



AGENDA

Transit Committee Meeting

Committee Members

Al Murray, Chairman
Steve Jones, Vice Chairman
Laurie Davies
Andrew Do
Miguel Pulido
Tom Tait
Gregory T. Winterbottom

Orange County Transportation Authority
Headquarters
550 South Main Street
Board Room – Conf. Room 07
Orange, California

Thursday, September 13, 2018 at 9:00 a.m.

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 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 Committee 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.

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

Pledge of Allegiance

Director Do

1. Public Comments

Special Calendar

There are no Special Calendar matters.



Consent Calendar (Items 2 through 4)

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

2. Approval of Minutes

Approval of the minutes of the Transit Committee meeting of August 9, 2018.

3. Agreement for Facility Modifications for a Hydrogen Gas Detection System at the Santa Ana Bus Base

George Olivo/James G. Beil

Overview

As part of the Orange County Transportation Authority's Fiscal Year 2018-19 Budget, the Orange County Transportation Authority Board of Directors approved facility modifications for a hydrogen gas detection system at the Santa Ana Bus Base. Bids were received in accordance with the Orange County Transportation Authority's public works procurement procedures. Board of Directors' approval is requested to execute the agreement.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1864 between the Orange County Transportation Authority and EFS West, Inc., the lowest responsive, responsible bidder, in the amount of \$685,350, for facility modifications for a hydrogen gas detection system at the Santa Ana Bus Base.



**4. Cooperative Agreements for Federal Transit Administration
Section 5316 Grant Program**

Beth McCormick/Jennifer L. Bergener

Overview

As the regional transportation planning agency for Orange County, the Orange County Transportation Authority is responsible for the allocation of funding under the Federal Transit Administration Section 5316 Job Access Reverse Commute and Section 5317 New Freedom programs. Since 2009, the Orange County Transportation Authority Board of Directors has approved the expenditure of more than \$15 million through these programs to support mobility management and transportation resources for persons of low income, persons with disabilities, and seniors throughout Orange County. In order to continue funding these programs, new cooperative agreements are required.

Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1925 between the Orange County Transportation Authority and Abrazar, Inc., in the amount of \$225,720, to fund the Section 5316 grant program through September 30, 2020.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1926 between the Orange County Transportation Authority and Boys and Girls Clubs of Huntington Valley, in the amount of \$118,080, to fund the Section 5316 grant program through September 30, 2020.
- C. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1927 between the Orange County Transportation Authority and Dayle McIntosh Center for the Disabled, in the amount of \$225,600, to fund the Section 5316 grant program through September 30, 2020.
- D. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1928 between the Orange County Transportation Authority and North Orange County Community College District, in the amount of \$284,760, to fund the Section 5316 grant program through September 30, 2020.



4. (Continued)

- E. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1929 between the Orange County Transportation Authority and Women Helping Women/Men2Work, in the amount of \$83,760, to fund the Section 5316 grant program through September 30, 2020.

Regular Calendar

5. Agreement for Construction of the OC Streetcar Project
Mary Shavaliar/James G. Beil

Overview

On December 11, 2017, the Orange County Transportation Authority Board of Directors authorized the issuance of an invitation for bids for construction of the OC Streetcar project. Bids were received in accordance with the Orange County Transportation Authority's Board of Directors-approved public works procurement procedures. Board of Directors' approval is requested to execute the agreement.

Recommendations

- A. Find AECOM, Energy & Construction, Inc., the apparent low bidder, as non-responsive due to failure to meet the federal program requirement for Disadvantaged Business Enterprise participation.
- B. Find Stacy and Witbeck/Herzog, a joint venture, the third low bidder, as non-responsive due to failure to meet the federal program requirement for Disadvantaged Business Enterprise participation.
- C. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1904 between the Orange County Transportation Authority and Walsh Construction Company II, LLC, the lowest responsive, responsible bidder, in the amount of \$220,538,649, for construction of the OC Streetcar Project.
- D. Amend the Orange County Transportation Authority's Fiscal Year 2018-19 Budget by \$81,000,000, to accommodate Agreement No. C-7-1904 for construction of the OC Streetcar Project.



Discussion Items

- 6. Chief Executive Officer's Report**
- 7. Committee Members' Reports**
- 8. Closed Session**

There are no Closed Session items scheduled.

- 9. Adjournment**

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, September 27, 2018**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room - Conference Room 07, Orange, California.



Committee Members Present

Al Murray, Chairman
Steve Jones, Vice Chairman
Laurie Davies
Andrew Do
Tom Tait

Staff Present

Ken Phipps, Deputy Chief Executive Officer
Laurena Weinert, Clerk of the Board
Olga Prado, Assistant Clerk of the Board
Cassie Trapesonian, Associate General Counsel
OCTA Staff and members of the General Public

Committee Members Absent

Miguel Pulido
Gregory T. Winterbottom

Call to Order

The August 9, 2018 regular meeting of the Transit Committee was called to order by Committee Chairman Murray at 9:03 a.m.

