



Sacramento Regional Transit District

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

**This meeting will be teleconferenced in compliance with the Brown Act pursuant to Government Code Section 54953 as amended by Assembly Bill 361, during the COVID-19 Pandemic.**

**To participate in or view SacRT Board Meetings:**

**<http://sacrt.com/board>**

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

**Submit written public comments relating to the attached Agenda no later than 2:00 p.m. on the day of the Board meeting to**

**[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.**

**Members of the public may also address the Board via Zoom to submit public comment. To join, please call 253-215-8782 and enter Webinar ID: 837 9338 8162 or join the meeting online by logging into**

**<https://us02web.zoom.us/j/83793388162>**

**Please note you will not be able to join the live stream until the posted meeting start time. If you wish to make a comment on an item, press the “raise a hand” button. If you are joining the meeting by phone, press \*9 to indicate a desire to make a comment. By participating in this meeting, you acknowledge that you are being recorded.**



# Sacramento Regional Transit District Agenda

**BOARD MEETING  
5:30 P.M., MONDAY, NOVEMBER 14, 2022  
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 October 24, 2022

2.2 Resolution 2022-11-130: Conditionally Approving the Contract for Owner-Furnished Gate Crossing Mechanism Installation with Shane Brown Electric (L. Ham)

2.3 Resolution 2022-11-131: Approving a Sole Source Procurement from Trapeze Software Group, Inc. and Delegating Authority to the General Manager/CEO to Approve and Execute the Second Amendment to the Software Maintenance Agreement - 2002 (S. Valenton)

2.4 Motion: Waive the First Reading of Ordinance 2022-12-001, Amending and Restating Title I, "Procurement Ordinance" of Sacramento Regional Transit District's Administrative Code (J. Adelman)

2.5 Resolution 2022-11-132: Delegating Authority the General Manager/CEO to Execute a Contract with Folsom Lake Ford for the Purchase of 16 Police Interceptor Utility Vehicles (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. 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**

- 13.1 Conference with Legal Counsel  
Pursuant to Gov. Code Section 54956.9  
Existing Litigation
  - a. Maria Venegas v. SacRT  
Case Number 34-2019-00268307

**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 Metro Cable Channel 14 and will be webcast at [www.sacmetro.cable.tv](http://www.sacmetro.cable.tv) on November 16 @ 2:00 p.m. and November 18 @ 2:00 p.m.

Any person(s) requiring accessible formats of the agenda should contact the Clerk of the Board at 279/234-8382 or TDD 916/557-4686 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:** November 14, 2022  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Tabetha Smith, Clerk to the Board  
**SUBJ:** APPROVAL OF THE ACTION SUMMARY OF OCTOBER 24, 2022

### RECOMMENDATION

Motion to Approve.

**SACRAMENTO REGIONAL TRANSIT DISTRICT  
BOARD OF DIRECTORS  
BOARD MEETING  
October 24, 2022**

**ROLL CALL:** Roll Call was taken at 5:31 p.m. via Zoom. PRESENT: Directors Budge, Howell, Nguyen, Jennings, Nottoli, Schenirer, Serna, Valenzuela, and Chair Miller. Absent: Director Harris. Director Vice Chair Kennedy joined the meeting at 5:33 p.m.

**1. PLEDGE OF ALLEGIANCE**

**2. CONSENT CALENDAR**

- 2.1 Motion: Approval of the Action Summary of September 12, 2022
- 2.2 Resolution 2022-10-114: Authorize the Board of Directors to Teleconference from October 24, 2022 through November 22, 2022, in Compliance with the Brown Act Pursuant to Government Code Section 54953 as Amended by Assembly Bill 361, During the COVID-19 Pandemic (O. Sanchez-Ochoa/T. Smith)
- 2.3 Resolution 2022-10-115: Approving the First Amendment to the Contract for Federal Lobbying Services with Carpi & Clay, Inc. (D. Selenis)
- 2.4 Approving Extensions to Contracts for Commercial Real Estate Broker Services and Owner/Tenant Representative Services with CBRE, Inc. and Cornish & Carey Commercial, Inc., A California Corporation DBA Newmark Knight Frank (J. Adelman)
  - A) Resolution 2022-10-116: Approving the First Amendment to the Contract for Commercial Real Estate Broker Services and Owner/Tenant Representative Services for Industrial Properties with CBRE, Inc.; and
  - B) Resolution 2022-10-117: Approving the First Amendment to the Contract for Commercial Real Estate Broker Services and Owner/Tenant Representative Services for Commercial Properties with Cornish & Carey Commercial, Inc., A California Corporation DBA Newmark Knight Frank
- 2.5 Resolution 2022-10-118: Delegation of Authority for the Community Prosecutor Program Agreement (L. Hinz)
- 2.6 Resolution 2022-10-119: Approving a Collective Bargaining Agreement with the Amalgamated Transit Union, Local 256 for the Term of January 1, 2023 – December 31, 2026 (D. Topaz)

