4.0	4.0	4.0	4.0			6		24.0
Work Plan	4.0	4.0	4.0	4.0	4.0			4		16.0
Cost and Price	4.2	4.2	4.2	4.2	4.2			4		16.8
Overall Score	83.8	80.8	80.8	80.8	83.8					82
FIRM: TOP TOWING LLC								Weights	Overall Score	
Evaluator Number	1	2	3	4	5					
Qualifications of Firm	4.0	3.5	3.5	4.0	4.0			6		22.8
Staffing/Project Organization	4.0	4.0	3.5	3.5	4.0			6		22.8
Work Plan	4.0	4.0	4.0	3.5	4.0			4		15.6
Cost and Price	5.0	5.0	5.0	5.0	5.0			4		20.0
Overall Score	84.0	81.0	78.0	79.0	84.0					81
The range of scores for the non-short listed firms was 57 to 72.										

PROPOSAL EVALUATION CRITERIA MATRIX										
RFP 8-1336 - FREEWAY SERVICE PATROL (FSP) SERVICES (BEAT 5)										
FIRM: CALIFORNIA COACH ORANGE, INC.								Weights	Overall Score	
Evaluator Number	1	2	3	4	5					
Qualifications of Firm	4.5	4.0	4.0	4.5	4.5			6		25.8
Staffing/Project Organization	4.0	4.0	4.0	3.5	4.0			6		23.4
Work Plan	4.0	4.0	4.5	4.0	4.5			4		16.8
Cost and Price	4.6	4.6	4.6	4.6	4.6			4		18.4
Overall Score	85.4	82.4	84.4	82.4	87.4					84
FIRM: G.REATER SOUTHERN CALIFORNIA TOWING								Weights	Overall Score	
Evaluator Number	1	2	3	4	5					
Qualifications of Firm	4.5	4.0	4.0	4.0	4.5			6		25.2
Staffing/Project Organization	4.5	4.0	4.0	4.0	4.5			6		25.2
Work Plan	4.0	4.0	4.0	4.0	4.0			4		16.0
Cost and Price	4.0	4.0	4.0	4.0	4.0			4		16.0
Overall Score	86.0	80.0	80.0	80.0	86.0					82
FIRM: TOP TOWING LLC								Weights	Overall Score	
Evaluator Number	1	2	3	4	5					
Qualifications of Firm	4.0	3.5	3.5	4.0	4.0			6		22.8
Staffing/Project Organization	4.0	4.0	3.5	3.5	4.0			6		22.8
Work Plan	4.0	4.0	4.0	3.5	4.0			4		15.6
Cost and Price	5.0	5.0	5.0	5.0	5.0			4		20.0
Overall Score	84.0	81.0	78.0	79.0	84.0					81
The range of scores for the non-short listed firms was 49 to 71.										

PROPOSAL EVALUATION CRITERIA MATRIX									
RFP 8-1336 - FREEWAY SERVICE PATROL (FSP) SERVICES (BEAT 10)									
FIRM: A & B TOWING							Weights	Overall Score	
Evaluator Number	1	2	3	4	5				
Qualifications of Firm	4.5	4.5	4.5	4.0	4.5			6	26.4
Staffing/Project Organization	4.5	4.5	5.0	4.5	4.5			6	27.6
Work Plan	4.5	4.5	4.0	4.0	4.5			4	17.2
Cost and Price	5.0	5.0	5.0	5.0	5.0			4	20.0
Overall Score	92.0	92.0	93.0	87.0	92.0				91
FIRM: CALIFORNIA COACH ORANGE, INC.							Weights	Overall Score	
Evaluator Number	1	2	3	4	5				
Qualifications of Firm	4.5	4.0	4.0	4.5	4.5			6	25.8
Staffing/Project Organization	4.0	4.0	4.0	3.5	4.0			6	23.4
Work Plan	4.0	4.0	4.5	4.0	4.5			4	16.8
Cost and Price	3.8	3.8	3.8	3.8	3.8			4	15.2
Overall Score	82.2	79.2	81.2	79.2	84.2				81
FIRM: GREATER SOUTHERN CALIFORNIA TOWING							Weights	Overall Score	
Evaluator Number	1	2	3	4	5				
Qualifications of Firm	4.5	4.0	4.0	4.0	4.5			6	25.2
Staffing/Project Organization	4.5	4.0	4.0	4.0	4.5			6	25.2
Work Plan	4.0	4.0	4.0	4.0	4.0			4	16.0
Cost and Price	3.3	3.3	3.3	3.3	3.3			4	13.2
Overall Score	83.2	77.2	77.2	77.2	83.2				80
FIRM: TOP TOWING LLC							Weights	Overall Score	
Evaluator Number	1	2	3	4	5				
Qualifications of Firm	4.0	3.5	3.5	4.0	4.0			6	22.8
Staffing/Project Organization	4.0	4.0	3.5	3.5	4.0			6	22.8
Work Plan	4.0	4.0	4.0	3.5	4.0			4	15.6
Cost and Price	4.1	4.1	4.1	4.1	4.1			4	16.4
Overall Score	80.4	77.4	74.4	75.4	80.4				78
The range of scores for the non-short listed firms was 54 to 69.									


**CONTRACT HISTORY FOR THE PAST TWO YEARS
RFP 8-1336 FREEWAY SERVICE PATROL (FSP) SERVICES**

Firm - Prime Only	Contract No.	Description	Contract Start Date	Contract Completion Date	Contract Amount
A & B Towing	C-7-0899	Freeway Service Patrol	12/1/2007	11/30/2010	\$1,740,486
Sub Total					\$1,740,486
California Coach Orange, Inc.	C-5-0081	Freeway Service Patrol	7/1/2005	6/30/2009	\$6,330,954
	C-7-0443	Freeway Service Patrol	7/1/2005	6/30/2009	\$1,658,218
Sub Total					\$7,989,172
Greater Southern California Towing	C-5-0737	Freeway Service Patrol	7/1/2005	6/30/2009	\$2,826,808
Sub Total					\$2,826,808



April 27, 2009

To: Members of the Board of Directors

From:  James S. Kenan, Interim Chief Executive Officer

Subject: Approval to Release Request for Proposals for Construction Management Services for the San Diego Freeway (Interstate 405) West County Connectors Project

Overview

Staff has developed a request for proposals to initiate a competitive procurement process to retain construction management consultants for the San Diego Freeway (Interstate 405) West County Connectors Project.

Recommendations

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals No. 9-0363 for selection of consultant services.
- B. Approve the release of Request for Proposals No. 9-0363 for construction management services for the San Diego Freeway (Interstate 405) West County Connectors Project.

Discussion

The San Diego Freeway (Interstate 405) West County Connectors Project will construct direct high-occupancy vehicle (HOV) connectors from the Garden Grove Freeway (State Route 22) to Interstate 405 (I-405) and from I-405 to the San Gabriel River Freeway (Interstate 605), with a second HOV lane in each direction on I-405 between the two direct HOV connectors. The project will reconstruct the Valley View Street bridge crossing over State Route 22 (SR-22) and the Seal Beach Boulevard bridge crossing over I-405.

The project is being developed as two separate design and construction project segments due to the large size of the overall project and to enhance construction industry bidding and competition. The westerly project segment is from east of the Seal Beach Boulevard bridge to Interstate 605 (I-605), encompassing the I-405/I-605 interchange. The easterly project segment is from

east of Valley View Street to east of the Seal Beach Boulevard bridge, encompassing the SR-22/I-405 interchange.

At this time the pre-final design submittal is complete for each project segment and design firms are working towards the final design submittal. The projects are expected to start construction in early 2010. The advertisement for construction for the two projects will be done by the California Department of Transportation (Caltrans). Caltrans will also lead the management of the construction contract and will do a portion of the construction inspection work. The remaining portion of construction inspection work will be done by private consulting firms hired by the Orange County Transportation Authority (OCTA). The approach of sharing construction inspection responsibilities between Caltrans and private firms is patterned after the successful working relationship that was developed on the Santa Ana Freeway (Interstate 5) Gateway project.

Procurement Approach

Pursuant to current procurement policies and procedures adopted by the OCTA Board of Directors (Board) which require the Board to approve the release of request for proposals (RFP) over \$1,000,000, as well as approve the evaluation criteria and weights, staff is hereby submitting for Board approval the evaluation criteria and weights and authorization of the release of the RFP. Staff has prepared one RFP to select qualified consultants needed to perform the construction management work.

It is proposed that two construction management contracts will be awarded from this single RFP, one for each project segment. The westerly (I-405/I-605) project segment will be awarded to the highest-ranked firm, and the easterly (SR-22/I-405) project segment will be awarded to the second highest-ranked firm.

The following evaluation criteria and weights will be used to evaluate the construction management services proposals received:

- Qualifications of the Firm 25 percent
- Staffing and Project Organization 40 percent
- Work Plan 35 percent

The evaluation criteria are consistent with weightings developed for similar construction management procurements. In developing the criteria weights, several factors were considered. Staff has proposed giving the greatest importance to staffing and project organization, as the qualifications of the

project manager and other key task leaders are critical to the successful performance of the project. Likewise, staff has assigned a high level of importance to the work plan, as the technical approach and understanding of the project is critical to developing realistic schedules and work approaches. As this is a construction management procurement, price is not an evaluation criteria pursuant to state and federal law.

The RFP will be released upon Board approval of this recommendation.

Fiscal Impact

Funding for both contracts is included in OCTA's proposed Fiscal Year 2009-10 Budget, Development Division, Account 0010-9085/F7200-QPQ, and is funded through the Congestion Mitigation and Air Quality Program.

Summary

Board approval is requested to release a request for proposals for professional services to provide construction management services for the San Diego Freeway (Interstate 405) West County Connectors Project.

Attachment

- A. Draft Request for Proposals (RFP) No. 9-0363, Construction Management Services for the San Diego Freeway (Interstate 405) West County Connectors Project

Prepared by:

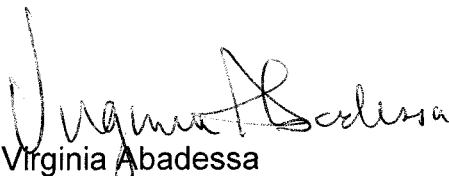


Niall Barrett, P.E.
Project Manager, Development
(714) 560-5879

Approved by:



Kia Mortazavi
Executive Director, Development
(714) 560-5741



Virginia Abadessa
Director, Contracts Administration &
Materials Management
(714) 560-5623

THE DRAFT REQUEST FOR PROPOSALS (RFP) NO. 9-0363

CONSTRUCTION MANAGEMENT SERVICES
FOR THE SAN DIEGO FREEWAY (INTERSTATE 405)
WEST COUNTY CONNECTORS PROJECT


IS AVAILABLE ON THE OCTA WEBSITE (www.OCTA.net)

AND AVAILABLE UPON REQUEST

FROM THE CLERK OF THE BOARD'S OFFICE



April 27, 2009

To:  Members of the Board of Directors
From: James S. Kenan, Interim Chief Executive Officer
Subject: Approval to Release Request for Proposals for Outreach Consultant for the San Diego Freeway (Interstate 405) West County Connectors Project

Overview

Staff has developed a request for proposals to initiate a competitive procurement process to retain a community outreach consultant for the construction phase of the San Diego Freeway (Interstate 405) West County Connectors Project.

Recommendations

- A. Approve the proposed evaluation criteria and weightings for selection of consultant services for request for proposals No. 9-0252.
- B. Approve the release of request for proposals No. 9-0252 for the community outreach consultant for the San Diego Freeway (Interstate 405) West County Connectors Project.

Discussion

The San Diego Freeway (Interstate 405) West County Connectors Project will construct direct high-occupancy vehicle (HOV) connectors from the Garden Grove Freeway (State Route 22) to Interstate 405 (I-405) and from I-405 to the San Gabriel River Freeway (Interstate 605), with a second HOV lane in each direction on I-405 between the two direct HOV connectors. The project will reconstruct the Valley View Street bridge crossing over the State Route 22 (SR-22) and the Seal Beach Boulevard bridge crossing over I-405.

The project is being developed as two separate design and construction segments. This is due to the large size of the project and to enhance construction industry bidding and competition. The easterly segment is from Valley View Street to east of the Seal Beach Boulevard bridge, encompassing

the SR-22/I-405 interchange. The westerly segment is from east of the Seal Beach Boulevard bridge to Interstate 605 (I-605), encompassing the I-405/I-605 interchange. At this time, the pre-final design submittal is complete and both design firms are working towards the final design submittal. The overall project has been accelerated and construction is scheduled to commence in early 2010. Therefore, there is a need to procure a community outreach contract at this time.

Procurement Approach

Pursuant to current Procurement Policies and Procedures adopted by the Orange County Transportation Authority (OCTA) Board of Directors (Board), which require the Board to approve all request for proposals (RFP) over \$1,000,000, as well as approve the evaluation criteria and weightings, staff is hereby submitting for Board approval the evaluation criteria and weights, and authorization of the release of the RFP.

The following evaluation criteria and weights will be used to evaluate the community outreach services proposals received:

- Qualifications of the Firm 20 percent
- Staffing and Project Organization 30 percent
- Work Plan 30 percent
- Cost 20 percent

The evaluation criteria are consistent with weightings developed for similar community relation services procurements. In developing the criteria weights, several factors were considered. Staff proposed giving the greater importance to staffing and project organization, as the qualifications of the project manager and other key task leaders, such as the dedicated community liaison, are critical to the successful performance of the project. Likewise, the work plan will outline the consultant's understanding of the project scope and related outreach challenges as well as recommend innovative outreach tactics.

The RFP will be released upon Board approval of these recommendations.

Fiscal Impact

Funding for both contracts is included in the OCTA's proposed Fiscal Year 2009-10 Budget, Development Division, Account 0010-7519-F7210-HEE, and is funded through the Congestion Mitigation and Air Quality Program.

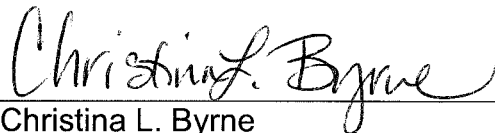
Summary

Board approval is requested to release an RFP for professional services to provide community outreach services for the San Diego Freeway (Interstate 405) West County Connectors Project.

Attachment

- A. DRAFT – Request for Proposals (RFP) 9-0252 West County Connectors Construction Public Outreach

Prepared by:



Christina L. Byrne
Community Relations Officer
(714) 560-5717

Approved by:



Ellen Burton
Executive Director, External Affairs
(714) 560-5923



Virginia Abadessa
Director, Contracts Administration and
Materials Management
(714) 560-5623

THE REQUEST FOR PROPOSALS (RFP) 9-0252 FOR THE
WEST COUNTY CONNECTORS CONSTRUCTION PUBLIC OUTREACH
IS AVAILABLE ON THE OCTA WEBSITE (www.OCTA.net)
AND AVAILABLE UPON REQUEST
FROM THE CLERK OF THE BOARD'S OFFICE



MEMO

April 22, 2009

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board ^{WK}
Subject: **Board Committee Transmittal for Agenda Item**


The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



April 23, 2009

To: Transit Committee

From:  James S. Kenan, Interim Chief Executive Officer

Subject: Cooperative Agreements with the Cities of Anaheim, Lake Forest, and San Clemente for Go Local Step Two Bus/Shuttle Service Planning

Overview

The Orange County Transportation Authority Board of Directors has approved 27 bus/shuttle proposals submitted under Go Local Step One to be advanced to Step Two. As part of Step Two, each bus/shuttle proposal will undergo detailed service planning. Cooperative agreements are needed to outline roles and responsibilities for the Step Two service planning effort. Cooperative agreements with the cities of Anaheim, Lake Forest, and San Clemente for service planning of the cities' respective bus/shuttle proposals are presented for review and approval.

Recommendations

- A. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0306 between the Orange County Transportation Authority and the City of Anaheim to define each party's roles and responsibilities for service planning of four bus/shuttle proposals entitled, "Anaheim Regional Transportation Intermodal Center to Downtown Anaheim to Fullerton Transportation Center Connector," "Anaheim Regional Transportation Intermodal Center to Anaheim Canyon Station Connector," "Anaheim Regional Transportation Intermodal Center/Anaheim Resort/West Anaheim Commuter Shuttle," and "Anaheim Canyon Feeder Shuttles."
- B. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0305 between the Orange County Transportation Authority and the City of Lake Forest to define each party's roles and responsibilities for service planning of two bus/shuttle proposals entitled, "Demand Responsive Shuttle" and "Park-and-Ride Metrolink Shuttle."

- C. Authorize the Interim Chief Executive Officer to execute Cooperative Agreement No. C-9-0308 between the Orange County Transportation Authority and the City of San Clemente to define each party's roles and responsibilities for service planning of one bus/shuttle proposal entitled, "Tri-City Trolley."

Background

On October 27, 2008, the Orange County Transportation Authority (OCTA) Board of Directors (Board) approved 25 bus/shuttle proposals submitted under Go Local Step One to be advanced to Step Two. Two additional bus/shuttle proposals were submitted and approved by the Board on January 12, 2009. For the Step Two service planning, OCTA will utilize a bench of consultants that were retained through a competitive procurement process. The four firms will assist OCTA staff in assessing the feasibility of the proposals by evaluating areas such as, but not limited to, potential demand and customer needs, route segment and system performance, potential impacts to existing OCTA fixed-route bus and paratransit service, boarding/revenue vehicle hours, resources, budgets, policies, and technical aspects of the proposed service. Using OCTA's pre-selected bench of consultants is intended to ensure consistency and standardization in the evaluation process for all participating cities.

As part of Go Local Step One, the cooperative agreements were executed with participating cities to specify the roles and responsibilities of the initial needs assessment phase. OCTA encouraged cities to partner with neighboring cities in an effort to develop optimal regional connections to Metrolink stations. When the cities came together as a team, a lead agency was identified as the point of contact to OCTA. Prior to initiation of the Step Two service planning work, the cooperative agreements with the lead agencies are needed as a result of the expiration of the Step One cooperative agreements and to identify any modifications to teaming arrangements.

Discussion

Currently there are 13 cities/teams participating in the Go Local Step Two bus/shuttle service planning effort. In the coming months, staff will be bringing forward cooperative agreements with each of the lead agencies for Board consideration. The order in which the agreements are brought to the Board is dependent upon the schedule in which the lead agency approves the agreement. Cooperative agreements with the cities of Aliso Viejo and Irvine were approved by the Board on April 13, 2009. Subsequently, three additional

Cooperative Agreements with the Cities of Anaheim, Lake Forest and San Clemente for Go Local Step Two Bus/Shuttle Service Planning **Page 3**

teams, the cities of Anaheim, Lake Forest (teamed with Laguna Hills), and San Clemente (teamed with Dana Point and San Juan Capistrano), have approved the respective agreements and are being presented to the Board for consideration. A brief summary of the bus/shuttle proposals submitted by the three additional teams are included in Attachment A.

The general purpose and content of the Go Local Step Two cooperative agreements is to identify the roles and responsibilities of both OCTA and the lead agency for the service planning effort. The cooperative agreements will be similar for each lead agency, except for a few minor differences in language to meet city-specific requirements.

OCTA's principal responsibilities described in the cooperative agreements include:

- Procure and manage consultant support to work directly with the lead agency to develop comprehensive service plans for the bus/shuttle proposals as identified in the respective Go Local Step One final reports.
- Participate in service planning team meetings with consultant and city/teams and provide transit planning data and support.
- Evaluate final Go Local Step Two reports summarizing service-planning activities and funding plans for each of the bus/shuttle proposals that have been approved by the city council.

