



Sacramento Regional Transit District

## **BOARD MEETING NOTICE TO THE PUBLIC**

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**In compliance with directives of the County, State and Centers for Disease Control and Prevention (CDC) and as further permitted under Executive Order N-29-20 issued by the Governor of California, this meeting will be live streamed and closed to the public. Temporary procedures are subject to change pursuant to guidelines related to social distancing and minimizing person to person contact and Executive Order N-29-20.**

**SacRT Board Meetings are being streamed live at  
<http://iportal.sacrt.com/iapps/srtdbm/>**

**Please check the Sacramento Metropolitan Cable Commission Broadcast Calendar - <https://sacmetroable.saccounty.net> for replay dates and times.**

**Members of the public are encouraged to submit written public comments relating to the attached Agenda no later than 2:00 p.m. on the day of the Board meeting  
at  
[Boardcomments@sacrt.com](mailto:Boardcomments@sacrt.com)**

**Please place the Item Number in the Subject Line of your correspondence.**

**Comments are limited to 250 words or less.**



# Sacramento Regional Transit District Agenda

**BOARD MEETING  
5:30 P.M., MONDAY, SEPTEMBER 27, 2021  
VIRTUAL MEETING**

**ROLL CALL** — Directors Budge, Harris, Howell, Hume, Jennings, Kennedy, Nottoli, Schenirer, Serna, Valenzuela and Chair Miller

Alternates: Directors Kozlowski, Nguyen, Sander, Schaefer

**1. PLEDGE OF ALLEGIANCE**

**2. CONSENT CALENDAR**

- 2.1 Motion: Approval of the Action Summary of August 23, 2021
- 2.2 Motion: Waive the First Reading of Ordinance No. 21-10-01, Amending and Restating Title I, "Procurement Ordinance" of SacRT's Administrative Code (O. Sanchez-Ochoa)
- 2.3 Resolution No. 21-09-0107: Repeal Resolution No. 21-08-0103 and Approve the Student Transit Pass Agreement 2021-2022 with the City of Sacramento (B. Bernegger)
- 2.4 Approving MCImetro Access Transmission Services Corp Fiber Installation in Multiple Locations within SacRT Properties (B. Bernegger)
  - A. Resolution No. 21-09-0108: Approving MCImetro Access Transmission Services Corp Fiber Installation at 39<sup>th</sup> Street and R Street; and
  - B. Resolution No. 21-09-0109: Approving MCImetro Access Transmission Services Corp Fiber Installation at 65<sup>th</sup> Street and Q Street; and
  - C. Resolution No. 21-09-0110: Approving MCImetro Access Transmission Services Corp Fiber Installation at 59<sup>th</sup> Street North of S Street
- 2.5 Conditionally Suspending Fares in the Natomas-North Sacramento Smart Ride Zone for October 2021 and Approving Fare Subsidy Agreement with North Natomas Jibe (B. Bernegger)
  - A. Resolution No. 21-09-0111: Conditionally Suspending Fares in the Natomas-North Sacramento Smart Ride Zone for October 2021; and

B. Resolution No. 21-09-0112: Approving the Fare Subsidy Agreement for Natomas-North Sacramento Smart Ride Service with North Natomas Jibe

2.6 Resolution No. 21-09-0113: Awarding a Contract for Purchase of Transit Buses to Gillig LLC Under the Washington State Transit Bus Cooperative Master Contract No. 06719-01 and Delegating Authority to the General Manager/CEO to Execute Amendments to the Contract (C. Alba)

3. **INTRODUCTION OF SPECIAL GUESTS**

4. **UNFINISHED BUSINESS**

5. **PUBLIC HEARING**

6. **PUBLIC ADDRESSES BOARD ON MATTERS NOT ON THE AGENDA\***

7. **NEW BUSINESS**

8. **GENERAL MANAGER'S REPORT**

8.1 General Manager's Report

a. Major Project Updates

b. Capitol Corridor Joint Powers Authority – Meeting of September 15, 2021 (Harris/Kennedy)

c. SacRT Meeting Calendar

9. **REPORTS, IDEAS AND QUESTIONS FROM DIRECTORS, AND COMMUNICATIONS**

10. **CONTINUATION OF PUBLIC ADDRESSES BOARD ON MATTERS NOT ON THE AGENDA (If Necessary)**

11. **ANNOUNCEMENT OF CLOSED SESSION ITEMS**

12. **RECESS TO CLOSED SESSION**

13. **CLOSED SESSION**

14. **RECONVENE IN OPEN SESSION**

15. **CLOSED SESSION REPORT**

16. **ADJOURN**

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\*NOTICE TO THE PUBLIC

It is the policy of the Board of Directors of the Sacramento Regional Transit District to encourage participation in the meetings of the Board of Directors.

This agenda may be amended up to 72 hours prior to the meeting being held. An Agenda, in final form, is located by the front door of Regional Transit's building at 1400 29<sup>th</sup> Street, Sacramento, California, and is posted on the SacRT website.

The Regional Transit Board of Directors Meeting is being videotaped. A replay of this meeting can be seen on Metrocable Channel 14 and will be webcast at [www.sacmetro.cable.tv](http://www.sacmetro.cable.tv) on September 29<sup>th</sup> @ 9:00 a.m. and October 1<sup>st</sup> @ 2:00 p.m.

Any person(s) requiring accessible formats of the agenda should contact the Clerk of the Board at 916/556-0456 or TDD 916/483-4327 at least 72 business hours in advance of the Board Meeting.

Copies of staff reports or other written documentation relating to each item of business referred to on the agenda are on SacRT's website, on file with the Clerk to the Board of Directors of the Sacramento Regional Transit District. Any person who has any questions concerning any agenda item may call the Clerk to the Board of Sacramento Regional Transit District.



## STAFF REPORT

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**DATE:** September 27, 2021  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Tabetha Smith, Clerk to the Board  
**SUBJ:** APPROVAL OF THE ACTION SUMMARY OF AUGUST 23, 2021

### RECOMMENDATION

Motion to Approve.

**SACRAMENTO REGIONAL TRANSIT DISTRICT  
BOARD OF DIRECTORS  
BOARD MEETING  
August 23, 2021**

**ROLL CALL:** Roll Call was taken at 5:31 p.m. via Webex. PRESENT: Directors Budge, Harris, Howell, Hume, Jennings, Kennedy, Nottoli, Serna, Valenzuela, and Chair Miller. Absent: Director Schenirer.

**1. PLEDGE OF ALLEGIANCE**

**2. CONSENT CALENDAR**

- 2.1 Motion: Approval of the Action Summary of July 26, 2021
- 2.2 Resolution: Termination of Easement for Park and Ride Spaces at Lakeside Estates (B. Bernegger)
- 2.3 Resolution: Ratifying the General Manager/CEO's Execution of the First Amendment to the Contract for On-Call Towing and Roadside Assistance Bus Maintenance with George Little Investments, Inc. DBA College Oak Towing and Approving the Second Amendment (C. Alba)
- 2.4 Resolution: Suspending Fares for One Week on the Airport Express Bus Route 142 to Encourage Ridership (D. Selenis)
- 2.5 Resolution: Second Amendment to Fiscal Year 2022 Capital Budget (B. Bernegger)
- 2.6 Resolution: Delegation of Authority to the General Manager/CEO to Award Contracts for Pre-Employment and DOT/DMV Certification Medical Examinations, Prescription Drug Safety Reviews and Evaluation of Job Description Physical Requirements (S. Booth)
- 2.7 Resolution: Temporarily Reducing Fares for On-Board Light Rail Single Ride Ticket and On-Board Light Rail Discount Single Ride Ticket (B. Bernegger)
- 2.8 Resolution: Conditionally Approving Sole Source Procurement of Radio Equipment from Motorola Under the County of Sacramento Master Agreement (C. Alba)
- 2.9 Resolution: Conditionally Approve Work Order No. 6 to the Contract for General Engineering Support Services – 2020 for the Watt I-80 Transit

Center Design Project with Mark Thomas and Company, Inc. (L. Ham)

- 2.10 Resolution: Amending and Restating Title VIII of the Administrative Code Pertaining to Employee and Director Expense Reimbursement and Director Compensation (O. Sanchez-Ochoa)
- 2.11 Approving the Student Transit Pass Agreement 2021-2022 with the City of Sacramento, Modifying the Fare Structure to Revise the Definition and Validity for the Annual Student (TK-12) Pass, and Conditionally Approving Issuance of a Pass to Students Outside the City of Sacramento (B. Bernegger)
- A. Resolution: Approving the Student Transit Pass Agreement – 20221-2022 with the City of Sacramento; and
  - B. Resolution: Modifying the Definition and Validity Requirements of the Annual Student (TK-12) Pass; and
  - C. Resolution: Conditionally Authorizing Students (K-12) Residing in or Attending School Outside the City Limits of Sacramento and Within SacRT’s Service Boundary to Obtain an Annual Student (TK-12) Pass Prepaid Fare Valid from October 1, 2021 Through June 30, 2022 without Payment by a Sponsoring Entity
- 2.12 Resolution: Approve the Amended and Restated Personnel Policy Manual (S. Valenton)

The Clerk read one public comment into the record on Item 2.9:

Rick Hodgkins - Mr. Hodgkins suggested it be auditorily announced what trains are arriving and from what direction. Also, if the elevators are going to be out of order that it be announced over the station’s public address system. Mr. Hodgkins recommended installing extra security cameras.

The Clerk read a response to Mr. Hodgins from Laura Ham, Vice President of Planning & Engineering:

Ms. Ham responded that both elevators are currently in service. The east elevator has been completely replaced. Construction will begin on the west elevator within the next month. The public will be notified before it closes. The replacement of the elevators will greatly improve reliability. When funding is fully secured the current stairs will be replaced with an upgraded and open stairwell.

**Director Jennings moved; Director Howell seconded approval of the consent calendar as written. Motion was carried by roll call vote. Ayes: Directors Budge, Harris, Howell, Hume, Jennings, Kennedy, Nottoli, Serna, Valenzuela, and Chair Miller. Noes: None; Abstain: None; Absent: Director Schenirer.**

**3. INTRODUCTION OF SPECIAL GUESTS**

**4. UNFINISHED BUSINESS**

**5. PUBLIC HEARING**

**6. PUBLIC ADDRESSES BOARD ON MATTERS NOT ON THE AGENDA**

The Clerk read two public comments into the record:

Charlotte Bergheimer – Ms. Bergheimer wrote to let SacRT know about a personal experience while trying to connect to SacRT from the Capital Corridor Amtrak Service. The schedules do not align with the Amtrak train to either the bus (route 30) or light rail. Ms. Bergheimer is wanting to know if there is any way to better align the schedules so that riders can more easily transfer from Amtrak to SacRT.

Rick Hodgkins – Mr. Hodgkins was concerned about the plates at the beginning and end of all 20 low floor light rail cars by Siemens. The plates should be painted yellow and have raised bumps so the visually impaired know what they are. Another concern is the Network Draft Plan of the long range transit plan. Mr. Hodgkins submitted comments to James Drake, particularly regarding the new bus terminal at Sacramento Valley Station and the redesigning of all light rail stations. As SacRT moves to accommodate low floor light rail vehicles, there should be a braille map for the visually impaired. There should be audible announcements letting people know when the next train is arriving and in which direction. Everything must be accessible to people with all disabilities, including those that are visually impaired.

The Clerk read a response from Laura Ham, Vice President of Planning & Engineering:

Ms. Ham responded to Mr. Hodgkins that the tile will be safety yellow and include raised and detectable domes. SacRT is also evaluating options to make audible announcements and provide other information to passengers with disabilities about boarding location once the new light rail vehicles are placed in service.

**7. NEW BUSINESS**



## 8. GENERAL MANAGER'S REPORT

- 8.1 General Manager's Report
  - a. Major Project Updates
  - b. San Joaquin Joint Powers Authority – July 23, 2021 (Hume)
  - c. SacRT Meeting Calendar

Mr. Li recognized the rise in COVID cases and the need to take necessary safeguards to protect and prevent the spread of COVID. Mr. Li then stated that last week, the Transportation Security Administration extended the face mask requirement for public transportation through January 18<sup>th</sup> of 2022. SacRT will continue to provide free transit to and from vaccine sites in hopes of increasing vaccine rates.

Mr. Li acknowledged the loss of an unvaccinated employee, who had been out for a number of weeks, and had recently passed away from COVID. Mr. Li stated this is an important reminder to take this virus seriously and recognized the fact that those who are vaccinated are far less likely to be hospitalized. Mr. Li then asked us to join him in a moment of silence in remembrance of the team member.