Pledge of Allegiance

Director Davies led in the Pledge of Allegiance.

1. Public Comments

No public comments were received.

Special Calendar

There were no Special Calendar matters.

Consent Calendar (Items 2 through 6)

2. Approval of Minutes

A motion was made by Director Davies, seconded by Committee Vice Chairman Jones, and declared passed by those present, to approve the minutes of the Transit Committee meeting of July 12, 2018.

3. Consultant Selection for On-Call Project Management and Construction Management Services for Transit Facility Projects

A motion was made by Director Davies, seconded by Committee Vice Chairman Jones, and declared passed by those present, to:

- A. Approve the selection of Hout Construction Services, Inc., doing business as Hout Engineering, as the firm to provide on-call project management and construction management services for transit facility projects.

3. (Continued)

- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1428 between the Orange County Transportation Authority and Hout Construction Services Inc., doing business as Hout Engineering, for a term of three years, with one, two-year option term, to provide on-call project management and construction management services for transit facility projects.

Director Tait was not present to vote on this item.

4. Consultant Selection for Program Management Consultant Services for Regional Rail Programs

A motion was made by Director Davies, seconded by Committee Vice Chairman Jones, and declared passed by those present, to:

- A. Approve the selection of HDR Engineering, Inc., as the firm to provide program management consultant services for regional rail programs.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1512 between the Orange County Transportation Authority and HDR Engineering, Inc., for a term of five years, with one, two-year option term, to provide program management consultant services for regional rail programs.

Director Tait was not present to vote on this item.

5. SB 1 (Chapter 5, Statutes of 2017) State of Good Repair Program Recommendations for Fiscal Year 2018-19 Funds

A motion was made by Director Davies, seconded by Committee Vice Chairman Jones, and declared passed by those present, to:

- A. Approve the use of \$5.673 million in fiscal year 2018-19 SB 1 State of Good Repair Program funding in place of Commuter Urban Rail Endowment funds to purchase up to 12 iShuttle replacement buses.
- B. Approve Resolution 2018-108, consistent with the SB 1 State of Good Repair Program Guidelines.
- C. Authorize staff to make all necessary amendments to the Federal Transportation Improvement Program, as well as execute any necessary agreements to facilitate the above recommendations.

Director Tait was not present to vote on this item.

6. October 2018 Bus Service Change

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

Director Tait was not present to vote on this item.

Regular Calendar

There were no Regular Calendar matters.

Discussion Items

7. OC FLEX Update

Johnny Dunning Jr., Manager of Scheduling and Customer Advocacy, provided opening comments and introduced Stella Lin, Department Manager of Orange County Transportation Authority (OCTA) Marketing and Customer Engagement.

Mr. Dunning presented a PowerPoint on the following:

- Orange County (OC) Flex – Project Background;
- OC Flex – On Demand Service;
- OC Flex – Service Contract;
- OC Flex – Vehicles; and
- OC Flex – Fares.

Ms. Lin continued the PowerPoint on the following:

- Marketing Strategies/Tactics; and
- Next Steps.

A lengthy discussion ensued regarding:

- Committee Chairman Murray stated that OC Flex will be very successful at the Bella Terra area in Huntington Beach especially because of the entertainment and parking challenges.
- Director Davies expressed her excitement for OC Flex and suggested before the kick-off event to offer a ride to the city council members of Aliso Viejo, Mission Viejo, and Laguna Niguel on the new route.
- How the service areas in Huntington Beach, Westminster, Aliso Viejo, Laguna Niguel, and Mission Viejo were selected for OC Flex.
- Concerns that the zone west of Gothard Street and Goldenwest Street are high income areas and bus ridership would not be present.

7. (Continued)

- Gary Hewitt, Manager of Transit Planning, explained how the zones were developed based on areas where service was reduced, demographics of the area, population, and employment density.
- Director Do agrees with the information if the focus is to get riders to the Transportation Center. He suggested to keep track of the high density area and do a marketing survey east of the Interstate 405 freeway.
- Who the target audience is, how OC Flex will operate, wheelchair accessibility, and shared rides.
- Director Tait requested information on how the OC Flex service would be evaluated during the pilot period.
- The goals of OC Flex.
- The mobile application will be similar to Uber and Lyft and considered an expanded service.
- Director Davies and Committee Chairman Murray highlighted positive points of OC Flex.
- Marketing approaches, real time information on the mobile application, and pricing for the service.
- Committee Chairman Murray requested to know when the OC Flex mobile application will be available.