- 2.7 Resolution 2022-10-120: Award Contract for Breath Alcohol Testing and Urine Specimen Collection Services to Barry W. Leeder, Inc., DBA Collection Plus (D. Topaz)
- 2.8 Resolution 2022-10-121: Authorizing Travel Outside the United States for Henry Li, General Manager/CEO to Represent SacRT at the UITP Global Public Transport Summit (C. Flores)
- 2.9 Resolution 2022-10-122: Second Amendment to Fiscal Year 2023 Capital Budget (L. Chiu)
- 2.10 Resolution 2022-10-123: Approving the Fourth Amendment to the Contract for Light Rail Vehicle and Station Advertising with Lamar Transit, LLC (D. Selenis)
- 2.11 Resolution 2022-10-124: Approving the Contract for On-Call Glass Replacement Services for Revenue and Non-Revenue Vehicles for Bus and Light Rail with Bruton's Glass Co. Inc. (C. Alba)
- 2.12 Resolution 2022-10-125: Approving an Irrevocable Offer to Dedicate (IOD) Real Property for Transportation Purposes in Railyards Unit 1 with the Downtown Railyard Venture, LLC (L. Ham)
- 2.13 Resolution 2022-10-126: Approving the Second Amendment to the Personal Services Contract with Jason Johnson (L. Chiu)
- 2.14 Resolution 2022-10-127: Approving the First Amendment to Lease with 27<sup>th</sup> & R, LLP and Authorizing the General Manager/CEO or his Designee to Approve Tenant Improvement Changes (J. Adelman)
- 2.15 Resolution 2022-10-128: Approving the Contract for Non-Revenue Tires and Tire Services with O.K. Tire Stores, Inc. (C. Alba)
- 2.16 Resolution 2022-10-129: Awarding a Contract for Bus Vehicle Advertising to Lamar Transit, LLC (D. Selenis)

Chair Miller stated that Director Budge would like to pull items 2.9 and 2.14.

***Director Howell moved; Director Budge seconded approval of the consent calendar with the exception of items 2.9 and 2.14. Motion was carried by roll call vote. Ayes: Directors Budge, Howell, Nguyen, Jennings, Kennedy, Nottoli, Schenirer, Serna, Valenzuela and Chair Miller. Noes: None; Abstain: None; Absent: Director Harris.***

Director Budge commented on Items 2.9 and 2.14 and expressed concern that the Real Estate subcommittee does not meet until mid-November, and she sees a lot of movement being contemplated and contracted for.

Jamie Adelman thanked Director Budge and shared that the moves to 2710 R Street and to 1102 Q Street were approved by the Real Estate subcommittee and then the full Board last year and SacRT is just now effectuating the moves due to the time it takes for the coordination, procurement, and tenant improvements. The SacRT team is planning on bringing additional information and plans for moving forward to the Real Estate subcommittee in November when they meet.

Director Budge thanked Jamie for the clarification.

Mr. Li added that the focus is specific to the admin facilities move which the Real Estate subcommittee approved. There are some details and movement on the capital budget that require further approval. In terms of more strategic moves, staff will seek more guidance from the Real Estate subcommittee.

Olga Sanchez-Ochoa reiterated that the Board approved and has given Mr. Li the authority in closed session to pursue these two facilities last year. Things have come up that need to be clarified and that is the request for further approval from the Board.

Director Budge moved approval of items 2.9 and 2.14.

Public comment was taken by phone from Jeffery Tardaguila.

Mr. Tardaguila asked for better clarification of information for the public with regards to closed session items.

***Director Budge moved; Director Howell seconded approval of items 2.19 and 2.14. Motion was carried by roll call vote. Ayes: Directors Budge, Howell, Nguyen, Jennings, Kennedy, Nottoli, Schenirer, Serna, Valenzuela and Chair Miller. Noes: None; Abstain: None; Absent: Director Harris.***

### **3. INTRODUCTION OF SPECIAL GUESTS**

### **4. UNFINISHED BUSINESS**

### **5. PUBLIC HEARING**

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

The Clerk read a written public comment from Jeffery Tardaguila.

Mr. Tardaguila expressed concern that there will be many changes to the SacRT Board and requested that the current Board provide direction to the future Board. He then provided some recommendations and shared some further concerns.

Public comment was taken by phone from Nick Bryant and Glenn Mandelkern.

Mr. Bryant requested additional security at the Louis and Orlando light rail station and stated that the connect card machine at 9th and K is not working. He also mentioned the Watt/I-80 light rail station could use some attention with the elevators and litter on the tracks.