Mr. Li provided a follow-up update on the Safe Parking Item that the Board was briefed on at the last meeting. Mr. Li informed us that at the August 10<sup>th</sup> Sacramento Council meeting, the city unanimously adopted a Masterplan for homeless siting identifying 20 potential locations. The city's plan identified three SacRT light rail park-and-ride locations as potential sites for safe parking: Franklin, Florin and Roseville Road. Mr. Li went on to say that SacRT then met with city staff to discuss the plan and is reaching out to the community, residents, businesses and other stakeholders. Mr. Li acknowledged that this will be a process as the SacRT Board of Directors, as well as federal and state regulators, will have to approve any plan that involves SacRT property. This item will be brought back to the Board with further updates at an upcoming meeting.

Mr. Li updated the Board and alerted the public on an opportunity to provide feedback on SacRT service planning. Mr. Li stated that SacRT planning department had begun work on *SacRT On The Move*, the proposed Short-Range Transit Plan, that will make service recommendations over the next five years. Mr. Li spoke of major changes to the bus network with the SacRT Forward project. In 2020, the COVID-19 pandemic upended transit service and changed travel patterns everywhere. With the new bus network implementation and impacts from COVID-19, SacRT will examine data to see what is working and what is not, in addition to impacts from the pandemic. SacRT will then use the data and have conversations with stakeholders and the community to establish where to go from there. Mr. Li stated that the draft plan will be available in the coming weeks, and SacRT will be actively seeking public comment this fall.

Mr. Li mentioned another way the public can get involved is by signing up for SacRT's upcoming 2021 Transit Academy. SacRT is currently seeking applicants for a four-class course, which starts on October 5<sup>th</sup>. The Transit Academy will include presentations, Q & A and interactive discussions, and behind-the-scenes field trips, including a trip to Siemens Mobility, to see new light rail car manufacturing, a transit-oriented development project, and SacRT's bus facilities. SacRT had a successful class of over 60 participants in 2019 and is glad to be able to resume the Academy after a one year hiatus.

Mr. Li then gave an update with regards to the Ad-Hoc Real Estate Committee that was created last fall, to discuss the status of SacRT's facilities and to come up with a comprehensive plan for the district moving forward. The Committee has discussed many items which include:

- the state of the existing Administrative Campus and outdated facilities,
- efforts to upgrade SacRT facilities,
- timeline on potential purchases & sale of properties,
- existing capital funds,
- and what options are available to meet short term/long term cash needs.

Mr. Li stated that SacRT staff has been working to create a comprehensive plan to bring back to the Ad Hoc Committee and Board. SacRT is working with real estate brokers to help with an Administrative Campus search as well as future bus and rail facilities. SacRT staff will work with the team and examine current market conditions and weigh the pros and cons, cost analysis and numerous other factors before making a final recommendation.

Some of those include:

- Administrative Building Upgrade or Purchases/Sale/Lease Back
- Bus Operation & Maintenance Expansions
- Zero Emission Vehicle/Multi-fuel Infrastructure
- Light Rail Operation & Maintenance Expansion
- Other Safety and Operational Needs
- Financial plan

SacRT hopes to have a report back to the Board in the coming months.

Mr. Li announced that this weekend, SacRT is expanding bus service to better meet the needs of the community. Improvements include a new route 124 peak-hour bus from Fair Oaks and Orangevale to Rancho Cordova, with connections to the Gold Line Sunrise Station. The new route will also connect to offices in Rancho Cordova near City Hall, Kaiser Hospital, and the VA Medical Center. SacRT is also restoring the Airport Express bus route 142 between downtown Sacramento and the Sacramento International Airport. The service will operate with all new zero-emission electric battery powered buses and will be available every 30 minutes, 7 days a week. SacRT is hosting a celebration event at the Bus Yard on Friday, August 27<sup>th</sup> at 10 a.m. and Mr. Li is hoping for all of to be able to come to this event.

Mr. Li then mentioned that on August 30, 2021, SacRT will officially open the Morrison Creek light rail station along the Blue Line between the Meadowview and Franklin stations. The station construction was initially deferred during the 2015 Blue Line expansion to Cosumnes River College in anticipation of transit oriented development west of the station. The opening of this station signifies a major mobility project that will help eliminate barriers to opportunity by providing much needed connectivity and transit service in an area that is economically challenged. It also demonstrates SacRT's ability to progress transit investment in suburban areas supporting the Sacramento region's Blueprint principles by tying transit service to future development and promoting patterns of smart growth. The Stone Beetland mixed-use transit village is anticipated to be a dynamic and active center of the community, with the Morrison Creek Station anchoring the eastern edge. The commercial component is envisioned to offer local retail goods and services, which will provide a walkable destination for residents, those using the SacRT system and for existing surrounding neighborhoods. The Morrison Creek Station includes convenient bicycle and lighted pedestrian access. And, while the future public access road is under development, SacRT will be demonstrating the use of electric carts as part of its innovative service fleet. The service will operate during scheduled light rail service hours seven days a week. Customers will have the ability to board the free service at the station gateway, located at the south end of Ann Arbor Way via Detroit Boulevard, and be driven approximately 1,000 feet to and from the Morrison Creek Station.

In closing remarks, Mr. Li noted that with the opening of the new station, SacRT will officially serve 53 light rail stations within its 440-square mile service area, which includes service in the cities of Sacramento, Citrus Heights, Elk Grove, Folsom and Rancho Cordova, and Sacramento County.

9. **REPORTS, IDEAS AND QUESTIONS FROM DIRECTORS, AND COMMUNICATIONS**
10. **CONTINUATION OF PUBLIC ADDRESSES BOARD ON MATTERS NOT ON THE AGENDA (If Necessary)**
11. **ANNOUNCEMENT OF CLOSED SESSION ITEMS**
12. **RECESS TO CLOSED SESSION**
13. **CLOSED SESSION**
14. **RECONVENE IN OPEN SESSION**
15. **CLOSED SESSION REPORT**

**16. ADJOURN**

As there was no further business to be conducted, the meeting was adjourned at 5:54 p.m.

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STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary



## STAFF REPORT

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**DATE:** September 27, 2021  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Olga Sanchez-Ochoa, General Counsel  
**SUBJ:** WAIVE THE FIRST READING OF THE AMENDED AND RESTATED PROCUREMENT ORDINANCE

### RECOMMENDATION

Motion: Waive the First Reading of Ordinance 21-10-01, Amending and Restating Title I, "Procurement Ordinance" of SacRT's Administrative Code.

### RESULT OF RECOMMENDED ACTION

Would provide for the revised Ordinance to be considered for adoption at the October 25, 2021, Board meeting.

### FISCAL IMPACT

None

### DISCUSSION

In 2018, by Ordinance 18-08-01, the Board amended and restated the Procurement Ordinance to make a number of significant edits to streamline and improve business processes. After having the revised Procurement Ordinance in place for three years, Staff has identified several additional areas for streamlining and improvement.

The following are the significant changes that would be made in the Amended and Restated Procurement Ordinance:

#### Delegating Authority to the General Manager/CEO to Approve Sole Source Procurements and Execute Litigation-Related Contracts

In 2018, the Board provided authority for the Chief Counsel to approve sole source procurements (without competition) for litigation-related services, including expert witnesses and outside counsel. However, this authority, in Section 1.405.B.3 of the current Procurement Ordinance, did not provide any corresponding authority for the General Manager/CEO or Chief Counsel to approve contracts in excess of \$150,000, which authority is reserved to the Board of Directors under Section 1.503 of the Ordinance, in the absence of a specific delegation.

Consequently, expert witness and outside counsel contracts in excess of \$150,000 must be approved by the Board. This requirement can result in premature disclosure to a plaintiff of SacRT's experts and litigation strategy.

In addition, since 2018, the personal injury tort litigation function has been moved to the Risk Department, under the General Manager/CEO and CFO, making it inappropriate for the General Counsel to approve sole source determinations for personal injury tort litigation-related contracts.

To improve SacRT's ability to quickly engage experts and outside counsel and successfully litigate claims, Staff is requesting that authority be delegated to the General Manager/CEO to both: (a) approve sole source procurements for litigation-related contracts; and (b) approve all litigation-related contracts, regardless of value.

### Changes to Requirements for Ratification

In the 2018 Ordinance update, the Board added language permitting "ratification" of unauthorized procurements in specified circumstances. This language allows a contractor that proceeded in good faith to perform work or provide supplies to SacRT at a reasonable price to receive payment even in the absence of a properly-executed contract.

The current language specifies that, in order to be eligible for ratification, there must be a "written agreement" that is not valid solely because either: (a) the SacRT representative who made it lacked the authority to enter into that agreement on behalf of SacRT, or (2) it was not reviewed and approved by the General Counsel.

Since adoption of this language, there have been a number of situations where there was written documentation supporting the existence of an agreement between SacRT staff and a contractor, but it did not meet the requirement of a bilateral "written agreement." In other instances, there was a verbal agreement regarding the work to be performed, but no written documentation in advance of performance of work (e.g., the only evidence of the agreement is a written invoice submitted after completion of work).

While Procurement Staff is continuing to provide training and assistance to Staff regarding the appropriate procurement procedures to avoid the need for ratification, there is a desire to provide additional flexibility in the ratification language to enable contractors to be paid for work performed or services provided. The proposed revision would substitute "documented in writing" for "written agreement" and provide a definition of what constitutes adequate written documentation. For unauthorized procurements over \$3,000, the language would provide that at least one of the parties must have provided a written offer, which could have been accepted verbally. For unauthorized procurements up to \$3,000, the SacRT employee ordering the supplies or services would be able to provide a written attestation, executed under penalty of discipline, documenting the terms of the agreement as an alternative to a written offer.

The ratification language does not provide an exception to any otherwise-applicable competition requirements or requirements to determine that the price is fair and reasonable. Ratification is a discretionary action by the Board or General Manager/CEO,

as applicable and will not be done when there is evidence of abuse of the process, either by SacRT Staff or the contractor.

### **Authority to Approve Amendments to Supply and Service Contracts**

Two changes are proposed to Section 1.505, which sets out the General Manager/CEO's authority to approve amendments to Contracts. Currently, if the Board approves a Contract, the General Manager's authority to approve amendments to that Contract is limited to an aggregate amount of the lesser of: (a) \$150,000; or (b) 15% of the initial Contract value (for instance, if a Contract is approved for \$300,000, the General Manager/CEO can only approve amendments totaling \$45,000). Setting the amendment limit at \$150,000, regardless of the initial Contract value, is more consistent with the General Manager/CEO's overall contracting authority and provides more flexibility to adapt to necessary Contract changes that have a minor fiscal impact.

For Contracts awarded after an informal solicitation (less than \$150,000), the General Manager/CEO cannot currently approve an amendment that would increase the value of the Contract, considering all previously-approved amendments, to an amount above \$150,000. The proposed changes would create an exception to that general rule to permit the General Manager/CEO to approve an amendment to such Contracts if the amendment is needed to prevent a disruption in the delivery of supplies or provision of services until the next regularly-scheduled Board meeting, where such disruption would result in substantial harm to SacRT's continued operations. This is similar to the exception that exists for execution of Contract Change Orders related to public works projects.

### **Delegation of Authority**

A clarifying change to Section 1.507, related to specific delegations of authority from the Board to the General Manager/CEO, would expressly specify that a delegation of authority from the Board to award a contract or contracts also includes authority to approve a non-competitive and sole source procurement.

As a minor change, the term "Chief Counsel" will be updated throughout the document to "General Counsel" to reflect the change in title for this position.

The proposed changes to the current Title I are shown in Attachment 1. Staff is requesting that the Board waive the First Reading of Ordinance No. 21-10-01. If the Board waives the First Reading, the Ordinance will be brought back for approval at the October 25, 2021 Board meeting.

**ORDINANCE NO. 21-10-01**

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

October 25, 2021

**AMENDING AND RESTATING CHAPTERS  
1 AND 2 OF TITLE I, PROCUREMENT ORDINANCE,  
OF THE SACRT ADMINISTRATIVE CODE**

THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT DO ORDAIN AS FOLLOWS:

**SECTION 1:**

This Ordinance is adopted pursuant to the authority set forth in Public Utilities Code Section 102121(d). This Section authorizes the SacRT Board of Directors to adopt an Administrative Code prescribing the powers and duties of District officers. Public Utilities Code Section 102107 provides, in part, that: No ordinance shall be passed by the board on the day of its introduction, nor within three days thereafter, nor at any time other than at a regular or adjourned regular meeting.

**SECTION 2:**

Ordinance 18-08-01 (Chapters 1 and 2 of Title I of the Sacramento Regional Transit District Administrative Code) is hereby repealed.