The lead agency's principal responsibilities described in the cooperative agreements include:

- Work collaboratively with consultant selected by OCTA and supply all requested data necessary to support the service planning.
- Participate in the development of a comprehensive service planning report, which will be led by the consultant for each bus/shuttle proposal that addresses all the service planning activities. The report must be accompanied by a city council resolution indicating support and approving the final service planning report and funding plan for each bus/shuttle proposal.
- Provide eligible local matching funds, excluding in-kind sources, for the city's proportionate share. Consistent with previous Board action, cities

are required to provide a local funding match of 10 percent of the actual service planning activities cost, up to \$100,000, for each bus/shuttle proposal.

Next Steps

Upon the Board's approval of the subject cooperative agreements, contract task orders will be issued to the bench of consultants and competitively awarded to provide service planning for the subject cities' approved bus/shuttle proposals. Staff will return to the Board in May 2009 with additional cooperative agreements that have been approved by the participating lead agencies.

Fiscal Impact

Funding for this project is currently included in OCTA's Fiscal Year 2008-09 Budget, Account 0010-6062-T5410-3SB. This is a reimbursable agreement as cities are responsible for reimbursing OCTA 10 percent of consultant work for this phase of study.

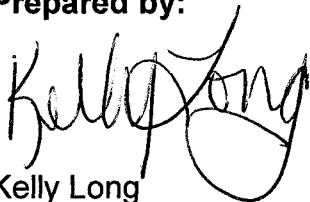
Summary

Staff is seeking Board authorization to execute cooperative agreements with the cities of Anaheim, Lake Forest, and San Clemente to initiate service planning for the cities' respective Board-approved bus/shuttle proposals.

Attachments

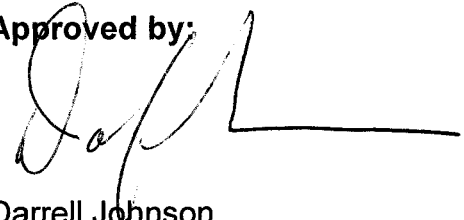
- A. Summary of Go Local Bus/Shuttle Proposals: Cities of Anaheim, Lake Forest, and San Clemente
- B. Cooperative Agreement No. C-9-0306 Between Orange County Transportation Authority and City of Anaheim for Go Local Bus/Shuttle Service Planning
- C. Cooperative Agreement No. C-9-0305 Between Orange County Transportation Authority and City of Lake Forest for Go Local Bus/Shuttle Service Planning
- D. Cooperative Agreement No. C-9-0308 Between Orange County Transportation Authority and City of San Clemente for Go Local Bus/Shuttle Service Planning

Prepared by:

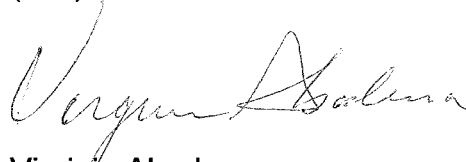


Kelly Long
Senior Transportation Analyst
(714) 560-5725

Approved by:



Darrell Johnson
Executive Director, Rail Programs
(714) 560- 5343



Virginia Abadessa
Director, Contracts Administration and
Materials Management
(714) 560-5623

**Summary of Go Local Bus/Shuttle Proposals:
Cities of Anaheim, Lake Forest and San Clemente**

Approved by the Board October 27, 2008

CITY/ TEAM	PROJECT DESCRIPTION	TARGET STATION	KEY STOPS
ANAHEIM	Anaheim Regional Transportation Center (ARTIC) to Downtown Anaheim to Fullerton Transportation Center (FTC) Connector - Bus rapid transit (BRT) system operating in mixed traffic, will allow residents and workers in downtown Anaheim to reach ARTIC, either to commute to jobs outside of the City of Anaheim or to reach other points of interest near ARTIC. It will also allow people in The Platinum Triangle to reach downtown Anaheim. A possible future extension to the FTC is also proposed.	Anaheim Fullerton	ARTIC Angel Stadium of Anaheim Honda Center Anaheim Resort Block at Orange FTC
	ARTIC to Anaheim Canyon Station Connector - BRT system which connects the Anaheim Canyon Station to ARTIC, eliminating the need for people to make a transfer at the Orange Station. Proposes to operate in mixed traffic either along La Palma Avenue, State College Boulevard, or along the Orange Freeway (State Route 57).	Anaheim Anaheim Canyon	ARTIC Honda Center Kaiser Permanente (future) Angel Stadium of Anaheim Anaheim Canyon Business Center Anaheim Canyon
	ARTIC/Anaheim Resort/West Anaheim Commuter Shuttle - Bus-based system to jumpstart the elevated fixed-guideway system by operating an at-grade transit connection along the high-volume corridor between ARTIC and the Anaheim Resort. Would also allow transit riders in west and northwest Anaheim to have a direct link to the Anaheim Resort and to ARTIC.	Anaheim	ARTIC Downtown Anaheim The Platinum Triangle Anaheim Resort Honda Center
	Anaheim Canyon Feeder Shuttles - Two new shuttle routes to circulate between Anaheim Canyon Station and within the Anaheim Canyon Business Center. A third shuttle route would ensure continuation of the Anaheim Resort transit-operated service between Anaheim Canyon Station and Downtown Anaheim.	Anaheim Canyon	Anaheim Canyon Anaheim Canyon Business Center
LAKE FOREST	Demand Responsive Shuttle - Demand- responsive commuter shuttle to Irvine Station and northern Lake Forest connecting to employment centers (Portola Hills business area, Foothill Ranch business area, and Northern Lake Forest business area).	Irvine	Irvine Station Portola Hills Business Area Foothill Ranch Business Area Northern Lake Forest Business Area
LAKE FOREST (LAGUNA HILLS)	Park-and-Ride Metrolink Shuttle - Scheduled shuttle service from a park-and-ride lot within Laguna Hills and Lake Forest that will travel to/from Irvine Station, serving city residents that commute via Metrolink.	Irvine	Irvine Station Laguna Hills Park-and-Ride Lake Forest Park-and-Ride
SAN CLEMENTE TEAM (SAN JUAN CAPISTRANO AND DANA POINT)	Tri-City Trolley - Bus-based trolley service which connects to Metrolink and Amtrak (San Clemente and San Juan Capistrano), links key destinations within the three cities and reduces traffic congestion and parking demand.	San Clemente San Juan Capistrano	San Juan Capistrano Station Doheny State Beach Hotels in Dana Point Proposed Marblehead Commercial Development Downtown San Clemente San Clemente Pier San Clemente Station

COOPERATIVE AGREEMENT NO. C-9-0306

BETWEEN

ORANGE COUNTY TRANSPORTATION AUTHORITY

AND

CITY OF ANAHEIM

FOR

GO LOCAL BUS/SHUTTLE SERVICE PLANNING

THIS AGREEMENT, is effective as of this ___day of _____, 2009, by and between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584, a public corporation of the State of California (hereinafter referred to as "AUTHORITY"), and the City of Anaheim, 200 S. Anaheim Blvd. Anaheim, CA 92805, a municipal corporation duly organized and existing under the constitution and laws of the State of California (hereinafter referred to as "CITY").

RECITALS:

WHEREAS, the AUTHORITY's Go Local Program is a four-step program to plan and implement city-initiated transit extensions to the Metrolink commuter rail line in Orange County; and

WHEREAS, AUTHORITY and CITY wish to work as partners to further develop a community-based transit vision that increases the use of Metrolink by CITY residents, visitors and employees; and

WHEREAS, the AUTHORITY's Board of Directors directed that Step One mixed-flow bus/shuttle proposals that met the Go Local evaluation criteria would be advanced to Step Two to undergo detailed service planning; and

WHEREAS, the AUTHORITY's Board of Directors, on October 27, 2008 approved five bus/shuttle proposals dated February 2008 submitted by the CITY to advance to Step Two for further study entitled (1) "Anaheim Regional Transportation Intermodal Center (ARTIC) to Downtown Anaheim to Fullerton Transportation Center Connector" (2) "ARTIC to Anaheim Canyon Station Connector" (3)

/

1 "ARTIC to the Platinum Triangle to Anaheim Resort Shuttle Bus Connector" (4) "West Anaheim
2 Commuter Shuttles" and (5) "Anaheim Canyon Feeder Shuttles"; and

3 **WHEREAS**, CITY has requested that bus/shuttle proposals entitled, "ARTIC to the Platinum
4 Triangle to Anaheim Resort Shuttle Bus Connector" and "West Anaheim Commuter Shuttles" be
5 merged into one study effort; and

6 **WHEREAS**, AUTHORITY has agreed that the following four bus/shuttle proposals will advance
7 to Step Two for further study (1) "ARTIC to Downtown Anaheim to Fullerton Transportation Center
8 Connector" (2) "ARTIC to Anaheim Canyon Station Connector" (3) "ARTIC to the Platinum Triangle to
9 Anaheim Resort Shuttle Bus Connector/ West Anaheim Commuter Shuttles" and (4) "Anaheim Canyon
10 Feeder Shuttles" (hereinafter referred to as "BUS/SHUTTLE PROPOSALS"); and

11 **WHEREAS**, the AUTHORITY will evaluate bus/shuttle proposals that undergo Step Two
12 detailed service planning for Step Three implementation; and

13 **WHEREAS**, the AUTHORITY has agreed to contract directly with a bench of consultants, which
14 the AUTHORITY has retained, to perform Step Two detailed service planning for the BUS/SHUTTLE
15 PROPOSALS; and

16 **WHEREAS**, this Cooperative Agreement (hereinafter referred to as "AGREEMENT") defines
17 the specific terms, conditions, and roles and responsibilities between the AUTHORITY and CITY only
18 as they may relate to the evaluation of the BUS/SHUTTLE PROPOSALS for Step Two of the
19 AUTHORITY'S Go Local Program and no other purpose; and

20 **NOW, THEREFORE**, it is mutually understood and agreed by AUTHORITY and CITY as
21 follows:

22 **ARTICLE 1. COMPLETE AGREEMENT**

23 AGREEMENT, including any exhibits and documents incorporated herein and made applicable
24 by reference, constitutes the complete and exclusive statement of the terms and conditions of the
25 Agreement between AUTHORITY and CITY concerning the BUS/SHUTTLE PROPOSALS and
26 supersedes all prior representations, understandings, and communications between the parties.

1 The above-referenced Recitals are true and correct and are incorporated by reference herein.

2 **ARTICLE 2. RESPONSIBILITIES OF AUTHORITY**

3 AUTHORITY agrees to the following responsibilities for the BUS/SHUTTLE PROPOSALS:

4 A. Procure and manage consultant of the AUTHORITY to work directly with the CITY to
5 develop comprehensive service plans for the BUS/SHUTTLE PROPOSALS to include an analysis of
6 Passenger Demands and Needs; Route Segment Performance; System Performance; Analysis of
7 Impacts to Existing Fixed Route Service, including transit centers and transfer points; Compliance with
8 American Disabilities Act (ADA) and Impacts to Paratransit Service; Boardings/Revenue Vehicle Hour
9 and Passenger Loads; Market Research and Segmentation Analysis; and Resource Requirements and
10 Financial Parameters, including fare type and farebox recovery estimate, operating and capital costs
11 and service cost-benefit analysis (hereinafter, referred to as "SERVICE PLANNING ACTIVITIES"); and

12 B. Participate in service planning team meetings with CITY and consultant for
13 BUS/SHUTTLE PROPOSALS and provide AUTHORITY-generated transit planning data and transit
14 planning support where AUTHORITY deems necessary; and

15 C. Receive and evaluate final Go Local Step Two Report summarizing SERVICE
16 PLANNING ACTIVITIES and funding plans for the CITY's BUS/SHUTTLE PROPOSALS upon approval
17 by a CITY Council resolution and in anticipation of CITY's request to advance the BUS/SHUTTLE
18 PROPOSALS to Step Three of the Go Local Program; and

19 D. Invoice CITY on a quarterly basis for proportionate share, ten percent (10%), of actual
20 SERVICE PLANNING ACTIVITIES cost, which shall not exceed One Hundred Thousand Dollars
21 (\$100,000), for each of the CITY's BUS/SHUTTLE PROPOSALS; and

22 E. AUTHORITY does not guarantee that the BUS/SHUTTLE PROPOSALS will be selected
23 to advance to Step Three of the Go Local Program; and

24 F. AUTHORITY shall indemnify, defend and hold harmless CITY, its officers, directors,
25 employees, and agents from and against any and all claims (including attorney's fees and reasonable
26 expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, damage

1 to or loss of use of property caused by the negligent acts, omissions, or willful misconduct by
2 AUTHORITY, its officers, directors, employees, or agents in connection with or arising out of the
3 performance of this Agreement.

4 **ARTICLE 3. RESPONSIBILITIES OF CITY**

5 CITY agrees to the following responsibilities for the BUS/SHUTTLE PROPOSALS:

6 A. Work collaboratively with AUTHORITY's consultant to perform the SERVICE
7 PLANNING ACTIVITIES for the BUS/SHUTTLE PROPOSALS; and

8 B. Supply all requested data, reports and plans to support service planning of
9 BUS/SHUTTLE PROPOSALS in a timely manner; and

10 C. Participate in service planning team meetings for BUS/SHUTTLE PROPOSALS with
11 AUTHORITY and consultant; and

12 D. Participate in the development of a comprehensive service planning report, which will be
13 led by the consultant, for the BUS/SHUTTLE PROPOSALS that addresses all the SERVICE
14 PLANNING ACTIVITIES and is accompanied by a CITY Council resolution indicating support and
15 approving the final service planning report and funding plan for the BUS/SHUTTLE PROPOSALS; and

16 E. Provide eligible local matching funds, excluding in-kind sources, for CITY's proportionate
17 share (ten percent (10%) of actual SERVICE PLANNING ACTIVITIES cost, up to One Hundred
18 Thousand Dollars (\$100,000), for each of the BUS/SHUTTLE PROPOSALS); and

19 F. Pay AUTHORITY, on a quarterly basis, within 30 days of receipt of invoice for CITY's
20 proportionate share (ten percent (10%) of actual SERVICE PLANNING ACTIVITIES cost, up to One
21 Hundred Thousand Dollars (\$100,000), for each of the BUS/SHUTTLE PROPOSALS); and

22 G. CITY shall indemnify, defend and hold harmless AUTHORITY, its officers, directors,
23 employees, and agents from and against any and all claims (including attorney's fees and reasonable
24 expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, damage
25 to or loss of use of property caused by the negligent acts, omissions, or willful misconduct by CITY, its
26 officers, directors, employees, or agents in connection with or arising out of the performance of this

1 Agreement.

2 **ARTICLE 4. IT IS MUTUALLY UNDERSTOOD AND AGREED:**

3 All parties agree to the following mutual responsibilities regarding BUS/SHUTTLE
4 PROPOSALS:

5 A. This Agreement shall continue in full force and effect through acceptance of final service
6 planning report for the BUS/SHUTTLE PROPOSALS or 18 months from effective date of this
7 agreement, whichever is sooner. This Agreement may only be extended upon written mutual
8 agreement by both parties.

9 B. This Agreement may be amended in writing at any time by the mutual consent of both
10 parties. No amendment shall have any force or effect unless executed in writing by both parties.

11 C. The persons executing this Agreement on behalf of the parties hereto warrant that they
12 are duly authorized to execute this Agreement on behalf of said parties and that, by so executing this
13 Agreement, the parties hereto are formally bound to the provisions of this Agreement.

14 D. All notices hereunder and communications regarding the interpretation of the terms of
15 this Agreement, or changes thereto, shall be effected by delivery of said notices in person or by
16 depositing said notices in the U.S. mail, registered, or certified mail and addressed as follows:

17 To CITY:

18 Public Works Department

19 City of Anaheim

20 200 S. Anaheim Blvd.

21 Anaheim, CA 92805

22 Attention: Jamie Lai

23 Transit Manager

24 Telephone: 714-765-5100 x 5940

25 Email: JLai@anaheim.net

To AUTHORITY:

Orange County Transportation Authority

550 South Main Street

P. O. Box 14184

Orange, California 92863-1584

Attention: Jennifer Bergener

Manager, Local Initiatives

Telephone: (714) 560-5462

Email: jbergener@octa.net

1 E. The headings of all sections of this Agreement are inserted solely for the convenience of
2 reference and are not part of and not intended to govern, limit, or aid in the construction or interpretation
3 of any terms or provision thereof.

4 F. The provision of this Agreement shall bind and insure to the benefit of each of the
5 parties hereto and all successors or assigns of the parties hereto.

6 G. If any term, provision, covenant, or condition of this Agreement is held to be invalid, void
7 or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder to this
8 Agreement shall not be affected thereby, and each term, provision, covenant or condition of this
9 Agreement shall be valid and enforceable to the fullest extent permitted by law.

10 H. This Agreement may be executed and delivered in any number of counterparts, each of
11 which, when executed and delivered shall be deemed an original and all of which together shall
12 constitute the same agreement. Facsimile signatures will be permitted.

13 I. Neither this Agreement, nor any of a Party's rights, obligations, duties, or authority
14 hereunder may be assigned in whole or in part by either Party without the prior written consent of the
15 other Party. Any such attempt of assignment shall be deemed void and of no force and effect. Consent
16 to one assignment shall not be deemed consent to any subsequent assignment, nor the waiver of any
17 right to consent to such subsequent assignment.

18 J. Either party shall be excused from performing its obligations under this Agreement
19 during the time and to the extent that it is prevented from performing by an unforeseeable cause
20 beyond its control, including but not limited to: any incidence of fire, flood, acts of God, commandeering
21 of material, products, plants or facilities by the federal, state or local government, national fuel shortage,
22 or a material act or omission by the other party, when satisfactory evidence of such cause is presented
23 to the other party, and provided further that such nonperformance is unforeseeable, beyond the control
24 and is not due to the fault or negligence of the party not performing.

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This AGREEMENT shall be made effective upon execution by both parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement No. C-9-0306 to be executed on the date first above written.

CITY OF ANAHEIM

**ORANGE COUNTY TRANSPORTATION
AUTHORITY**

By: _____

By: _____

Curt Pringle
Mayor

James S. Kenan
Interim Chief Executive Officer

ATTEST:

APPROVED AS TO FORM

By: _____

By: _____

Linda Andal
City Clerk

Kennard R. Smart, Jr.
General Counsel

APPROVED AS TO FORM:

APPROVAL RECOMMENDED:

By: _____

By: _____

Christina Talley
City Attorney

Darrell Johnson
Executive Director, Rail Program

Dated: _____

Dated: _____

COOPERATIVE AGREEMENT NO. C-9-0305

BETWEEN

ORANGE COUNTY TRANSPORTATION AUTHORITY

AND

CITY OF LAKE FOREST

FOR

GO LOCAL BUS/SHUTTLE SERVICE PLANNING

THIS AGREEMENT, is effective as of this ___ day of _____, 2009, by and between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584, a public corporation of the State of California (hereinafter referred to as "AUTHORITY"), and the City of Lake Forest, 25550 Commercentre Dr. Suite 100, Lake Forest, CA 92630, a municipal corporation duly organized and existing under the constitution and laws of the State of California (hereinafter referred to as "CITY").