8. OC Streetcar Vehicle Exterior Design

Stella Lin, Department Manager of OCTA Marketing and Customer Engagement, presented a PowerPoint presentation as follows:

- Background of OC Bus and Bravo!;
- Vehicle Model;
- OC Streetcar: Vehicle Layout;
- Examples of Streetcars from Various Transportation Agencies;
- Streetcar Exterior Design Considerations;
- OC Streetcar: Designs 1 – 4 without Advertisement;
- OC Streetcar: Designs 1 – 4 with Advertisement;
- OC Streetcar: Designs 1 – 4 Without Advertising – Includes Stop and Location Setting;
- OC Streetcar: Designs 1 – 4 With Advertising – Includes Stop and Location Setting;
- OC Streetcar: All Designs Without Advertising;
- OC Streetcar: All Designs With Advertising; and
- Next Steps.

8. (Continued)

A discussion ensued regarding:

- Differences in maintenance costs between designs that have a solid colored skirt verses a more elaborate design.
- Director Davies suggested removing Design 1 and expressed concerns about the white skirt getting dirty.
- Director Do favors Design 4 and emphasized the multi colors.
- A previous design added more dynamics and Ms. Lin will research if would be more cost effective.
- Director Jones commented that any of the designs would be fine and is excited to get the public engaged.
- Committee Chairman Murray emphasized the importance of safety and visibility with the streetcar, prefers Design 4, and described previous maintenance issues with the City of Irvine's white colored police vehicles.

Lance Larson, Executive Director of External Affairs, stated this item will be presented to the Legislative and Communications Committee meeting on August 16, 2018 and at the Board of Directors' meeting on August 27, 2018.

9. Chief Executive Officer's Report

Ken Phipps, Deputy Chief Executive Officer, reported on the following:

- Special Transit Services Update:
 - Angel's Express had approximately 30,000 boardings and is up nearly three percent from last year.
 - OC Fair Express has recorded 63,000 boardings and is down 10 percent from last year. This will be the final weekend of service.
 - Laguna Beach Summer Breeze recorded more than 6,000 boardings and is down four percent from last year.
- For the eighth year in a row, OCTA's procurement team has earned the 2018 Annual Achievement of Excellence in Procurement Award from National Procurement Institute. OCTA is one of only 47 agencies in California and one of only 29 special districts in the United States and Canada to receive the award.

10. Committee Members' Reports

Director Tait encouraged OCTA staff to attend the Beach Boulevard Coalition meeting today and appreciates OCTA's efforts on it.



11. Closed Session

There were no Closed Session items scheduled.

12. Adjournment

The meeting adjourned at 9:52 a.m.

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, September 13, 2018**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room - Conference Room 07, Orange, California.

ATTEST

Al Murray
Committee Chairman

Sahara Meisenheimer
Deputy Clerk of the Board



September 13, 2018

To: Transit Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Agreement for Facility Modifications for a Hydrogen Gas Detection System at the Santa Ana Bus Base

Overview

As part of the Orange County Transportation Authority's Fiscal Year 2018-19 Budget, the Orange County Transportation Authority Board of Directors approved facility modifications for a hydrogen gas detection system at the Santa Ana Bus Base. Bids were received in accordance with the Orange County Transportation Authority's public works procurement procedures. Board of Directors' approval is requested to execute the agreement.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1864 between the Orange County Transportation Authority and EFS West, Inc., the lowest responsive, responsible bidder, in the amount of \$685,350, for facility modifications for a hydrogen gas detection system at the Santa Ana Bus Base.

Discussion

The Orange County Transportation Authority (OCTA) completed construction of the Santa Ana Bus Base in 2005. In 2007, facility modifications were made to comply with requirements for operation and maintenance of compressed natural gas buses. On February 13, 2017, the OCTA Board of Directors (Board) authorized the Chief Executive Officer (CEO) to negotiate and execute an agreement with the Center for Transportation and the Environment (CTE) to accept \$13,241,092 in grant funds from the California Air Resources Board (CARB) and the South Coast Air Quality Management District. The grant provides OCTA with ten hydrogen fuel cell buses, a liquid hydrogen fueling station, and modifications to facilities for the detection and emergency evacuation of hydrogen gas.

The cooperative agreement between OCTA and CTE, the grant lead, defines responsibilities of each entity under the hydrogen fuel cell bus demonstration project. The purpose for the demonstration project is to gain knowledge about the overall operation of the hydrogen fuel cell electric bus through actual use, data collection, and data reporting.