**SECTION 3:**

Chapters 1 and 2 are hereby added to Title I of the Sacramento Regional Transit District Administrative Code to read as follows:



# TITLE I - PROCUREMENT ORDINANCE

## CHAPTER 1

### SOLICITATION AND AWARD OF CONTRACTS

#### Article I General Requirements

- §1.101 Purpose
- §1.102 Definitions
- §1.103 Procurements not Requiring a Solicitation or Contract
- §1.104 Administrative Procedures
- §1.105 Ratification of Unauthorized Procurement
- §1.106 Splitting Procurement Prohibited
- §1.107 Collusion with Bidder or Proposer
- §1.108 Collusion between Bidders or Proposers
- §1.109 Compliance with Federal Law
- §1.110 Execution of Contracts
- §1.111 Severance

#### Article II Contents of Solicitation Documents

- §1.201 Bid Forms
- §1.202 Bid Security on Public Works Contracts

#### Article III Solicitation Procedures

- §1.301 Approval of Solicitations
- §1.302 Advertising Requirements for IFBs
- §1.303 Advertising Requirements for RFPs
- §1.304 Submittal of Sealed Bids and Proposals
- §1.305 Opening of Bids

#### Article IV Evaluation of Bids and Proposals

- §1.401 Responsibility Factors
- §1.402 Responsiveness
- §1.403 Application of Responsibility Factors
- §1.404 Evaluation of Proposals Submitted in Response to an RFP
- §1.405 Noncompetitive and Sole Source Procurement
- §1.406 Best Value Procurement for Supplies
- §1.407 Cooperative Purchase Agreements **and Use of Government Schedule**

#### Article V Awarding Procurements and Issuing Change Orders

- §1.501 Award to Lowest Responsible Bidder
- §1.502 Award to Best Value or Most Qualified Proposer
- §1.503 Authority to Award Procurements Exceeding \$150,000
- §1.504 Authority to Award Procurements of \$150,000 or Less

- §1.505 Authority to Approve Amendments to SUPPLY and SERVICE CONTRACTS
- §1.506 Authority to Issue Change Orders for Public Works Contracts
- §1.507 Delegation of Authority
- §1.508 Award in Case of Identical Bids
- §1.509 Rejection of Bids/Proposals; Waiver of Minor Irregularities
- §1.510 Alternative Award; Failure to Enter into Contract

**Article VI**  
**Debarment**

- §1.601 Scope of Debarment Procedure
- §1.602 Violations Subject to Debarment
- §1.603 Debarment Procedures
- §1.604 General Manager's/Board of Directors' Decision
- §1.605 Effect of Debarment on Submittal of Bids or Proposals

## **CHAPTER 2**

### **DISPOSAL OF SURPLUS PROPERTY**

- §2.101 Authority for Disposal of Surplus Personal Property
- §2.102 Procedure for Disposal of Surplus Personal Property
- §2.103 Incidental Sale of Certain Items
- §2.104 Sale to Another Public Entity
- §2.105 Limitation Upon Employees of RT

## CHAPTER 1

### SOLICITATION AND AWARD OF CONTRACTS

#### Article I General Requirements

##### §1.101 Purpose

The purpose of this Ordinance is to promote competition in SacRT procurements and to ensure all vendors have an equal opportunity to participate in the procurement process in a fair manner, with the view towards ensuring judicious use of the funds entrusted to SacRT and to facilitate the transit services SacRT is charged with providing. A non-exhaustive list of laws and regulations applicable to SacRT as it strives to achieve these objectives is attached as Attachment 1 to this Title.

##### §1.102 Definitions

The following capitalized words and phrases whenever used in this Chapter must be construed as defined below:

- A. ARCHITECT AND ENGINEERING SERVICES (A&E SERVICES) means those professional services of an architectural, landscape architectural, engineering, environmental, or land surveying nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform (*Government Code* §4525, FTA Circular 4220.1f, Ch. IV(2)(h)).
- B. BEST VALUE means the overall combination of quality, price, and other elements of a PROPOSAL that, when considered together, provide the greatest overall benefit in response to the requirements described in the SOLICITATION DOCUMENTS.
- C. BID means a written or oral offer of a BIDDER to provide goods, services or work in response to a SOLICITATION where award will be made to the lowest responsive and responsible BIDDER.
- D. BIDDER means any individual, firm, partnership, corporation or combination thereof submitting an offer to provide goods, services or work in response to a SOLICITATION where award will be made to the lowest responsive and responsible bidder.
- E. BOARD means the Board of Directors of the Sacramento Regional Transit District.
- F. ~~CHIEF COUNSEL means the Chief Counsel of SACRT or his or her designee acting pursuant to a delegation.~~
- F. CONTRACT means a written agreement executed by an authorized representative of SACRT that binds SACRT to a course of action, including, without limitation, letter of agreement, memorandum of understanding, contract, contract change order, purchase order, work

order, or an amendment or supplemental agreement to any of the foregoing.

- G. CONTRACTOR means an individual or entity that enters into a CONTRACT with SACRT.
- H. DAYS mean calendar days unless preceded by “working.” When “working days” is used, it refers to Monday through Friday, excluding State-recognized holidays.
- I. FORMAL SOLICITATION means a SOLICITATION that requires issuance of a SOLICITATION DOCUMENT, full and open competition, advertisement, and a sealed response.
- J. FTA means the United States Department of Transportation, Federal Transit Administration.
- K. **GENERAL COUNSEL means the GENERAL COUNSEL of SACRT or their designee acting pursuant to a delegation.**
- L. GENERAL MANAGER means the General Manager/CEO of SACRT or his/her designee acting pursuant to a delegation.
- M. INFORMAL SOLICITATION means a SOLICITATION that does not require advertisement, full and open competition, nor a sealed response. An INFORMAL SOLICITATION may include oral requests for BIDs or PROPOSALS.
- N. INVITATION FOR BID (IFB) means a SOLICITATION for submittal of sealed BIDs for SUPPLIES, NONPROFESSIONAL SERVICES or a PUBLIC WORKS project to be awarded to the lowest responsive and responsible BIDDER.
- O. LETTER OF SOLICITATION means a type of INFORMAL SOLICITATION in which potential offerors are provided with a written scope of work and invited to submit written responses/offers.
- P. NONPROFESSIONAL SERVICES means and includes all services that are not PROFESSIONAL SERVICES.
- Q. PERSONAL PROPERTY means a movable or intangible thing, not real property or a fixture to real property, that is owned by SACRT.
- R. PROCUREMENT means a SOLICITATION for an initial CONTRACT for SUPPLIES, SERVICES and PUBLIC WORKS and modifications for existing CONTRACTS, including amendments, Contract Change Orders, Work Orders, and the exercising of CONTRACT options.
- S. PROFESSIONAL SERVICES means and includes services that involve labor and skills that are predominantly mental or intellectual rather than physical or manual, where the providers of the service are members of disciplines requiring special knowledge or the attainment of a high level of learning or skill, including, without limitation, services rendered by

accountants, actuaries, appraisers, architects, attorneys, consultants, doctors, and engineers.

- T. PROPOSAL means a written or oral offer to provide goods, services or work in response to a SOLICITATION where award will be based on a determination of the response that offers the BEST VALUE to SACRT.
- U. PROPOSER means any individual, firm, partnership, corporation or combination thereof submitting a PROPOSAL in response to a SOLICITATION where award will be based on a determination of the response that offers the BEST VALUE to SACRT.
- V. PUBLIC WORKS means a project for the erection, construction, alteration, repair or improvement of any public structure, building or other public improvement of any kind. (*Public Contract Code* §1101).
- W. PURCHASE means the acquisition, renting, or leasing of SUPPLIES.
- X. RATIFICATION means the act of approving an UNAUTHORIZED PROCUREMENT by an official who has the authority to do so.
- Y. REQUEST FOR PROPOSAL (RFP) means a written SOLICITATION DOCUMENT by which PROPOSALS are solicited and a CONTRACT is awarded based on a determination of the PROPOSAL that offers the BEST VALUE.
- Z. REQUEST FOR INFORMATION AND QUALIFICATIONS (RFIQ) is a term used to describe the competitive selection process when selection is based primarily on the qualifications set forth in the proposal, such as Architectural/Engineering Services and artist selections.
- AA. REQUEST FOR QUOTE (RFQ) is an INFORMAL SOLICITATION document used to request offers for SERVICES or SUPPLIES when formal advertising is not required.
- BB. SACRT means the Sacramento Regional Transit District as established and operated under Part 14, Division 10 of the *California Public Utilities Code*.
- CC. SOLICITATION means the process used to communicate PROCUREMENT requirements and request responses from interested vendors. A SOLICITATION may be, but is not limited to, an INVITATION FOR BID, REQUEST FOR PROPOSAL, REQUEST FOR QUOTE, LETTER OF SOLICITATION or oral requests for BIDS or PROPOSALS.
- DD. SOLICITATION DOCUMENT means documents used to request BIDS, PROPOSALS or quotations (offers) from suppliers for the goods, works or SERVICES required. Types of SOLICITATION DOCUMENTS include IFB, RFP, RFQ, REQUEST FOR QUOTE, and LETTER OF SOLICITATION.
- EE. SERVICES mean PROFESSIONAL AND/OR NON-PROFESSIONAL SERVICES, or both, in accordance with the context.

FF. SUPPLIES means and includes personal property, goods, equipment and materials, including, without limitation, materials required for the maintenance or repair of any property of SACRT or of any other person or agency for which it is the duty of SACRT to maintain or repair.

GG. UNAUTHORIZED PROCUREMENT is ~~a written~~ **an agreement to acquire goods or services on behalf of SACRT that is documented in writing and** that is not binding solely because (1) the SACRT representative who made it lacked the authority to enter into that agreement on behalf of SACRT, or (2) the CONTRACT was not executed in accordance with Section 1.109. The only individuals who can bind SACRT are the Board Chair, the General Manager/CEO, their authorized delegates, and purchase cardholders acting within the limits of their delegated authority. **For purposes of this definition only, “documented in writing” includes: (1) written offers that are accepted either verbally or in writing by either SacRT staff or the provider of goods or services prior to performance; and (2) for PURCHASES up to \$3,000 only, a written attestation by the SacRT employee ordering the SUPPLIES or SERVICES, executed under penalty of discipline, documenting the terms of the agreement. A vendor invoice submitted after the SUPPLIES are provided or SERVICES are performed does not constitute the required written documentation.**

### **§1.103 Expenditures Not Requiring a Solicitation or a Contract**

The following types of EXPENDITURES do not require a SOLICITATION or a CONTRACT:

1. Public utility charges based on an adopted rate and service structure;
2. Permits and fees imposed by public agencies or public or private utilities for SERVICES;
3. Subscriptions for periodicals and books related to SACRT operations;
4. Advertisements in newspapers, magazines or professional journals or on radio or television when the advertisement is targeted to specific types of subscribers or viewers;
5. Travel expenses, including without limitation airline, car rental and hotel charges;
6. Conference registration fees;
7. Membership dues and fees of professional and nonprofit organizations related to SACRT operations;
8. Deposition fees, arbitration fees, **mediation fees**, appraisal fees, jury fees, photocopies, and witness fees;
9. SERVICES and SUPPLIES, below the federal micro-purchase threshold, purchased under the Procurement Credit Card Program authorized in a BOARD-adopted resolution;
10. SERVICES and SUPPLIES costing, in the aggregate, for a single purchase, up to and including \$200.

Other than the exceptions set forth above, all PROCUREMENTs of SUPPLIES and SERVICES costing in excess of \$200 require use of a CONTRACT.

The ~~CHIEF COUNSEL~~**GENERAL COUNSEL** may issue a written determination that a CONTRACT is not required for a specific SERVICE or SUPPLY. The GENERAL MANAGER shall establish control procedures for PROCUREMENTs not requiring a SOLICITATION or CONTRACT.

**§1.104**      **Administrative Procedures**

The GENERAL MANAGER may prepare administrative procedures to carry out the intent of this Chapter. The procedures must establish a system for INFORMAL SOLICITATIONS. The system for INFORMAL SOLICITATIONS must incorporate the responsibility and responsiveness factors identified in Section 1.401 and 1.402 of this Ordinance. In addition, to ensure compliance with *Public Utilities Code* Section 102222, for PROCUREMENTS for SUPPLIES, the administrative procedures must require that, “to the extent practicable, when the expected procurement required exceeds \$3,000 but does not exceed \$100,000, a minimum of three quotations shall be obtained, either written or oral, which permit prices and other terms to be compared.” This dollar threshold excludes sales and use tax but includes, postage, handling, shipping and freight charges in determining the procurement requirements.