Chair Miller requested that Mr. Bryant be given the information for the application to report security issues.

Mr. Li agreed and stated that this would be addressed.

Mr. Mandelkern noticed some changes to the organizational chart and asked questions about the changes.

Chair Miller asked if Mr. Li has a comment in response to Mr. Mandelkern.

Mr. Li said that the overall idea is to try to improve the organizational efficiency and effectiveness.

## **7. NEW BUSINESS**

### **8. GENERAL MANAGER'S REPORT**

- 8.1 General Manager's Report
  - a. Major Project Updates
  - b. SacRT Meeting Calendar

Mr. Li began with a brief remark about the new ATU contract ratified by the Board earlier in the evening and gave special thanks to ATU President Ralph Niz for his strong leadership. The contract was ratified overwhelmingly by the ATU membership, which is a testament to the great partnership and shows SacRT greatly values the workforce and all they do to better connect to the community.

In speaking of connecting with the community, and all of Sacramento's school districts back in session, Mr. Li reminded everyone that SacRT's RydeFreeRT program is now in year four. He gave special thanks to SacRT partners, the cities, the county, and school districts for paying for this national leading innovation. Mr. Li also gave special thanks to Director Jay Schenirer who is the founding father of this initiative. Students can ride the entire SacRT Transit Network for free anytime, anywhere in the service area. Approximately 265,000 students, homeschooled students, and foster and homeless youth are all eligible.

Mr. Li announced that the Sacramento region continues to gain recognition as a great place for concerts and festivals and SacRT is proud to provide free service to support these important economic drivers and to reduce gridlock on roadways. SacRT provided supplemental shuttle service from downtown to Discovery Park for two separate festivals.



This year's Aftershock Festival was a four daylong event and Visit Sacramento estimated that it had a \$30 million economic impact in the region. SacRT also provided free service to the new country music festival called Golden Sky moving over 2,000 riders during the inaugural two-day concert. Mr. Li thanked Director Serna for guiding SacRT on this partnership and SacRT staff that worked day and night to make this a success.

Mr. Li stated the goal of fare-free options is to improve air quality by relieving traffic congestion and on October 5<sup>th</sup>, SacRT celebrated Clean Air Day with a press conference at the 39th Street/UC Davis Health light rail station. SacRT was joined by Community Partners including Congressman Ami Bera, City of Sacramento Mayor Pro Tem Eric Guerra and Director Jeff Harris to remind everyone to do their part to help clean the region's air. Mr. Li shared that over 50% of the region's greenhouse gas emissions come from the transportation sector and transit is the best way to reduce vehicle miles traveled (VMT) and congestion. SacRT offered free rides to the community the entire first week of October. In total, SacRT saw a 21% increase in ridership for the week and SmarT Ride had the highest ridership day ever, October 6<sup>th</sup>, carrying nearly 1,000 passengers.

Mr. Li stated as ridership increases, SacRT looks forward to moving customers on the new low-floor light rail trains that are expected to arrive starting the end of this year. At the Siemens Mobility Manufacturing Day media tour, a few local news stations were able to get a sneak peek of the exterior of the new trains. Mr. Li then shared a photo of the first car in the final assembly phase.

Mr. Li concluded his report thanking Chair Miller, Vice Chair Kennedy, Directors Nottoli and Harris for joining himself and SacRT staff at the American Public Transportation Association's (APTA) conference earlier this month in Seattle. APTA's TRANSform Conference is the flagship event for public transportation professionals to engage in workshops, experience technical tours, and the network with colleagues. Mr. Li was honored to participate in APTA'S newest session highlighting innovative ideas across the industry and during his TED-Talk style presentation, he was able to share how SacRT's partnership with the Public Library led to the Rolling Library Train. To remind everyone how the Rolling Library Train works, Mr. Li ended his report with a short video.

Director Serna thanked Mr. Li and SacRT staff for SacRT's participation and assistance at the Aftershock and Golden Sky music festivals helping to get patrons to and from the venue. Director Serna also extended thanks from the entire Board of Supervisors and Mr. Testa from Visit Sacramento.

Director Nottoli echoed the comments about Mr. Li's role at the APTA conference and noted that after Mr. Li's seven-minute presentation of the Rolling Library Train, there was good chatter in the room, and Director Nottoli thought it sparked an idea for other agencies. He shared a comment he heard regarding the public policy arena and government in general and that is there are two things that people dislike the most, one is the status quo and the second is they do not like change, and this is the challenge that is faced and characterizes the work we do in trying to rebuild and improve the system but also implement new strategies to serve those who depend upon it and look to SacRT as

a leader. A lot of time they do not embrace the change that will come as a part of that. He congratulated Mr. Li and thanked Chair Miller for his leadership as Chair, his colleagues and SacRT staff who helped at the conference.

