

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

Call to Order

The October 26, 2020 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Jones at 9:01 a.m. at the OCTA Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

Roll Call

The Clerk of the Board (COB) conducted an attendance Roll Call and announced there was quorum of the Board of Directors (Board) as follows:

Directors Present: Steve Jones, Chairman

Via teleconference:

Andrew Do, Vice Chairman
Lisa A. Bartlett
Doug Chaffee
Laurie Davies
Barbara Delgleize
Michael Hennessey
Gene Hernandez
Joseph Muller
Mark A. Murphy
Richard Murphy
Miguel Pulido
Tim Shaw
Harry S. Sidhu
Michelle Steel
Donald P. Wagner
Ryan Chamberlain, District Director
California Department of Transportation District 12

Director Absent: None

Also Present: Darrell E. Johnson, Chief Executive Officer (CEO)
Jennifer L. Bergener, Deputy CEO/Chief Operating Officer
Laurena Weinert, COB
Martha Ochoa, Assistant COB
James Donich, General Counsel (via teleconference)

Invocation

Director Sidhu gave the invocation.

Pledge of Allegiance

Director Davies led in the Pledge of Allegiance.

Special Calendar

There were no Special Calendar matters.

Consent Calendar (Items 1 through 16)

Orange County Transportation Authority Consent Calendar Matters

1. Approval of Minutes

A motion was made by Director Sidhu, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of October 12, 2020.

2. Coronavirus Update

A motion was made by Director Sidhu, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

3. Fiscal Year 2020-21 Internal Audit Plan, First Quarter Update

A motion was made by Director Sidhu, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to receive and file the first quarter update to the Orange County Transportation Authority Internal Audit Department Fiscal Year 2020-21 Internal Audit Plan as an information item.

4. Agreement for Fullerton Transportation Center Stair Replacement Project

Director Bartlett pulled this item, commented the lowest responsive bid was about \$705,000, several non-responsive bids in which the vendors did not meet the Disadvantaged Business Enterprise (DBE) requirement, another vendor had non-responsive bid due to not signing a require document, and asked staff to explain.

Pia Veespan, Interim Director of Contracts Administration and Materials Management, stated that the low and third low bidders did not propose any DBE firms, and the second low bidder was deemed non-responsive for failure to sign a required federal form.

Ms. Veespan also stated that OCTA provided a pre-bid conference to the bidders that included an explanation of the procurement rules and regulations.

Director Bartlett asked staff to continue helping the vendors with the procurement process, and possibly offer training sessions because the vendors are overlooking mandatory aspects of the procurement process.

A motion was made by Director Bartlett, seconded by Director Pulido, and following a roll call vote, declared passed 16-0, to:

- A. Find A2Z Construct, Inc., the apparent low bidder and Metro Building and Engineering Group, Ltd., the apparent third low bidder, as non-responsive for failure to meet the federal requirement for Disadvantaged Business Enterprise participation; and find AP Construction, Inc., the apparent second low bidder, as non-responsive for failure to sign the Disclosure of Lobbying Activities form as required by the bid instructions and the Federal Transit Administration.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2267 between the Orange County Transportation Authority and Golden Gate Construction, the lowest responsive, responsible bidder, in the amount of \$705,300, for the Fullerton Transportation Center Stair Replacement Project.

5. Agreement for Rideshare and Vanpool Marketing, Design, and Advertising Services

A motion was made by Director Sidhu, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to:

- A. Approve the selection of Brown Marketing Strategies, Inc. to provide rideshare and vanpool marketing, design, and advertising services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2206 between the Orange County Transportation Authority and Brown Marketing Strategies, Inc. in the amount of \$570,000, to provide rideshare and vanpool marketing, design, and advertising services for a two-year term, with a one-year option term.

6. Update on Diversity Outreach and Inclusion Efforts

A motion was made by Director Sidhu, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

7. First Quarter Fiscal Year 2020-21 Procurement Status Report

A motion was made by Director Sidhu, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to receive and file as an information item.

8. Agreement for State Legislative Advocacy and Consulting Services

A motion was made by Director Sidhu, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to:

- A. Approve the selection of Topp Strategies, LLC, as the firm to provide state legislative advocacy and consulting services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2369 between the Orange County Transportation Authority and Topp Strategies, LLC, in the amount of \$420,000, for a two-year initial term, effective January 1, 2021 to December 31, 2022, with two, two-year options, to perform state legislative advocacy and consulting services.

9. Federal Legislative Status Report

Director Bartlett pulled this item and stated there was a notation about making changes to improve the DBE program that has bipartisan support to continue the program. Director Bartlett requested a further explanation as to what the improvements entailed.

Dustin J. Sifford, Senior Government Relations Representative, stated the DBE program discussion referenced in the staff report was about the House Transportation and Infrastructure Committee hearing. Mr. Sifford also stated the bipartisan support is for improvements and changes to streamline the DBE program, as well as provided other comments.

Director Bartlett asked if there are specifics to the DBE program streamlining to make it more efficient for the vendors. Mr. Sifford responded the streamlining is about process improvements and at this time there are not specifics, as well as provided other comments.