**§1.105**      **Ratification of Unauthorized Procurement**

A. SACRT is not bound by UNAUTHORIZED PROCUREMENTS unless they are ratified. Ratification may be authorized by the GENERAL MANAGER or BOARD, as applicable, only under the following conditions:

1. SACRT must take positive action to preclude, to the maximum extent possible, the need for RATIFICATION actions. Although procedures are provided in this section for use in those cases where the RATIFICATION of an UNAUTHORIZED PROCUREMENT is necessary, these procedures may not be used in a manner that encourages such commitments being made by SACRT personnel.
2. Subject to the limitations in paragraph (B) of this subsection, the GENERAL MANAGER or BOARD, as applicable, may ratify an UNAUTHORIZED PROCUREMENT.
3. The RATIFICATION authority in subparagraph (A)(2) of this subsection may be delegated in accordance with SACRT procedures.

B. Limitations. The authority specified above may be exercised only when:

1. Supplies or services have been provided to and accepted by SACRT, or SACRT otherwise has obtained or will obtain a benefit resulting from performance of the UNAUTHORIZED PROCUREMENT;
2. The ratifying official has the authority to enter into a contractual commitment;
3. The resulting contract would otherwise have been proper if made by an appropriate contracting officer;
4. The contracting officer reviewing the UNAUTHORIZED PROCUREMENT determines the price to be fair and reasonable; and



5. Sufficient funds are available.

The GENERAL MANAGER must institute procedures for the initiation of a ratification request, documentation required, review and approval or denial of the request. All requests for ratification must be reviewed by the ~~CHIEF COUNSEL~~**GENERAL COUNSEL** for legality before being presented to the GENERAL MANAGER or BOARD, as applicable.

Request for ratification of an UNAUTHORIZED PROCUREMENT by the GENERAL MANAGER must be approved by the BOARD, even if the CONTRACT is otherwise within the GENERAL MANAGER's authority.

**§1.106**      **Splitting Procurement Prohibited**

Splitting or separating SACRT requirements into smaller units for the purpose or with the effect of evading the provisions of this Chapter or any other requirements for full and open competition is prohibited. Splitting or separating a PROCUREMENT means and includes buying a SUPPLY or SERVICE repetitively, at frequent intervals, when there is no good business or program reason not to consolidate requirements and solicit bids or proposals for a length of time and for such quantities as to maximize price competition.

**§1.107**      **Collusion With Bidder or Proposer**

BIDDERS and PROPOSERS are prohibited from colluding with SACRT employees and officers. Collusion includes, without limitation, knowingly doing any of the following:

- A. Aiding or assisting a BIDDER or PROPOSER in securing a CONTRACT at a higher price than that proposed by any other BIDDER or PROPOSER; or
- B. Favoring one BIDDER or PROPOSER over another by giving or withholding information; or
- C. Willfully misleading any BIDDER or PROPOSER as to the character of the work or service to be performed or product to be supplied; or
- D. Accepting SUPPLIES, SERVICES, or PUBLIC WORKS that are inferior to that called for in the CONTRACT for reasons unrelated to the best interests of SACRT; or
- E. Falsely reporting the receipt of a greater amount or a different kind of SUPPLIES, SERVICES, or PUBLIC WORKS than has been actually received; or
- F. Intentionally acting or failing to act in relation to a BID/BIDDER or PROPOSAL/PROPOSER by wrongfully favoring a BIDDER's or PROPOSER's interest over SACRT's interests.

Any BID or PROPOSAL received or CONTRACT awarded where there was a violation of this section is null and void. SACRT will dispose of the matter

in the same manner as if the BIDDER or PROPOSER involved had failed to enter the CONTRACT after award.

**§1.108      Collusion Between Bidders or Proposers**

It is prohibited for a BIDDER or PROPOSER to:

- A. Propose or bid prices that have not been arrived at independently without consultation, communication, or agreement with any other BIDDER, offeror or competitor for the purpose of restricting competition as to any matter relating to the prices bid or proposed; or
- B. Knowingly disclose any price bid or proposed to any other BIDDER, offeror or to any competitor prior to opening of the bids or PROPOSALS, unless otherwise required by law; or
- C. Make any attempt to induce any other person, firm or other entity or association to submit or not to submit a BID or PROPOSAL for the purpose of restricting competition; or
- D. Knowingly be interested in more than one BID as the principal BIDDER; provided, however, subcontract bids to the principal BIDDERS or PROPOSERS are excluded from this paragraph D.

In case of joint venture bids or PROPOSALS, the joint venture itself and each and every member of the joint venture must, for the purposes of the foregoing, be construed to be the person submitting the BID or PROPOSAL.

Any BID or PROPOSAL received or CONTRACT awarded where there was a violation of this section is null and void. SACRT will dispose of the matter in the same manner as if the BIDDER or PROPOSER involved had failed to enter the CONTRACT after award.

**§1.109      Compliance with Federal Law**

Pursuant to *California Government Code* Section 53702, a PROCUREMENT funded in full or in part pursuant to the terms of a federal grant or loan must be advertised, prepared, awarded, performed, and administered in compliance with all applicable requirements of federal laws, regulations and orders whenever compliance with those laws, regulations and orders is a prerequisite of federal financial assistance.

**§1.110      Execution of Contracts**

The GENERAL MANAGER must institute procedures for the execution of CONTRACTS as required in **this Ordinance**. The **GENERAL COUNSEL** must approve the legality of all CONTRACTS prior to the execution thereof, with the exception of those CONTRACTS that the **GENERAL COUNSEL** has authorized to be executed on a standard form reviewed and approved by the **GENERAL COUNSEL**, including but not limited to purchase orders for SUPPLIES. If the GENERAL MANAGER will be unavailable to sign a CONTRACT, s/he or the BOARD may delegate such authority in writing to a named SACRT employee who will be authorized to sign CONTRACTS on

behalf of the GENERAL MANAGER. A copy of such authorization must be filed with the Clerk to the BOARD.

**§1.111**

**Severance**

If any provision or part of this Ordinance conflicts with state or federal laws, regulations, or grant conditions applicable to SACRT PROCUREMENTS, or decisional law binding upon SACRT, the provision or part in conflict shall be deemed severed from this Ordinance and the remainder shall stay in full force and effect.

**Article II**  
**Contents of Solicitation Documents**

**§1.201**      **Bid Forms**

All BIDS for FORMAL SOLICITATIONS must be made on forms provided by SACRT. The execution of the forms by BIDDERS will be subject to procedures formulated by the GENERAL MANAGER, which must include controls over erasures, corrections, and interlineations.

**§1.202**      **Bid Security on Public Works Contracts**

For any PUBLIC WORKS CONTRACT, the SOLICITATION DOCUMENTS must require the BIDDER to submit with the BID as security one of the following:

- A. Cash; or
- B. Cashier's check or certified check made payable to SACRT; or
- C. Bidder's bond executed by an admitted surety insurer and made payable to SACRT.

The security must be in an amount determined by SACRT to be sufficient but must not exceed 10% of the total bid amount.

If the successful BIDDER fails to execute and return the CONTRACT or, if applicable, provide all required insurance certificates and bonds within 20 days after the CONTRACT is provided for execution by SACRT, the BID security must be forfeited in favor of SACRT. Upon good cause being shown, the GENERAL MANAGER in his or her discretion, may extend the time for the BIDDER to enter the CONTRACT for a period not to exceed an additional 30 days.

Upon award to the lowest responsible BIDDER, SACRT must return the security of an unsuccessful BIDDER no later than 60 days after CONTRACT award. However, if a BID protest is timely filed, the security of unsuccessful BIDDERS will not be returned until the expiration of the BID validity period. The BID security of the successful BIDDER must be returned after execution of the CONTRACT and receipt of the applicable insurance certificate and performance, payment and service disruption bonds (*Public Contract Code § 20322*).

## **Article III Solicitation Procedures**

### **§1.301      Approval of Solicitations**

For a PROCUREMENT expected to be awarded for an amount in excess of the amounts set out in Section 1.302 and Section 1.303 for a CONTRACT for PUBLIC WORKS, SUPPLIES, NONPROFESSIONAL SERVICES or PROFESSIONAL SERVICES, respectively, a written IFB or RFP must be prepared and thereafter approved by the GENERAL MANAGER and the **GENERAL COUNSEL** prior to its release.

### **§1.302      Advertising Requirements for IFBs**

IFBs for CONTRACTS expected to be awarded for an amount in excess of \$5,000 for PUBLIC WORKS, \$100,000 for SUPPLIES, and \$150,000 for NONPROFESSIONAL SERVICES must:

- A. Be publicly advertised not less than 10 days prior to the date established for the BID submittal. Advertising may be accomplished through posting on SacRT's website or through an e-Procurement portal.
- B. If time permits, IFBs may be advertised once in local minority newspapers.

### **§1.303      Advertising Requirements for RFPs**

RFPs for SUPPLY CONTRACTS expected to be awarded for an amount in excess of \$100,000 or for PROFESSIONAL OR NONPROFESSIONAL SERVICES CONTRACTS expected to be awarded for an amount in excess of \$150,000 must:

- A. Be publicly advertised not less than 10 calendar days prior to the date established for the PROPOSAL submittal. Advertising may be accomplished through posting on SacRT's website or through an e-Procurement portal.
- B. If time permits, RFPs may be advertised once in local minority newspapers, and for PROFESSIONAL SERVICES, in professional trade publications at least 10 calendar days before the PROPOSAL submittal date.

Advertising is not required when an RFP is released to firms or persons on an approved listing generated in response to a Request for Qualifications (RFIQ), if the RFP is limited to the category of work or service for which the listing was approved.

### **§1.304      Submittal of Sealed Bids and Proposals**

All BIDS/PROPOSALS for CONTRACTS expected to be awarded for an amount in excess of \$5,000 for PUBLIC WORKS, \$100,000 for SUPPLIES, and \$150,000 for both NONPROFESSIONAL SERVICES and PROFESSIONAL SERVICES must be submitted to the GENERAL

MANAGER at the place and time, and in the manner specified in the public notice inviting BIDs/PROPOSALS. The time specified in the public notice may be extended and notice of the extension may be given by addendum to the SOLICITATION DOCUMENTS. Submittals received after the specified time will not be accepted.

**§1.305      Opening of Sealed Bids**

Sealed Bids will be opened by the GENERAL MANAGER, in public, or online through the eProcurement system, at the time and place designated in the notice inviting BIDs. The time specified in the public notice may be extended and notice of the extension may be given by addendum to the SOLICITATION DOCUMENTS.

**§1.306      Failure to Adhere to Solicitation Procedure – Services Contracts**

A CONTRACT for PROFESSIONAL or NONPROFESSIONAL SERVICES approved by the BOARD or GENERAL MANAGER, as applicable, in accordance with the authority set out in the Ordinance is not void or voidable by either party to the CONTRACT or any third party due to failure to adhere to any solicitation procedure set forth in Article III.

## **Article IV Evaluation of Bids and Proposals**

### **§1.401      Responsibility Factors**

In determining whether a BIDDER or PROPOSER is responsible, consideration must be given to each of the following factors:

- A. The ability, capacity, trustworthiness, and skill of the BIDDER or PROPOSER to satisfactorily perform the CONTRACT;
- B. The ability of the BIDDER or PROPOSER to perform the CONTRACT within the time specified, without delay;
- C. The character, integrity, reputation, judgment, experience and efficiency of the BIDDER or PROPOSER;
- D. The quality of BIDDER's or PROPOSER's performance on previous CONTRACTS with SACRT.

### **§1.402      Responsiveness**

- A. A BID/PROPOSAL is responsive if it materially conforms with the information and documents required by the IFB, RFP, or RFQ in the form and at the time required by the IFB, RFP, or RFQ, and the BIDDER/PROPOSER is offering to perform pursuant to the IFB, RFP, or RFQ requirements.
- B. If good faith efforts are required to comply with a BOARD-adopted program or procedure to promote the participation and use of minority-owned business enterprises, women-owned business enterprises, disadvantaged business enterprises, local business enterprises and/or small business enterprises, the BIDDER/PROPOSER must demonstrate such efforts to be deemed responsive.
- C. BID/PROPOSAL Irregularities: Material vs. Non-Material - Factors to consider in determining whether a BID/PROPOSAL may be accepted though not strictly responsive are whether the deviation: could be a vehicle for favoritism, affect amount of bid, influence potential bidders to refrain from bidding, or affect ability to make bid comparisons.

### **§1.403      Application of Responsibility Factors to IFBs**

CONTRACTS for PUBLIC WORKS, SUPPLIES, or NONPROFESSIONAL SERVICES for which BIDs were solicited using an IFB must be awarded to the lowest BIDDER submitting a responsive BID as provided by Section 1.501, unless the BOARD or GENERAL MANAGER makes a finding that such BIDDER is not responsible based upon its failure to satisfy one or more of the criteria set forth in Section 1.401.