Under the cooperative agreement, one item of responsibility is a facility modification for installation of a hydrogen gas detection system in the bus maintenance facilities on the Santa Ana Bus Base site. Design of the facility modifications was completed and a public works invitation for bids (IFB) was issued. The facility modification includes installation of hydrogen gas detection devices, flame detection devices, audible alarms and related warning lights, as well as signage, electrical conduit and wiring, control panels, system programming, commissioning, and training. Under the demonstration project, ten hydrogen fuel cell buses will be purchased and fueled onsite at the Santa Ana Bus Base using the newly built liquid hydrogen fuel station. Commissioning of a hydrogen fuel cell bus infrastructure is scheduled for the end of 2018.

Procurement Approach

This procurement was handled in accordance with OCTA's Board-approved procedures for public works projects. These procedures, which conform to both federal and state requirements, require that contracts are awarded to the lowest responsive, responsible bidder after a sealed bidding process.

IFB 8-1864 was released on August 3, 2018, through OCTA's CAMM NET system. The project was advertised on August 3 and 7, 2018, in a newspaper of general circulation. A pre-bid conference was held on August 8, 2018, and was attended by two firms. One addendum was issued to make available the pre-bid conference registration sheets and presentation, as well as respond to approved equal requests related to the IFB. On August 20, 2018, two bids were received and publicly opened.

All bids were reviewed by staff from OCTA's Contracts Administration and Materials Management and Facilities Engineering departments to ensure compliance with the contract terms and conditions, and technical specifications. The list of bidders and bid amounts is presented below:

<u>Firm and Location</u>	<u>Bid Amount</u>
EFS West, Inc. (EFS) Valencia, California	\$ 685,350
Clean Energy Newport Beach, California	\$ 790,288

The engineer's estimate for this project was \$827,000. The recommended firm's bid is about 20 percent lower than the engineer's estimate and is considered by staff to be fair and reasonable.

State law requires award to the lowest responsive, responsible bidder. As such, staff recommends award to EFS, the lowest responsive, responsible bidder, in the amount of \$685,350, for facility modifications for a hydrogen gas detection system at the Santa Ana Bus Base.

Fiscal Impact

The project was approved in OCTA's Fiscal Year 2018-19 Budget, Capital Programs Division, Account 1722-9022-D157-0MP, and is funded by CARB through the CTE and Mobile Source Air Pollution Reduction Review Committee County Transportation Commission Partnership Program.

Summary

Based on the information provided, staff recommends the Board authorize the CEO to negotiate and execute Agreement No. C-8-1864 between OCTA and EFS, the lowest responsive, responsible bidder, in the amount of \$685,350, for facility modifications for a hydrogen gas detection system at the Santa Ana Bus Base.

Attachment

None.

Prepared by:



George Olivo, P.E.
Program Manager
(714) 560-5872

Approved by:



James G. Beil, P.E.
Executive Director, Capital Programs
(714) 560-5646



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



September 13, 2018

To: Transit Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Cooperative Agreements for Federal Transit Administration
Section 5316 Grant Program

Overview

As the regional transportation planning agency for Orange County, the Orange County Transportation Authority is responsible for the allocation of funding under the Federal Transit Administration Section 5316 Job Access Reverse Commute and Section 5317 New Freedom programs. Since 2009, the Orange County Transportation Authority Board of Directors has approved the expenditure of more than \$15 million through these programs to support mobility management and transportation resources for persons of low income, persons with disabilities, and seniors throughout Orange County. In order to continue funding these programs, new cooperative agreements are required.

Recommendations

- A. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1925 between the Orange County Transportation Authority and Abrazar, Inc., in the amount of \$225,720, to fund the Section 5316 grant program through September 30, 2020.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1926 between the Orange County Transportation Authority and Boys and Girls Clubs of Huntington Valley, in the amount of \$118,080, to fund the Section 5316 grant program through September 30, 2020.
- C. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1927 between the Orange County Transportation Authority and Dayle McIntosh Center for the Disabled, in the amount of \$225,600, to fund the Section 5316 grant program through September 30, 2020.

- D. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1928 between the Orange County Transportation Authority and North Orange County Community College District, in the amount of \$284,760, to fund the Section 5316 grant program through September 30, 2020.
- E. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1929 between the Orange County Transportation Authority and Women Helping Women/Men2Work, in the amount of \$83,760, to fund the Section 5316 grant program through September 30, 2020.

Background

The Orange County Transportation Authority (OCTA) is responsible for the allocation of funding under the Federal Transit Administration (FTA) Section 5316 Job Access and Reverse Commute (JARC) and Section 5317 New Freedom (NF) programs. These funds were made available for programming through the 2005 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (P.L. 105-59). The JARC and NF program funds support projects designed to meet the special transportation needs of seniors, persons with disabilities, and persons of low income.

