

MINUTES

Special Board of Directors' Meeting

Call to Order

The Monday, November 1, 2021, special meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Do at 9:06 a.m. at the OCTA Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

Roll Call

Gina Ramirez, Clerk of the Board (COB), conducted an attendance roll call and announced a quorum of the Board of Directors (Board) as follows:

Directors Present: Andrew Do, Chairman

Via Teleconference: Mark A. Murphy, Vice Chairman
Lisa A. Bartlett
Doug Chaffee
Barbara Delgleize
Brian Goodell
Patrick Harper
Michael Hennessey
Gene Hernandez
Steve Jones
Joseph Muller
Tam Nguyen
Vicente Sarmiento
Harry S. Sidhu
Donald P. Wagner
Ryan Chamberlain

Directors Absent: Katrina Foley
Tim Shaw

Staff Present: Darrell E. Johnson, Chief Executive Officer
Jennifer L. Bergener, Deputy Chief Executive Officer
Andrea West, Interim Clerk of the Board
Gina Ramirez, Clerk of the Board Specialist, Senior
Allison Cheshire, Clerk of the Board Specialist, Senior
James Donich, General Counsel

Invocation

Director Sidhu gave the Invocation.

Pledge of Allegiance

Director Nguyen led the Pledge of Allegiance.

1. Public Comments

There were no Public Comments received.

Chairman Do announced that the Board would proceed with the Regular Calendar Item #3, and depending on the vote, would recess into Closed Session.

Special Calendar

2. Closed Session

James Donich, General Counsel, announced a Closed Session would be held as follows:

Pursuant to Government Code Section 54946.9(d)(1) - Conference with General Counsel Potential Litigation - One Matter.

There was no report out for the above noted Closed Session Item.

Regular Calendar

Orange County Transportation Authority Regular Calendar Matters

3. Appeal to the Board of Directors to Protest Proposed Award of Contract: Request for Proposals 0-2690 Contractor Selection for the Back-Office System and Customer Service Center Operations for the 405 Express Lanes in Orange County

Chairman Do provided opening comments on this item.

Director Hennessey requested that the Board recess into Closed Session.

Chairman Do inquired as to what point can the Board consider known facts after the Request for Proposal (RFP) process has closed.

James Donich, General Counsel, responded that the Board has absolute discretion to make whatever determinations it wants. The limitation on information submitted is determined through the procurement policy. The Protestor has to submit their protest, and that is then locked in time. The Board is not locked into that information, and the Protestor cannot offer any new information as it moves through the protest. The Board is free to consider whatever information they would like.

Director Delgleize requested that the motion on the floor be repeated before the Board takes a vote.

Director Bartlett echoed Director Hennessey's request to recess into Closed Session.

Director Wagner inquired if staff made any inquiries on any problems WSP USA Services, Inc. may have had with the back-office systems developed since the contract's original award to Cofiroute, USA, LLC.

A substitute motion was made by Vice Chairman Murphy, seconded by Director Muller, and following a roll call vote, failed 6-9 to deny the protest by WSP USA Services, Inc. and continue to award the contract to Cofiroute USA, LLC.

Directors Bartlett, Delgleize, Goodell, Harper, Hennessey, Hernandez, Jones, Nguyen, and Sarmiento voted in opposition.

A motion was made by Director Bartlett, seconded by Director Hernandez, and following a roll call vote, declared passed 10-5 to uphold the protest and award the contract to WSP USA Services, Inc.

Vice Chairman Murphy and Directors Chaffee, Muller, Sidhu, and Wagner voted in opposition.

Discussion Items

4. Chief Executive Officer's Report

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

Legislative Update

- Last week, Congress passed, and the President signed, another short-term extension of the highway trust fund through December 3rd.
- This extension puts surface transportation programs, appropriations, and the debt ceiling on roughly the same deadline.
- Congress is also getting closer to an agreement on reconciliation bills to break the legislative logjam on social spending programs, with a tentative agreement being floated on a \$1.75 trillion framework.
- The framework would include funding for mostly new or otherwise supplemental programs targeted at climate change, housing, and equity as well as rail service that could benefit transportation agencies like OCTA.
- It would also make some changes and extend the Alternative Fuel Tax Credit for five years that benefits OCTA through our clean fuel bus program.
- Staff will continue to monitor this and provide updates on significant developments.

Veterans Appreciation Event

- On Thursday, November 11, OCTA will host the annual Veterans Appreciation event to honor OCTA employees who have served in the U.S. Armed Forces.
- The event will take place at 2:00 p.m. at the Garden Grove bus base.

5. Directors' Reports

There were no Directors' Reports.

6. Adjournment

The meeting adjourned at 10:25 a.m.

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, November 8, 2021** at the Orange County Transportation Authority Headquarters, Board Room - Conference Room 07-08, 550 South Main Street, Orange, California.

ATTEST:

Gina Ramirez
Clerk of the Board Specialist, Senior

Andrew Do
Chairman