### **§1.404      Evaluation of Proposals Submitted in Response to an RFP**

Proposals submitted in response to an RFP will be evaluated based upon the criteria set out in the RFP. Evaluation of Architectural and Engineering

(A&E) CONTRACTS must follow the Brooks Act and California *Government Code* Section 4525 and following. SACRT may reject any PROPOSER that is not responsible or any PROPOSAL that is nonresponsive, it may waive any required information for all PROPOSERS, and it may waive minor irregularities in any PROPOSAL as provided in Section 1.509.

The evaluation process for non-A&E CONTRACTs will be based on one of two alternative methods:

- (1) A tradeoff process, where other factors are weighed against price and award may be made to other than the lowest-priced offeror or other than the highest-technically-rated offeror; or
- (2) The lowest-price technically acceptable source selection process, where award will be made to the lowest-priced PROPOSER that satisfies the technical requirements.

## **§1.405 Noncompetitive and Sole Source Procurement**

### **A. Federally-Funded Procurements**

The federal Common Grant Rules (49 C.F.R. Part 18) require recipients to use PROCUREMENT procedures that provide full and open competition unless the PURCHASE is below the micro-purchase threshold. The procedures developed by the GENERAL MANAGER under Section 1.103 must provide for full and open competition to the extent required by federal law and guidance.

Noncompetitive PROCUREMENTs may be used only when the PROCUREMENT is inappropriate for small purchase procedures, sealed BIDs, or competitive PROPOSALS, and at least one of the following circumstances are present:

1. The SUPPLIES or SERVICES are available from only one source due to the following conditions:
  - a Unique or Innovative Concept. The offeror demonstrates a unique or innovative concept or capability not available from another source. Unique or innovative concept means a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to the recipient only from one source and has not in the past been available to the recipient from another source.
  - b Patents or Restricted Data Rights. Patent or data rights restrictions preclude competition.
  - c Substantial Duplication Costs. In the case of a follow-on CONTRACT for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial



duplication of costs that are not expected to be recovered through competition.

- d Unacceptable Delay. In the case of a follow-on CONTRACT for the continued development or production of a highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling the recipient's needs.
2. For SUPPLIES or PUBLIC WORKS upon a declaration of emergency (unusual or urgent need) supported by a 4/5ths vote of the BOARD.
3. Noncompetitive PROCUREMENT is otherwise authorized by the FTA, as set out in federal law, rules, regulations or circulars and also under state statutes and/or case law.

In addition to the foregoing, with the exception of circumstances that meet Section 1.405.A.2, for federally-funded PUBLIC WORKS CONTRACTS over \$5,000 or SUPPLY CONTRACTS over \$100,000, the BOARD or GENERAL MANAGER, as applicable, must determine that efforts to seek competition would be futile.

The BOARD or GENERAL MANAGER, as applicable, is responsible for approving noncompetitive PROCUREMENTS. The GENERAL MANAGER may not make a standing delegation of such approval authority. However, if the GENERAL MANAGER is unavailable and has delegated authority for execution of CONTRACTS, such delegation may also include his/her authority under this paragraph.

#### B. Non-Federally-Funded Procurements

For CONTRACTs that are not federally-funded, and where permitted by applicable grant requirements, a noncompetitive PROCUREMENT is permitted if one of the following circumstances exists:

1. The BOARD or GENERAL MANAGER, as applicable, has determined that the PUBLIC WORKS, SUPPLIES, or SERVICES can be provided only by one firm and that efforts to seek competition would be futile.
2. For PROFESSIONAL and NONPROFESSIONAL SERVICE CONTRACTS, **including SERVICES related to litigation against or by SACRT**, when the BOARD or GENERAL MANAGER, as applicable, determines that it is in the best interests of SACRT to solicit only one consultant or to amend an existing SERVICE CONTRACT without compliance with the competitive solicitation procedures set forth in Article III.
- ~~3. For SERVICES related to litigation against or by SACRT, including but not limited to expert witnesses and outside counsel, when the CHIEF COUNSEL determines that it is in the best interests of SACRT to solicit only one consultant or to amend an existing SERVICE Contract without compliance with the competitive solicitation procedures set forth in Article III.~~

3. For cleaning and maintenance NONPROFESSIONAL SERVICES to be provided by a Property and Business Improvement District (“PBID”) that includes SacRT property or facilities within its boundaries, when the BOARD or GENERAL MANAGER, as applicable, determines that the SERVICES can be more efficiently provided by the PBID than by soliciting another vendor.
4. For SUPPLIES or PUBLIC WORKS upon a declaration of emergency supported by a 4/5ths vote of the BOARD.

The BOARD or GENERAL MANAGER, as applicable, is responsible for approving noncompetitive PROCUREMENTS. The GENERAL MANAGER may not make a standing delegation of such approval authority. However, if the GENERAL MANAGER is unavailable and has delegated authority for execution of CONTRACTS, such delegation may also include his/her authority under this paragraph.

#### **§1.406 Best Value Procurement for Supplies**

As set out in *Public Utilities Code* Section 102222, prior to beginning a SOLICITATION for the PURCHASE of SUPPLIES in excess of \$100,000, SACRT must determine whether it is in the best interest of SACRT to award to the lowest responsible BIDDER, or, in SACRT’s discretion, to the responsible PROPOSER submitting a PROPOSAL that provides the BEST VALUE, as defined in Section 1.101, to SACRT. If SACRT determines that the BEST VALUE approach is most appropriate for a specific PROCUREMENT, an RFP will be issued, rather than an IFB.

#### **§1.407 Cooperative Purchase Agreements and Use of Government Schedule**

##### **A. Use of Cooperative Agreement by Public Entity**

SACRT may enter into cooperative purchasing agreements for SUPPLIES or SERVICES through contracts of other public entities without competitive bidding by SACRT if the bidding procedures followed by a public entity for any such contract satisfies the bidding requirements set out in this Procurement Ordinance and if the CONTRACT does not violate any federal or state requirements applicable to SACRT.

##### **B. Use of Cooperative Agreement by Other Than a Public Entity**

For non-federally funded procurements, as an alternative to the competitive bidding process, SACRT may consider using a Cooperative Purchasing Agreement from a cooperative such as, but not limited to, U.S. Communities Government Purchasing Alliance Agreements, National Intergovernmental Purchasing Alliance Company (National IPA), and Sourcewell (formerly National Joint Powers Authority). Cooperative Agreements are created after the products or services have undergone a formal competitive solicitation process, often by a lead public agency, and offer reduced pricing due to economies of scale with volume discount pricing. No competitive bidding will be required by SACRT when using a Cooperative Agreement if the bidding procedures followed to solicit any such contract satisfy the bidding requirements set out in this Procurement Ordinance and if the

CONTRACT does not violate any federal or state requirements applicable to SACRT.

C. Purchase of Government Property

SACRT may negotiate the PURCHASE of PERSONAL PROPERTY from any federal, state, or local public agency without compliance with competitive solicitation procedures (*Public Contract Code* § 20209).

**Article V**  
**Awarding Procurements and Issuing Change Orders**

**§1.501 Award to Lowest Responsive and Responsible Bidder**

Any CONTRACT awarded pursuant to an IFB must be awarded to the responsible BIDDER submitting the lowest responsive BID, after applying any applicable price preferences. When only one BID is received for a federally-funded CONTRACT, a determination must be made that the competition was adequate (unless a noncompetitive PROCUREMENT was authorized) and a cost or price analysis must be performed to determine that the BID is fair and reasonable before the CONTRACT may be awarded.

**§1.502 Award to Best Value or Most Qualified Proposer**

Any CONTRACT awarded pursuant to an RFP must be awarded to the highest scoring responsive PROPOSAL or the lowest-priced technically-acceptable PROPOSAL, based on the evaluation criteria set out in the RFP and incorporating any point preferences, submitted by a responsible PROPOSER. When only one PROPOSAL is received for a federally-funded CONTRACT, a determination must be made that the competition was adequate (unless a noncompetitive PROCUREMENT was authorized) and a cost or price analysis must be performed to determine that the PROPOSAL is fair and reasonable before the CONTRACT may be awarded.

**§1.503 Authority to Award Procurements Exceeding \$150,000**

Unless otherwise provided ~~herein~~ **in this Ordinance**, all CONTRACTS involving an expenditure exceeding \$150,000 must be awarded and/or approved by the BOARD. Such CONTRACTS must be executed by the BOARD Chair and/or the GENERAL MANAGER on behalf of SACRT as set out in the authorizing resolution. When only one PROPOSAL is received for a federally-funded CONTRACT, a determination must be made that the competition was adequate and a cost or price analysis must be performed to determine that the proposal is fair and reasonable before the CONTRACT may be awarded.

**Notwithstanding the foregoing, the GENERAL MANAGER is authorized to execute all CONTRACTS related to litigation against or by SACRT, including but not limited to expert witnesses and outside counsel, without limitation on the amounts expended. Such CONTRACTS are not subject to the provisions of 1.505.**

**§1.504 Authority to Award Procurements of \$150,000 or Less**

Subject to the availability of funds and the procedures set forth in this Chapter and any implementing procedures adopted under Section 1.103, the GENERAL MANAGER is authorized to award and bind SACRT to PROCUREMENTS involving a total expenditure of \$150,000 or less.

§1.505

**Authority to Approve Amendments to SUPPLY and SERVICE CONTRACTS**

The GENERAL MANAGER is authorized to bind SACRT to amendments to BOARD-approved SUPPLY or SERVICE CONTRACTS if the sum of all such amendments for any single CONTRACT does not exceed the lesser of \$150,000 or 15% of the initial CONTRACT price.

The GENERAL MANAGER is authorized to bind SACRT to amendments to GENERAL MANAGER-approved CONTRACTs if the sum of the initial CONTRACT and all prior GENERAL MANAGER-approved amendments is less than \$150,000. **Notwithstanding the foregoing, the GENERAL MANAGER is authorized to approve amendments to GENERAL MANAGER-approved CONTRACTs for SUPPLIES and SERVICES to add funds necessary to prevent a disruption in the delivery of SUPPLIES or provision of SERVICES until the next regularly-scheduled BOARD meeting, where such disruption would result in substantial harm to SacRT's continued operations. The GENERAL MANAGER must report such action to the BOARD as soon as reasonably possible but in no event more than 30 days after the action is taken. If further amendments are needed to provide SUPPLIES or SERVICES after the next regularly-scheduled BOARD meeting, those amendments must be approved by the BOARD.**

Amendments that are BOARD-approved or are initially executed by the GENERAL MANAGER and subsequently ratified by the BOARD are not counted toward the foregoing \$150,000 limitation.

If a CONTRACT was initially awarded using an INFORMAL SOLICITATION and the aggregate total of the initial CONTRACT, prior amendments and the proposed new amendment would exceed the threshold for FORMAL SOLICITATION, then, prior to approving the amendment, the GENERAL MANAGER (for contracts valued at \$150,000 or less) or the Board **BOARD**, **as applicable** (for contracts in excess of \$150,000) must determine that:

- (1) there was not improper procurement splitting; and either
- (2) That the amendment is required solely to increase the total consideration due to an unforeseeable change in the estimated quantities, without a change in the scope of work, and the unit price remains fair and reasonable even for the increased quantity; or
- (3) If the amendment would change the scope of the CONTRACT, that the work is not severable from the initial scope of work or, if it is severable, that conducting a new procurement for the goods or services is unlikely to yield greater competition or lower prices.

If the above findings cannot be made, then the amendment may only be approved if the criteria for a sole source procurement are met or a new SOLICITATION is conducted and the current vendor is deemed the lowest responsive and responsible bidder or most qualified proposer, as applicable.

**§1.506****Authority to Issue Change Orders for Public Works Contracts**

Subject to the availability of funds, the GENERAL MANAGER is authorized to bind SACRT to change orders for work being performed under a PUBLIC WORKS CONTRACT if the change order meets all of the following requirements:

- A. For CONTRACTS originally awarded for a price of \$150,000 or less, the GENERAL MANAGER has authority to issue change orders if the sum of original CONTRACT price and all such change orders does not exceed \$150,000. For CONTRACTS originally awarded for a price of greater than \$150,000 but less than \$1,000,000, the GENERAL MANAGER has authority to issue change orders if the sum of all such change orders for any single CONTRACT does not exceed 10% of the original CONTRACT price.
- B. For CONTRACTS originally awarded for a price of less than \$10,000,000, but more than \$1,000,000, the GENERAL MANAGER has authority to issue change orders if the sum of all such change orders for any single CONTRACT does not exceed the following percentages of the original CONTRACT amount: 10% of the first \$1,000,000, plus 8% of the balance.
- C. For CONTRACTS originally awarded for a price of \$10,000,000 or more, the GENERAL MANAGER has authority to issue change orders if the sum of all such change orders for any single CONTRACT does not exceed the following percentages of the original CONTRACT amount: 10% of the first \$1,000,000, plus 8% of the next \$9,000,000, plus 6% of the balance.
- D. Notwithstanding the foregoing, any single change order that exceeds (\$150,000) require BOARD approval.
- E. Change orders approved or ratified by the BOARD are not counted in calculating the monetary limitations set forth in A through C above.
- F. Notwithstanding the foregoing, the GENERAL MANAGER has authority to issue change orders in such sums as may reasonably be necessary if the GENERAL MANAGER determines, in writing, that a change order is required to:
  - 1. Prevent interruption of the work which would result in a substantial increase in cost to SACRT; or
  - 2. Protect the work, or equipment or materials to be used in the work, human safety, or the environment at or near the site of the work from substantial and immediate danger or injury; or
  - 3. Protect the work, or equipment or materials to be used in the work, or human safety or the environment at or near the work site where damage or injury has occurred from further or additional damage or injury or deterioration caused by man, nature or other source.