RECITALS:

WHEREAS, the AUTHORITY's Go Local Program is a four-step program to plan and implement city-initiated transit extensions to the Metrolink commuter rail line in Orange County; and

WHEREAS, AUTHORITY and CITY wish to work as partners to further develop a community-based transit vision that increases the use of Metrolink by residents, visitors and employees; and

WHEREAS, the AUTHORITY's Board of Directors directed that Step One mixed-flow bus/shuttle proposals that met the Go Local evaluation criteria would be advanced to Step Two to undergo detailed service planning; and

WHEREAS, the AUTHORITY's Board of Directors, on October 27, 2008 approved two bus/shuttle proposals dated June 2008 submitted by the CITY to advance to Step Two for further study entitled (1) "Demand Responsive Shuttle" (2) "Park-and-Ride Metrolink Shuttle" (hereinafter referred to as "BUS/SHUTTLE PROPOSALS"); and

WHEREAS, CITY will act as the lead agency on behalf of the City of Laguna Hills to further

1 develop the Park-and-Ride Metrolink Shuttle; and

2 **WHEREAS**, the AUTHORITY will evaluate bus/shuttle proposals that undergo Step Two
3 detailed service planning for Step Three implementation; and

4 **WHEREAS**, the AUTHORITY has agreed to contract directly with a bench of consultants, which
5 the AUTHORITY has retained, to perform Step Two detailed service planning for the BUS/SHUTTLE
6 PROPOSALS; and

7 **WHEREAS**, this Cooperative Agreement (hereinafter referred to as "AGREEMENT") defines
8 the specific terms, conditions, and roles and responsibilities between the AUTHORITY and CITY only
9 as they may relate to the evaluation of the BUS/SHUTTLE PROPOSALS for Step Two of the
10 AUTHORITY'S Go Local Program and no other purpose; and

11 **NOW, THEREFORE**, it is mutually understood and agreed by AUTHORITY and CITY as
12 follows:

13 **ARTICLE 1. COMPLETE AGREEMENT**

14 AGREEMENT, including any exhibits and documents incorporated herein and made applicable
15 by reference, constitutes the complete and exclusive statement of the terms and conditions of the
16 Agreement between AUTHORITY and CITY concerning the BUS/SHUTTLE PROPOSALS and
17 supersedes all prior representations, understandings, and communications between the parties. The
18 above-referenced Recitals are true and correct and are incorporated by reference herein.

19 **ARTICLE 2. RESPONSIBILITIES OF AUTHORITY**

20 AUTHORITY agrees to the following responsibilities for the BUS/SHUTTLE PROPOSALS:

21 A. Procure and manage consultant of the AUTHORITY to work directly with the CITY to
22 develop comprehensive service plans for the BUS/SHUTTLE PROPOSALS to include an analysis of
23 Passenger Demands and Needs; Route Segment Performance; System Performance; Analysis of
24 Impacts to Existing Fixed Route Service, including transit centers and transfer points; Compliance with
25 American Disabilities Act (ADA) and Impacts to Paratransit Service; Boardings/Revenue Vehicle Hour
26 and Passenger Loads; Market Research and Segmentation Analysis; and Resource Requirements and

1 Financial Parameters, including fare type and farebox recovery estimate, operating and capital costs
2 and service cost-benefit analysis (hereinafter, referred to as "SERVICE PLANNING ACTIVITIES"); and

3 B. Participate in service planning team meetings with CITY and consultant for
4 BUS/SHUTTLE PROPOSALS and provide AUTHORITY-generated transit planning data and transit
5 planning support where AUTHORITY deems necessary; and

6 C. Receive and evaluate final Go Local Step Two Report summarizing SERVICE
7 PLANNING ACTIVITIES and funding plans for the CITY's BUS/SHUTTLE PROPOSALS upon approval
8 by a CITY Council resolution and in anticipation of CITY's request to advance the BUS/SHUTTLE
9 PROPOSALS to Step Three of the Go Local Program; and

10 D. Invoice CITY on a quarterly basis for proportionate share, ten percent (10%), of actual
11 SERVICE PLANNING ACTIVITIES cost, which shall not exceed One Hundred Thousand Dollars
12 (\$100,000), for each of the CITY's BUS/SHUTTLE PROPOSALS; and

13 E. AUTHORITY does not guarantee that the BUS/SHUTTLE PROPOSALS will be selected
14 to advance to Step Three of the Go Local Program; and

15 F. AUTHORITY shall indemnify, defend and hold harmless CITY, its officers, directors,
16 employees, and agents from and against any and all claims (including attorney's fees and reasonable
17 expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, damage
18 to or loss of use of property caused by the negligent acts, omissions, or willful misconduct by
19 AUTHORITY, its officers, directors, employees, or agents in connection with or arising out of the
20 performance of this Agreement.

21 **ARTICLE 3. RESPONSIBILITIES OF CITY**

22 CITY agrees to the following responsibilities for the BUS/SHUTTLE PROPOSALS:

23 A. Work collaboratively with AUTHORITY's consultant to perform the SERVICE
24 PLANNING ACTIVITIES for the BUS/SHUTTLE PROPOSALS; and

25 B. Supply all requested data, reports and plans to support service planning of
26 BUS/SHUTTLE PROPOSALS in a timely manner; and

1 C. Participate in service planning team meetings for BUS/SHUTTLE PROPOSALS with
2 AUTHORITY and consultant; and

3 D. Participate in the development of a comprehensive service planning report, which will be
4 led by the consultant, for the BUS/SHUTTLE PROPOSALS that addresses all the SERVICE
5 PLANNING ACTIVITIES and is accompanied by a CITY Council resolution indicating support and
6 approving the final service planning report and funding plan for the BUS/SHUTTLE PROPOSALS; and

7 E. Provide eligible local matching funds, excluding in-kind sources, for CITY's proportionate
8 share (ten percent (10%) of actual SERVICE PLANNING ACTIVITIES cost, up to One Hundred
9 Thousand Dollars (\$100,000), for each of the BUS/SHUTTLE PROPOSALS; and

10 F. Pay AUTHORITY, on a quarterly basis, within 30 days of receipt of invoice for CITY's
11 proportionate share (ten percent (10%) of actual SERVICE PLANNING ACTIVITIES cost, up to One
12 Hundred Thousand Dollars (\$100,000), for each of the BUS/SHUTTLE PROPOSALS; and

13 G. CITY shall indemnify, defend and hold harmless AUTHORITY, its officers, directors,
14 employees, and agents from and against any and all claims (including attorney's fees and reasonable
15 expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, damage
16 to or loss of use of property caused by the negligent acts, omissions, or willful misconduct by CITY, its
17 officers, directors, employees, or agents in connection with or arising out of the performance of this
18 Agreement.

19 **ARTICLE 4. IT IS MUTUALLY UNDERSTOOD AND AGREED:**

20 All parties agree to the following mutual responsibilities regarding BUS/SHUTTLE
21 PROPOSALS:

22 A. This Agreement shall continue in full force and effect through acceptance of final service
23 planning report for the BUS/SHUTTLE PROPOSALS or 18 months from effective date of this
24 agreement, whichever is sooner. This Agreement may only be extended upon written mutual
25 agreement by both parties.

26 B. This Agreement may be amended in writing at any time by the mutual consent of both

1 parties. No amendment shall have any force or effect unless executed in writing by both parties.

2 C. The persons executing this Agreement on behalf of the parties hereto warrant that they
3 are duly authorized to execute this Agreement on behalf of said parties and that, by so executing this
4 Agreement, the parties hereto are formally bound to the provisions of this Agreement.

5 D. All notices hereunder and communications regarding the interpretation of the terms of
6 this Agreement, or changes thereto, shall be effected by delivery of said notices in person or by
7 depositing said notices in the U.S. mail, registered, or certified mail and addressed as follows:

8 To CITY:	To AUTHORITY:
9 City Manager	Orange County Transportation Authority
10 City of Lake Forest	550 South Main Street
11 1 Commercentre Dr. Suite 100	P. O. Box 14184
12 Lake Forest, CA 92630	Orange, California 92863-1584
13 Attention: Benjamin Siegel	Attention: Jennifer Bergener
14 Assistant to the City Manager	Manager, Local Initiatives
15 Telephone: (949) 461-3537	Telephone: (714) 560-5462
16 Email: bsiegel@ci.lake-forest.ca.us	Email: jbergener@octa.net

17 E. The headings of all sections of this Agreement are inserted solely for the convenience of
18 reference and are not part of and not intended to govern, limit, or aid in the construction or interpretation
19 of any terms or provision thereof.

20 F. The provision of this Agreement shall bind and insure to the benefit of each of the
21 parties hereto and all successors or assigns of the parties hereto.

22 G. If any term, provision, covenant, or condition of this Agreement is held to be invalid, void
23 or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder to this
24 Agreement shall not be affected thereby, and each term, provision, covenant or condition of this
25 Agreement shall be valid and enforceable to the fullest extent permitted by law.

26 /

1 H. This Agreement may be executed and delivered in any number of counterparts, each of
2 which, when executed and delivered shall be deemed an original and all of which together shall
3 constitute the same agreement. Facsimile signatures will be permitted.

4 I. Neither this Agreement, nor any of a Party's rights, obligations, duties, or authority
5 hereunder may be assigned in whole or in part by either Party without the prior written consent of the
6 other Party. Any such attempt of assignment shall be deemed void and of no force and effect. Consent
7 to one assignment shall not be deemed consent to any subsequent assignment, nor the waiver of any
8 right to consent to such subsequent assignment.

9 J. Either party shall be excused from performing its obligations under this Agreement
10 during the time and to the extent that it is prevented from performing by an unforeseeable cause
11 beyond its control, including but not limited to: any incidence of fire, flood, acts of God, commandeering
12 of material, products, plants or facilities by the federal, state or local government, national fuel shortage,
13 or a material act or omission by the other party, when satisfactory evidence of such cause is presented
14 to the other party, and provided further that such nonperformance is unforeseeable, beyond the control
15 and is not due to the fault or negligence of the party not performing.

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This AGREEMENT shall be made effective upon execution by both parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement No. C-9-0305 to be executed on the date first above written.

CITY OF LAKE FOREST

ORANGE COUNTY TRANSPORTATION AUTHORITY

By: _____

By: _____

Mark Tetteimer
Mayor

James S. Kenan
Interim Chief Executive Officer

ATTEST:

APPROVED AS TO FORM

By: _____

By: _____

Debra Rose
City Clerk

Kennard R. Smart, Jr.
General Counsel

APPROVED AS TO FORM:

APPROVAL RECOMMENDED:

By: _____

By: _____

City Attorney

Darrell Johnson
Executive Director, Rail Programs

Dated: _____

Dated: _____

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COOPERATIVE AGREEMENT NO. C-9-0308

BETWEEN

ORANGE COUNTY TRANSPORTATION AUTHORITY

AND

CITY OF SAN CLEMENTE

FOR

GO LOCAL BUS/SHUTTLE SERVICE PLANNING

THIS AGREEMENT, is effective as of this ___day of _____, 2009, by and between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584, a public corporation of the State of California (hereinafter referred to as "AUTHORITY"), and the City of San Clemente, 100 Avenida Presidio, San Clemente, CA 92672, a municipal corporation duly organized and existing under the constitution and laws of the State of California (hereinafter referred to as "CITY").

RECITALS:

WHEREAS, the AUTHORITY's Go Local Program is a four-step program to plan and implement city-initiated transit extensions to the Metrolink commuter rail line in Orange County; and

WHEREAS, AUTHORITY and CITY, acting as the lead agency on behalf of the Cities of Dana Point and San Juan Capistrano, wish to work as partners to further develop a community-based transit vision that increases the use of Metrolink by residents, visitors and employees; and

WHEREAS, the AUTHORITY's Board of Directors directed that Step One mixed-flow bus/shuttle proposals that met the Go Local evaluation criteria would be advanced to Step Two to undergo detailed service planning; and

WHEREAS, the AUTHORITY's Board of Directors, on October 27, 2008 approved the bus/shuttle proposal dated March 13, 2008 submitted by the CITY to advance to Step Two for further study entitled "Tri-City Trolley" (hereinafter referred to as "BUS/SHUTTLE PROPOSAL"); and

/

1 **WHEREAS**, the AUTHORITY will evaluate bus/shuttle proposals that undergo Step Two
2 detailed service planning for Step Three implementation; and

3 **WHEREAS**, the AUTHORITY has agreed to contract directly with a bench of consultants, which
4 the AUTHORITY has retained, to perform Step Two detailed service planning for the BUS/SHUTTLE
5 PROPOSAL; and

6 **WHEREAS**, this Cooperative Agreement (hereinafter referred to as "AGREEMENT") defines
7 the specific terms, conditions, and roles and responsibilities between the AUTHORITY and CITY only
8 as they may relate to the evaluation of the BUS/SHUTTLE PROPOSAL for Step Two of the
9 AUTHORITY'S Go Local Program and no other purpose; and

10 **NOW, THEREFORE**, it is mutually understood and agreed by AUTHORITY and CITY as
11 follows:

12 **ARTICLE 1. COMPLETE AGREEMENT**

13 AGREEMENT, including any exhibits and documents incorporated herein and made applicable
14 by reference, constitutes the complete and exclusive statement of the terms and conditions of the
15 Agreement between AUTHORITY and CITY concerning the BUS/SHUTTLE PROPOSAL and
16 supersedes all prior representations, understandings, and communications between the parties. The
17 above-referenced Recitals are true and correct and are incorporated by reference herein.

18 **ARTICLE 2. RESPONSIBILITIES OF AUTHORITY**

19 AUTHORITY agrees to the following responsibilities for the BUS/SHUTTLE PROPOSAL:

20 A. Procure and manage consultant of the AUTHORITY to work directly with the CITY to
21 develop comprehensive service plans for the BUS/SHUTTLE PROPOSAL to include an analysis of
22 Passenger Demands and Needs; Route Segment Performance; System Performance; Analysis of
23 Impacts to Existing Fixed Route Service, including transit centers and transfer points; Compliance with
24 American Disabilities Act (ADA) and Impacts to Paratransit Service; Boardings/Revenue Vehicle Hour
25 and Passenger Loads; Market Research and Segmentation Analysis; and Resource Requirements and
26 /

1 Financial Parameters, including fare type and farebox recovery estimate, operating and capital
2 costs and service cost-benefit analysis (hereinafter, referred to as SERVICE PLANNING ACTIVITIES);
3 and

4 B. Participate in service planning team meetings with CITY and consultant for
5 BUS/SHUTTLE PROPOSAL and provide AUTHORITY-generated transit planning data and transit
6 planning support where AUTHORITY deems necessary; and

7 C. Receive and evaluate final Go Local Step Two Report summarizing SERVICE
8 PLANNING ACTIVITIES and funding plans for the CITY's BUS/SHUTTLE PROPOSAL upon approval
9 by a CITY Council resolution and in anticipation of CITY's request to advance the BUS/SHUTTLE
10 PROPOSAL to Step Three of the Go Local Program; and

11 D. Invoice CITY on a quarterly basis for proportionate share, ten percent (10%), of actual
12 SERVICE PLANNING ACTIVITIES cost, which shall not exceed One Hundred Thousand Dollars
13 (\$100,000), for the CITY's BUS/SHUTTLE PROPOSAL; and

14 E. AUTHORITY does not guarantee that the BUS/SHUTTLE PROPOSAL will be selected
15 to advance to Step Three of the Go Local Program; and

16 F. AUTHORITY shall indemnify, defend and hold harmless CITY, its officers, directors,
17 employees, and agents from and against any and all claims (including attorney's fees and reasonable
18 expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, damage
19 to or loss of use of property caused by the negligent acts, omissions, or willful misconduct by
20 AUTHORITY, its officers, directors, employees, or agents in connection with or arising out of the
21 performance of this Agreement.

22 **ARTICLE 3. RESPONSIBILITIES OF CITY**

23 CITY agrees to the following responsibilities for the BUS/SHUTTLE PROPOSAL:

24 A. Work collaboratively with the AUTHORITY's consultant to perform the SERVICE
25 PLANNING ACTIVITIES for the BUS/SHUTTLE PROPOSAL; and

26 /

1 B. Supply all requested data, reports and plans to support service planning of
2 BUS/SHUTTLE PROPOSAL in a timely manner; and

3 C. Participate in service planning team meetings for BUS/SHUTTLE PROPOSAL with
4 AUTHORITY and consultant; and

5 D. Participate in the development of a comprehensive service planning report, which will be
6 led by the consultant, for the BUS/SHUTTLE PROPOSAL that addresses all the SERVICE PLANNING
7 ACTIVITIES and is accompanied by a CITY Council resolution indicating support and approving the
8 final service planning report and funding plan for the BUS/SHUTTLE PROPOSAL; and

9 E. Provide eligible local matching funds, excluding in-kind sources, for CITY's proportionate
10 share (ten percent (10%) of actual SERVICE PLANNING ACTIVITIES cost, up to One Hundred
11 Thousand Dollars (\$100,000), for the BUS/SHUTTLE PROPOSAL); and

12 F. Pay AUTHORITY, on a quarterly basis, within 30 days of receipt of invoice for CITY's
13 proportionate share (ten percent (10%) of actual SERVICE PLANNING ACTIVITIES cost, up to One
14 Hundred Thousand Dollars (\$100,000), for the BUS/SHUTTLE PROPOSAL); and

15 G. CITY shall indemnify, defend and hold harmless AUTHORITY, its officers, directors,
16 employees, and agents from and against any and all claims (including attorney's fees and reasonable
17 expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, damage
18 to or loss of use of property caused by the negligent acts, omissions, or willful misconduct by CITY, its
19 officers, directors, employees, or agents in connection with or arising out of the performance of this
20 Agreement.

21 **ARTICLE 4. IT IS MUTUALLY UNDERSTOOD AND AGREED:**

22 All parties agree to the following mutual responsibilities regarding BUS/SHUTTLE PROPOSAL:

23 A. This Agreement shall continue in full force and effect through acceptance of final service
24 planning report for the BUS/SHUTTLE PROPOSAL or 18 months from effective date of this agreement,
25 whichever is sooner. This Agreement may only be extended upon written mutual agreement by both
26 parties.

1 B. This Agreement may be amended in writing at any time by the mutual consent of both
2 parties. No amendment shall have any force or effect unless executed in writing by both parties.

3 C. The persons executing this Agreement on behalf of the parties hereto warrant that they
4 are duly authorized to execute this Agreement on behalf of said parties and that, by so executing this
5 Agreement, the parties hereto are formally bound to the provisions of this Agreement.

6 D. All notices hereunder and communications regarding the interpretation of the terms of
7 this Agreement, or changes thereto, shall be effected by delivery of said notices in person or by
8 depositing said notices in the U.S. mail, registered, or certified mail and addressed as follows:

9 To CITY:

10 Public Works Department

11 City of San Clemente

12 100 Avenida Presidio

13 San Clemente, CA 92672

14 Attention: Akram Hindiyeh

15 City Traffic Engineer

16 Telephone: (949) 361-6127

17 Email: hindiyeha@san-clemente.org

To AUTHORITY:

Orange County Transportation Authority

550 South Main Street

P. O. Box 14184

Orange, CA 92863-1584

Attention: Jennifer Bergener

Manager, Local Initiatives

Telephone: (714) 560-5462

Email: jbergener@octa.net

18 E. The headings of all sections of this Agreement are inserted solely for the convenience of
19 reference and are not part of and not intended to govern, limit, or aid in the construction or interpretation
20 of any terms or provision thereof.

21 F. The provision of this Agreement shall bind and insure to the benefit of each of the
22 parties hereto and all successors or assigns of the parties hereto.

23 G. If any term, provision, covenant, or condition of this Agreement is held to be invalid, void
24 or otherwise unenforceable, to any extent, by any court of competent jurisdiction, the remainder to this
25 Agreement shall not be affected thereby, and each term, provision, covenant or condition of this
26 Agreement shall be valid and enforceable to the fullest extent permitted by law.