Public comment was taken by phone from Jeffery Tardaguila.

Mr. Tardaguila thanked Mr. Li. He then recommended using sandwich boards for future concerts or events to give a better indication of where the pickup points are and asked for better communication when there are RydeFree weeks as some machines were marked, and others were not. Mr. Tardaguila uses RT Tracker and recommends it for riders because it provides cancellation and scheduling information in real time.

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

### **9.1 Capitol Corridor JPA Meeting Summary – September 21, 2022 (Miller)**

Chair Miller highlighted that ridership is returning to the Capitol Corridor and they voted to create a restoration plan and approved it in the updated budget.

### **9.2 San Joaquin JPA Meeting Summary - September 23, 2022**

Public comment was taken by phone from Jeffery Tardaguila.

Mr. Tardaguila thanked Capitol Corridor for acknowledging additional riders.

Director Serna announced that on November 2<sup>nd</sup> there will be a convening of various interests along the Broadway Corridor to meet with relevant parties including the City, the County and sister agencies in both jurisdictions to help address the issue of the unsheltered challenge in neighborhoods. In a brainstorming meeting, it was agreed upon that SacRT was relevant to attend.

Mr. Li agreed.

Director Valenzuela added to Director Serna's comment that they would like for Director Jennings to be present as well given the upcoming district line changes.

## **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**

The Board recessed to Closed Session at 6:19 p.m.

Roll Call was taken via Zoom: PRESENT: Directors Budge, Howell, Nguyen, Jennings, Kennedy, Nottoli, Schenirer, Serna, Valenzuela and Chair Miller. Absent: Director Harris.

**13. CLOSED SESSION**

13.1 Conference with Legal Counsel  
Pursuant to Gov. Code Section 54956.9  
Potential Litigation

- a. Tracy Speranza v. SacRT  
Matter: Application for Leave to Present Late Claim for Damage

**14. RECONVENE IN OPEN SESSION**

**15. CLOSED SESSION REPORT**

There was no Closed Session Report.

**16. ADJOURN**

As there was no further business to be conducted, the meeting was adjourned at 6:35 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:** November 14, 2022  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Laura Ham, VP, Planning and Engineering  
**SUBJ:** CONDITIONALLY APPROVING THE CONTRACT FOR OWNER-FURNISHED GATE CROSSING MECHANISM INSTALLATION WITH SHANE BROWN ELECTRIC

### RECOMMENDATION

Adopt the Attached Resolution.

### RESULT OF RECOMMENDED ACTION

Conditionally approving the contract will allow installation of new owner-furnished grade crossing equipment to replace outdated equipment.

### FISCAL IMPACT

The total contract costs to install 108 owner-furnished gate crossing mechanisms will be no greater than \$351,000. Funding for this expenditure has been identified and is available in the current fiscal year.

### DISCUSSION

After 32 years of service, many of Sacramento Regional Transit's (SacRT) grade crossing gate mechanisms need to be replaced. The grade crossing mechanism is the main mechanical assembly that lowers and raises the gate arm that blocks vehicular traffic access to the crossing during train movements. SacRT Wayside Staff has identified 132 mechanisms that need replacement and has procured the necessary equipment and parts. SacRT Wayside Staff's current workload does not allow the time necessary to install the replacement equipment; therefore, SacRT solicited bids for a contractor to install the owner-furnished equipment.

On June 8, 2022, Staff released an Invitation for Bid for a contractor to install the owner-furnished equipment. Limited bidder interest was received, so the Bid due date was extended five times to ensure that adequate responses were provided to questions from potential bidders, as well as to conduct outreach to potential bidders and provide a video demonstration of the replacement activities. On October 21, 2022, SacRT received 4 bids as follows:

<b>Contractor</b>	<b>Bid Amount</b>
Shane Brown Electric	\$351,000
Pro Summit Signal, Inc.	\$521,856
Studebaker Electric, Inc.	\$531,360
Railroad Signal Specialists, Inc.	\$767,988

SacRT Procurement Staff has determined that Shane Brown Electric is the apparent lowest responsive and responsible bidder. While the bid amount exceeds the Engineer's Estimate of \$244,000, the Bid from Shane Brown Electric is considered fair and reasonable in comparison to the other competitive bids received for this solicitation.

A Notice of Intent to Recommend Award was issued on November 4, 2022.

Staff is recommending that the Board conditionally approve the contract, pending expiration of the 10-day protest period and the provision by Shane Brown Electric of the required bonds and insurance.