The GENERAL MANAGER must report such action to the BOARD as soon as reasonably possible but in no event more than 30 days after the action is taken.

**§1.507      Delegation of Authority**

- A. Notwithstanding anything to the contrary ~~herein~~ **in this Ordinance**, the BOARD may by resolution delegate authority to the GENERAL MANAGER to bind SACRT to a CONTRACT for any amount under the terms and conditions set forth in the resolution delegating such authority. **Unless expressly excluded by the resolution, any such delegation will include the authority to approve a non-competitive and sole source procurement under Section 1.405.**
  
- B. The GENERAL MANAGER may delegate his or her power under Sections 1.504, 1.505, 1.506 and 1.507.A. to bind SACRT to a CONTRACT. The delegation must be made in writing and must specifically designate the SACRT employee(s) who may act for the GENERAL MANAGER. A copy of the written delegation must be given to the Clerk to the BOARD, who must retain it with SACRT's corporate files. Upon request, the Clerk to the BOARD must certify the continuing validity of a written delegation made pursuant to this Section.

**§1.508      Award in Case of Identical Bids**

The GENERAL MANAGER or the BOARD must determine by lot which BID must be accepted when 2 or more responsible BIDDERS submit responsive BIDs in the same amount. (*Government Code* § 53064).

**§1.509      Rejection of Bids/Proposals; Waiver of Minor Irregularities**

The GENERAL MANAGER may reject any and all BIDs or PROPOSALS and may waive minor irregularities in the BIDs or PROPOSALS. An irregularity in a BID or PROPOSAL may be waived if such waiver does not give the BIDDER/PROPOSER an unfair advantage. If the GENERAL MANAGER rejects all BIDs or PROPOSALS due to cost, the GENERAL MANAGER must re-evaluate the cost estimates for the project. The project must then either be abandoned, a new SOLICITATION issued in the manner prescribed in Article III, or the GENERAL MANAGER or BOARD may proceed with a noncompetitive SOLICITATION if authorized pursuant to Section 1.405. If the GENERAL MANAGER rejects all BIDs or PROPOSALS for a SOLICITATION initially authorized by the BOARD, the GENERAL MANAGER may re-issue the SOLICITATION DOCUMENTS on the terms and conditions set out in the original authorization without the need for additional BOARD approval.

**§1.510      Alternative Award; Failure to Enter Into Contract**

If the BIDDER or PROPOSER to whom the CONTRACT is awarded fails to enter into the CONTRACT as required, the GENERAL MANAGER or BOARD, as appropriate, may declare the award to that BIDDER or PROPOSER a nullity and: (1) award the CONTRACT to the next-lowest responsible and responsive BIDDER or next-highest-ranked PROPOSER,

(2) re-advertise, or (3) award a noncompetitive CONTRACT if permitted by Section 1.405.



## CHAPTER 2

### **DISPOSAL OF SURPLUS PERSONAL PROPERTY**

#### **§2.101 Authority for Disposal of Surplus Property**

All SACRT surplus PERSONAL PROPERTY, including any lost or unclaimed property, must be disposed of according to the provisions of this Article.

#### **§2.102 Procedure for Disposal of Surplus Property**

The GENERAL MANAGER may declare as surplus any PERSONAL PROPERTY that is no longer necessary or useful to SACRT's operations or activities. In disposing of surplus PERSONAL PROPERTY, the GENERAL MANAGER must comply with all applicable state and federal laws, regulations and guidance. The GENERAL MANAGER may dispose of surplus property to the highest bidder by: (1) sale at a public auction, including a public on-line auction, (2) sealed bids, or (3) incidental sale. Notice of public auction or sealed bid submittal must be given by publication once in a newspaper of general circulation or on SACRT's web-site no later than 10 calendar days prior to such auction or bid submittal date. Notice is not required for sale by on-line auction; however, the bid period for any on-line auction must provide for a bid period of at least 10 calendar days.

Said notices must specify the time, place and purpose of such auction or bid submittal and must specify the following, where appropriate:

- A. The percentage of the bid price that the successful bidder must deposit at the time of the auction or bid submittal;
- B. The time by which the remainder of the bid price must be paid;
- C. The time by which the successful bidder must remove the PURCHASED item(s) from the premises;
- D. The minimum bid price;
- E. Reservation of SACRT's right to reject any and all bids received for any item or to withdraw any or all items offered for sale prior to bid opening.

If the GENERAL MANAGER rejects any and all such bids so received, he/she must not thereafter sell such property at a price less than the highest bid received until the property is first offered at the highest bid price to the person who submitted the highest bid. If such person refuses to purchase the item, the GENERAL MANAGER may sell such property at a lesser price.

#### **§2.103 Incidental Sale of Certain Items**

When it is determined by the GENERAL MANAGER that any item of surplus property is scrap or salvage material, is perishable, or has been offered for public sale by auction or sealed bids and no offer to purchase has been received, or the property has no market value, the GENERAL MANAGER may sell the item by incidental sale. Prior to such sale, the GENERAL

MANAGER must inform the BOARD. For the purposes of this Section, the term "incidental sale" means the sale of any item at a price, time and place to be determined by the GENERAL MANAGER, to any buyer who is willing to pay the price requested, without first advertising such sale or calling for the receipt of bids.

When the item declared to be salvage or scrap material still has a value as reflected on SACRT books, that value must be the minimum sale price, unless a lower price is authorized by the BOARD.

When the GENERAL MANAGER has complied with Sections 2.102 or 2.103, and the item remains unsold, the GENERAL MANAGER must again comply with Section 2.102, unless the item is scrap, salvageable material, is perishable, or has no market value.

**§2.104      Sale to Another Public Entity**

Notwithstanding anything to the contrary in this Chapter, the BOARD or the GENERAL MANAGER may dispose of surplus property by sale to another public entity on such terms and conditions as are agreed upon by SACRT and the public entity. (*Public Contract Code § 20209*). The GENERAL MANAGER's authority under this Section is limited to surplus property with an aggregate value of \$25,000 or less.

**§2.105      Limitation Upon Employees of SACRT**

No employee, officer, or their agent, or member of their family is permitted to PURCHASE any SACRT property by incidental sale. Nothing herein **in this Ordinance**, however, prevents such employee, officer, or their agent or members of their family from purchasing SACRT property through public auction or sealed bids.

ATTACHMENT 1 – Applicable Laws, Regulations and Guidance

<b>Federal Statutes, Regulations, Policies, and Agreements</b>	<b>Subject</b>
49 U.S.C. Chapter 53	Mass Transportation
Federal Acquisition Streamlining Act of 1994, Public Law 103-355, as amended	
Executive Order 12612 "Federalism" dated 10-26-87	
FTA Circular 4220.1F	Third Party Contracting Requirements
FTA Circular 5010.1C	Grant Management Guidelines
FTA Circular 9030.1B Chapter III	Eligible Grant Activities
2 C.F.R. Part 200	Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards
49 C.F.R. Part 31	Program Fraud Civil Remedies
49 C.F.R. Part 37	Transportation Services for Individuals with Disabilities
36 C.F.R. Part 1192 49 C.F.R. Part 38	Architectural and Transportation Barriers Compliance Board (ATBCB)/DOT regulations, "Americans With Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles"
49 C.F.R. Part 41	Seismic Safety
29 C.F.R. Part 5	Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction
29 C.F.R. Part 1630	Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act
41 C.F.R. Part 60-1	Obligations of Contractors and Subcontractors
FTA Master Agreement	Annual Terms and Conditions of FTA funded projects
Relevant decisions of the courts having jurisdiction over RT and the Comptroller General of the United States	

<b>State Codes*</b>	<b>Section(s)</b>	<b>Subject</b>
Civil Code	9550 et seq.	Payment Bond Requirements for Construction Projects
Civil Code	3320	Payments to Prime Design Professionals
Code of Civil Procedure	995.311	Bond Issuer Requirements
Government Code	901 et seq.	Claims (Service Contracts)
Government Code	4450	Accessibility Requirements
Government Code	4525 et seq.	Architect & Engineering Services
Government Code	5956 et seq.	Infrastructure Projects
Government Code	6250 - 6270	California Public Records Act
Government Code	53702	Federal Grant Compliance

<b>State Codes*</b>	<b>Section(s)</b>	<b>Subject</b>
Labor Code	1720, 1720.2, 1720.2, and 117	Prevailing Wage (Regulations at 8 CCR 16000)
Labor Code	1777.1	Debarment by California Labor Commissioner
Labor Code	1776	Payroll records, retention, inspection, noncompliance penalties, rules and regulations
Labor Code	1777.5	Employment of registered apprentices, wages, standards, number, apprentice-able craft or trade, exemptions, contributions
Public Contract Code	1103	Responsibility on Public Works Contracts
Public Contract Code	1104	Plans and Specifications
Public Contract Code	3300	Contractor's License
Public Contract Code	3400	Brand Specification
Public Contract Code	4100 – 4114	Subletting and Subcontracting
Public Contract Code	5100 – 5110	Relief of Bidders
Public Contract Code	6100 – 6610	Awarding of Contracts
Public Contract Code	7100 – 7200	Contract Clauses
Public Contract Code	9201 – 9203	Claims and Disputes
Public Contract Code	20101	Prequalification
Public Contract Code	20103.5	Contractor License
Public Contract Code	20103.8	Award of Contracts
Public Contract Code	20104 et seq.	Resolution of Construction Claims
Public Contract Code	20104.50	Progress Payments on Public Works
Public Contract Code	20209	Purchase & Sale Contracts
Public Contract Code	20320	Competitive Bidding
Public Contract Code	20323	Competitive Negotiation for Products and Materials that undergo Rapid Technological Changes or for New Technologies
Public Contract Code	22160 et seq.	Local Agency Design-Build Projects
Public Contract Code	22300	Performance Retention Escrow Agreement
Public Utilities Code	102000 et seq.	RT Enabling Act

**Section 4: Severability**

This Ordinance shall be liberally construed to effectuate its purposes. The provisions of this Ordinance are severable. If any of the provisions, clauses, sentences, sections, subsections, words or portions thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such portion shall be deemed, to the maximum extent possible, a separate, distinct, and independent provision, so that such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, subsections, words or portions of this Ordinance or their application to other persons or circumstances. If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the invalidity shall not affect the remaining portions of this Ordinance.

**Section 5: Effective Date**

This Ordinance will become effective 30 days after the date of its passage.

**Section 6: Ordinance Publication**

Within 15 calendar days after adoption, the Secretary is hereby directed to publish this Ordinance in full in a newspaper of general circulation published within SacRT's activated boundaries.

Passed and adopted at a regular meeting of the Sacramento Regional Transit District on this 25th day of October, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By:

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Tabetha L. Smith, Assistant Secretary



## STAFF REPORT

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**DATE:** September 27, 2021  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Brent Bernegger, VP, Finance/CFO  
**SUBJ:** REPEAL RESOLUTION 21-08-0103 AND APPROVE THE STUDENT TRANSIT PASS AGREEMENT 2021-2022 WITH THE CITY OF SACRAMENTO

### RECOMMENDATION

Adopt the Attached Resolution.

### RESULT OF RECOMMENDED ACTION

The attached Resolution will repeal the prior approval and approve the final Student Transit Pass Agreement – 2021-2022 (“Agreement”) with the City of Sacramento to provide a path forward for the RydeFreeRT program.

### FISCAL IMPACT

At this time, Staff does not believe that the attached Resolution will have an impact on the FY22 budget. The final version of the Agreement proposes a change in methodology from a flat fee of \$750,000 to a per ride fee of \$0.84 per ride by Students assumed to reside in or attend school within the City of Sacramento (estimated as 66% of total Student ridership), **up to a maximum amount of \$750,000**. Staff analysis suggests that there should be enough ridership to recover the full \$750,000 from the City if schools remain open for the entire school year.