1 H. This Agreement may be executed and delivered in any number of counterparts, each of
2 which, when executed and delivered shall be deemed an original and all of which together shall
3 constitute the same agreement. Facsimile signatures will be permitted.

4 I. Neither this Agreement, nor any of a Party's rights, obligations, duties, or authority
5 hereunder may be assigned in whole or in part by either Party without the prior written consent of the
6 other Party. Any such attempt of assignment shall be deemed void and of no force and effect. Consent
7 to one assignment shall not be deemed consent to any subsequent assignment, nor the waiver of any
8 right to consent to such subsequent assignment.

9 J. Either party shall be excused from performing its obligations under this Agreement
10 during the time and to the extent that it is prevented from performing by an unforeseeable cause
11 beyond its control, including but not limited to: any incidence of fire, flood, acts of God, commandeering
12 of material, products, plants or facilities by the federal, state or local government, national fuel shortage,
13 or a material act or omission by the other party, when satisfactory evidence of such cause is presented
14 to the other party, and provided further that such nonperformance is unforeseeable, beyond the control
15 and is not due to the fault or negligence of the party not performing.

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This AGREEMENT shall be made effective upon execution by both parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement No. C-9-0308 to be executed on the date first above written.

CITY OF SAN CLEMENTE

ORANGE COUNTY TRANSPORTATION AUTHORITY

By: _____

By: _____

Lori Donchak
Mayor

James S. Kenan
Interim Chief Executive Officer

ATTEST:

APPROVED AS TO FORM

By: _____

By: _____

Joanne Baade
City Clerk

Kennard R. Smart, Jr.
General Counsel

APPROVED AS TO FORM:

APPROVAL RECOMMENDED:

By: _____

By: _____

Jeffery M. Oderman
City Attorney

Darrell Johnson
Executive Director, Rail Programs

Dated: _____

Dated: _____

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MEMO

April 22, 2009


To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board
Subject: **Board Committee Transmittal for Agenda Item**

The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



April 22, 2009

To: Finance and Administration Committee
From:  James S. Kenan, Interim Chief Executive Officer
Subject: Buy America Reviews

Overview

The Internal Audit Department has conducted post-delivery Buy America reviews for two Orange County Transportation Authority agreements for the purchase of transit vehicles. The Internal Audit Department also conducted a pre-award Buy America review for the procurement of gasoline powered paratransit buses. One recommendation has been made to develop policies and procedures to ensure that the Orange County Transportation Authority complies with pre-award and post-delivery audit requirements.

Recommendations

- A. Direct staff to implement the recommendation in New Flyer of America, Inc. Post-Delivery Buy America Review, Internal Audit Report No. 09-032.
- B. Receive and file New Flyer of America, Inc. Post-Delivery Buy America Review, Internal Audit Report No. 09-032; EIDorado National, Inc. Pre-Award Buy America Review, Internal Audit Report No. 09-033; and EIDorado National, Inc. Post-Delivery Buy America Review, Internal Audit Report No. 09-034.

Background

On March 1, 2006, the Orange County Transportation Authority (OCTA) entered into Agreement No. C-5-0746 with New Flyer of America, Inc. (New Flyer) for the purchase of 50 compressed natural gas (CNG) transit buses. Subsequent amendments increased the total number of CNG buses purchased to 299.

On March 15, 2007, San Mateo County Transit District (SamTrans) entered into a contract agreement with Creative Bus Sales, Inc. (CBS) to purchase 19 buses with an option to purchase an additional 525 buses. The

agreement stipulated that optional bus quantities could be assigned to other public agencies. OCTA is planning to utilize the SamTrans contract agreement to purchase 33 paratransit vehicles.

On June 29, 2007, Agreement No. C-6-0550 was entered into for the purchase of 58 paratransit gasoline cutaway (paratransit) buses from CBS. Through subsequent amendments, OCTA increased the total number of paratransit buses to 198. Transit vehicles purchased through agreements with CBS are manufactured by EIDorado National, Inc.

Transit agencies are required, through Code of Federal Regulation (CFR) Title 49 Chapter VI Part 661, to verify that transit vehicle costs of at least 60 percent are of United States (US) content, in conformity with the requirements of Section 165(a) or (b)3 of the Surface Transportation Act of 1982, as amended. The regulations specify that grant recipients must conduct or contract for pre-award and post-delivery reviews of vehicle manufacturers.

Discussion

At the request of the Contracts Administration and Materials Management (CAMM) Department, the Internal Audit Department (Internal Audit) performs pre-award and post-delivery Buy America reviews (reviews) to ensure compliance with federal Buy America requirements. These reviews require that Internal Audit visit manufacturer locations, review evidence establishing that the vehicle components or subcomponents were manufactured in the US, and obtain certifications of compliance with Buy America requirements from the manufacturers. Pre-award reviews are required for all transit vehicle purchases. Post-delivery reviews are only required if manufacturers' components and subcomponents, as proposed during the procurement and pre-award review process, change.

During the post-delivery review of New Flyer, Internal Audit noted that post-delivery Buy America reviews were not requested or completed in a timely manner as required by CFR Title 49 Chapter VI Part 663. Internal Audit recommended that management develop policies and procedures to ensure compliance with pre-award and post-delivery Buy America requirements. Management indicated that it would develop procedures to ensure that FTA requirements are met.

Internal Audit did not, in the past, issue formal audit reports for Buy America reviews. Instead, Internal Audit submitted the results and required certifications directly to the CAMM Department. Internal Audit has recently re-evaluated the reporting process for Buy America reviews as part of its ongoing quality

assurance process and has concluded that these audit activities and reports should be publicly filed like all other audit reports.

Summary

Based on the reviews performed, vehicles purchased by OCTA are in compliance with the domestic content requirements of the federal Buy America guidelines. Internal Audit offered one recommendation with respect to the timeliness of post-delivery Buy America reviews. Management has indicated that procedures will be implemented to ensure compliance.

Attachments

- A. New Flyer of America, Inc. Post-Delivery Buy America Review, Internal Audit Report No. 09-032
- B. EIDorado National, Inc. Pre-Award Buy America Review, Internal Audit Report No. 09-033
- C. Internal Audit Report No. 09-034 – Procurement of 198 Paratransit Vehicles, Post-Delivery Buy America Review

Prepared by:

Kathleen M. O'Connell
Executive Director
(714) 560-5669



INTEROFFICE MEMO

April 1, 2009

To: Ken Phipps, Director
Finance and Administration

From: Ricco Bonelli, Senior Internal Auditor **RTB**
Internal Audit

Subject: **New Flyer of America, Inc., Post-Delivery Buy America Review, Internal Audit Report No. 09-032**

Attached hereto is Internal Audit Report No. 09-032 - New Flyer of America, Inc., Post-Delivery Buy America Review and related draft staff report. Management's response to the recommendation made in the review has been incorporated into the attached final audit report. Internal Audit concurs with the response.

In addition to Internal Audit Report No. 09-032, the draft staff report also addresses two previously issued Buy America reviews. Please note that we anticipate including this on the Finance and Administration Committee agenda in the future, but no earlier than April 22, 2009.

If you have any questions, please feel free to contact me at extension 5384.

Appendices: New Flyer of America, Inc., Post-Delivery Buy America Review, Internal Audit Report No. 09-032
Buy America Reviews

c: Virginia Abadessa
Tom Meng
Tony Chavira
Joseph Townsend
Kathleen O'Connell

**Orange County Transportation Authority
Internal Audit Department**



**New Flyer of America Inc.
Post-Delivery Buy America Review**

INTERNAL AUDIT REPORT NO. 09-032

April 1, 2009



Internal Audit Team:

Kathleen M. O'Connell, CPA, Executive Director of Internal Audit
Ricco Bonelli, Senior Internal Auditor

**Orange County Transportation Authority
New Flyer of America Inc.
Post-Delivery Buy America Review
April 1, 2009**

Conclusion	1
Background	1
Objectives, Scope and Methodology	2
Audit Comments, Recommendations and Management Responses	3
<i>Timely Completion of Post-Delivery Reviews</i>	3
Post-Delivery Buy America Compliance Certification	5
Audit Certification	6
Buy America Calculation - Schedule of Verified Components	7

**Orange County Transportation Authority
New Flyer of America Inc.
Post-Delivery Buy America Review
April 1, 2009**

Conclusion

At the request of the Contracts Administration and Materials Management (Camm) Department, the Internal Audit Department (Internal Audit) performed a post-delivery Buy America review to ensure compliance with federal Buy America requirements.

Internal Audit determined that the vehicles manufactured by New Flyer of America Inc. (New Flyer) for the Orange County Transportation Authority (OCTA) contain domestically manufactured components representing costs of at least 60 percent of the cost of the vehicle, that the final assembly location is within the United States (US), and the final assembly activities reported by the manufacturer qualify as final assembly.

In Internal Audit's opinion, and based upon evidence provided by the manufacturer, the vehicles purchased by OCTA and manufactured by New Flyer are in compliance with the US content provisions of federal Buy America guidelines. However, Internal Audit found that the post-delivery review was not completed in a timely manner as required by Code of Federal Regulation (CFR) Title 49 Chapter VI Part 663. Internal Audit has offered one recommendation to ensure future compliance.

Background

On March 1, 2006, the Orange County Transportation Authority (OCTA) entered into Agreement No. C-5-0746 (Agreement) for the purchase of 50 compressed natural gas (CNG) transit buses from New Flyer. Through subsequent amendments to the Agreement, OCTA increased the total number of CNG buses to 299. The amendments also made changes to a few major vehicle components such as engines, tires, and radio equipment.

To ensure compliance with Buy America guidelines, transit agencies are required through CFR, specified in Title 49, Chapter VI, Part 663, to verify that vehicle costs of at least 60 percent are of United States (U.S.) content, in conformity with the requirements of Section 165(a) or (b)3 of the Surface Transportation Act of 1982, as amended. The regulations specify that the grant recipient must conduct, or contract for, a post-delivery review of the vehicle manufacturer unless the recipient is satisfied that the vehicle components did not change after the pre-award review. However, due to the component changes resulting from Agreement amendments, OCTA was required to perform a post-delivery Buy America review.

The regulations further stipulate that the post-delivery review must be completed before vehicle title is transferred to the recipient, or before the buses are placed into revenue service, whichever is first. A post-delivery review consists of a Buy America certification, a purchaser's requirement certification, and a Federal Motor Vehicle Safety Standards (FMVSS) certification.

**Orange County Transportation Authority
New Flyer of America Inc.
Post-Delivery Buy America Review
April 1, 2009**

Objectives, Scope and Methodology

The objective of the post-delivery Buy America review was to determine whether New Flyer constructed vehicles that have a U.S. component cost of at least 60 percent of the total cost of the vehicle, to verify that the final assembly location of the vehicles was within the U.S., and that other Buy America requirements were met.

The scope of this review considered all buses purchased from New Flyer through Agreement No. C-5-0746.

Internal Audit's methodology included verifying costs by agreeing selected components and subcomponents listed on the manufacturer's Schedule of Material Costs to recent invoices and/or purchase orders maintained by the manufacturer in Winnipeg, Manitoba, Canada. To determine whether the final assembly location was within the U.S., Internal Audit reviewed the final assembly location and the list of final assembly activities reported by the manufacturer.

**Orange County Transportation Authority
New Flyer of America Inc.
Post-Delivery Buy America Review
April 1, 2009**

Audit Comments, Recommendations and Management Responses

Timely Completion of Post-Delivery Reviews

The 299 vehicles OCTA purchased through Agreement No. C-5-0746 were delivered to OCTA during the periods between December 2006 and January 2008; however, a request that Internal Audit perform a post-delivery Buy America review was not initiated until December 2008. Federal Regulation, specified in Title 49, Chapter VI, Part 663, section 663.31 titled "Post-delivery audit requirements", states that "a recipient purchasing revenue service rolling stock with Federal Transit Administration funds must ensure that a post-delivery audit ... is complete before title to the rolling stock is transferred to the recipient." The post-delivery audit requirements consist of the Buy America certification, the purchaser's requirement certification, and the FMVSS certification. All three certifications must be complete before bus title is transferred to OCTA, or before the buses are placed into revenue service, whichever is first.

Recommendation 1: Internal Audit recommends that the CAMM Department develop policies and procedures to ensure that OCTA complies with pre-award and post-delivery audit requirements with respect to the procurement of transit vehicles. These policies should detail, at a minimum, the department and/or personnel responsible for each compliance certification, the specific Buy America requirements for both the pre-award and post-delivery stages of transit vehicle procurements, and the procedures needed to fulfill each requirement on a timely basis.

Management Response:

The procurement was handled in accordance with OCTA procurement policies and procedures and Federal Transit Administration (FTA) requirements. Authority entered into Agreement No. C-5-0746 on March 1, 2006. The pre-award Buy America audit was completed on June 29, 2005. The audit found that the vehicles were in compliance with the pre-award Buy America requirements.

Five amendments to this Agreement were issued between August 24, 2006 and February 24, 2009. The amendments included changes or upgrades to various bus parts or components. No formal request was made to the Internal Audit Department prior to amending the Agreement to examine whether or not the changes being made through the amendments jeopardized the vehicles compliance with the Buy America requirements.

The request that Internal Audit perform a post-delivery Buy America review was initiated in December 2008, when it was anticipated that the remaining buses would be received on January 8, 2009.

**Orange County Transportation Authority
New Flyer of America Inc.
Post-Delivery Buy America Review
April 1, 2009**

In reviewing the FTA guidelines for post award Buy America, staff should have requested that a thorough post-award Buy America review prior to executing each of the five amendments.

In response to Internal Audit Report 09-032, CAMM and Maintenance are working cooperatively to develop a procedure that fully complies with the audit findings and ensure that the FTA requirements are met. This corrective action will be implemented to ensure that the FTA Buy America standards are adhered to in all future procurements. Any amendment change in parts will trigger a request for a post-award Buy America audit prior to the amendment being initiated.

Post-Delivery Buy America Compliance Certification

As required by Title 49 of the CFR, Part 663 – Subpart C, Orange County Transportation Authority certifies that it is satisfied that the buses received, 299 40-foot low compressed natural gas transit buses from New Flyer of America Inc., meet the requirements of Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended. The Orange County Transportation Authority's Internal Audit Department has reviewed documentation provided by the manufacturer, which lists (1) the actual component and subcomponent parts of the buses identified by the manufacturer, country of origin, and cost; and (2) the actual location of the final assembly point for the buses, including a description of the activities that took place at the final assembly point, and the cost of final assembly.

Date: 04/01/09

Signature: Kathleen O'Connell
Kathleen O'Connell
Executive Director, Internal Audit
Orange County Transportation Authority

Audit Certification

I certify that I have conducted a post-delivery review of the documents relating to the manufacture of the 40-foot low floor compressed natural gas transit vehicles by New Flyer of America Inc., Winnipeg, MB, Canada, for the Orange County Transportation Authority of Orange, California, according to the requirements of 49 CFR 663. Based on the documentation provided to me by New Flyer of America Inc., it appears that the vehicles purchased are in conformity with the requirements of Section 165 (a) or (b) (3) of the Surface Transportation Act of 1982, as amended.

Date: 4/1/09

Signature: Ricco Bonelli
Ricco Bonelli
Senior Internal Auditor, Internal Audit
Orange County Transportation Authority

Buy America Calculation - Schedule of Verified Components

BUY AMERICA CALCULATION
NEW FLYER OF AMERICA, INC.
SCHEDULE OF VERIFIED DOMESTIC COST*

<u>Bus Configuration</u>	<u>Percentage of Domestic Costs - Manufacturer</u>	<u>Percentage of Domestic Costs - Verified</u>
SR-1150	66.23%	60.51%
SR-1272	65.06%	60.43%
SR-1273	65.81%	60.95%
SR-1129	69.63%	62.97%
SR-1174	65.03%	60.21%
SR-1068	69.68%	63.47%
SR-1149	65.30%	60.27%

* Detailed schedules for each Bus Configuration are available upon request.



INTEROFFICE MEMO

March 9, 2009

To: James S. Kenan, Executive Director
Finance and Administration

From: Ricco Bonelli, Senior Internal Auditor *RTB*
Internal Audit

Subject: **EIDorado National, Inc. Pre-Award Buy America Review,
Internal Audit Report No. 09-033**

Attached hereto is EIDorado National, Inc. Pre-Award Buy America Review,
Internal Audit Report No. 09-033

c: Virginia Abadessa
Tom Meng
Tony Chavira
Kathleen O'Connell

**Orange County Transportation Authority
Internal Audit Department**



**ElDorado National, Inc.
Pre-Award Buy America Review**

INTERNAL AUDIT REPORT NO. 09-033

March 9, 2009



Internal Audit Team:

Kathleen M. O'Connell, CPA, Executive Director of Internal Audit
Ricco Bonelli, Senior Internal Auditor

**Orange County Transportation Authority
EIDorado National, Inc.
Pre-Award Buy America Review
March 9, 2009**

Conclusion.....	1
Background	1
Objectives, Scope and Methodology.....	1
Pre-Award Buy America Compliance Certification	3
Audit Certification	4
Buy America Calculation - Schedule of Verified Components.....	5
Pre-Award FMVSS Compliance Certification	6
FMVSS - Self-Certification Information	7

**Orange County Transportation Authority
EIDorado National, Inc.
Pre-Award Buy America Review
March 9, 2009**

Conclusion

At the request of the Contracts and Materials Management (CAMM) Department, the Internal Audit Department (Internal Audit) performed a pre-award Buy America review to ensure compliance with Federal Buy America requirements.

Internal Audit determined that the vehicles proposed by EIDorado National, Inc. (EIDorado) for the Orange County Transportation Authority (OCTA) contain domestically manufactured components representing costs of at least 60 percent of the cost of the vehicle, that the proposed final assembly location will be within the United States, and the final assembly activities reported by the manufacturer qualify as final assembly.

In Internal Audit's opinion, and based upon evidence provided by the manufacturer, the vehicles proposed by EIDorado are in compliance with Federal Buy America guidelines.

Background

On March 15, 2007, San Mateo County Transit District (SamTrans) entered into a contract agreement with Creative Bus Sales to purchase 19 buses with an option to purchase an additional 525 buses. The agreement stipulated that optional bus quantities may be assigned to other public agencies. OCTA is planning to utilize the SamTrans contract agreement to purchase 33 unleaded gasoline Paratransit Vehicles.

To ensure compliance with Federal Buy America requirements, transit agencies are required through Federal Regulations, specified in 49 CFR 661, to verify that vehicle costs of at least 60 percent are of United States (U.S.) content, in conformity with the requirements of Section 165(a) or (b)3 of the Surface Transportation Act of 1982, as amended. The regulations specify that the grant recipient must conduct, or contract for, a pre-award review of the vehicle manufacturer.

Objectives, Scope and Methodology

The objective of the pre-award Buy America review was to determine whether the vehicles proposed by EIDorado have a U.S. component cost of at least 60 percent of the total cost of the vehicle, and to verify that the manufacturer has identified a final assembly location that is within the U.S.

The scope of this review considered all buses to be purchased from EIDorado.

**Orange County Transportation Authority
EIDorado National, Inc.
Pre-Award Buy America Review
March 9, 2009**

Internal Audit's methodology included verifying costs by agreeing selected components and subcomponents listed on the manufacturer's vehicle component listing to recent invoices and/or vendor quotes provided by the manufacturer. To determine whether the final assembly location was within the U.S., Internal Audit reviewed the final assembly location and the list of final assembly activities proposed by the manufacturer to ensure that the activities at the location qualify as final assembly.