As required by SAFETEA-LU, OCTA completed a planning process which entailed the development and adoption of a coordinated transportation plan, selection criteria, and a competitive call for projects to access the JARC and NF funds. The OCTA Board of Directors (Board) adopted the 2008 Coordinated Public Transit-Human Services Transportation Plan (Plan) for Orange County on October 10, 2008, which identified the unmet transportation needs for seniors, individuals with disabilities, and persons of low income. From the report, priorities were identified and a call for projects was authorized by the OCTA Board on December 10, 2008, seeking grant applications from local agencies, non-profit organizations, and transportation providers to meet the unmet transportation needs identified in the Plan for JARC and NF funding.

On June 22, 2009, the OCTA Board approved just over \$4.4 million in JARC and NF funds for 12 programs providing a variety of services to seniors, individuals with disabilities, and persons of low income for transportation, mobility management services, workshops, and travel training. This award was for a two-year funding allocation, for a total allocation of \$7.3 million, with the 12 agencies participating and providing a local 20 percent match each year for capital expenses and 50 percent match for operating expenses.

In 2011, the Board approved an additional \$4.3 million to 11 of the agencies participating in the program to continue providing existing programs and authorized an additional \$4.7 million to four of the agencies to expand their scope of services to include new program elements or the purchase of capital equipment not previously funded.

In 2012, new authorizing legislation, Moving Ahead for Progress in the 21st Century Act, (P.L. 112-141), or MAP-21, changed the structure of the JARC and NF programs, effectively rolling them into the FTA 5310 grant program. Since 2012, transit planning agencies with remaining JARC and NF allocations have been able to continue to allocate funds to local agencies, non-profit organizations, and transportation providers. These agencies were also able to concurrently apply for 5310 grant funds. OCTA held the first call for 5310 funds, known as the Enhanced Mobility for Seniors and Disabled program, earlier this year and awarded funds to six agencies, some of them existing OCTA JARC or NF grant recipients. OCTA expects to have the balance of the JARC and NF funds fully expended in fiscal year 2019-20.

In 2013, approximately \$4.6 million in JARC funding and \$1.5 million in NF funding remained available for programming. At that time, staff recommended that the Board approve new contracts with the remaining 11 programs in the amount of \$2.7 million and to continue to allocate the remaining JARC and NF funds for existing programs until the funds were fully expended. These new agreements were for one year with four one-year option terms. Since 2013, the Board has approved amendments to extend these agreements through the four option terms, increasing funding for the programs that continued to participate if additional funds were requested by the different programs.

Discussion

Currently, six agencies continue to participate in the JARC and NF programs funded by OCTA. The fourth and final option terms for the current agreements expire on September 30, 2018. Approximately \$940,000 in unallocated funding remains under SAFETEA-LU for programming. The new agreements proposed will fund these projects for two more years, and at that time, OCTA staff believe that JARC and NF remaining funds available from SAFETEA-LU will be expended. As indicated above, funds under the 5310 program are available to support similar programs in the future.

In fiscal year 2017-18, over 5,000 individuals participated in mobility management and travel training services, and approximately 9,500 trips were provided to persons of low income, seniors, and persons with disabilities.

A total of \$937,920 in JARC funding has been requested by five of the current participating agencies to continue their providing programs and services (Attachment A). The sixth agency did not request additional funds and their governing board has decided to cease provision of all transportation services. Based on the performance of the remaining programs and the benefits to transportation in Orange County, staff is recommending Board approval to execute new cooperative agreements with these agencies to continue providing funding through September 30, 2020.

Fiscal Impact

The project was approved in OCTA's Fiscal Year 2018-19 Budget, Operations Division, Contract Transportation Services Department, Accounts 2139-7831-A3211-RKJ, 2139-7831-A3211-RKK, 2139-7831-A3217-RKJ, 2139-7831-A3219-RKJ, 2139-7831-A3219-RKK, 2139-7831-A3220-RKJ, 2139-7831-A3229-RKK, 2139-7831-A3230-RKJ, and 2139-7831-A3230-RKK and is funded through the FTA Section 5316 Grant program.

Summary

Staff recommends the Board of Directors authorize the Chief Executive Officer to execute cooperative agreements with Abrazar, Inc., Boys and Girls Club of Huntington Valley, Dayle McIntosh Center for the Disabled, North Orange County Community College District, and Women Helping Women/Men2Work, authorizing the award of \$937,920 in Federal Transit Administration Section 5316 funds for projects and programs that serve the transportation needs of persons of low income, including persons with disabilities and seniors.