RESOLUTION NO. 2022-11-130

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

November 14, 2022

**CONDITIONALLY APPROVING THE CONTRACT FOR OWNER-FURNISHED GATE CROSSING MECHANISM INSTALLATION WITH SHANE BROWN ELECTRIC**

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

THAT, the Board approves the Contract for Owner-Furnished Gate Crossing Mechanism Installation by and between the Sacramento Regional Transit District, therein referred to as "SacRT," and Shane Brown Electric, Inc., therein referred to as "Contractor," whereby Contractor agrees to complete owner-furnished gate crossing mechanism installation, for an amount not to exceed \$351,000, conditioned on: (a) the expiration of the protest period without receipt of any protests; and (b) Contractor providing the required bonds and insurance specified in the Invitation for Bid.

THAT, the Board Chair and General Manager/CEO are hereby authorized and directed to execute the foregoing contract upon satisfaction of the specified conditions.

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

A T T E S T:

HENRY LI, Secretary

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

## **STAFF REPORT**

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**DATE:** November 14, 2022  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Shelly Valenton, Deputy General Manager/CEO  
**SUBJ:** APPROVING A SOLE SOURCE PROCUREMENT FROM TRAPEZE SOFTWARE GROUP, INC. AND DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO APPROVE AND EXECUTE THE SECOND AMENDMENT TO THE SOFTWARE MAINTENANCE AGREEMENT - 2002

### RECOMMENDATION

Adopt the Attached Resolution.

### RESULT OF RECOMMENDED ACTION

This action would allow SacRT to take advantage of new Trapeze software products to streamline business processes and achieve efficiencies.

### FISCAL IMPACT

Total consideration in the amount of \$303,196 in one-time costs is required for the Trapeze OPS update. Of this, \$251,000 has been awarded to SacRT by Caltrans through a State of Good Repair (SGR) grant. The remaining one-time costs of \$52,196, as well as Year 1 annual support in the amount of \$24,993, is budgeted in the IT Operations budget. Future year maintenance costs for this specific product will be based on Trapeze's then-current pricing and will be paid for the duration of the life of the software. There is no cap on the annual fees.

### DISCUSSION

SacRT has been using Trapeze since 2002, when, as the result of a competitive procurement, the Board of Directors awarded Trapeze a contract for the purchase and implementation of an integrated solution to assist SacRT with:

- Fixed route scheduling system
- Operator run-cutting system
- Operator dispatch and timekeeping
- Customer contact tracking system
- Trip planning
- Route planning and performance reporting

SacRT has two Software Maintenance agreements in place for the existing software that require the payment of annual support fees for the existing software suite.

In August 2020, Caltrans District 3/North Region awarded SacRT \$251,000 of SB1 SGR funding for the Trapeze OPS update. This update will extend the functionality of SacRT's existing Trapeze modules and provide employees greater flexibility in accessing and updating Trapeze data in real-time via the Internet and mobile applications, as well as providing SacRT dispatchers the ability to see critical operational information and messages in real-time on a display board. This update will also enable Staff to access the employee information and operator bidding system online using the Internet and smart phones. The Trapeze update includes software licensing, implementation, go-live support, training, and ongoing maintenance for:

- **OPS-Web** to automate the work bid process for transportation operations and allow operators to enter bid requests;
- **Employee self-service (ESS)**
- **OPS-Mobile** to provide operators the ability to bid on work from their mobile devices, access additional employee information and work schedules; and
- **OPS-Display Board** to provide a dynamic platform for quickly presenting critical information and messages to SacRT operators including real-time bidding and dispatch information and let dispatchers plan and execute better daily service.

Due to the proprietary nature of the software, there is no other vendor that can provide these services. Caltrans has approved SacRT entering into a sole source procurement with Trapeze for these new software products.

To proceed with the OPS-Web update, SacRT must upgrade its existing Trapeze software from version 19 to version 21. While SacRT is eligible to upgrade the software at no cost under its existing Software Maintenance Agreement, Trapeze will also provide version 21 go-live support and training as part of the new scope of work.

Both the software licenses and the associated professional services for these upgrades will be included in the Second Amendment to Software Maintenance Agreement – 2002. Trapeze is still reviewing the State Grant Contract Provisions that are required to be included in the Second Amendment as a condition of the Caltrans grant funding. Once those have been reviewed and resolved, the parties should be able to move forward with the Second Amendment.

Under Resolution No. 21-12-0140, approved by the Board of Directors last year, the General Manager/CEO will be authorized to pay the on-going annual support fees for the new software products for as long as they are used by SacRT.