Pre-Award Buy America Compliance Certification

As required by Title 49 of the CFR, Part 663 – Subpart C, Orange County Transportation Authority is satisfied that the buses to be purchased, 33 gasoline powered paratransit buses from EIDorado National, Inc. meet the requirements of Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended. The Orange County Transportation Authority's Internal Audit Department has reviewed documentation provided by the manufacturer, which lists (1) the proposed component and subcomponent parts of the buses identified by manufacturer, country of origin, and cost; and (2) the proposed location of the final assembly point for the buses, including a description of the activities that will take place at the final assembly point and the cost of final assembly.

Date:

03/10/09

Signature:

Kathleen O'Connell

Kathleen O'Connell, CPA
Executive Director, Internal Audit
Orange County Transportation Authority

Audit Certification

I certify that I have conducted a pre-award review of the documents relating to the manufacture of 33 gasoline powered Paratransit vehicles by EIDorado National, Inc., Salina, KS, for the Orange County Transportation Authority of Orange, California, according to the requirements of 49 CFR 663. Based on the documentation provided to me by EIDorado National, Inc., it appears that the vehicles to be purchased are in conformity with the requirements of Section 165 (a) or (b) (3) of the Surface Transportation Act of 1982, as amended.

Date:

3/16/09

Signature:

Ricco Bonelli

Ricco Bonelli
Senior Internal Auditor, Internal Audit
Orange County Transportation Authority

Buy America Calculation - Schedule of Verified Components

**BUY AMERICA CALCULATION
SCHEDULE OF VERIFIED COMPONENTS
ELDORADO NATIONAL, INC.**

Vendor Name	Component	Percentage of Total Cost
EIDorado National, Inc.	Base Body	14.42%
Ford	Chassis	40.88%
Romeo Rim, Inc.	Rear Bumper	0.76%
Telma Incorporated	Brake Retarder	6.61%
A&M Systems Inc. / Kasa Fab, Inc.	Door Control Assemblies	1.85%
Rosco, Inc.	Mirror	0.21%
Ricon Corporation	Door Lift	3.82%
		<hr/>
		68.55%
		<hr/> <hr/>

Pre-Award FMVSS Compliance Certification

As required by Title 49 of the CFR, Part 663 – Subpart D, the Orange County Transportation Authority certifies that it received, at the pre-award stage, a copy of EIDorado National, Inc.'s self-certification information stating that the buses, 33 gasoline powered paratransit vehicles, will comply with the relevant Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Part 571.

Date:

03/10/09

Signature:

Kathleen O'Connell

Kathleen O'Connell, CPA
Executive Director, Internal Audit
Orange County Transportation Authority

FMVSS - Self-Certification Information



**Eldorado
National - Kansas**
Thor Industries Commercial Bus Division

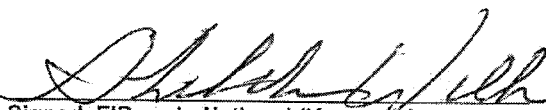
FMVSS CERTIFICATION

Eldorado National (Kansas), Inc., as a final-stage manufacturer of incomplete motor vehicles, hereby certifies that Eldorado National buses are manufactured in compliance with all Federal Motor Vehicle Safety Standards (FMVSS) as required in Parts 567 and 568 of Title 49, Code of Federal Regulations.

Part 568 of Title 49, Code of Federal Regulations requires the incomplete vehicle manufacturer to specify the Gross Vehicle Weight Rating (GVWR) of the total.

The above regulations require, among other things, that each complete motor vehicle have a permanently affixed label certifying that such vehicle conformed with all applicable FMVSS on the stated date of manufacture.

All vehicles completed by Eldorado National Co. have affixed the required certification labels when the vehicle leaves the assembly plant. This certification label on a completed vehicle specifies the Gross Vehicle Weight Rating (GVWR) of the total vehicle as required.



Signed, Eldorado National (Kansas), Inc.

Date

Senior VP/General Manager

Title



INTEROFFICE MEMO

March 20, 2009

To: James S. Kenan, Executive Director
Finance and Administration

From: Ricco Bonelli, Senior Internal Auditor **RTB**
Internal Audit

Subject: **Internal Audit Report No. 09-034 - Procurement of 198
Paratransit Vehicles, Post-Delivery Buy America Review**

Attached hereto is Internal Audit Report No. 09-034 - Procurement of 198
Paratransit Vehicles, Post-Delivery Buy America Review

Appendix: Internal Audit Report No. 09-034 - Procurement of 198
Paratransit Vehicles, Post-Delivery Buy America Review

c: Virginia Abadessa
Tom Meng
Tony Chavira
Kathleen O'Connell

**Orange County Transportation Authority
Internal Audit Department**



**Eldorado National, Inc.
Post-Delivery Buy America Review**

INTERNAL AUDIT REPORT NO. 09-034

March 20, 2009



Internal Audit Team:

Kathleen M. O'Connell, CPA, Executive Director of Internal Audit
Ricco Bonelli, Senior Internal Auditor

**Orange County Transportation Authority
EIDorado National, Inc.
Post-Delivery Buy America Review
March 20, 2009**

Conclusion.....	1
Background	1
Objectives, Scope and Methodology.....	2
Post-Delivery Buy America Compliance Certification	3
Audit Certification	4
Buy America Calculation - Schedule of Verified Components.....	5

**Orange County Transportation Authority
EIDorado National, Inc.
Post-Delivery Buy America Review
March 20, 2009**

Conclusion

At the request of the Contract Administration and Materials Management (Camm) Department, the Internal Audit Department (Internal Audit) performed a Post-Delivery Buy America Review to ensure compliance with federal Buy America requirements.

Internal Audit determined that the vehicles manufactured by EIDorado National, Inc. (EIDorado) for the Orange County Transportation Authority (OCTA) contain domestically manufactured components representing costs of at least 60 percent of the cost of the vehicles, that the final assembly location is within the United States, and the final assembly activities reported by the manufacturer qualify as final assembly.

In Internal Audit's opinion, and based upon evidence provided by the manufacturer, the vehicles purchased by OCTA and manufactured by EIDorado are in compliance with the United States (U.S.) content provisions of federal Buy America guidelines.

Background

On June 29, 2007, OCTA entered into Agreement No. C-6-0550 (Agreement) for the purchase of 58 paratransit gasoline cutaway (paratransit) buses from Creative Bus Sales, Inc. Through subsequent amendments to the Agreement, OCTA increased the total number of paratransit buses to 198. The amendments also made some changes to a few components, such as camera and radio equipment, in the buses.

To ensure compliance with Buy America guidelines, transit agencies are required through CFR, specified in Title 49, Chapter VI, Part 663, to verify that vehicle costs of at least 60 percent are of U.S. content, in conformity with the requirements of Section 165(a) or (b)3 of the Surface Transportation Act of 1982, as amended. The regulations specify that the grant recipient must conduct, or contract for, a post-delivery review of the vehicle manufacturer unless the recipient is satisfied that the vehicle components did not change after the pre-award review. However, due to the component changes resulting from Agreement amendments, OCTA was required to perform a post-delivery Buy America review.

The regulations further stipulate that the post-delivery review must be completed before vehicle title is transferred to the recipient, or before the buses are placed into revenue service, whichever is first. A post-delivery review consists of a Buy America certification, a purchaser's requirement certification, and a Federal Motor Vehicle Safety Standards (FMVSS) certification.

**Orange County Transportation Authority
EIDorado National, Inc.
Post-Delivery Buy America Review
March 20, 2009**

Objectives, Scope and Methodology

The objective of the Post-Delivery Buy America Review was to determine whether EIDorado constructed vehicles that have a U.S. component cost of at least 60 percent of the total cost of the vehicle, to verify that the final assembly location of the vehicles was within the U.S., and that other Buy America requirements were met.

The scope of this review considered all buses purchased from EIDorado through Agreement No. C-6-0550.

Internal Audit's methodology included verifying costs by agreeing selected components and subcomponents listed on the manufacturer's post-audit schedule to invoices and/or purchase orders maintained by the manufacturer in Salinas, Kansas. To determine whether the final assembly location was within the U.S., Internal Audit reviewed the final assembly location and the list of final assembly activities reported by the manufacturer.

Post-Delivery Buy America Compliance Certification

As required by Title 49 of the CFR, Part 663 – Subpart C, Orange County Transportation Authority certifies that it is satisfied that the buses received, 198 paratransit gasoline cutaway transit buses from EIDorado National, Inc., meet the requirements of Section 165(b)(3) of the Surface Transportation Assistance Act of 1982, as amended. The Orange County Transportation Authority's Internal Audit Department has reviewed documentation provided by the manufacturer, which lists (1) the actual component and subcomponent parts of the buses identified by the manufacturer, country of origin, and cost; and (2) the actual location of the final assembly point for the buses, including a description of the activities that took place at the final assembly point, and the cost of final assembly.

Date:

03/20/09

Signature:

Kathleen O'Connell

Kathleen O'Connell
Executive Director, Internal Audit
Orange County Transportation Authority

Audit Certification

I certify that I have conducted a post-delivery review of the documents relating to the manufacture of the 198 paratransit gasoline cutaway transit vehicles by EIDorado National, Inc., for the Orange County Transportation Authority of Orange, California, according to the requirements of 49 CFR 663. Based on the documentation provided to me by EIDorado National, Inc., it appears that the vehicles purchased are in conformity with the requirements of Section 165 (a) or (b) (3) of the Surface Transportation Act of 1982, as amended.

Date:

March 20, 2009

Signature:

Ricco Bonelli

Ricco Bonelli
Senior Internal Auditor, Internal Audit
Orange County Transportation Authority

Buy America Calculation - Schedule of Verified Components

**BUY AMERICA CALCULATION
SCHEDULE OF VERIFIED COMPONENTS
ELDORADO NATIONAL, INC.**

Vendor Name	Component	Percentage of Total Cost
EIDorado National, Inc.	Base Body	17.33%
Ford	Chassis	36.35%
Romeo Rim, Inc.	Rear Bumper	0.92%
Telma Incorporated	Brake Retarder	8.21%
A&M Systems Inc. / Kasa Fab, Inc.	Door Control Assemblies	2.20%
Carrier	Air Conditioning	3.03%
Rosco, Inc.	Mirror	4.60%
Ricon Corporation	Door Lift	2.41%
		<u>75.05%</u>



MEMO

April 22, 2009

To: Members of the Board of Directors
From: Wendy Knowles^{WK}, Clerk of the Board
Subject: **Board Committee Transmittal for Agenda Item**


The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



April 23, 2009

To: Transit Committee

From:  James S. Kenan, Interim Chief Executive Officer

Subject: Agreement for the Purchase of 33 Paratransit Buses

Overview

As part of the Orange County Transportation Authority's Fiscal Year 2008-09 Budget, the Board of Directors approved the purchase of revenue vehicles for ACCESS services. The Board of Directors' is requested to approve the purchase of 33 paratransit vehicles.

Recommendation

Authorize the Interim Chief Executive Officer to execute Purchase Order No. C-8-1315 between the Orange County Transportation Authority and Creative Bus Sales, in an amount not to exceed \$3,429,628, for the purchase of 33 gasoline replacement paratransit buses for ACCESS service.

Discussion

The Orange County Transportation Authority (Authority) Fiscal Year 2008-09 Budget includes funds for the purchase of cutaway vehicles for ACCESS services which utilize unleaded gasoline as fuel. The proposed 33 vehicles replace 33 existing diesel buses currently in operation, that are nearing or exceeding the end of their useful life of five years or 115,000 miles. The vehicles will be similar to the 198 cutaway vehicles recently purchased from Creative Bus Sales (CBS), which are manufactured by EIDorado National in Kansas.

In addition to the base configuration of the vehicles, the Authority will include the addition of on-board cameras, fire detection/suppression systems, and radio communication hardware which will ensure ACCESS fleet standardization and flexibility for use. Standardizing the fleet minimizes the training for operation and maintenance, controls spare parts costs, adapts to the administration of coordinating with one manufacturer and the

manufacturer's sub contractors, and ensures ACCESS contractor familiarity with the vehicles.

The acquisition will include a first article as a prerequisite to issuing a notice to proceed for the production units as a safeguard to the Authority as well as the manufacturer. This is a standard procedure in the purchase of vehicles. Production is anticipated to start in July 2009 and delivery will be completed by February 2010.

Procurement Approach

In planning for the procurement, the Authority's procurement policies and procedures allows for two options that can be used to purchase new vehicles. The Authority can issue a request for proposals (RFP) or partner with another public agency and use its existing bus agreement for these vehicles as long as the public agencies agreement contain purchase options.

Using the first option, the Authority would issue an RFP, which would contain the detailed vehicle specifications and federal requirements. The advantage of this procurement method would be that the Authority could specify exactly what type of transit vehicle it desired. The disadvantage is that this procurement method could take approximately 18 to 24 months before final delivery of vehicles.

Using the second option, the Authority would identify an existing contract for buses at other transit agencies that contain exercisable options and complied with Federal Transportation Administration (FTA) regulations for intergovernmental procurements. The Authority would be purchasing vehicles under an existing procurement and could start receiving vehicles in approximately seven months. In addition to the base configuration of the vehicles, the Authority will be able to include the addition of on-board cameras, fire detection/suppression systems, and radio communication hardware, which will ensure the standardization and flexibility of the ACCESS fleet.

Staff determined that the cooperative procurement option would be to the Authority's advantage because of the shortened procurement time. It was determined that San Mateo County Transit District (Samtrans) had completed a cooperative procurement that specified a paratransit vehicle with similar specifications to the Authority's requirements. On March 15, 2007, Samtrans Board of Directors awarded procurement No. 07-SAMTR-M-023 to CBS in accordance with the FTA requirements. The procurement included a contract clause allowing Samtrans to assign a portion of its vehicle options to another transit agency. The buses selected as a result of the Samtrans competitive procurement process meet the small bus specifications established by the Authority. The Authority can utilize the cooperative procurement option with

Samtrans under their existing agreement which allows for up to 525 vehicles to be available to other public agencies.

In accordance with the Authority's procurement policies and procedures, staff determined that the State of California (State) also had an existing contract with Los Angeles Truck Center, LCC, doing business as Bus West, for buses that contained exercisable options. A purchase under the State contract would comply with FTA regulations for intergovernmental procurements. A specification and price comparison was performed between the Samtrans and State contracts. Pricing for the State agreement was within an acceptable range with the bus from Samtrans. Because the Samtrans buses are manufactured by CBS, which is the manufacturer of the Authority's current ACCESS services buses, the Samtrans buses will provide uniformity of the Authority's ACCESS service fleet. Uniformity is important for reasons previously referenced. In addition, uniformity ensures that the maintenance and operation of these vehicles by the contractor for ACCESS service would not result in a change of scope, necessitating a change in the cost of maintenance and operation.

Retirement of the 33 diesel vehicles to be replaced by this procurement is important for air quality compliance and to ensure the integrity of the current contractor's billing rates for the operation and maintenance of the ACCESS service.

The FTA requires that a Buy America audit be completed for purchases using FTA funds for the procurement. This audit is to meet the requirement that 60 percent of the parts content of the vehicle are made in the United States. A Buy America audit for this procurement was completed by Internal Audit on March 9, 2009, and found to be in compliance.

Fiscal Impact

The project was approved in the Authority's Fiscal Year 2008-09 Budget, Transit Division, Technical Services, Account 2114-9024-D2108-K6N, and is funded with Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account and federal formula funds.

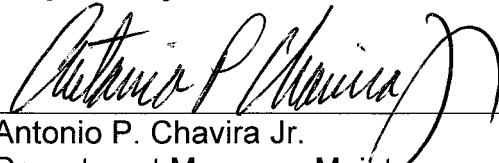
Summary

Staff recommends award of Purchase Order No. C-8-1315 to Creative Bus Sales, in the amount of \$3,429,628, for the purchase of 33 gasoline powered paratransit buses.

Attachments

- A. EIDorado National, Inc. Pre-Award Buy America Review
- B. Contract History for The Past Two Years "Purchase of 33 Paratransit Buses for ACCESS Service"

Prepared by:

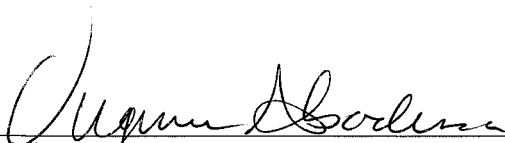


Antonio P. Chavira Jr.
Department Manager, Maintenance
714-560-5975

Approved by:



Beth McCormick
General Manager, Transit,
714-560-5964



Virginia Abadessa
Director, Contracts Administration and
Materials Management
714-560-5623

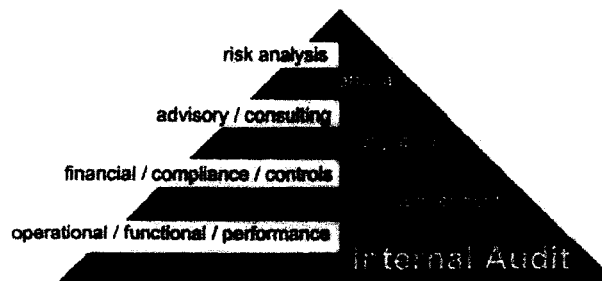
**Orange County Transportation Authority
Internal Audit Department**



**Eldorado National, Inc.
Pre-Award Buy America Review**

INTERNAL AUDIT REPORT NO. 09-033

March 9, 2009



Internal Audit Team:

Kathleen M. O'Connell, CPA, Executive Director of Internal Audit
Ricco Bonelli, Senior Internal Auditor

**Orange County Transportation Authority
EIDorado National, Inc.
Pre-Award Buy America Review
March 9, 2009**

Conclusion.....	1
Background	1
Objectives, Scope and Methodology.....	1
Pre-Award Buy America Compliance Certification	3
Audit Certification	4
Buy America Calculation - Schedule of Verified Components.....	5
Pre-Award FMVSS Compliance Certification	6
FMVSS - Self-Certification Information	7

**Orange County Transportation Authority
EIDorado National, Inc.
Pre-Award Buy America Review
March 9, 2009**

Conclusion

At the request of the Contracts and Materials Management (CMM) Department, the Internal Audit Department (Internal Audit) performed a pre-award Buy America review to ensure compliance with Federal Buy America requirements.

Internal Audit determined that the vehicles proposed by EIDorado National, Inc. (EIDorado) for the Orange County Transportation Authority (OCTA) contain domestically manufactured components representing costs of at least 60 percent of the cost of the vehicle, that the proposed final assembly location will be within the United States, and the final assembly activities reported by the manufacturer qualify as final assembly.

In Internal Audit's opinion, and based upon evidence provided by the manufacturer, the vehicles proposed by EIDorado are in compliance with Federal Buy America guidelines.

Background

On March 15, 2007, San Mateo County Transit District (SamTrans) entered into a contract agreement with Creative Bus Sales to purchase 19 buses with an option to purchase an additional 525 buses. The agreement stipulated that optional bus quantities may be assigned to other public agencies. OCTA is planning to utilize the SamTrans contract agreement to purchase 33 unleaded gasoline Paratransit Vehicles.

To ensure compliance with Federal Buy America requirements, transit agencies are required through Federal Regulations, specified in 49 CFR 661, to verify that vehicle costs of at least 60 percent are of United States (U.S.) content, in conformity with the requirements of Section 165(a) or (b)3 of the Surface Transportation Act of 1982, as amended. The regulations specify that the grant recipient must conduct, or contract for, a pre-award review of the vehicle manufacturer.