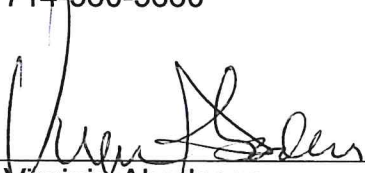
Attachment

- A. Federal Transit Administration Section 5316, Federal Fiscal Years 2018-19 and 2019-20 Funding Request Summary

Prepared by:



Joanne Jacobsen
Senior Community Transportation
Coordinator
714-560-5660



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

Approved by:



Beth McCormick
General Manager, Operations
714-560-5964



Jennifer L. Bergener
Chief Operating Officer, Operations
714-560-5462

**Federal Transit Administration Section 5316
Federal Fiscal Years 2018-19 and 2019-20 Funding Request Summary**

Agency	Project Description	Funding Request
Abrazar, Inc.	Operating and mobility management program serving individuals receiving job skills training.	\$225,720
Boys & Girls Clubs of Huntington Valley	Operating program serving individuals receiving instruction and job skills training at Golden West College.	\$118,080
Dayle McIntosh Center for the Disabled	Mobility management program to provide travel training, buddy travel, and coordination of existing transportation services.	\$225,600
North Orange County Community College District	Mobility management classroom training and on-board travel training program for students with disabilities.	\$284,760
Women Helping Women/Men2Work	Mobility management and trip voucher program for employment services and job skills training.	\$83,760
Total		\$937,920



September 13, 2018

To: Transit Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Agreement for Construction of the OC Streetcar Project

Overview

On December 11, 2017, the Orange County Transportation Authority Board of Directors authorized the issuance of an invitation for bids for construction of the OC Streetcar project. Bids were received in accordance with the Orange County Transportation Authority's Board of Directors-approved public works procurement procedures. Board of Directors' approval is requested to execute the agreement.

Recommendations

- A. Find AECOM, Energy & Construction, Inc., the apparent low bidder, as non-responsive due to failure to meet the federal program requirement for Disadvantaged Business Enterprise participation.
- B. Find Stacy and Witbeck/Herzog, a joint venture, the third low bidder, as non-responsive due to failure to meet the federal program requirement for Disadvantaged Business Enterprise participation.
- C. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1904 between the Orange County Transportation Authority and Walsh Construction Company II, LLC, the lowest responsive, responsible bidder, in the amount of \$220,538,649, for construction of the OC Streetcar project.
- D. Amend the Orange County Transportation Authority's Fiscal Year 2018-19 Budget by \$81,000,000, to accommodate Agreement No. C-7-1904 for construction of the OC Streetcar project.

Discussion

The Orange County Transportation Authority (OCTA), in coordination with the cities of Garden Grove and Santa Ana, is implementing a new east-west double-track modern streetcar in Orange County between the Santa Ana Regional Transportation Center in the City of Santa Ana and the Harbor Boulevard/ Westminster Boulevard intersection in the City of Garden Grove (Project). The purpose of the Project is to improve transit connectivity and accessibility, increase transit options, relieve congestion, and provide benefits to the traveling public.

Construction of the 4.15-route-mile (8.3-track-mile) modern streetcar line will involve complex and specialized work for several elements, including the installation of embedded track in streets, overhead electrical power supply, stop shelter canopies, bridges, and a maintenance and storage facility (MSF).

The Project includes ten streetcar stops in each direction (four shared center platforms and six side platforms in each direction, for a total of 16 platforms). Each stop includes a custom canopy shelter, benches, leaning rails, trash cans, lighting, changeable message signs, video cameras, a public address system, and ticket vending machines which will be supplied separately. Platforms will be 14 inches high to enable level boarding. Also included are the overhead catenary system and installation of new traffic signals and transit signal priority at intersections.

The Project will include an MSF that will be constructed to accommodate eight modern streetcars, administration, operations, vehicle maintenance, parts storage, and maintenance-of-way. Secured exterior vehicle storage, including a wye-track for turning vehicles end-for-end, a free-standing drive-through vehicle wash, employee parking, and fire department and delivery access will also be included on-site.

Procurement Approach

The procurement was handled in accordance with OCTA's Board of Directors (Board)-approved procedures for public works projects. These procedures, which conform to both federal and state requirements, require that contracts are awarded to the lowest responsive, responsible bidder after a sealed bidding process.

The Project's construction procurement was accomplished through a two-step process. The first step, the request for qualifications, was used to develop a list of pre-qualified contractors. The second step, the invitation for bids (IFB), was issued to the pre-qualified contractors.

On August 10, 2017, the Board approved the use of a contractor pre-qualification process for the Project. Through the process of pre-qualification, OCTA developed a pool of qualified contractors that were determined to be responsible and qualified to provide the specialized work necessary for the Project, and to help ensure that the selected prime contractor has the required capacity and experience to undertake the construction.