Director Bartlett asked staff to be in contact with OCTA's federal lobbyists team to monitor the DBE program improvements.

Lance M. Larson, Executive Director of Government Relations, stated that OCTA specifically tagged the DBE issues because it has been a concern of OCTA's Board for several years. Additionally, OCTA's federal lobbyists followed the recent hearing, there were no written proposals or plans shared by both sides of the majority and minority, and OCTA will monitor and report back to the Legislative and Communications Committee.

No action was taken on this receive and file information item.

10. Draft 2021-22 State and Federal Legislative Platforms

A motion was made by Director Sidhu, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to direct staff to continue developing the initial drafts of the 2021-22 State and Federal Legislative Platforms and prepare subsequent drafts for final approval.

Orange County Transit District Consent Calendar Matters

11. Agreement for Locker Room Expansion at Santa Ana Bus Base Maintenance Building

A motion was made by Director Sidhu, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2467 between the Orange County Transportation Authority and Thomco Construction, Inc., the lowest responsive, responsible bidder, in the amount of \$339,123, for locker room expansion at the Santa Ana Bus Base maintenance building.

12. Agreement for Replacement of Light Poles and Luminaires at Golden West Transportation Center

Director Bartlett pulled this item, noted there were some DBE issues, as well as commented on the different bid amounts and engineer's estimate of \$400,000. Director Bartlett asked why there is a difference between the recommended awarded of approximately \$223,000 relative to the engineer's estimate of \$400,000.

James G. Beil, Executive Director of Capital Programs, referenced the last paragraph on Page 3 of the staff report that includes an explanation of the bid estimates differences relative to the engineer's estimate. Mr. Beil highlighted how the recommended firm is saving on costs.

Director Bartlett stated OCTA is familiar with the other firms with higher bids, some firms do not have access to the same cost points relative to materials, the higher bid firms are not performing the work themselves, and asked if that is correct. Mr. Beil responded that is OCTA's understanding.

A motion was made by Director Bartlett, seconded by Director M. Murphy, and following a roll call vote, declared passed 15-0, to:

- A. Find KDC, Inc., dba Dynalectric, the apparent low bidder and Elecnor Belco Electric, Inc., the apparent second low bidder, as non-responsive for failure to meet the federal requirement for Disadvantaged Business Enterprise participation.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2363 between the Orange County Transportation Authority and Crosstown Electrical & Data, Inc., the lowest responsive, responsible bidder, in the amount of \$223,789, for the replacement of light poles and luminaires at the Golden West Transportation Center.

Vice Chairman Do was not present to vote on this item.

13. State Transit Assistance Fund and SB 1 (Chapter 5, Statutes of 2017) State of Good Repair Claims for Fiscal Year 2020-21

A motion was made by Director Sidhu, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to:

- A. Adopt Resolution No. 2020-281 to authorize the filing of State Transit Assistance Fund claims, in the amount of \$22,592,552, or up to the actual allocation published by the State Controller's Office, to support public transportation.
- B. Authorize the filing of SB 1 State of Good Repair claims, in the amount of \$6,426,478, or up to the actual allocation published by the State Controller's Office, to help sustain and upgrade the Orange County Transportation Authority's bus system.

Orange County Local Transportation Authority Consent Calendar Matters

14. Approve the Release Request for Proposals for Preliminary Engineering and Environmental Services for the Irvine Station Improvements Project

A motion was made by Director Sidhu, seconded by Director Hernandez, and following a roll call vote, declared passed 16-0, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 0-2604 for consultant services for preliminary engineering and environmental services for the Irvine Station Improvements Project.
- B. Approve the release of Request for Proposals 0-2604 for consultant services for preliminary engineering and environmental services for the Irvine Station Improvements Project.

15. Approval to Release Request for Proposals for Construction Management Support Services for the State Route 55 Improvement Project Between Interstate 405 and Interstate 5

A motion was made by Director Sidhu, seconded by Director Hernandez, and following a roll call vote, declared passed 14-2, to:

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 0-2582 for selection of a consultant to provide construction management support services for the State Route 55 Improvement Project between Interstate 405 and Interstate 5.

15. (Continued)

- B. Approve the release of Request for Proposals 0-2582 to provide construction management support services for the State Route 55 Improvement Project between Interstate 405 and Interstate 5.

Directors Steel and Wagner voted in opposition.

16. Regional Traffic Signal Synchronization Program Update

Director Bartlett pulled this item to thank staff for the great work on the signal synchronization program in the Fifth District and highlighted the improvements the program has made.

No action was taken on this receive and file information item.

Regular Calendar

Orange County Transportation Authority Regular Calendar Matters

17. Transportation Infrastructure Finance and Innovation Act Loan Interest Rate Reset

Darrell E. Johnson, CEO, provided opening comments and introduced Andrew Oftelie, Chief Financial Officer, who provided a PowerPoint presentation as follows:

- Background;
- Key Provisions of Transportation Infrastructure Finance and Innovation Act (TIFIA) Loan;
- Recent Communications;
- Potential Savings;
- Recommendations; and
- Next Steps.