Objectives, Scope and Methodology

The objective of the pre-award Buy America review was to determine whether the vehicles proposed by EIDorado have a U.S. component cost of at least 60 percent of the total cost of the vehicle, and to verify that the manufacturer has identified a final assembly location that is within the U.S.

The scope of this review considered all buses to be purchased from EIDorado.

**Orange County Transportation Authority
EIDorado National, Inc.
Pre-Award Buy America Review
March 9, 2009**

Internal Audit's methodology included verifying costs by agreeing selected components and subcomponents listed on the manufacturer's vehicle component listing to recent invoices and/or vendor quotes provided by the manufacturer. To determine whether the final assembly location was within the U.S., Internal Audit reviewed the final assembly location and the list of final assembly activities proposed by the manufacturer to ensure that the activities at the location qualify as final assembly.

Pre-Award Buy America Compliance Certification

As required by Title 49 of the CFR, Part 663 – Subpart C, Orange County Transportation Authority is satisfied that the buses to be purchased, 33 gasoline powered paratransit buses from Eldorado National, Inc. meet the requirements of Section 165(b)(3) of the Surface Transportation Assistance Act of 1992, as amended. The Orange County Transportation Authority's Internal Audit Department has reviewed documentation provided by the manufacturer, which lists (1) the proposed component and subcomponent parts of the buses identified by manufacturer, country of origin, and cost; and (2) the proposed location of the final assembly point for the buses, including a description of the activities that will take place at the final assembly point and the cost of final assembly.

Date:

03/10/09

Signature:

Kathleen O'Connell

Kathleen O'Connell, CPA
Executive Director, Internal Audit
Orange County Transportation Authority

Audit Certification

I certify that I have conducted a pre-award review of the documents relating to the manufacture of 33 gasoline powered Paratransit vehicles by Eldorado National, Inc., Salina, KS, for the Orange County Transportation Authority of Orange, California, according to the requirements of 49 CFR 663. Based on the documentation provided to me by Eldorado National, Inc., it appears that the vehicles to be purchased are in conformity with the requirements of Section 165 (a) or (b) (3) of the Surface Transportation Act of 1982, as amended.

Date:

8/16/09

Signature:

Rico Bonelli

Rico Bonelli
Senior Internal Auditor, Internal Audit
Orange County Transportation Authority

Buy America Calculation - Schedule of Verified Components

**BUY AMERICA CALCULATION
SCHEDULE OF VERIFIED COMPONENTS
ELDORADO NATIONAL, INC.**

Vendor Name	Component	Percentage of Total Cost
Eldorado National, Inc.	Base Body	14.42%
Ford	Chassis	40.88%
Romeo Rim, Inc.	Rear Bumper	0.76%
Telma Incorporated	Brake Retarder	6.61%
A&M Systems Inc. / Kasa Fab, Inc.	Door Control Assemblies	1.85%
Rosco, Inc.	Mirror	0.21%
Ricon Corporation	Door Lift	3.82%
		<u>68.55%</u>

Pre-Award FMVSS Compliance Certification

As required by Title 49 of the CFR, Part 663 – Subpart D, the Orange County Transportation Authority certifies that it received, at the pre-award stage, a copy of Eldorado National, Inc.'s self-certification information stating that the buses, 33 gasoline powered paratransit vehicles, will comply with the relevant Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Part 571.

Date:

03/10/09

Signature:

Kathleen O'Connell

Kathleen O'Connell, CPA

Executive Director, Internal Audit

Orange County Transportation Authority

FMVSS - Self-Certification Information



EIDorado
National - Kansas
Thor Industries Commercial Bus Division

**FMVSS
APPROVALS AND CERTIFICATIONS**

The following is a listing of various safety requirements, testing, and general performance data pertaining to EIDorado National (Kansas), Inc. products and related components.

From Title 49, Code of Federal Regulations, Section 571, the following is a listing of the Federal Motor Vehicle Safety Standards (FMVSS) which all EIDorado National (Kansas), Inc. products either meet or exceed:

<u>FMVSS NO.</u>	<u>DESCRIPTION</u>
100	SERIES - ACCIDENT PREVENTION
101	Controls Location & Identification
102	Transmission Shift Lever Sequence
103	Windshield Defrosting & Defogging
104	Windshield Wiping & Washing System
105	Hydraulic Brake System
106	Brake Hoses
107	Reflecting Surfaces
108	Lights and Reflectors
111	Rear View Mirrors
113	Hood Latch System
114	Theft Protection
115	Vehicle Identification Number
116	Hydraulic Brake Fluids
119	New Pneumatic Tires
120	Tire Selection & Wheels for Buses
124	Accelerator Control Systems


**Eldorado
National - Kansas**
Thor Industries Commercial Bus Division



FMVSS CERTIFICATION

Eldorado National (Kansas), Inc., as a final-stage manufacturer of incomplete motor vehicles, hereby certifies that Eldorado National buses are manufactured in compliance with all Federal Motor Vehicle Safety Standards (FMVSS) as required in Parts 567 and 568 of Title 49, Code of Federal Regulations.

Part 568 of Title 49, Code of Federal Regulations requires the incomplete vehicle manufacturer to specify the Gross Vehicle Weight Rating (GVWR) of the total.

The above regulations require, among other things, that each complete motor vehicle have a permanently affixed label certifying that such vehicle conformed with all applicable FMVSS on the stated date of manufacture.

All vehicles completed by Eldorado National Co. have affixed the required certification labels when the vehicle leaves the assembly plant. This certification label on a completed vehicle specifies the Gross Vehicle Weight Rating (GVWR) of the total vehicle as required.

 _____  _____
Signed, Eldorado National (Kansas), Inc. Date
Senior VP/General Manager
Title

**CONTRACT HISTORY FOR THE PAST TWO YEARS
"Purchase of 33 Paratransit Buses for ACCESS Service"**

Firm	Contract No.	Description	Contract Start Date	Contract Delivery Date	Contract Amount
Creative Bus Sales, Inc.	C-6-0550	Purchase of 198 Gasoline Cutaway Buses	6/29/2007	6/30/2008	\$17,134,986
Creative Bus Sales, Inc.	C-6-0554	Purchase of 20 Compressed Natural Gas (CNG) Cutaway Buses	6/29/2007	12/31/2009	\$3,376,930
Creative Bus Sales, Inc.	C-7-0834	Retrofit Buses to Add High Capacity Fueling Port	7/1/2007	6/30/2009	\$87,097
Sub Total					\$20,599,013



BOARD COMMITTEE TRANSMITTAL

April 27, 2009

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Amendment for Underground Storage Tank Repair, Upgrade, Testing, and Certification Services

Transit Committee meeting of April 9, 2009

Present: Directors Brown, Dalton, Green, Nguyen, and Winterbottom
Absent: Directors Dixon and Pulido

Committee Vote

This item was passed by all Committee Members present.


Committee Recommendation

Authorize the Chief Executive Officer to execute Agreement No. 8-1351 between the Orange County Transportation Authority and Inland Petroleum Equipment & Repair, Inc., for a maximum obligation of \$600,000, to provide underground storage tank repair, upgrade, testing, and certification services for a three-year term from July 1, 2009, through June 30, 2012.



April 9, 2009

To: Transit Committee

From:  James S. Kenan, Interim Chief Executive Officer

Subject: Agreement for Underground Storage Tank Repair, Upgrade, Testing, and Certification Services

Overview

As part of the Orange County Transportation Authority's Fiscal Year 2008-09 Budget, the Board of Directors approved underground storage tank repair, upgrade, testing, and certification services. Offers were received in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services.

Recommendation

Authorize the Chief Executive Officer to execute Agreement No. 8-1351 between the Orange County Transportation Authority and Inland Petroleum Equipment & Repair, Inc., for a maximum obligation of \$600,000, to provide underground storage tank repair, upgrade, testing, and certification services for a three-year term from July 1, 2009, through June 30, 2012.

Background

The Orange County Transportation Authority (Authority) owns five bus bases. In support of operations at these bases, the Authority has various underground storage tanks (UST) for required fluids such as gasoline, diesel, engine oil, and transmission fluid. The Authority is responsible for assuring that the USTs are in good working order, tested, and certified to comply with local and state regulating agencies. The Orange County Health Care Agency administers all UST requirements per the California Code of Regulations.

Discussion

This procurement was handled in accordance with the Authority's procedures for professional and technical services. In addition to cost, many other factors are considered in an award for professional and technical services. Award is

recommended to the firm offering the most effective overall proposal considering such factors as staffing, prior experience with similar projects, approach to the requirement, and technical expertise in the field.

On December 17, 2008, a request for proposals (RFP) for underground storage tank repair, upgrade, testing, and certification services was issued. An electronic notice was sent to 223 firms registered on CAMM NET. In addition, notice of the RFP was advertised on December 17 and December 19, 2008, in a newspaper of general circulation. A pre-proposal conference was held on January 8, 2009, and was attended by eight firms. Two addenda were issued. The first addendum was issued to provide a list of the participants at the pre-proposal conference. The second addendum included the Authority's response to proposer's written questions and administrative changes.

On January 29, 2009, proposals were received from seven firms.

An evaluation committee composed of staff from Contracts Administration and Materials Management, Maintenance, Development, and Health, Safety, and Environmental Compliance was established to review all proposals submitted. The proposals were evaluated based on the following criteria:

- Qualification of the firm 30 percent
- Staffing and Project Organization 20 percent
- Work Plan 25 percent
- Cost and Price 25 percent

A higher level of importance was assigned to the qualifications of the firm, as the firm's experience and expertise are most critical to the successful performance of the project.

Based on this evaluation, three firms, Belshire Environmental Services, Inc. (BESI), Inland Petroleum Equipment & Repair, Inc. (IPER), and Insight Environmental Engineering & Construction, Inc. (IEEC), had the highest rankings and were invited for interviews.

On February 12, 2009, the evaluation committee conducted interviews with the three firms above. At the conclusion of the interviews, a request for a best and final offer (BAFO) was sent to the short-listed firms. The evaluation committee subsequently performed a final evaluation of the short-listed firms based on the firms' interviews and BAFO. Based on its findings, the evaluation committee recommends the following firm for an award:

Firm and Location

Inland Petroleum Equipment & Repair, Inc.
Bloomington, California

Qualifications of Firm

All three short-listed firms rated high in the area of qualifications. IPER scored higher based on its extensive experience maintaining and servicing similar USTs. IPER demonstrated in the interview its team's thorough understanding of UST projects exemplified by actual previous examples.

Staffing and Project Organization

All three short-listed firms' staff are qualified to provide the services identified in the RFP. However, IEEC proposed to subcontract 65 percent of the total project. Although the RFP did not discourage the use of subcontractors, the evaluation committee believed that IPER would have better control over projects by using IPER employees. IPER staff has extensive experience in providing related services and has been providing the service to the Authority since 2006.

Work Plan

All firms provided an overview of how the required tasks will be completed. The work plan proposed by IPER thoroughly addressed every task in the RFP and demonstrated superior knowledge and understanding of the Authority's requirements to other proposers.

Cost and Price

IEEC proposed the lowest price, BESI the highest, and IPER was competitive with IEEC on price for this type of service.

IPER is recommended for consideration of an award since it was the highest ranked firm overall. IPER has strong experience in UST projects. Its proposed staff has extensive transit and governmental experience and the proposed work plan was excellent. The firm proposed reasonable pricing. Additionally, the firm has excellent knowledge and understanding of the Authority's requirements.

Fiscal Impact

The project was approved in the Authority's Fiscal Year 2008-09 Budget, Transit Division, Maintenance Department, Account 2166-7611-D3107-2X3, and is funded through the Local Transportation Fund.

Summary

Staff recommends award of Agreement No. 8-1351 to Inland Petroleum Equipment & Repair, Inc., for a maximum obligation of \$600,000, for a three-year term, for underground storage tank repair, upgrade, testing, and certification services.


Attachments

- A. Review of Proposals RFP 8-1351 – Underground Storage Tank Repair, Upgrade, Testing, and Certification Services
- B. Proposal Evaluation Criteria Matrix - RFP 8-1351 Underground Storage Tank Repair, Upgrade, Testing, and Certification Services
- C. Contract History for the Past Two Years RFP 8-1351 Underground Storage Tank Repair, Upgrade, Testing, and Certification Services

Prepared by:


Ryan Erickson
Section Manager,
Facilities Maintenance
714-560-5897

Approved by:


Beth McCormick
General Manager, Transit
714-560-5964

Review of Proposals
RFP 8-1351 - Underground Storage Tank Repair, Upgrade, Testing and Certification Services
Presented to the Transit Committee - April 9, 2009
Seven proposals received, Three firms short listed

Overall Ranking	Overall Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	Pricing
1	84	Inland Petroleum Equipment & Repair, Inc. Bloomington, California	None	Highest ranked firm Firm and staff have extensive similar project experience Excellent knowledge and understanding of requirements Provided a clear and detailed work plan and approach Currently providing the service to the Authority Clear demonstration of their commitment and enthusiasm Competitive pricing proposed	<u>Hourly Rate</u> 1st year \$85.00 2nd year \$90.00 3rd year \$90.00 Annual Testing: \$38,700.00 Second Containment Testing: \$19,500.00
2	81	Insight Environmental, Engineering and Construction, Inc. Diamond Bar, California	. Environmental Compliance Specialists, Inc. . Verdugo Testing Company . Focus Electrical . Redwine-Manley Testing Services, Inc. . Focus Electrical	Well established and qualified firm Firm and staff have similar project experience Good work plan and approach Lowest pricing proposed Subcontracting work estimated at 65 percent of the total project cost	<u>Hourly Rate</u> 1st year \$74.00 2nd year \$74.00 3rd year \$79.00 Annual Testing: \$45,500.00 Second Containment Testing: \$22,000.00
3	75	Belshire Environmental Service, Inc. Irvine, California	None	Project manager and other staff have extensive experience Good understanding of work requirements Proposed higher pricing	<u>Hourly Rate</u> 1st year \$112.00 2nd year \$112.00 3rd year \$112.00 Annual Testing: \$67,200.00 Second Containment Testing: \$23,500.00

Evaluation Panel: (5)

CAMM (1)
Transit (2)
Safety and Environmental
Compliance (1)
Development (1)

Proposal Criteria

Qualifications of Firm
Staffing and Project Organization
Work Plan
Cost and Price

Weight Factor

30%
20%
25%
25%

PROPOSAL EVALUATION CRITERIA MATRIX - RFP 8-1351							
Underground Storage Tank Repair, Upgrade, Testing, and Certification Services							
Firm: Inland Petroleum Equipment & Repair, Inc.						Weights	Overall Score
Evaluator Number	1	2	3	4	5		
Qualification of Firm	4.5	4.0	4.0	4.0	4.5	6	25.2
Staffing/Project Organization	4.0	3.5	4.0	3.5	4.0	4	15.2
Work Plan	5.0	4.0	4.5	3.5	5.0	5	22.0
Cost and Price	4.4	4.4	4.4	4.4	4.4	5	22.0
Overall Score	90.0	80.0	84.5	77.5	90.0		84
Firm: Insight Environmental, Engineering and Construction, Inc.						Weights	Overall Score
Evaluator Number	1	2	3	4	5		
Qualification of Firm	4.0	4.0	4.0	4.0	3.5	6	23.4
Staffing/Project Organization	3.0	2.5	3.5	3.5	3.5	4	12.8
Work Plan	4.0	3.0	4.0	4.5	4.0	5	19.5
Cost and Price	5.0	5.0	5.0	5.0	5.0	5	25.0
Overall Score	81.0	74.0	83.0	85.5	80.0		81
Firm: Belshire Environmental Service, Inc.						Weights	Overall Score
Evaluator Number	1	2	3	4	5		
Qualification of Firm	4.5	4.0	3.5	4.0	4.0	6	24.0
Staffing/Project Organization	4.0	3.0	3.5	4.0	3.0	4	14.0
Work Plan	4.0	4.0	4.0	4.0	3.5	5	19.5
Cost and Price	3.4	3.4	3.4	3.4	3.4	5	17.0
Overall Score	80.0	73.0	72.0	77.0	70.5		75
Scores for the non-short-listed firms range from 68 to 60.							

CONTRACT HISTORY FOR THE PAST TWO YEARS
RFP 8-1351 Underground Storage Tank Repair, Upgrade, Testing, and Certification Services

Firm - Prime Only	Contract No.	Description	Contract Start Date	Contract Completion Date	Contract Amount
Inland Petroleum Equipment & Repair, Inc.	C-6-0178	Underground Tank Testing and Repair Services	6/12/2006	6/30/2009	\$ 468,000
Sub Total					\$ 468,000
Insight Environmental Engineering & Construction	None	No Contracts Awarded	NA	NA	\$0
Sub Total					\$0
Belshire Environmental Services, Inc.	None	No Contracts Awarded	NA	NA	\$0
Sub Total					\$0



BOARD COMMITTEE TRANSMITTAL

April 27, 2009

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board ^{wk}
Subject: Amendment to Agreement with the County of Orange, Orange County Sheriff's Department

Transit Committee meeting of April 9, 2009

Present: Directors Brown, Dalton, Green, Nguyen, and Winterbottom
Absent: Directors Dixon and Pulido

Committee Vote

This item was passed by all Committee Members present.

Committee Chairman Nguyen abstained from voting on this item.


Committee Recommendation

Authorize the Interim Chief Executive Officer to execute Amendment No. 1 to Agreement No. C-8-1022 between the Orange County Transportation Authority and the County of Orange, Orange County Sheriff's Department, in an amount not to exceed \$4,930,894 for Transit Police Services, effective July 1, 2009, through June 30, 2010, bringing the maximum contract obligation to \$9,935,088



April 9, 2009

To: Transit Committee

From:  James S. Kenan, Interim Chief Executive Officer

Subject: Amendment to Agreement with the County of Orange, Orange County Sheriff's Department

Overview

On May 23, 2008, the Board of Directors approved a five-year agreement with the County of Orange, Orange County Sheriff's Department to provide Transit Police Services. The firm fixed total cost to the Orange County Transportation Authority for services provided for a 12-month period is determined annually by the Orange County Sheriff's Department and approved by the Orange County Transportation Authority.

Recommendation

Authorize the Interim Chief Executive Officer to execute Amendment No. 1 to Agreement No. C-8-1022 between the Orange County Transportation Authority and the County of Orange, Orange County Sheriff's Department, in an amount not to exceed \$4,930,894 for Transit Police Services, effective July 1, 2009, through June 30, 2010, bringing the maximum contract obligation to \$9,935,088.

Background

The Orange County Sheriff's Department (OCSD) has provided Transit Police Services (TPS) for the Orange County Transportation Authority (Authority) patrons, employees, and properties since 1993. On May 23, 2008, the Authority's Board of Directors (Board) approved a sole source agreement for five years with the OCSD to provide TPS.

Services provided by OCSD are listed on Attachment A. In addition, OCSD provides countywide services such as the bomb squad, Special Weapons and Tactics team, and the Orange County Intelligence Assessment Center. OCSD deputies assigned to TPS carry full police powers allowing them to conduct investigations and make misdemeanor and felony arrests.

Discussion

This procurement was originally handled in accordance with the Authority's sole source procurement policies and procedures. It has become necessary to amend the agreement for a new budgeted amount of \$4,930,894 for fiscal year 2009-10.

Each year of this agreement, the OCSD provides the Authority with a budget for the following fiscal year, and the maximum obligation is adjusted. The original proposal was reviewed by the internal auditor and the cost was found to be fair and reasonable for the work to be performed.