The pre-qualification of contractors was accomplished with the prime contractors completing and submitting the pre-qualification questionnaire and supporting documentation. The process of pre-qualification concluded on January 31, 2018, and the following five prime contractors, listed in alphabetical order, were determined to meet the pre-qualification criteria:

- AECOM Energy & Construction, Inc. (AECOM)
- Flatiron West, Inc. (Flatiron)
- Skanska USA Civil West California District, Inc.
- Stacy and Witbeck/Herzog, a joint venture (SWH)
- Walsh Construction Company II, LLC (Walsh)

On December 11, 2017, the Board authorized the release of IFB 7-1904, which was issued electronically on CAMM NET. The Project was advertised on December 11 and 18, 2017, in a newspaper of general circulation. The pre-qualified contractors were notified of the bid issuance. A pre-bid conference was held on December 18, 2017, and was attended by 23 firms. Fifteen addenda were issued to provide the pre-bid conference registration sheets, pre-bid conference presentation, respond to 589 questions received, and handle administrative issues related to the IFB. On June 19, 2018, four bids were received and publicly opened.

All bids were reviewed by staff from OCTA's Contracts Administration and Materials Management Department and Capital Programs Division, as well as OCTA's external Disadvantaged Business Enterprise (DBE) consultant to ensure compliance with all federal requirements, the contract terms and conditions, and technical specifications. The list of bidders and bid amounts are presented below:

<u>Firm and Location</u>	<u>Bid Amount</u>
AECOM Irvine, California	\$195,914,561
Walsh Corona, California	\$220,538,649

SWH Alameda, California	\$221,468,888
Flatiron San Marcos, California	\$241,895,834

The apparent low bidder, AECOM, and the third low bidder, SWH, were found non-responsive due to the inability to secure the required DBE participation, or demonstrate that adequate good-faith efforts were exercised as to the quality, quantity, and intensity prior to the bid submission to meet the established DBE goal of 11 percent as required by United States Department of Transportation regulations, which is providing funding for the Project. As such, award is being recommended to Walsh, as the lowest responsive, responsible bidder.

Both AECOM and SWH were notified in writing of OCTA's determination regarding DBE non-responsiveness and were offered the option to request a reconsideration hearing in accordance with 49 Code of Federal Regulation Part 26.53 (d). AECOM's administrative reconsideration review was conducted on July 18, 2018. AECOM was also afforded an additional seven days at its request to provide further clarification. SWH's administrative reconsideration review was conducted on August 16, 2018.

OCTA's reconsideration official conducted the administrative reviews and notified AECOM on August 15, 2018, and SWH on August 21, 2018, of the decision upholding OCTA's original determination of non-responsiveness to the solicitation's DBE requirements.

The engineer's estimate for the Project was \$141,640,840. The bid submitted by Walsh, the lowest responsive, responsible bidder, is 55.7 percent above the engineer's estimate. Staff conducted an analysis of the bid and concluded that external market conditions, design changes made by addenda, and schedule delays contributed to the higher bid pricing.

As reported to the OCTA Board on July 9, 2018, construction costs have been impacted by external market conditions, including shortages in skilled labor and materials, and rapidly increasing material costs for steel, aggregate, lumber products, and diesel fuel. The Los Angeles County Metropolitan Transportation Authority conducted a construction market analysis focused on Southern California (May 2018) and concluded that construction costs are rising as a result of labor shortage, low unemployment, concurrent large infrastructure projects in the area, and inflation. This is coupled with rising material pricing, with subcontractors and suppliers not guaranteeing pricing beyond a few months, resulting in contractors including large contingencies to cover material price risk. These market factors were evident in all bids received, including the Walsh bid, and particularly in the bid items for the MSF.

Design changes that were made during the bid process via addenda and reflected in the construction bid include additional safety signal systems to meet requirements of the California Public Utilities Commission, addition of revised Orange County Sanitation District sewer protection and relocation work, revisions to traction power substation site design in response to requirements from the City of Santa Ana and Southern California Edison, addition of civil and traffic elements to coordinate the Project with the County of Orange Block 16 development, and civil modifications and landscape additions to improve compatibility within Sasser Park.

The construction schedule was extended to accommodate an extended bid phase and a longer construction duration. The bid opening was revised from March 5, 2018 to June 19, 2018, in response to the delay in execution of the Full Funding Grant Agreement (FFGA). Bidders also requested additional time to respond to the IFB due to the complexity of the Project, as well as limited availability of contractor estimating and bidding resources. The construction duration milestones were also extended to accommodate the bidders' request for additional time to complete construction. The delayed bid opening and extended construction duration contributed to increased contractor management and overhead costs, as well as higher escalation costs.

For these reasons, the lowest responsive, responsible bid of \$220,538,649, submitted by Walsh, although higher than the engineer's estimate, is considered by staff to be acceptable, fair, and reasonable for current market conditions and is also \$21,357,185 less than the second lowest responsive, responsible bid. The recommended firm met the requirements of the IFB, as well as all federal and state requirements.

State law requires award to the lowest responsive, responsible bidder. Staff recommends award to Walsh, the lowest responsive, responsible bidder, in the amount of \$220,538,649, for construction of the Project.

