



Committee Members Present

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

Staff Present

Darrell E. Johnson, Chief Executive Officer
Ken Phipps, Deputy Chief Executive Officer
Laurena Weinert, Clerk of the Board
Sara Meisenheimer, Deputy Clerk of the Board
James Donich, General Counsel
OCTA Staff and members of the General Public

Committee Members Absent

None

Call to Order

The September 13, 2018 regular meeting of the Transit Committee was called to order by Committee Chairman Murray at 9:01 a.m.

Pledge of Allegiance

Director Do 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 4)

2. Approval of Minutes

A motion was made by Director Winterbottom, seconded by Director Davies, and declared passed by those present, to approve the minutes of the Transit Committee meeting of August 9, 2018.

Director Tait was not present to vote on this item.

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

A motion was made by Director Winterbottom, seconded by Director Davies, and declared passed by those present, to 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.

Director Tait was not present to vote on this item.

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

A motion was made by Director Winterbottom, seconded by Director Davies, and declared passed by those present, to:

- 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.

4. (Continued)

Director Tait was not present to vote on this item.

Regular Calendar

5. Agreement for Construction of the OC Streetcar Project

Kelly Hart, Deputy Project Manager for the OC Streetcar Project, provided opening comments and presented a PowerPoint presentation on the following:

- Procurement Background;
- Overview of Bids;
- Bid Analysis; and
- Recommendations.

Director Tait stated he will not participate due to his firm having completed work, this past year, with AECOM, Energy & Construction, Inc. (AECOM).

Public comments were heard from:

1. Jimmy Draper, Project Manager for AECOM, stated that AECOM is the lowest bidder by \$25 million and it is highly unusual to have qualified contractors who are familiar with the Disadvantaged Business Enterprise (DBE) be disqualified. Mr. Draper stated the reasons the Orange County Transportation Authority (OCTA) found AECOM non-responsive to DBE participation, explained the good-faith DBE requirements, and how AECOM met the DBE requirements.
2. Louis Blum, Attorney from Finch, Thorton, and Baird, representing AECOM, referenced a letter sent to OCTA and stated they hope to avoid a lawsuit and save OCTA \$25 million on the contract. Mr. Blum asked the Transit Committee to pause the vote in awarding the contract to Walsh Construction Company II, LLC (Walsh), and requested to meet with OCTA's General Counsel and staff to show how AECOM met its good-faith DBE efforts requirements.
3. Paul Camaur, Chief Operating Officer for AECOM, gave an overview on AECOM and stated that its bid was responsible and responsive by law. Mr. Camaur stated his concerns with OCTA's determination of non-responsive, provided reasons for AECOM's qualifications, and asked the Transit Committee to review their concerns in order to avoid a loss of \$25 million.

5. (Continued)

4. Jay Titus, stated on behalf of Walsh, the subcontractors, and the DBE community, he thanks OCTA for a fair and honest procurement process.
5. Marco Miranda, described his DBE business which was not counted for this project. Mr. Miranda spoke highly of AECOM's actions to host DBE events and looks forward to doing business with OCTA.
6. Maria Flores, Triumph Geo-Synthetics, stated she works for a DBE firm and has been a materials supplier to AECOM for many years. Ms. Flores spoke highly of AECOM's DBE commitment and hopes AECOM is awarded the contract to allow DBE firms to be competitive in the market.
7. Fabiola Jaque-Diaz, Owner of California Testing & Inspections, stated that her company is listed as a DBE for this bid and will be impacted by staff's recommendation. Her company was able to participate in AECOM's DBE outreach meetings and hopes OCTA can give AECOM the opportunity to discuss and obtain clarification for a solution.
8. Ashley Mahaffey, Chief Executive Officer/Owner of Don H. Mahaffey Drilling Company, stated that they are a listed DBE firm for AECOM's bid. Ms. Mahaffey explained that a project of this size is critical to be successful for a DBE firm and it would allow her company to continue to grow. She complimented AECOM's DBE outreach efforts and looks forward to a resolution that AECOM is awarded the contract.
9. Miguel Miranda, 3531 Trucking Inc., stated he is a part of a DBE company, that AECOM provided DBE outreach and assured the Transit Committee that AECOM did everything in the proper time frame. Mr. Miranda also offered to speak with anyone, if there are any doubts.
10. Tiffany Hilborn, Owner of Premier Consulting Services, stated she has been in the quality control business for 20 years and her firm is DBE compliant. She worked with AECOM in the past and participated in their outreach meeting. Ms. Hilborn also expressed her concerns if AECOM was not awarded the contract.

5. (Continued)

Committee Chairman Murray stated the Transit Committee and OCTA staff have worked closely with the Federal Transit Administration and the DBE consultant, Padilla & Associates, Inc. He also stated that Padilla & Associates, Inc., conducted an analysis to determine if AECOM met the established DBE requirements for this bid. Committee Chairman Murray also met with AECOM to discuss the firm's concerns, and recommends awarding the construction contract to the lowest, responsive, and responsible bidder.

Director Pulido echoed Committee Chairman Murray's statement and appreciated the input from the community for this multi-year process.

Director Do defined his role as a Board Member, explained the importance of OCTA's General Counsel, and commented on the analysis conducted by Padilla & Associates, Inc.

Director Davies agreed with staff's recommendations and commented on her experience as a small business owner and the importance of the DBE.

Committee Vice Chairman Jones also met with AECOM about their concerns and still supports staff's recommendations.

Director Winterbottom looks forward to the project moving forward and he did not meet with AECOM.

A motion was made by Director Pulido, seconded by Committee Vice Chairman Jones, and following a roll call vote, declared passed 6-0, by those present, to:

- 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.

5. (Continued)

Director Tait did not participate or vote on this item due to his firm working with AECOM, Energy & Construction, Inc. this past year.

Discussion Items

6. Chief Executive Officer's Report

Darrell E. Johnson, Chief Executive Officer, reported on the following:

- The Angel's Express is doing well, with ridership at about three percent above last year with more than 34,000 boardings. There are only six more nights of service before the end of the season.
- OCTA's annual Rodeo is on Saturday, September 15th at 8:00 a.m. at the Santa Ana Base and Committee Chairman Murray will be participating.
- The new OC Flex vehicle is in the motor courtyard for viewing and the launch of the program will be in October.

7. Committee Members' Reports

Director Pulido thanked everyone for the OC Streetcar Project vote and added that this is positive process and project.

Committee Chairman Murray thanked the Transit Committee for considering the tough and challenging decisions.

8. Closed Session

There were no Closed Session items scheduled.



9. Adjournment

The meeting adjourned at 9:37 a.m.

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.

ATTEST

Al Murray
Committee Chairman

Sahara Meisenheimer
Deputy Clerk of the Board