The original agreement awarded on May 23, 2008, was in an amount not to exceed \$5,004,194. Amendment No. 1, in the amount of \$4,930,894, will increase the total agreement amount to \$9,935,088 (Attachment A).

This amount reflects the elimination of two sheriff's special officer positions that provided coverage at the revenue room. With the planned closure of the revenue room effective July 1, 2009, this coverage is no longer needed.

This agreement amount may be further reduced during the fiscal year as the need for TPS coverage declines based on service reductions. The Authority is required to provide OCSD with 60 days' notice of any proposed changes. The level of service will be reviewed with each service reduction to ensure adequate coverage while minimizing costs to the Authority.

Fiscal Impact

Amendment No. 1 to Agreement No. C-8-1022 is included in the Authority's proposed Fiscal Year 2009-10 Budget, Transit Division, Transit Security, Account 2118-7616, and will be funded through the Local Transportation Fund.

Summary

Staff recommends approval of Amendment No. 1, to Agreement No. C-8-1022, in an amount not to exceed \$4,930,894, with the County of Orange, Orange County Sheriff's Department, for the provision of Transit Police Services, from July 1, 2009 through June 30, 2010, bringing the maximum contract obligation to \$9,935,088.

Attachment

- A. County of Orange, Orange County Sheriff's Department Agreement
No. C-8-1022 Fact Sheet

Prepared by:



Bruce H. Gadbois
Department Manager,
Security and Emergency Preparedness
714-560-5719

Approved by:



Beth McCormick
General Manager, Transit
714-560-5964

ATTACHMENT A

County of Orange, Orange County Sheriff's Department Agreement No. C-8-1022 Fact Sheet

1. May 23, 2008, the Board of Directors approved a five-year agreement, Agreement No. C-8-1022. The original agreement was in an amount not to exceed \$5,004,194.
 - To provide security and law enforcement services for the Orange County Transportation Authority from July 1, 2008 to June 30, 2013. Each year of this agreement, the Orange County Sheriff's Department provides the Authority with a budget for the following fiscal year, and the maximum obligation is adjusted.
 - The following services will be provided:
 - uniformed patrol and plainclothes enforcement at Authority-owned properties, on railroad rights-of-way, and on board Authority's buses
 - response to calls for service as needed
 - traffic enforcement as it relates to the operation of fixed route vehicles
 - special enforcement team for investigation and prevention of graffiti
 - taxicab applicant review
 - specialized and internal investigations conducted as needed.
 - security at Authority Board meetings, public hearings, and special events as requested
 - coordinate with other transit security, local, state, and federal law enforcement agencies
 - participate in multi-agency drills on a local and regional level
 - coordination on security related grant funding

April 27, 2009, Amendment No. 1 to Agreement No. C-8-1022, \$4,930,894, pending approval by the Board of Directors.

- To amend the maximum obligation for the second year in this five-year agreement by \$4,930,894, a 1.46 percent decrease from FY 2008-09

Total committed to County of Orange, Orange County Sheriff's Department, Agreement No. C-8-1022: \$9,935,088.



BOARD COMMITTEE TRANSMITTAL

April 27, 2009

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board
Subject: Local Transportation Fund Claims for Fiscal Year 2009-10

Finance and Administration Committee meeting of April 8, 2009

Present: Directors Amante, Bates, Brown, Buffa, Campbell, Green, and Moorlach
Absent: None

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Adopt Orange County Transit District Resolution No. 2009-17 authorizing the filing of Local Transportation Fund claims, in the amounts of \$79,398,535, to support public transportation and \$4,228,583 for community transit services, including operation of the Senior Mobility Program.



April 8, 2009

To: Finance and Administration Committee
From: *JK* James S. Kenan, Interim Chief Executive Officer
Subject: Local Transportation Fund Claims for Fiscal Year 2009-10

Overview

The Orange County Transit District is eligible to receive funding from the Local Transportation Fund for providing public transportation services throughout Orange County. In order to receive these funds, the Orange County Transit District, as the public transit and community transit services operator, must file claims with the Orange County Transportation Authority, the transportation planning agency for Orange County.

Recommendation

Adopt Orange County Transit District Resolution No. 2009-17 authorizing the filing of Local Transportation Fund claims, in the amounts of \$79,398,535, to support public transportation and \$4,228,583 for community transit services, including operation of the Senior Mobility Program.

Background

The Transportation Development Act (TDA) of 1971 established a funding source dedicated to transit and transit-related projects. The funding source consists of two parts: Local Transportation Fund (LTF), which is derived from 1/4 cent of the current retail sales tax of 7 3/4 percent and the State Transit Assistance Fund (STAF), which consists of sales taxes on gasoline and diesel fuel appropriated by the State Legislature from the State Transportation Planning and Development Account.

The LTF revenues are collected by the State Board of Equalization (SBOE) and returned monthly to local jurisdictions based on the volume of sales during each month. In Orange County, the LTF receipts are deposited in the Orange County LTF Account in the Orange County Treasury and administered by the Orange County Auditor-Controller. LTF receipts are distributed by the

Orange County Auditor-Controller among the various administrative, planning, and program apportionments as specified in the TDA.

Discussion

Section 6630 of the California Code of Regulations requires the Orange County Transit District (OCTD) to file a claim with the Orange County Transportation Authority (OCTA) in order to receive an allocation from the LTF for providing public transportation services (Article 4 claims). Since the OCTA has previously designated the OCTD as the consolidated transportation service agency for Orange County, the OCTD is also required to file a claim with the OCTA in order to receive an allocation from the LTF for operating community transit services (Article 4.5 claims). The total amount of these claims for fiscal year 2009-10 equals \$83,627,118.

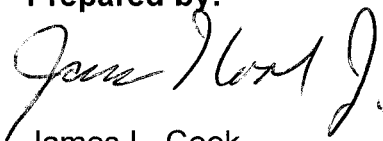
Summary

The Local Transportation Fund provides funds to the Orange County Transit District for public transit services. In order to receive these funds, the Orange County Transit District must file the appropriate Local Transportation Fund claims with the Orange County Transportation Authority. Staff recommends the Orange County Transportation Authority Board of Directors adopt the Orange County Transit District Resolution No. 2009-17 to authorize the filing of these claims.

Attachment

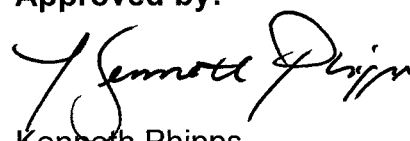
- A. Resolution of the Orange County Transit District, Authorizing the Filing of Local Transportation Fund Claims

Prepared by:



James L. Cook
Financial Analyst
Financial Planning and Analysis
(714) 560-5681

Approved by:



Kenneth Phipps
Director,
Finance and Administration
(714) 560-5637

**RESOLUTION OF THE
ORANGE COUNTY TRANSIT DISTRICT**

**AUTHORIZING THE FILING OF
LOCAL TRANSPORTATION FUND CLAIMS**

WHEREAS, the Orange County Local Transportation Fund was created by the Transportation Development Act (SB 325:1971) to aid in meeting the public transportation and community transit needs that exist in Orange County; and

WHEREAS, the Orange County Transit District is submitting transportation claims for funds from the Orange County Local Transportation Fund; and

WHEREAS, the Orange County Transportation Authority has the authority to review claims and allocate such funds in accordance with the California Code of Regulations and the California Transportation Development Act.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Orange County Transit District hereby requests the Orange County Transportation Authority to allocate funds to the Orange County Transit District for the purpose of providing the support of a public transportation system as described under the California Transportation Development Act, Article 4, and for funding community transit services as described under the California Transportation Development Act, Article 4.5.

BE IT FURTHER RESOLVED that the Orange County Transit District agrees to provide the Orange County Transportation Authority with such information as may be necessary to support these transportation claims.

ADOPTED, SIGNED AND APPROVED this 27th day of April, 2009.

AYES:

NOES:

ABSENT:

ATTEST:

Wendy Knowles
Clerk of the Board

Peter Buffa, Chairman
Orange County Transit District



BOARD COMMITTEE TRANSMITTAL

April 27, 2009

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Funding for Metrolink Stations in the Cities of Anaheim, Fullerton, Irvine, and Santa Ana

Transportation 2020 Committee Meeting of April 20, 2009

Present: Directors Amante, Brown, Buffa, Cavecche, and Pringle
Absent: Directors Campbell and Dixon

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations (reflects a change from staff recommendations)

- A. Approve funding allocations for the City of Anaheim using \$6 million of Measure M transit funds, \$82.3 million of Renewed Measure M Project T funds, and \$29.2 million in 2008 State Transportation Improvement Program funds. Disbursement of Project T funds are subject to the City of Anaheim becoming an eligible recipient for Renewed Measure M funds. Allocation of funds to the City of Irvine is contingent upon an agreement between OCTA and the City of Irvine that reserves 20 acres at the former El Toro base for a Metrolink maintenance facility.
- B. Approve funding allocations for the cities of Fullerton, Irvine, and Santa Ana using \$5.78 million in federal Surface Transportation Program funds and \$0.75 million of Measure M transit funds.
- C. Amend the Project T funding guidelines to permit use of 21 years versus 20 years of net revenues and to be consistent with the recommended Renewed Measure M programming amount of \$82.3 million.
- D. Direct staff to return with funding agreements with each local agency for the associated projects and funding amounts presented in this report.




- E. Authorize staff to prepare and submit any necessary programming documents including amendments to the Regional Transportation Improvement Program and the 2008 State Transportation Improvement Program.

- F. Direct staff to seek state and federal funds to advance the Renewed Measure M and Measure M funding allocations included in this report.



April 20, 2009

To: Transportation 2020 Committee

From:  James S. Kenan, Interim Chief Executive Officer

Subject: Funding for Metrolink Stations in the Cities of Anaheim, Fullerton, Irvine, and Santa Ana

Overview

In March 2009, the Board of Directors approved requests to fund the planning or construction of improvements for major expansion of four Metrolink stations and directed staff to return with a funding plan. The applications were submitted as part of a call for projects for the Renewed Measure M Regional Gateways Program. A funding plan is presented for Board of Directors' review and approval.

Recommendations

- A. Approve funding allocations for the City of Anaheim using \$6 million of Measure M transit funds, \$82.3 million of Renewed Measure M Project T funds, and \$29.2 million in 2008 State Transportation Improvement Program funds. Disbursement of Project T funds are subject to the City of Anaheim becoming an eligible recipient for Renewed Measure M funds.
- B. Approve funding allocations for the cities of Fullerton, Irvine, and Santa Ana using \$5.78 million in federal Surface Transportation Program funds and \$0.75 million of Measure M transit funds.
- C. Amend the Project T funding guidelines to permit use of 21 years of net revenues and to be consistent with the recommended Renewed Measure M programming amount of \$82.3 million.
- D. Direct staff to return with funding agreements with each local agency for the associated projects and funding amounts presented in this report.
- E. Authorize staff to prepare and submit any necessary programming documents including amendments to the Regional Transportation

Improvement Program and the 2008 State Transportation Improvement Program.

- F. Direct staff to seek state and federal funds to advance the Renewed Measure M and Measure M funding allocations included in this report.

Background

Twenty-five percent of Renewed Measure M (M2) net revenues are available for the development and implementation of a countywide transit program that will enhance the public transportation system in Orange County. One of the six competitive M2 transit program elements is Project T (Convert Metrolink Stations to Regional Gateways). The Board of Directors (Board) established Project T as an early priority for the first call for transit projects.

In November 2008, the Board reviewed a draft funding program framework for Project T. In January 2009, the Board approved the Project T funding guidelines and selection criteria, and directed staff to issue a call for projects. Applications were received from the cities of Anaheim, Fullerton, Irvine, and Santa Ana on February 20, 2009. The applications were reviewed and scored in accordance with the Board-approved criteria.

Staff presented funding recommendations to the Transportation 2020 Committee (Committee) on March 16, 2009. The recommendations presented were based on the amount of net Project T funds available for programming during the initial 20-year period of the measure as well as the Board-approved scope for the Anaheim Regional Transportation Intermodal Center (ARTIC) project.

Considerable discussion was had by the Committee members regarding the overall intent of the Project T program and how the applications received fit into that intent. With the focus of the program being regional gateways to high-speed rail, the Committee decided the ARTIC project was the only application submittal that met the intent of the program, as it is the only project that is a designated stop on two different high-speed rail proposals; however, it was also the consensus of the Committee that there were regional benefits to all of the projects submitted. It was further determined that the preliminary planning work on the expansion of the transit centers in Fullerton, Irvine, and Santa Ana should continue through alternate funding sources.

Discussion

On March 23, 2009, the Board approved all of the project funding requests and directed staff to return with a plan that would fund the full ARTIC project application request using Project T funding and other sources, and to find alternate funding for the requests of the cities of Fullerton, Irvine, and Santa Ana.

The funding recommendations are based on an assessment of Orange County Transportation Authority (OCTA) revenues projections and financing costs. The Project T guidelines included a 20-year revenue estimate of \$186 million (nominal dollars) of M2 Project T revenues. OCTA staff updated the revenue forecasts based on more current information and the 20-year amount has decreased significantly to approximately \$151 million (nominal dollars). To keep the revenue forecast consistent with the amount originally included in the guidelines (\$186 million), OCTA staff extended the Project T revenue estimate to 21 years and developed a cash flow model based on the issuance of bonds in fiscal year (FY) 2011 and FY 2012. With this revision, the maximum net programming amount for the project is now \$82.3 million after deducting for bond costs. It should be noted that the coverage ratio associated with this bond issuance requires use of internal borrowing in the interim years to maximize Project T funding.

Anaheim

The City of Anaheim (City) submitted an application for the ARTIC project including an estimate of \$178.9 million for the implementation of the first phase of the project. The application reflects \$57.3 million of Proposition 116 funds made available to the project by OCTA and requests the balance of \$121 million in Project T funding.

The ARTIC project was recently awarded a federal funding earmark in the amount of \$2.6 million. In addition, Proposition 116 funding for this project will be increased from \$57.3 million to \$58.8 million pending Board approval. This increase is possible as slightly less Proposition 116 funding is needed for the Fullerton Transportation Center parking structure, another Proposition 116 funded project. With this additional commitment, the amount of OCTA funding requested is now reduced to \$117.5 million.

To meet the scheduled opening date currently targeted by the City, the initial phases of the project have been accelerated. Currently, design services are being procured by the City, and the OCTA-administered environmental

clearance will run in close parallel with the design efforts. This presents an issue with the use of Project T funds, as these allocations are contingent upon the cities meeting the eligibility requirements being developed for M2. This would occur as part of the FY 2011 eligibility cycle. Accordingly, non-M2 funds are recommended to fund the initial stages of the design phase and to facilitate early delivery of this project. Development Division staff worked with the Finance and Administration Division to determine the availability of Measure M (M1) transit dollars. Sufficient capacity exists to allow the allocation of \$6 million in M1 transit dollars to the City to partially cover the initial costs of the accelerated design effort. Depending on the progress rate of the design effort and the timing for fulfilling M2 eligibility requirements, the City may need to fund a portion of design effort internally until such time it can seek reimbursement and use Project T funds for the effort.

To facilitate the full funding of the City's request of \$117.5 million, staff is recommending M1 transit funds in the amount of \$6 million, a Project T allocation in the amount of \$82.3 million, and \$29.2 million in State Transportation Improvement Program (STIP) funds. The STIP funds are currently programmed in the 2008 STIP and will require a STIP amendment. A summary of the proposed funding plan is shown in Attachment A.

Fullerton

The City of Fullerton submitted an application for the expansion of the Fullerton Transportation Center. The current estimate of the overall project is \$72.7 million; however, the application only requests OCTA funding for the initial planning and conceptual engineering efforts. The total estimate for this phase is \$973,000, with \$875,000 being requested from OCTA.

The request by the City of Fullerton can be accommodated via the Regional Surface Transportation Program (RSTP). Allocations of RSTP funding require a local match ratio of 11.47 percent. The local match will be provided by current M1 transit dollars. Staff recommends allocations of \$774,700 in FY 2010 RSTP funds and \$100,300 in M1 transit funds.

Irvine

The City of Irvine submitted an application for the expansion of the Irvine Transportation Center (ITC). The current estimate for the overall station expansion project is \$199.3 million; however, the application requests OCTA funding for the initial planning and environmental efforts. The total estimate for the planning and environmental phases is \$3.16 million, with \$2.66 million being requested from OCTA.

The request by the City of Irvine can be accommodated via RSTP and M1 transit funds. Staff recommends allocations of \$2.35 million in FY 2010 RSTP funds and \$310,000 in M1 transit funds.

The ITC expansion project does not appear to account for previous commitments made to OCTA for Metrolink operations identified during the El Toro Base closure process. As part of this process, OCTA and Metrolink identified the need for a minimum of 20 acres for a Metrolink maintenance facility adjacent to the existing tracks and north of the ITC. The ITC expansion could impact the location of the rail maintenance facility, and staff recommends that this issue be resolved before awarding (i.e., executing a cooperative agreement) the \$2.66 million funding allocation to the City of Irvine.

Santa Ana

The City of Santa Ana submitted an application for the expansion of the Santa Ana Regional Transportation Center as well as the grade separation of Santa Ana Boulevard. The overall project estimate is currently unknown. The City of Santa Ana's requests for OCTA funding is limited to the initial planning and conceptual engineering for the project. The total estimate for this phase is \$3.4 million, with \$3 million being requested from OCTA.

The request by the City of Santa Ana can be accommodated via RSTP and M1 transit funds. Staff recommends allocations of \$2.66 million in FY 2010 RSTP funds and \$340,000 in M1 transit funds.

The plan developed by staff will allow the full funding of the requests as approved by the Board on March 23, 2009. The allocations recommended for the cities of Anaheim, Fullerton, Irvine, and Santa Ana will require the execution of funding agreements as well as the preparation and submission of programming documents for both the Regional Transportation Improvement Program and the 2008 STIP. Once these allocations have been approved, staff will seek state and federal funds to replace both the M1 transit and M2 funding allocations included in this report.

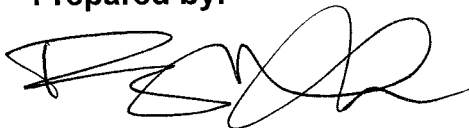
Summary

In March 2009, the Board approved the funding requests received as part of the Project T call for projects and directed staff to return with a plan to fund the requests through Project T and other sources. A funding plan has been developed and is presented for Board review and approval.