Status of FFGA

The Project is funded through a combination of Federal Section 5309 New Starts, federal Congestion Mitigation Air Quality (CMAQ) Improvement, Federal Section 5307, state cap-and-trade, and Measure M2 (M2) Project S funds. All the funds have been committed, except for the Federal Section 5309 New Starts, which is pending execution of the FFGA with the Federal Transit Administration (FTA). Since the signing of the federal fiscal year 2018 appropriations bill, which provided \$1.5 billion for New Starts projects within the Capital Investment Grant (CIG) Program, OCTA has coordinated with the FTA and Congress to address any remaining questions prior to the processing of the FFGA. While procurement schedules were based on a November 2017 FFGA execution, OCTA is anticipating an executed FFGA by November 2018.

This is an approximate one-year delay from when the FFGA was originally anticipated.

As of preparation of this report, staff is confident that the FFGA will be progressing through the required Congressional approvals, based upon recent communication with the FTA staff and leadership. While the FTA allows for construction bid opening and awarding a contract prior to the executed FFGA, OCTA cannot issue a notice to proceed to the contractor prior to FFGA execution in order to remain eligible for federal construction reimbursement. OCTA is required to award and execute the construction contract before expiration of bids on December 16, 2018.

Fiscal Impact

The contract can be funded with local M2 Transit Extensions to Metrolink (Project S) funds, CIG funds, federal CMAQ funds, and state cap-and-trade funds. On July 9, 2018, the Board approved an updated funding plan for the Project that included the use of up to \$108,410,000 in additional M2 Project S funds.

An amendment to the OCTA Fiscal Year 2018-19 Budget, Capital Programs Division, Account 0051-9017-TS010-Z10-Z50, in the amount of \$81,000,000, is required to accommodate Agreement No. C-7-1904.

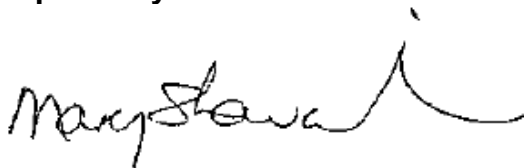
Summary

Based on the information provided, staff recommends the Board authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1904 between OCTA and Walsh, the lowest responsive, responsible bidder, in the amount of \$220,538,649, for construction of the Project.

Attachment

None.

Prepared by:

A handwritten signature in blue ink, appearing to read "Mary Shavalier".

Mary Shavalier
Program Manager
(714) 560-5856

Approved by:

A handwritten signature in blue ink, appearing to read "James G. Beil".

James G. Beil, P.E.
Executive Director, Capital Programs
(714) 560-5646

A handwritten signature in blue ink, appearing to read "Virginia Abadessa".

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



Agreement for Construction of the OC Streetcar Project

Procurement Background

- Two-step procurement process
 - Request for qualifications to develop a list of qualified and responsible contractors (August 2017)
 - Invitation for bid issued to five pre-qualified contractors (December 2017)
 - 15 addenda issued
 - 589 questions answered
- Bid Opening on June 19, 2018
 - Four bids received and publicly opened

Overview of Bids

Firm	Bid Amount	Status	Recommendation
AECOM, Energy & Construction, Inc.,	\$195,914,561	Failure to meet Disadvantaged Business Enterprise (DBE) requirements	Find non-responsive
Walsh Construction Company II, LLC	\$220,538,649	Lowest responsive, responsible bidder	Award contract
Stacy and Witbeck/Herzog	\$221,468,888	Failure to meet DBE requirements	Find non-responsive
Flatiron West, Inc.	\$241,895,834	Second lowest responsive, responsible bidder	

Bid Analysis

- Lowest, responsive, responsible bidder: 55.7 percent above engineer's estimate
- Factors contributing to higher bid:
 - Market Conditions
 - Design changes made during the bid process via addenda
 - Delay in bid opening and extension of construction duration
 - Lowest responsive, responsible bid is \$21,357,185 less than the second lowest responsive, responsible bid

Recommendations

- A. Find AECOM, Energy & Construction, Inc., the apparent low bidder, as non-responsive due to failure to meet the federal program requirement for DBE participation.
- B. Find Stacy and Witbeck/Herzog, a Joint Venture, the third low bidder, as non-responsive due to failure to meet the federal program requirement for DBE participation.
- C. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-7-1904 between the Orange County Transportation Authority and Walsh Construction Company II, LLC, the lowest responsive, responsible bidder, in the amount of \$220,538,649, for construction of the OC Streetcar Project.
- D. Amend the Orange County Transportation Authority's Fiscal Year 2018-19 Budget by \$81,000,000, to accommodate Agreement No. C-7-1904, for the construction of the OC Streetcar Project.