It is anticipated that the Trapeze update will create a positive experience for passengers and employees, increase productivity, and create long-term cost savings for SacRT through:

- Automating time-consuming, labor-intensive tasks, including sign-ups, open work assignments, driver check-in/check-out



- Improving response times to unexpected events including absences, accidents, and work/employee incidents
- Reducing human error and the number of data entry hours needed by dispatch and administrative staff to maintain records
- Introducing process efficiencies by automating bid configuration and employee bidding for regular work, extra work, time off, etc.
- Facilitating better focus of employees on their essential daily tasks
- Providing employees enhanced access to their information including checking their schedule using smartphone
- Facilitating the ability to bid of work from remote locations using smart phones or personal computers
- Providing employees greater convenience in accessing pertinent work data
- Replacing multiple manual paper process currently in use

RESOLUTION NO. 2022-11-131

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

November 14, 2022

**APPROVING A SOLE SOURCE PROCUREMENT FROM TRAPEZE SOFTWARE GROUP, INC. AND DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO APPROVE AND EXECUTE THE SECOND AMENDMENT TO THE SOFTWARE MAINTENANCE AGREEMENT - 2002**

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

THAT, since it was competitively procured in 2002, SacRT has used software from Trapeze Software Group, Inc. as integrated Transportation Efficiency and Accessibility Management System suite for bidding, scheduling, dispatching, trip planning and reporting, as well as other features; and

THAT, a transition to another vendor for these services would be cost-prohibitive; and

THAT, pursuant to Section 1.405.B.1 of the Procurement Ordinance, the software products and support needed to upgrade SacRT's existing Trapeze software suites can only be provided by Trapeze Software Group, Inc. and it would be futile to seek competitive, justifying a sole source procurement; and

THAT, authority is delegated to the General Manager/CEO to approve and execute the Second Amendment to Software Maintenance Agreement – 2002 by and between the Sacramento Regional Transit District (therein "Licensee") and Trapeze Software Group, Inc. (therein "Trapeze") wherein Trapeze agrees to provide new software products and professional implementation and training services, as further set forth therein, for an amount not to exceed \$303,196, upon satisfactory completion of contract negotiations.

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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:** November 14, 2022  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Jamie Adelman, VP Procurement, Real Estate and Special Projects  
**SUBJ:** Waive the First Reading of Ordinance 2022-12-001, Amending and Restating Title I, "Procurement Ordinance" of SacRT's Administrative Code

### RECOMMENDATION

Waive First Reading of Ordinance

### RESULT OF RECOMMENDED ACTION

Would allow for the revisions to Title I of the Administrative Code to be considered for adoption at the December 12, 2022, Board meeting.

### FISCAL IMPACT

None.

### DISCUSSION

In October 2021, by Ordinance 21-10-01, the Board amended and restated the Procurement Ordinance, which is codified in Title I of the Sacramento Regional Transit District Administrative Code.

As a result of A.B. 2015, which will increase SacRT's formal procurement threshold for supply procurements effective January 1, 2023, it is necessary to revise several provisions of the Procurement Ordinance that reference the prior \$100,000 threshold and replace with language referencing the new \$125,000 threshold.

In addition, Staff is recommending that several changes be made to provide more flexibility in the solicitation, contracting, and personal property disposition processes, as further described below:

(1) Approval of Contracts by the General Counsel

The Procurement Ordinance currently specifies that the General Counsel must approve all contracts, other than those issued on a “standard form” approved by the General Counsel, which is currently limited to a purchase order document used for supply purchases and some limited services. Increasingly, particularly for Information Technology procurements for needed services and supplies, the proposed contractor offers a standard form of contract that is not subject to negotiation. In instances where Staff determines that the supplies or services are needed and that the agreement will be signed regardless of any contractual risks, the requirement of General Counsel approval may consume limited Legal Department resources without adding value and also cause delays. The proposed revised language would provide SacRT flexibility to establish that certain contracts do not require General Counsel approval.

(2) Eliminate language specifying that formal solicitations may be advertised in minority newspapers if time permits.

With the decline in print media, it is not clear that advertising in minority newspapers is necessary or desirable to reach interested minority businesses. As part of SacRT’s Disadvantaged Business Enterprise (DBE) Program, both the Procurement Department and the Disadvantaged Business Enterprise Liaison Officer (DBELO) actively use a variety of approaches to conduct outreach to DBE businesses. While advertising in print media is one tool that can be used, it is not clear that there is a benefit to including a specific reference to newspaper advertisement in the Procurement Ordinance while excluding reference to other types of outreach.

(3) Auto-Renewing Contracts

An auto-renewing contract is one that contains a provision stating that it continues indefinitely (usually on a yearly renewal cycle) until terminated by one of the parties. The yearly expenditure may be small; however, because an affirmative act by SacRT is required to terminate the agreement, auto-renewing contracts have historically required Board approval on the assumption that over the unknown life of the contract, the total expenditures could exceed \$150,000. Whenever possible, Staff negotiates with the other party to either eliminate the auto-renewal provision or cap the total financial commitment to \$150,000.