Attachment

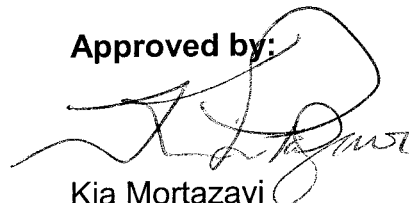
- A. Regional Metrolink Gateways Funding Plan

Prepared by:



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Approved by:



Kia Mortazavi
Executive Director, Development
(714) 560-5741

Regional Metrolink Gateways Funding Plan

(in millions of escalated dollars)

Fullerton

Regional Surface Transportation Program	\$	0.77
Measure M (M1) Transit Revenue (<i>local match</i>)		0.10
		0.87
	\$	0.87

ARTIC

Renewed Measure M (M2) Project T Bond Proceeds (FY 2010-11)*	\$	82.30
M1 Transit Revenue		6.00
2008 State Transportation Improvement Program (STIP) (FY 2010-11)**		29.20
Proposition 116 (FY 2010-11)		58.80
Federal Earmark		2.60
		178.90
Total:	\$	178.90

Santa Ana

Regional Surface Transportation Program	\$	2.66
M1 Transit Revenue (<i>local match</i>)		0.34
		3.00
	\$	3.00

Irvine

Regional Surface Transportation Program	\$	2.35
M1 Transit Revenue (<i>local match</i>)		0.31
		2.66
	\$	2.66

Total By Fund Source

Regional Surface Transportation Program	\$	5.78
M1 Transit Revenue		6.75
M2 Project T Net Bond Proceeds*		82.30
Federal Earmark		2.60
2008 STIP (FY 2010-11)**		29.20
Proposition 116 (FY 2010-11)		58.80
		185.43
	\$	185.43

* Project T funds available after M2 eligibility finding in FY 2010-11

** Requires transfer of \$29.2 million in STIP programming commitments



BOARD COMMITTEE TRANSMITTAL

April 27, 2009

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Agreement for Provision of Contracted Fixed Route, StationLink, and Express Bus Services

Transit Committee meeting of March 26, 2009

Present: Directors Brown, Dalton, Dixon, Nguyen, Pulido, and Winterbottom
Absent: Director Green

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Authorize the Chief Executive Officer to execute Agreement No. C-8-1326 between the Orange County Transportation Authority and MV Transportation, Inc., in an amount not to exceed \$33,702,256, for the operation of contracted fixed route, StationLink, and express bus services for a four-year initial term beginning July 1, 2009, with two one-year options terms.

Note: Please find attached a copy of the protest which was filed, along with the Management Response letter.



March 26, 2009

To: Transit Committee

From: Arthur T. Leahy, *ATL by RL* Chief Executive Officer

Subject: Agreement for the Provision of Contracted Fixed Route, StationLink, and Express Bus Services

Overview

The Orange County Transportation Authority is seeking a contractor to provide management and operations of contracted fixed route, StationLink, and express bus services. Proposals were received in accordance with the Orange County Transportation Authority's procurement procedures for technical and professional services. A summary of the procurement and recommendation for contract award are provided for review and approval.

Recommendation

Authorize the Chief Executive Officer to execute Agreement No. C-8-1326 between the Orange County Transportation Authority and MV Transportation, Inc., in an amount not to exceed \$33,702,256, for the operation of contracted fixed route, StationLink, and express bus services for a four-year initial term beginning July 1, 2009, with two one-year options terms.

Background

On February 27, 2006, the Orange County Transportation Authority (Authority) entered into an agreement with Veolia Transportation Services, Inc., (Veolia) for the operation of ACCESS, contracted fixed route, StationLink, and express bus services, beginning July 1, 2006. The agreement included an initial term of three years, with two one-year option terms. The initial three-year term of the original contract with Veolia will expire on June 30, 2009.

The Authority has negotiated a new, three-year agreement with Veolia to continue the management and operation of ACCESS service only through June 30, 2012. A competitive procurement was necessary to solicit proposals for contracted fixed route, StationLink, and express bus services.

On December 8, 2008, the Board of Directors (Board) approved the release of a request for proposals (RFP) and evaluation criteria to select a contractor to provide these services. The procurement has been conducted and a recommendation for contract award is presented for Board approval.

Discussion

This procurement was handled in accordance with the Authority's procedures for professional and technical services. In addition to cost, many other factors are considered in an award for professional and technical services. Award is recommended to the firm offering the most effective overall proposal considering such factors as staffing and project organization, prior experience with similar projects, work plans, and technical expertise in the field.

The RFP was approved by the Board on December 8, 2008, and was issued on December 10, 2008. The project was advertised in the Orange County Register on December 10 and December 12, 2008. The RFP was sent electronically to 189 firms registered on CAMM NET, 64 of which are Orange County firms. A pre-proposal meeting and site visit was held on December 15, 2008, and was attended by ten firms.

Three addenda were issued to the RFP. Addendum No. 1 advised proposing firms that a site visit to the Irvine Sand Canyon facility would follow the pre-proposal conference. Addendum No. 2 was issued to include the pre-proposal sign-in sheet, addressed questions submitted to the Authority, incorporated Federal Acquisition Regulations Contractor Code of Business Ethics and Conduct, and revised the estimated revenue vehicle hours. Addendum No. 3 was issued for administrative changes.

On January 19, 2009, four offers were received. An evaluation committee composed of staff from the Transit Division, Contracts Administration and Materials Management, Finance and Administration, and a staff member from the City of Irvine, was established to review all offers submitted. The proposals were evaluated based on the following Board-approved criteria:

- Qualifications of the Firm 15 percent
- Staffing and Project Organization 30 percent
- Work Plan 35 percent
- Cost and Price 20 percent

The greatest level of importance was assigned to the work plan, as the technical approach is most critical to the successful performance of the project. Likewise, the Board assigned a higher level of importance to the staffing and

project organization, as the qualifications of the project manager and other key local personnel are critical to the successful start up and continued operation of the service.

Based on review of the written proposals, the evaluation committee short-listed and conducted interviews with the four proposing firms. The interview consisted of a 30-minute presentation on the work plan and project readiness, including the transition plan, to begin operations on July 1, 2009. The firms were given an opportunity to introduce key personnel and detail the strengths their team brings to the Authority to make this project a success. This presentation was followed by 60 minutes of questions and answers.

At the conclusion of the interviews, a request for a best and final offer (BAFO) was sent to the four short-listed firms. The BAFO included a reduction in revenue vehicle hours and a request for additional information specific to each firm.

After evaluation of the proposals, interviews, and responses to the BAFO, the four firms are ranked as follows:

Firm and Location

MV Transportation, Inc.
Fairfield, California

First Transit
Cincinnati, Ohio

Veolia Transportation Services, Inc.
Chicago, Illinois

Southland Transit, Inc.
El Monte, California

Qualifications of Firm

In the evaluation of qualifications of the firm, the items considered include experience performing work of a similar nature, demonstrated competence in providing the services, strength and financial stability of the firm, record of meeting performance standards on similar projects, and positive client references.

A review of the proposals showed that the firms had a varied degree of experience operating service similar in size and scope to that described in the RFP. All firms had transit experience providing contracted fixed route services, with the top two firms, MV and First Transit, closely rated in this category. The evaluation committee ranked MV Transportation, Inc., (MV) the highest in this area because of the firm's level of experience in operating projects similar in scope to the Authority's contracted fixed-route services. Comparable services currently operated by MV include fixed-route services for the Los Angeles Department of Transportation's DASH program, Foothill Transit, and the Contracted Urban Bus (CUB) program for the San Mateo County Transit District (SamTrans). MV also received favorable comments and ratings from their reference checks.

First Transit's comparable experience includes the operation at Foothill Transit, Pomona, which utilizes a fleet consisting of compressed natural gas (CNG) vehicles; the same fuel which will power the entire contracted fixed-route fleet. Veolia is the current provider for the Authority's contracted fixed-route services as well as San Diego Metropolitan Transportation System. Southland Transit, Inc., currently operates fixed-route services under contract with Los Angeles County Metropolitan Transportation Authority (LACMTA). While this operation is similar in the number of revenue vehicle hours, the assigned vehicle fleet is approximately half of that assigned to the Authority's project.

Staffing and Project Organization

The staffing and project organization establishes the methods that the firms will use to manage the project, identifies key management staff assigned, and details the overall staffing of the project. The key staffing requirements for this project include a project manager, maintenance manager, safety and training manager, and operations manager.

The evaluation committee ranked MV the highest in this category, with a score of 26.6 out of 30 points. Overall, the key staff proposed by MV has the greatest amount of experience directly relating to the project's requirements and a broader depth of corporate resources which have worked on similar projects. The proposed project manager has overseen operations of 325 vehicles and 700 employees. The proposed project manager's projects have included 170 CNG buses. MV's team brings many years of experience in providing similar levels of contracted fixed-route services and offers a great deal of experience across all disciplines. Veolia's proposed operations manager is currently performing similar duties under the existing contract with Veolia. Veolia proposed two key staff members, manager of maintenance, along with the safety and training manager, that are currently assigned to the same

positions on the Authority's ACCESS program. This raised concerns regarding availability of this staff, and Veolia's plan to address staff vacancies created on the ACCESS contract.

The maintenance manager position was given substantial consideration on this project. Currently, the Authority utilizes a fleet of diesel-powered buses for this service. Beginning July 1, 2009, this service will utilize the Authority's newest 40' CNG vehicles, which include a variety of advanced vehicle technologies. The value of these vehicles, approximately \$500,000 each, represent a significant investment by the Authority. The MV maintenance manager has the highest-level transit-related experience and qualifications, including accredited medium-and heavy-duty vehicle certifications. The contractor will be required to implement a comprehensive maintenance training program to ensure that these vehicles receive optimal maintenance upon service start-up and throughout the duration of the contract.

Work Plan

The work plan is intended to provide a comprehensive description of how the services will be performed. The Board assigned the greatest level of importance to the work plan, as the technical approach to the project is most critical to the successful performance of the project.

A review of the work plans presented various degrees of understanding related to the requirements of the project. After the proposal evaluation and interviews, MV clearly presented a comprehensive understanding of the project's scope and the requirements for successful service start-up on July 1, 2009. MV scored a total of 31.5 out of a possible 35 points. During the interview, MV demonstrated an excellent understanding of specific strategies which would be paramount to a successful transition from the current provider. MV's work plan was thorough and well thought-out, detailing specific elements in the transition plan that will be essential to consistently providing high-quality service. In addition, MV presented a very comprehensive maintenance program to ensure that the Authority's standards are achieved. While the other three firms presented a good understanding of the work plan, MV presented a detailed transition plan, employee retention strategy and competitive wage offering, and thorough safety and training programs.

Cost and Price

MV offered a price of \$33,702,256 for the operation of the contracted fixed-route service for the initial four-year term. This represents the second-lowest price. Southland Transit offered the lowest price of \$29,273,173.

Summary of Evaluation

Although MV proposed a higher price, staff believe MV's proposal offers the best value to the Authority. MV brings a high level of experience with operating contracted fixed-route services that are comparable in size and scope to the Authority's project. MV's work plan, along with the local and corporate staffing, particularly in the area of vehicle maintenance, were rated considerably higher than that of the project's lowest bidder.

Fiscal Impact

Funds for this project will be included in the Authority's proposed Fiscal Year 2009-10 Budget, Transit, Community Transportation Services, Account 2131-7313, and will be funded through the Local Transportation Fund.

Summary

Staff recommends award of Agreement No. C-8-1326 to MV Transportation, Inc., in an amount not to exceed \$33,702,256, for the operation of contracted fixed route, StationLink and express bus services.


Attachments

- A. Contracted Fixed Route, StationLink, and Express Bus Services Review of Proposals RFP 8-1326
- B. Proposal Evaluation Criteria Matrix ("Short-Listed Firms") RFP 8-1326 "Contracted Fixed Route, StationLink, and Express Bus Services"
- C. Contract History for the Past Two Years RFP 8-1326 "Contracted Fixed Route, StationLink, and Express Bus Services"

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Approved by:


Beth McCormick
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CONTRACTED FIXED ROUTE, STATIONLINK, and EXPRESS BUS SERVICES

Review of Proposals RFP 8-1326

PRESENTED TO THE TRANSIT COMMITTEE - March 26, 2009

4 proposals were received, 4 firms were interviewed.

Overall Ranking	Proposal Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	Total Price
1	88	MV Transportation, Inc. Fairfield, CA	None	Highest ranked firm overall Excellent qualifications and experience in contracted fixed route. Firm has very good experience with CNG vehicles. Strong project team with extensive experience. Proposed very thorough and detailed maintenance plan. References provided excellent comments and feedback. Proposed competitive price.	\$33,702,256
2	80	First Transit Cincinnati, OH	None	Second ranked firm. Very good overall proposal. Project team has extensive experience. Firm has strong experience in contracted fixed route. Responded well to interview questions. Good technical work plan. Proposed maintenance manager has satisfactory CNG experience. Proposed competitive price.	\$34,867,657
3	77	Veolia Transportation Chicago, IL	None	Firm has good experience in providing contracted fixed route services. Current provider of Authority's ACCESS and contracted fixed route services. Responded well to interview questions. Proposed key staff who currently support ACCESS services. Work plan was good, but lacked detail in transition plan. Proposed highest price.	\$37,946,440
4	62	Southland Transit, Inc. El Monte, CA	SMS Transportation Services Sullivan International	Firm has experience in providing contracted fixed route services in various cities. Proposed staff did not have extensive experience across all disciplines. Responded well to interview questions. Proposed maintenance manager did not have extensive CNG experience. In the process of being acquired by Tectrans (due to close on March 27, 2009). References provided average to good comments. Proposed lowest price.	\$29,273,174

Evaluation Panel:

Proposal Criteria

Weight Factors

CAMM (1)	Qualification of the Firm	15%
Community Transportation Services (3)	Staffing and Project Organization	30%
Transit Development (1)	Work Plan	35%
Financial Planning and Analysis (1)	Cost and Price	20%
City of Irvine (1)		

**PROPOSAL EVALUATION CRITERIA MATRIX ("Short-Listed Firms")
RFP 8-1326 "Contracted Fixed Route, StationLink, and Express Bus Services"**

Firm: MV Transportation, Inc.								Weights	Criteria Score
Evaluator Number	1	2	3	4	5	6	7		
Qualifications of Firm	4.5	4.5	4.5	4.5	4.5	4.5	4.5	3	13.5
Staffing/Project Organization	4.0	4.5	4.5	4.0	4.5	4.5	5.0	6	26.6
Work Plan	4.0	4.5	4.5	4.5	4.5	4.5	4.5	7	31.0
Cost & Price	4.3	4.3	4.3	4.3	4.3	4.3	4.3	4	17.4
Overall Score	82.9	89.4	89.4	86.4	89.4	89.4	92.4		88

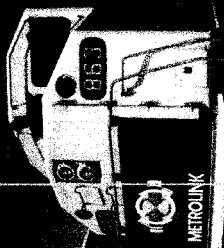
Firm: First Transit								Weights	Criteria Score
Evaluator Number	1	2	3	4	5	6	7		
Qualifications of Firm	5.0	4.0	4.0	4.5	4.0	4.0	5.0	3	13.1
Staffing/Project Organization	4.0	3.5	3.5	4.0	3.0	3.5	4.0	6	21.9
Work Plan	4.0	4.0	4.0	4.0	4.0	4.0	4.0	7	28.0
Cost & Price	4.2	4.2	4.2	4.2	4.2	4.2	4.2	4	16.8
Overall Score	83.8	77.8	77.8	82.3	74.8	77.8	83.8		80

Firm: Veolia Transportation								Weights	Criteria Score
Evaluator Number	1	2	3	4	5	6	7		
Qualifications of Firm	4.0	4.0	4.0	4.0	4.0	3.5	4.0	3	11.8
Staffing/Project Organization	3.5	4.0	4.0	4.0	3.5	3.0	4.0	6	22.3
Work Plan	3.5	4.0	4.5	4.0	4.0	3.5	3.5	7	27.0
Cost & Price	3.9	3.9	3.9	3.9	3.9	3.9	3.9	4	15.4
Overall Score	72.9	79.4	82.9	79.4	76.4	68.4	75.9		77

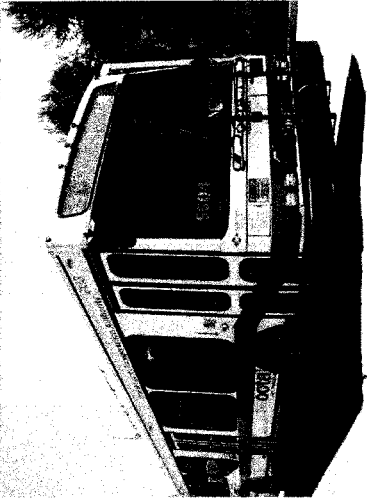
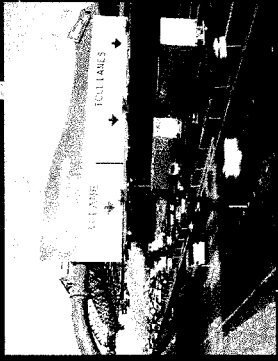
Firm: Southland Transit, Inc.								Weights	Criteria Score
Evaluator Number	1	2	3	4	5	6	7		
Qualifications of Firm	3.0	2.5	3.0	3.0	2.5	2.5	3.0	3	8.4
Staffing/Project Organization	2.5	2.5	3.0	3.0	2.5	2.0	2.5	6	15.4
Work Plan	2.5	2.0	3.0	2.5	2.5	2.5	3.0	7	18.0
Cost & Price	5.0	5.0	5.0	5.0	5.0	5.0	5.0	4	20.0
Overall Score	61.5	56.5	68.0	64.5	60.0	57.0	65.0		62

CONTRACT HISTORY FOR THE PAST TWO YEARS
RFP 8-1326 "Contracted Fixed Route, StationLink, and Express Bus Services"

Firm - Prime Only	Contract No.	Description	Contract Start Date	Contract Completion Date	Contract Amount
First Transit	None	No Contracts Awarded	NA	NA	\$0
Sub Total					\$0
MV Transportation, Inc.	None	No Contracts Awarded	NA	NA	\$0
Sub Total					\$0
Southland Transit, Inc.	None	No Contracts Awarded	NA	NA	\$0
Sub Total					\$0
Veolia Transportation	C-5-3021	Contracted ACCESS (through 6/30/12); Fixed Route; StationLink; and Express Bus Services (through 6/30/09)	7/1/2006	6/30/2012	\$ 125,446,560
Sub Total					\$ 125,446,560



Agreement for the Provision of Contracted Fixed Route, StationLink, and Express Bus Services



Board of Directors' Meeting
April 27, 2009

Background

- Authority has contracted out a portion of the fixed route, StationLink, and express bus services for last 20 years.
- Services have been operated by Veolia Transportation since July 2006.
- Contract with Veolia expires on June 30, 2009.



Procurement Process

- Request for Proposals (RFP) approved by the OCTA Board and released in December 2008.
- Pre-proposal meeting attended by ten firms.
- Four offers received; All four firms short-listed and interviewed.
- Best and Final Offer (BAFO) requested.



Short-Listed Firms

- MV Transportation, Inc.
Fairfield, California
- First Transit
Cincinnati, Ohio
- Veolia Transportation Services, Inc.
Chicago, Illinois
- Southland Transit, Inc.
El Monte, California



Evaluation Criteria

- Qualifications of the Firm 15 percent
- Staffing and Project Organization 30 percent
- Work Plan 35 percent
- Cost and Price 20 percent



Evaluation Results

Combined Average Score

	MV	First Transit	Veolia	Southland
Qualifications of the Firm	13.5	13.1	11.8	8.4
Staffing	26.6	21.9	22.3	15.4
Work Plan	31	28	27	18
Cost	17.4	16.8	15.4	20
Total Score	88	80	77	62

Summary of Evaluation

- **Qualifications of the Firm (15 percent)**
 - Outstanding References
 - Extensive transportation contracts in California
- **Staffing and Project Organization (30 percent)**
 - Project Manager – 20 years management experience
 - Maintenance support
 - Proposed staffing levels
 - Higher starting salary for operators
- **Work Plan (35 percent)**
 - Higher starting salary for operators
 - No waiting period for staff benefits
 - Well thought-out and detailed transition plan
- **Cost and Price (20 percent)**
 - Second lowest proposing firm



Recommendation and Next Steps

Award contract to MV Transportation, Inc., in an amount not to exceed \$33,702,256, for an initial term of four years beginning July 1, 2009 continuing through June 30, 2013.