### DISCUSSION

In August 2021, the SacRT Board, by Resolution 21-08-0103, approved execution of a Student Transit Pass Agreement that would have guaranteed that the City of Sacramento would pay SacRT \$750,000 (\$250,000 each quarter) in FY22 for an extension of the RydeFreeRT from October 1, 2021, through June 30, 2022. Prior to the Board meeting, Staff shared the draft agreement with City staff and communicated the expectation of a flat-rate methodology, which Staff understood to be consistent with the City’s approval of \$750,000 in the City’s FY22 Budget for the program and the pre-pandemic methodology.

After the Board adopted the Resolution, City staff informed SacRT that the City’s intent was to continue the \$0.84 per ride fee model (for Students living or attending school within the City of Sacramento, estimated at 66% of total Student ridership) adopted for Year 2

due to school closures and lower ridership as a result of COVID, up to a maximum contribution of \$750,000 through June 30, 2021.

While entering into the Agreement on the revised terms does present an increased budget risk to SacRT, it is fair and reasonable of the City to make this request given the recent increase in COVID cases and potential for future school closures. If schools remain open during the 2021-2022 school year, Staff is confident that Student ridership levels will be sufficient to receive the full \$750,000 in funding from the City. During FY19 (pre-COVID) student ridership was double what would have been needed to secure the maximum amount of funding from the City under the proposed agreement structure. At this time, it is still too early in the school year to determine whether student ridership will return to near pre-COVID levels; however, Staff has seen results from the first couple of weeks of school that are very promising. As a result, Staff recommends approval with the noted revisions.

RESOLUTION NO. 21-09-0107

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

September 27, 2021

**REPEAL RESOLUTION 21-08-0103 AND CONDITIONALLY APPROVE THE TRANSIT PASS AGREEMENT 2021-2022 WITH THE CITY OF SACRAMENTO**

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

THAT, Resolution 21-08-0103 is hereby repealed.

THAT, the Student Transit Pass Agreement - 2021-2022 by and between the City of Sacramento (therein "City") and the Sacramento Regional Transit District (therein "SacRT") whereby City agrees to pay \$.84 per ride by Students living or attending School within the City of Sacramento (billed quarterly in arrears), up to a maximum of \$750,000, as consideration for SacRT to permit students who live in or attend school within the boundaries of the City or who are homeless or in foster care within the City to ride SacRT services at no cost for the period from October 1, 2021 until June 30, 2022, using an Annual Student (TK-12) Pass is hereby approved.

THAT, the General Manager/CEO is hereby authorized and directed to execute the foregoing Agreement.

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STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary





## STAFF REPORT

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**DATE:** September 27, 2021  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Brent Bernegger, VP, Finance/CFO  
**SUBJ:** APPROVING MCIMETRO ACCESS TRANSMISSION SERVICES  
 CORP FIBER INSTALLATION IN MULTIPLE LOCATIONS WITHIN  
 SACRT PROPERTIES

### RECOMMENDATION

Adopt the Attached Resolutions.

### RESULT OF RECOMMENDED ACTION

Approval of the recommended action will result in SacRT granting MCImetro three licenses to install transverse fiber crossings within SacRT-owned property subject to Federal Transit Administration (FTA) approval at the following locations:

- Project 1: 39<sup>th</sup> Street and R Street
- Project 2: 65<sup>th</sup> Street and Q Street
- Project 3: 59<sup>th</sup> Street North of S Street

### FISCAL IMPACT

In consideration of granting MCImetro the three requested licenses, MCImetro will pay SacRT the following one-year license fees, which *also include compensation for staff time* to oversee installation of the fiber as well as conduct inspections one time during the license term:

The total revenue generation will amount to \$38,831:

- Project 1 will result in one-year license for \$11,277
- Project 2 will result in one-year license for \$11,277
- Project 3 will result in one-year license for \$11,277

This is a new revenue source not included in the Operating Budget 2022.

### DISCUSSION

Historically, SacRT has granted licenses to various telecommunication companies to allow them to install fiber and conduit within SacRT-owned parcels in exchange for a license fee based on the fair market value of the property interest conveyed. In 2009, the

Board and FTA approved license rates that staff continues to use. Because the rates are now 11 years old, staff applies a cost-of-living escalator so that the fee is a more accurate representation of the current fair market value of the interest conveyed. Staff is currently in the process of procuring appraisal services to update these rates and expects to have the project completed by spring 2022. Because an updated fee schedule will be established within a year's time, staff and MCImetro negotiated a one-year license term and the license fees included in the License Agreements only cover a one-year term. Upon establishing new rates, SacRT and MCImetro will negotiate a renewal of the license agreements and agree to longer term license agreements based on the new rates. Thus, the licenses are for only a one-year term with the intent to renew them for a longer term after the new rates are established.

MCImetro has been adding fiber throughout the Sacramento Metro Region to continue providing its clients better quality service. The proposed path of travel for its fiber crosses SacRT properties at a number of locations. MCImetro has requested that SacRT grant it licenses at each identified location so that MCImetro can install fiber below and perpendicular to SacRT tracks in multiple locations. MCImetro would like SacRT to consider three locations individually, hoping all will be accepted, but not wanting any one location's non-acceptance to influence the approval of the remainder. SacRT's grant of each license is conditioned on the FTA concurring in the proposed use by MCImetro. If the FTA does not concur, the License Agreement requires MCImetro to remove the fiber and conduit from the license areas within 8 months of SacRT providing notice to MCImetro of the FTA's nonconcurrency.

Following is a description of each proposed installation site and a description of each location SacRT will be granting MCImetro a license over:

Project 1: Crossing of 39<sup>th</sup> St at R St - Installation of 78.82 feet of 4-inch conduit to include 864 strands of fiber in a transverse presentation along SacRT property with the APN 011-0010-003-0000 and located in Fee Schedule Zone 1.

Project 2: Crossing of 65<sup>th</sup> St at Q St – This is a revision of a previously approved crossing with only 72 strands of fiber and is being revised as: installation of 45.97 feet of 4-inch conduit to include 864 strands of fiber in a transverse presentation along SacRT property with the APN 011-0010-003-0000 and located in Fee Schedule Zone 1.

Project 3: Crossing of 59<sup>th</sup> St north of S St - Installation of 105.6 feet of 4-inch conduit to include 864 strands of fiber in a transverse presentation along SacRT property with the APN 011-0010-003-0000 and located in Fee Schedule Zone 1.

Staff recommends approval of the three licenses over the areas described above with MCImetro Access Transmission Services Corp for fiber installation at the above locations.

RESOLUTION NO. 21-09-0108

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

September 27, 2021

**APPROVING MCIMETRO ACCESS TRANSMISSION SERVICES CORP FIBER INSTALLATION AT 39<sup>TH</sup> STREET AND R STREET**

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

THAT, the License Agreement for Installation of Conduit and Fiber at 39<sup>th</sup> Street and R Street, within SacRT's Parcel known as Assessor Parcel Number 011-0010-003-000 by and between the Sacramento Regional Transit District (therein "SacRT") and MCIMetro Access Transmission Services Corp (therein "Licensee"), whereby MCImetro agrees to pay SacRT \$11,277 and SacRT agrees to grant MCImetro a License with a term of one year subject to SacRT's right to terminate pending Federal Transit Administration's concurrence, is hereby approved.

THAT, the General Manager/CEO is hereby authorized and directed to execute the foregoing License Agreement.

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STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary

RESOLUTION NO. 21-09-0109

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

September 27, 2021

**APPROVING MCIMETRO ACCESS TRANSMISSION SERVICES CORP FIBER INSTALLATION AT 65<sup>TH</sup> STREET AND Q STREET**

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

THAT, the License Agreement for Installation of Conduit and Fiber at 65<sup>th</sup> Street and Q Street within SacRT's Parcel known as Assessor Parcel Number 011-0010-003-000 by and between the Sacramento Regional Transit District (therein "SacRT") and MCIMetro Access Transmission Services Corp (therein "Licensee"), whereby MCImetro agrees to pay SacRT \$11,277 and SacRT agrees to grant MCImetro a License with a term of one year subject to SacRT's right to terminate pending Federal Transit Administration's concurrence, is hereby approved.

THAT, the General Manager/CEO is hereby authorized and directed to execute the foregoing License Agreement.

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STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary

RESOLUTION NO. 21-09-0110

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

September 27, 2021

**APPROVING MCIMETRO ACCESS TRANSMISSION SERVICES CORP FIBER  
INSTALLATION AT 59<sup>TH</sup> STREET NORTH OF S STREET**

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

THAT, the License Agreement for Installation of Conduit and Fiber at 59<sup>th</sup> Street, north of S Street within SacRT's Parcel known as Assessor Parcel Number 011-0010-003-000 by and between the Sacramento Regional Transit District (therein "SacRT") and MCIMetro Access Transmission Services Corp (therein "Licensee"), whereby MCImetro agrees to pay \$11,277 and SacRT agrees to grant MCImetro a License with a term of one year subject to SacRT's right to terminate pending Federal Transit Administration's concurrence, is hereby approved.

THAT, the General Manager/CEO is hereby authorized and directed to execute the foregoing License Agreement.

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STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary



## STAFF REPORT

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**DATE:** September 27, 2021  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Brent Bernegger, VP, Finance/CFO  
**SUBJ:** CONDITIONALLY SUSPENDING FARES IN THE NATOMAS-NORTH SACRAMENTO SMART RIDE ZONE FOR OCTOBER 2021 AND APPROVING FARE SUBSIDY AGREEMENT WITH NORTH NATOMAS JIBE

### RECOMMENDATION

Adopt the Attached Resolutions.

### RESULT OF RECOMMENDED ACTION

Adoption of the recommended action will result in the suspension of fares on SacRT SmaRT Ride service within the Natomas-North Sacramento zone during the month of October 2021 contingent upon execution of a fare subsidy agreement with North Natomas Jibe (Jibe).

### FISCAL IMPACT

There is no anticipated SacRT fiscal impact from the proposed action because Jibe will pay fares for all riders, up to \$5,000, for the month of October 2021 within the SmaRT Ride Natomas-North Sacramento zone. Staff does not anticipate that the lost fare revenue for free rides will exceed this amount.

### DISCUSSION

SacRT and Jibe staff recently entered into discussions regarding promotional opportunities for SacRT services operated within the Natomas-North Sacramento SmaRT Ride area during the upcoming Clean Air Month (October 2021). Jibe receives community funds to promote mobility within its service area and expressed a desire to use those funds to subsidize fares for riders on SacRT's SmaRT Ride service (Natomas-North Sacramento zone only).

Jibe is willing to sponsor fares up to \$5,000 during the month of October at a rate of \$2.50 per passenger trip. This not-to-exceed amount is significantly higher than the revenue collected by SacRT within this zone in a typical month. Staff is confident that the fare reimbursement offered by Jibe will cover fare revenue that would have been collected, even with a likely increase in ridership due to the offering. Therefore, Staff is

recommending that the Board approve a temporary suspension of fares on SmaRT Ride in the Natomas-North Sacramento zone during the month of October 2021, contingent upon executing a fare subsidy agreement with Jibe.

RESOLUTION NO. 21-09-0111

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

September 27, 2021

**CONDITIONALLY SUSPENDING FARES IN THE NATOMAS-NORTH SACRAMENTO SMART RIDE ZONE FOR OCTOBER 2021**

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

THAT, to promote ridership on SmaRT Ride service within the Natomas-North Sacramento zone during Clean Air Month, from Friday October 1, 2021 through Friday October 29, 2021, no person will be charged the otherwise Applicable Fare to ride SacRT's demand-response SmaRT Ride service within the Natomas-North Sacramento Zone, contingent upon executing a fare subsidy agreement with North Natomas Jibe to compensate SacRT for lost fare revenue.

\_\_\_\_\_  
STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary



RESOLUTION NO. 21-09-0112

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

September 27, 2021

**APPROVING THE FARE SUBSIDY AGREEMENT FOR NATOMAS-NORTH SACRAMENTO SMART RIDE SERVICE WITH NORTH NATOMAS JIBE**

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

THAT, the Fare Subsidy Agreement for Natomas-North Sacramento Smart Ride Service between the Sacramento Regional Transit District, therein "SacRT," and North Natomas Jibe Walk Bike Bus, therein "Jibe," whereby SacRT agrees to temporarily suspend fares on Smart Ride service within the Natomas-North Sacramento zone in October 2021 and Jibe agrees to pay SacRT the amount of \$2.50 per ride, up to a maximum of \$5,000, is hereby approved.

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STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary



## STAFF REPORT

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**DATE:** September 27, 2021

**TO:** Sacramento Regional Transit Board of Directors

**FROM:** Carmen Alba, VP, Bus Operations

**SUBJ:** AWARDING A CONTRACT FOR PURCHASE OF TRANSIT BUSES TO GILLIG LLC UNDER THE WASHINGTON STATE TRANSIT BUS COOPERATIVE MASTER CONTRACT NO. 06719-01 AND DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO EXECUTE AMENDMENTS TO THE CONTRACT

### RECOMMENDATION

Adopt the Attached Resolution.