However, increasingly these provisions are found in software license agreements or other contracts of adhesion where the contractor has informed SacRT that there is no flexibility to vary the standard terms and conditions and eliminate an auto-renewal provision. Some of these contracts are for as little as \$1,000 per year. To ensure that SacRT can conduct business without delay, Staff is recommending that the Board authorize the General Manager/CEO to sign these agreements when the total expenditure is not expected to reach \$150,000 within a 5-year period. Staff will still need to monitor these agreements, both to ensure that the goods/services are still needed and to ensure that the price remains reasonable

(since agreements of this type often also allow the contractor to raise the annual price with no cap on increases).

#### (4) Surplus Property Disposition by Donation

Chapter 2 of the Procurement Ordinance addresses disposal of surplus property. The provisions currently allow for disposal through 3 different methods: (1) sale to another public entity; (2) sale by sealed bid/auction; and (3) incidental sale if the item to be sold is scrap or salvage material, is perishable, 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. To avoid self-dealing, SacRT employees are not permitted to purchase property by incidental sale.

SacRT has auction services contracts in place for surplus property disposition to maximize the revenues to SacRT. However, particularly with SacRT's administrative campus move and the transition towards a more "paperless" office, there are an increasing number of items that have no market value and for which SacRT would incur costs for disposal. These include office supplies, office furniture, law books, and dated electronics that have been replaced. Under the present language of the Procurement Ordinance, if these items cannot be "sold", the only alternative would be to send these items to a landfill or e-waste facility, which would result in an out-of-pocket cost for SacRT.

The proposed language would permit the General Manager to authorize disposal by donation to a public entity, non-profit organization, or any employee, to the extent permitted by any applicable federal and state grant requirements, for any item determined to have no market value. The language would require the adoption of procedures for donation to ensure fairness and avoid self-dealing. The donations would serve a SacRT purpose by eliminating disposal costs.

The proposed changes are shown in strikethrough and bold in Attachment 1.

**ATTACHMENT 1  
ORDINANCE 2022-12-001**

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

December 12, 2022

**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: SMF**

Ordinance 21-10-01 (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 **Disposal by Donation Sale to Another Public Entity**
- §2.105 **Sale to Another Public Entity** ~~Limitation Upon Employees of RT~~
- §2.106 **Limitation Upon Employees of SACRT**

## 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. 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 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 1.10. 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 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~~**125,000**, 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 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 CONTRACTS prior to the execution thereof, with the exception of: **(a) those CONTRACTS or categories of CONTRACTS that the GENERAL COUNSEL GENERAL MANAGER or designee has authorized to be executed on a standard form reviewed and approved by without approval by the GENERAL COUNSEL, based upon the recommendation of the procurement director; (b) contracts using SacRT standard form (templates) that were already reviewed and approved by the GENERAL COUNSEL; (c) purchase orders for SUPPLIES; and (d) standard form software license terms and conditions imposed by a CONTRACTOR as a condition of accessing software being purchased by SACRT in accordance with this Ordinance and the procedures adopted under this Ordinance.** 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, ~~\$400~~**125,000** for SUPPLIES, and \$150,000 for NONPROFESSIONAL SERVICES must :

~~B~~ **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.

~~A. 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 ~~\$400~~**125,000** or for PROFESSIONAL OR NONPROFESSIONAL SERVICES CONTRACTS expected to be awarded for an amount in excess of \$150,000 must:

~~Be~~ **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.

~~A. 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, ~~\$400~~**125,000** 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; **and**
- D. The quality of BIDDER's or PROPOSER's performance on previous CONTRACTS with SACRT.

**In addition, 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 responsible.**

**§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 ~~\$400~~125,000, 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 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 \$400125,000, 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~~ **is not** 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 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.

**In addition, to the extent a CONTRACTOR requires SACRT to sign its form of CONTRACT and the CONTRACT contains a clause requiring an affirmative act by SACRT to terminate the agreement (e.g., an “auto-renewal” provision) or allows the CONTRACTOR to increase the rate in its discretion, such that the \$150,000 limit may eventually be reached without further action by SACRT, the GENERAL MANAGER may nonetheless execute the CONTRACT if it is not reasonably foreseeable that the expenditure will exceed \$150,000 within a 5-year period.**

**§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 \$150,000.

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 or the BOARD, as applicable, 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.