Finance and Administration (F&A) Committee Chairman Hennessey stated that the F&A Committee has been following this item, He complimented staff for the re-set of the TIFIA loan, which will save the taxpayers \$460 million, as well as provided other comments.

A motion was made by Director Hennessey, seconded by Director M. Murphy, and following a roll call vote, declared passed 14-0, to:

- A. Direct staff to proceed with pursuing an interest rate reset of Orange County Transportation Authority's Transportation Infrastructure Finance and Innovation Act Loan for the Interstate 405 Improvement Project.

17. (Continued)

- B. Authorize staff to execute Amendment No. 1 to Agreement No. C-7-2137 between the Orange County Transportation Authority and Sperry Capital, Inc. in the amount of \$170,000, to provide financial advisory services to the Orange County Transportation Authority for the interest rate reset transaction. The total contract amount will increase to \$665,000.
- C. Authorize staff to execute Amendment No. 1 to Agreement No. C-0-2021 between the Orange County Transportation Authority and Nossaman LLP, in the amount of \$65,000, to provide bond counsel services to the Orange County Transportation Authority for the interest rate reset transaction. The total contract amount will increase to \$301,000.
- D. Authorize the payment of fees and expenses required by the Build America Bureau to facilitate the interest rate reset.
- E. Direct staff to return to the Board of Directors for approval of the financing documents required to execute the closing of the transaction.

Vice Chairman Do and Director Pulido were not present to vote on this item.

Orange County Local Transportation Authority Regular Calendar Matters

18. 2020 Measure M2 Sales Tax Forecast

Darrell E. Johnson, CEO, provided opening comments and introduced Sean Murdock, Director of Finance and Administration, who reported on the following:

- Due to the significant decrease in forecasted taxable sales because of the coronavirus (COVID-19) pandemic, OCTA prepared a preliminary Measure M2 (M2) Sales Tax Forecast update that was presented to the F&A Committee.
- OCTA received the final tax receipts for fiscal year 2019-20 in September 2020 and has prepared the last 2020 M2 sales tax forecast update.
- OCTA staff has also incorporated updated forecasts for MuniServices, LLC, Chapman University, California State University, Fullerton, and the University of California, Los Angeles.
- At this time, OCTA does not anticipate any changes to the M2 projects currently underway.
- Staff is conducting a long-term analysis in conjunction with updates to the M2 Next 10 Delivery Plan, the Comprehensive Business Plan, and the 20-year financial plan.

18. (Continued)

A motion was made by Director Hennessey, seconded by Director Bartlett, and following a roll call vote, declared passed 14-0, to direct staff to determine the impacts of the updated forecast to Measure M2 programs and projects and return to the Board of Directors with options to address the decrease in projected sales tax revenue.

Vice Chairman Do and Director Pulido were not present to vote on this item.

Discussion Items

19. Coronavirus Impacts to the 91 Express Lanes

Kirk Avila, General Manager, Express Lanes Program, provided a PowerPoint presentation as follows:

- Coronavirus Pandemic: Impacts;
- Actions Taken to Date;
- Toll Rates – OCTA;
- Orange County Traffic Volumes;
- Orange County Potential Toll Revenues;
- Current Conditions Compared to Pre-COVID-19;
- Capital Projects Continue Despite COVID-19;
- Moving Forward; and
- Next Steps.

No action was taken on this information item.

20. Public Comments

There were no public comments.

21. Chief Executive Officer's Report

Darrell E. Johnson, CEO, reported on the following:

Santiago Silverado Fire -

- This morning, a wildfire broke out in the areas of Santiago and Silverado canyon.
- OCTA is in contact with the Orange County Emergency Operations Center (OCEOC), as well as an update was provided offline to Mr. Johnson by Director Chamberlain.
- The closures of roads and toll roads due to the fire were highlighted.

21. (Continued)

- OCTA will continue to monitor the fire, and at this time, there is no direct impact to OCTA's services.
- OCTA is a part of the OCEOC and disaster service workers.

October Employees of the Month Recognition -

- The Coach Operator Employee of the Month is Kapitan Pattimura from the Garden Grove Base who started his driving career with OCTA in June 2003.
- The Maintenance Employee of the Month is Travis Corey who joined OCTA in November 2013, and currently a Journeyman Mechanic on the third shift at the Garden Grove Base.
- The Administrative Employee of the Month is Archie Tan a Senior Transportation Modeling Analyst who joined OCTA more than five years ago. Mr. Tan is part of OCTA's Regional Modeling and Traffic Operations Section specializing in travel demand modeling, traffic simulation, and other traffic engineering projects.
- OCTA's October Employees of the Month were congratulated.

22. Directors' Reports

There were no Directors' reports.

23. Closed Session

There were no Closed Sessions scheduled.

24. Adjournment

The meeting adjourned at 9:53 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, November 9, 2020**, at the OCTA Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

ATTEST:

Laurena Weinert
Clerk of the Board

Steve Jones
Chairman