

REGIONAL TRANSIT ISSUE PAPER

| Agenda Item No. | Board Meeting Date | Open/Closed Session | Information/Action Item | Issue Date |
|-----------------|--------------------|---------------------|-------------------------|------------|
| 10 | 01/22/18 | Open | Action | 01/19/18 |

Subject: Delegating Authority to the General Manager/CEO to Submit a Proposal and To Certify, on Behalf of the Board of Directors, that the Proposal Meets All FTA Requirements

ISSUE

Whether or not to delegate authority to the General Manager/CEO to submit a proposal to the Yolo County Transportation District for turnkey operation and maintenance of public fixed route and paratransit services; and to certify, on behalf of the SacRT Board of Directors, that the proposal meets all applicable requirements of the Federal Transportation Administration (FTA).

RECOMMENDED ACTION

Adopt Resolution No. 18-01-_____, Delegating Authority to the General Manager/CEO to Submit a Proposal in Response to the Request for Proposals for Turnkey Operation and Maintenance of Public Fixed Route and Paratransit Services Issued by the Yolo County Transportation District and to Certify, on Behalf of the SacRT Board of Directors, that the Proposal Meets all Applicable Requirements of the Federal Transit Administration.

FISCAL IMPACT

The Yolo County Transit District (YCTD) Request for Proposals (RFP) requires a refundable proposal security (bond, certified check, or cashier's check) in the amount of \$10,000. The proposal security will be returned if SacRT is not selected as the most qualified proposer or if SacRT is selected and fully executes the contract. The security proposal will be forfeited if SacRT is selected but does not accept the contract terms.

In addition to the proposal security, SacRT will incur internal labor costs as required to compile and submit a proposal document.

DISCUSSION

On January 2, 2018, YCTD released an RFP for turnkey operation and maintenance of its fixed route transit and paratransit services for a seven year period plus annual options for up to an additional five year period.

The costs proposed by SacRT would be fixed for the 12-year term of the contract, with no provision for re-negotiation based on increased costs or changed circumstances. While the contract would allow the YCTD to terminate the contract on 30 days' advance written notice. Agreement may also be terminated at any time upon mutual agreement between both parties.

While the YCTD RFP offers the option for proposers to submit "deviations" or exceptions to the terms of the RFP, the YCTD is under no obligation to accept those deviations and proposers must be prepared to either agree to all of the terms set out in the RFP or forfeit the proposal security.

Approved:

Presented:

Final 01/19/18

General Manager/CEO

Deputy General Manager/Chief Operating Officer

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At the same time, while the YCTD included a sample contract in its RFP; it also reserved the right to modify that contract in its sole discretion, so the final contract terms and risks are not known at this point in time.

SacRT believes that it would be in the agency's best interest to submit a proposal in response to the YCTD RFP because SacRT's mission is to promote and improve access in the Sacramento region by providing, safe, reliable, and fiscally responsible transit services that links people to the resources and opportunities. YCTD's inter-city bus service carries approximately 1.3 million passengers a year on their 24 bus routes. YCTD's bus routes connect the cities of West Sacramento, Davis, Woodland, Winters and Sacramento's downtown core. By operating YCTD's inter-city and supplemental transportation services, SacRT can ensure seamless linkages and improve upon the region's mobility. The final contract will be brought to the Board for approval if SacRT is selected as the most-qualified proposer.

The RFP contains the following requirement:

"A proposal submitted by a public agency which is receiving or has received federal subsidy shall be in compliance with all requirements of FTA, as amended. Such a proposer shall obtain its governing board and legal counsel certification that any proposal submitted is in compliance with federal requirements. To be considered responsive, an executed copy of the governing board's action certified by the board's secretary or clerk and legal counsel should be attached to the proposal."

Given the February 16, 2018, proposal deadline, the complexity of the RFP, and the staff time necessary to provide a thorough and competitive proposal, SacRT's proposal is not yet completed and will not be available for Board review and certification prior to the January 22, 2018, Board meeting. The Board's next scheduled meeting, February 26, 2018, falls after the deadline to submit the proposal has passed. Therefore, staff requests that the Board delegate authority to the General Manager/CEO to make the required FTA compliance certification on the Board's behalf.

SacRT's operations are currently in compliance with FTA regulations and, of course, the proposal in response to the YCTD RFP will be carefully prepared and reviewed to ensure that it too complies with federal requirements.

RESOLUTION NO. 18-01-_____

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

January 22, 2018

DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO SUBMIT A PROPOSAL IN RESPONSE TO THE REQUEST FOR PROPOSALS FOR TURNKEY OPERATION AND MAINTENANCE OF PUBLIC FIXED ROUTE AND PARATRANSIT SERVICES ISSUED BY THE YOLO COUNTY TRANSPORTATION DISTRICT AND TO CERTIFY, ON BEHALF OF THE BOARD OF DIRECTORS, THAT THE PROPOSAL MEETS ALL APPLICABLE REQUIREMENTS OF THE FEDERAL TRANSPORTATION ADMINISTRATION

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the General Manager/CEO is authorized to submit a proposal to operate and maintain transit service to the Yolo County Transportation District in response to the Request for Proposals (RFP) issued by the Yolo County Transportation District on January 2, 2018.

THAT, the General Manager/CEO is directed to ensure that the proposal meets all applicable requirements of the Federal Transportation Administration.

THAT, the General Manager/CEO is authorized to certify, on behalf of the Board of Directors, that the proposal submitted by SacRT complies with all applicable requirements of the Federal Transportation Administration.

THAT, execution of any contract resulting from the foregoing RFP requires separate approval by the Board of Directors.

ANDREW J. MORIN, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Cindy Brooks, Assistant Secretary