### RESULT OF RECOMMENDED ACTION

Will (1) approve the purchase of 30 replacement CNG buses from Gillig LLC; (2) delegate authority to the General Manager/CEO to approve amendments for pre-production changes to those buses up to \$500,000 in the aggregate; and (3) delegate authority to the General Manager/CEO to execute amendments to purchase additional buses as funding becomes available.

### FISCAL IMPACT

A Capital Budget amendment for the purchase of 91 buses was previously approved by the Board of Directors. The Grants Team has secured \$21M in State (\$7.2M) and Federal (\$13.8M) funding for the purchase of the first 30 buses, of which \$16M is currently available for release, with the remaining \$5M available no later than January 2022. Payment for the buses will not be due until delivery and acceptance in 2023.

### DISCUSSION

Article III, Section 1.407 of the Sacramento Regional Transit District (SacRT) Administrative Code allows SacRT to enter into cooperative purchasing agreements for Supplies or Services through Contracts of other public entities without competitive bidding by SacRT if the bidding procedures followed by a public entity for any such Contract satisfies the bidding requirements set out in the Procurement Ordinance. In addition, the Common Grant Rules and FTA encourage recipients to procure goods and services jointly with the recipients to obtain better pricing through larger purchases.

SacRT originally intended to purchase 91 replacement CNG buses through a consortium with the Livermore Amador Valley Transit Authority (LAVTA). In January 2017, in Resolution No. 17-01-0010, the Board awarded a Contract for Purchase of Transit Buses to Gillig LLC for an order of 91 buses, with the intent to issue Notice to Proceed no later than December 2018. Unfortunately, funding was not identified in time to place an order under that contract and have delivery completed by the October 2021 contract expiration date. The need for 8 buses for the new Elk Grove service has arisen since that time as well.

SacRT is currently operating 99 model year 2008 Orion buses (91 – SacRT, 8 – eTran). In accordance with FTA standards, these buses surpassed their useful service life in 2020. In addition, these buses are all equipped with CNG fuel tanks with certifications that will begin to expire starting in October 2022 (6 buses) and the remainder in August 2023 (93 buses). The buses must be removed from service once the tanks expire.

When it became clear that the Gillig/LAVTA Contract was no longer a viable procurement vehicle, Staff researched other cooperative purchasing schedules that might be available for replacement CNG buses. Due to the pending expiration of the CNG tanks on the existing buses and the imminent need for replacement, conducting a new procurement or joining a new consortium purchase would not allow for timely replacement, given the typical 18-month contractual delivery timeframe after an order is placed. Therefore, Staff identified the Washington State Department of Enterprise Services (Washington State DES) State Cooperative Purchasing Schedule Master Contract No. 06719-01 with Gillig, which resulted from a competitive solicitation for the purchase of heavy duty transit buses, as the best option for purchasing additional CNG vehicles. The Master Contract may be utilized by other public agencies located outside of the state of Washington to purchase transit buses. While other vehicle manufacturers are also included in the Cooperative Purchasing Schedule, purchasing from Gillig will provide consistency with the remaining CNG fleet placed in service in 2015 and 2016.

Funding is available at this time to purchase only 30 replacement buses. The Master Contract provides for an 18 month delivery schedule. Delivery of the first 30 new buses will occur prior to CNG tank expiration in August 2023.

Orion Bus Industries ceased operations in 2013 and is no longer manufacturing buses. Inventory parts for the Orion buses are being supplied by New Flyer and are becoming increasingly difficult to timely obtain; in many cases, it is taking up to 6 months for delivery of regularly-used parts. Given the age, increased cost, difficulty of obtaining parts, and duty cycle of these vehicles, staff will replace the CNG tanks and refurbish approximately 30 buses, which will allow SacRT to continue to provide service until funding for additional replacement buses is secured.

Retanking and refurbishment is an interim solution, but is not a recommended option for this model bus fleet as these buses may encounter more frequent reliability issues, which could impact service. However, due to the lack of capital funding to replace the entire fleet, this option is necessary to maintain the existing levels of service. If 30 buses are retanked, only 39 buses will remain that must be replaced by August 2023. To continue to operate at SacRT's current service level beyond August 2023, the funding must be secured and in place by February 2022 to meet the lead time of build and delivery for these remaining buses.

The Contract will be amended to procure the remaining 69 buses as funding is identified through Contract expiration on March 31, 2026. Staff requests that the Board delegate authority to the General Manager/CEO to execute amendments for the remaining 69 buses, as funding becomes available.

In addition, Staff also requests the Board to delegate authority to the General Manager/CEO to execute amendments to the initial Contract for bus configuration changes, not-to-exceed \$500,000 in aggregate.

On an annual basis, the General Manager/CEO will include in the Executive Summary to the Board an update on the number of buses that have been procured under the delegation, the sources of funding, the plan for future acquisitions/amendments, whether the price remains fair and reasonable, and whether any other technologies exist (hybrid, all-electric) that may prove to be a more viable option for SacRT.

There are numerous benefits of entering into a contract with Gillig through the Washington State DES Cooperative Purchasing Schedule. The buses are completely manufactured at its location in Livermore, California, which is less than 100 miles from SacRT. Gillig has increased its parts storage capability by acquiring an additional 108,000 square foot warehouse, located minutes from its manufacturing facility. Gillig has a proven track record of meeting delivery dates and, as a result, has not been required to pay liquidated damages on previous contracts. SacRT executive management and other key staff have made several trips to the Gillig plant and were impressed with its manufacturing process, attention to detail, and overall quality of its product.

Based on Gillig's proposal in response to the Washington State DES RFP and SacRT's bus specifications, the cost per bus is as follows:

SacRT 40' Low Floor CNG Bus Price	\$670,655.00
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The price of \$670,655.00 per bus includes tax, delivery, Clever Devices Intelligent Vehicle System, security cameras, ADA equipment, SacRT's custom paint scheme, and BRT Plus styling, which is a sleek, aerodynamic design that incorporates a raised, raked-back

front cap blended into a full length, contoured roofline, which matches the Gillig CNG buses in SacRT's existing fleet.

The base bus price remains fixed for any orders placed beginning 12 months after the effective date of the Master Contract, which was April 1, 2021. For every annual anniversary thereafter, the prices set forth in the Master Contract will be adjusted, up or down, based on the U.S. Department of Labor, Bureau of Labor Statistics, Producer Price Index (PPI) Category 1413, "Trucks and Bus Bodies."

In addition, the Contract will include a separate spare parts and tooling allowance of \$200,000 that will be invoiced and paid after SacRT selects the spare parts and tooling and they are delivered and accepted.

FTA regulations require that transit districts conduct a price or cost analysis to determine the reasonableness of the price. Staff reviewed contracts awarded to Gillig by other agencies for buses with similar features. After a review and comparison of contract pricing from two other cooperative/consortium contracts, Staff has determined the price to be fair and reasonable.

Based on the funding and information currently available, Staff recommends the Board: (a) award a Contract to Gillig Corporation for an initial purchase of 30 buses for an amount not to exceed \$20,319,650, including applicable sales tax; (b) delegate authority to the General Manager/CEO to execute amendments for the remaining 69 buses, as funding becomes available during the term of the Contract, (c) delegate authority to the General Manager/CEO to execute amendments to the Contract to increase the not-to-exceed amount by up to \$500,000, in the aggregate, to accommodate pre-production configuration changes.

RESOLUTION NO. 21-09-0113

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

September 27, 2021

**AWARDING A CONTRACT FOR PURCHASE OF TRANSIT BUSES TO GILLIG LLC UNDER THE WASHINGTON STATE TRANSIT BUS COOPERATIVE MASTER CONTRACT NO. 06719-01 AND DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO EXECUTE AMENDMENTS TO THE CONTRACT**

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

THAT, the Contract for Purchase of Transit Buses between Sacramento Regional Transit District, therein referred to as "SacRT," and Gillig Corporation, therein referred to as "Contractor," whereby Contractor agrees to supply 30 forty-foot low-floor CNG buses, and spare parts, for a not-to-exceed amount of \$20,319,650.00 inclusive of state and local taxes, and SacRT has the option to purchase up to 69 additional buses, is hereby approved.

THAT, the Chair and General Manager/CEO are hereby authorized and directed to execute said Contract.

THAT, the General Manager/CEO is hereby authorized to execute amendments to said Contract to purchase up to 69 additional buses, conditioned upon a determination by the Finance Department that is funding available.

THAT, the General Manager/CEO is hereby authorized to execute amendments to said Contract for bus configuration changes, not-to-exceed \$500,000 in aggregate.

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STEVE MILLER, Chair

A T T E S T:  
HENRY LI, Secretary

By: \_\_\_\_\_  
Tabetha Smith, Assistant Secretary



# STAFF REPORT

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**DATE:** September 27, 2021  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Henry Li, General Manager/CEO  
**SUBJ:** GENERAL MANAGER'S REPORT

## RECOMMENDATION

No Recommendation — For Information Only.

## Major Project Updates

Oral Presentation

### Capitol Corridor Joint Powers Authority – September 15, 2021 (Harris/Kennedy)

Written Report

## SacRT Meeting Calendar

### **Regional Transit Board Meeting**

October 25, 2021  
SacRT Auditorium / Webconference  
5:30 P.M

### **Quarterly Retirement Board Meeting**

December 8, 2021  
SacRT Auditorium / Webconference  
9:00 A.M.

### **Mobility Advisory Council Meeting**

October 7, 2021  
SacRT Auditorium / Webconference  
2:30 P.M.



## STAFF REPORT

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**DATE:** September 27, 2021  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Michael Cormia, Director, Light Rail Maintenance  
**SUBJ:** CAPITOL CORRIDOR JOINT POWERS AUTHORITY MEETING  
SUMMARY OF SEPTEMBER 15, 2021

### RECOMMENDATION

No Recommendation - For Information Only.

SacRT Board members present: Jeff Harris, Patrick Kennedy

### AGENDA

- I. Call to Order: 10:02
- II. Roll Call and Pledge of Allegiance
- III. Report of the Chair *Info*
- IV. Consent Calendar *Passed*
  1. Approval of Minutes of the June 16, 2021 Meeting
  2. Approval of Minutes of the June 30, 2021 Meeting
  3. 2022 CCJPA Board of Directors Meeting Schedule
  4. CCJPA-SJJPA-LOSSAN-Caltrans Joint Powers Agreement
- V. Action and Discussion Items
  1. CCJPA FY 2021-22 Budget – Operations, Administration, Marketing, Information/Customer Support Services, and Supplemental Allocations. *Passed*

**Comments from Supervisor Raburn, Freriches, Saltzman, Concerns about refurbishment, funding issues.**



Public Comment – Mike Barnbaum, Rolland.

2. FY 2021-22 Marketing & Communications Plan and Advertising Agreement *Passed*

Comments from Directors Raburn, Harris.

Public Comments from Mike Barnbaum.

3. Federal and State Grants for the Sacramento to Roseville Third Mainline Track, Phase One Project *Passed*

Funding gap board to pursuer funding gap \$79m.

Comment Director Houdesheldt.

4. Legislation and Funding – State and Federal Update *Info*

5. Capital Projects Update – Link 21 *Info*

Comments from Directors Saltzman, Raburn – Capitol matrix, updates to mega-region.

Public Comments from Rolland.

6. Annual On Board Survey Results (June 2021) *Info*

Comments from Directors Houdesheldt, .

Public Comments: None

7. California Integrated Travel Program (Cal ITP) *Info*

Comments from Directors Saltzman, Raburn – Combining discounts, .

Public Comments: Rolland, Mike Barnbaum.

8. Managing Director's Report *Info*

9. Work Completed *Info*

a. Visit with Representatives Ro Khanna for Agnew Siding

b. Link21 Virtual Public Workshops

c. Surfliner Door Panel Replacement

d. Café Car Service

- e. El Dorado Transit
- f. Marketing and Communications Activities (June 2021-August 2021)

10. Work in Progress

*Info*

- a. South Bay Connect
- b. Sacramento to Roseville Third Track
- c. California Passenger Display System (CalIDS)
- d. Davis Crossovers and Signal Replacement
- e. Agnew Siding
- f. Upcoming Marketing and Communications Activities

VI. Board Director Reports

VII. Public Comment

VIII. Adjournment. Next Meeting Date: 10:30 a.m., November 17, 2021 –  
Location TBD

The CCJPA Board reserves the right to take action on any agenda item. Consent calendar items are considered routine and will be enacted, approved, or adopted by one motion unless a request for discussion or explanation is received from a CCJPA Board Director or from a member of the audience.