**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 requires 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 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**      **Disposal by Donation**

**For any surplus item determined to have no market value and for which SacRT would incur a disposal cost, the GENERAL MANAGER may authorize disposal by donation to a public entity, non-profit organization, or any employee, to the extent permitted by any applicable federal and state grant requirements. Any employee involved in the determination that an item has no market value may not later receive that item by donation. The GENERAL MANAGER must adopt procedures for implementation of this provision to ensure fairness and preclude self-dealing.**

**§2.105**      **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.

**§2.106**      **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 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.

Federal Statutes, Regulations, Policies, and Agreements	Subject
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  36 C.F.R. Part 1192 49 C.F.R. Part 38	Transportation Services for Individuals with Disabilities  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	

State Codes*	Section(s)	Subject
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

<b>State Codes*</b>	<b>Section(s)</b>	<b>Subject</b>
Government Code	6250 - 6270	California Public Records Act
Government Code	53702	Federal Grant Compliance
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 by posting on the District’s Internet website.

Passed and adopted at a regular meeting of the Sacramento Regional Transit District on this 12th day of December, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

A T T E S T:

HENRY LI, Secretary

By:

\_\_\_\_\_  
Tabetha L. Smith, Assistant Secretary



# STAFF REPORT

**DATE:** November 14, 2022  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Carmen Alba, VP, Bus Operations  
**SUBJ:** DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO EXECUTE A CONTRACT WITH FOLSOM LAKE FORD FOR THE PURCHASE OF 16 POLICE INTERCEPTOR UTILITY VEHICLES

## RECOMMENDATION

Adopt the Attached Resolution.

## RESULT OF RECOMMENDED ACTION

This contract will allow the replacement of current Police Service vehicles that are past their service life, have high mileage and/or wear, or have become difficult to source replacement parts that are not supported by the manufacturer.

## FISCAL IMPACT

The purchase of 16 vehicles through the competitively-bid State Contract Number 1-22-23-14C will cost \$765,276.10, plus applicable state and local taxes and fees.

2022 Original Quote	2022 Rollover Quote*	2023 Vehicle Quote
\$36,533.28	\$47,311.61	\$48,670.
x10	x10	x6
<b>\$365,332.80</b>	<b>\$473,116.10</b>	<b>\$292,020.00</b>

**Total Required**                      **\$765,136.10**

\*Note: The rollover quote for the first ten 2022 models will be updated to 2023 models at this reduced cost. The price difference between the original price quote for the 10 vehicles and the price increase is \$10,870.80 per vehicle.

## DISCUSSION

On June 13, 2022, under Resolution No. 2022-06-066, the Board awarded a Purchase Order to Folsom Lake Ford (FLF) for the purchase of ten 2022 Police Interceptor Utility Vehicles under State of California Contract Number 1-22-23-14C for \$365,332.80, plus applicable sales taxes and fees.

Ford provided notice to FLF in late August that due to the extremely challenging environment for the global automotive industry, microchip shortages, major disruptions in the supply chain due to the war in Eastern Europe, and the lingering impact of COVID, Ford has been faced with logistical challenges and unpredictable manufacturing plant downtime. Given the high order submissions and unforeseen plant downtime, Ford notified FLF that it would be unable to build any unscheduled 2022 vehicles and that all unscheduled vehicles would need to be reordered as 2023 vehicles.

Around the same time, FLF submitted a request to the State of California for a price adjustment for the 2023 Model Year Vehicles. While the State Contract terms allow a maximum price increase of 3% between model years, on September 2, 2022, the State of California nonetheless approved a Supplement to the State Contract to increase the base pricing for the Mid-size Utility Vehicle with Police Package from \$36,226.00 for the 2022 model to \$45,813.00 for the 2023 model year, an increase of 27% year over year.

Staff contacted the procurement representative at the State of California to confirm the basis for the price increase. While SacRT was not provided any substantiation for the 27% increase, the State representative indicated that the cost increases have been approved and allowed. Because SacRT had already been provided a price quote for 10 2022 vehicles, FLF has agreed to provide a slight discount on those vehicles, as shown above in the Fiscal Impact statement.

Due to the order backlog and supply chain shortages, Supplement No. 1 to the State Contract also specifies that the last date to order Model Year 2023 vehicles under State Contract was the close of business on September 8, 2022, and that Model Year 2023 vehicles will be unavailable until further notice. FLF has confirmed that this order deadline will not be enforced against SacRT and that SacRT is still eligible to order up to 16 Model Year 2023 vehicles.

Despite the substantial price increase, Staff believes the State Contract remains the best and most efficient way to obtain the needed police interceptor vehicles. The Grants Department has identified additional funds to allow for the increase in costs and also the purchase of an additional 6 vehicles. With this change, all vehicles ordered will be 2023 model year vehicles.

In accordance with the Federal Transit Administration (FTA) guidance, the Police Interceptor Utility vehicles due for replacement have either accumulated over 100,000 life miles or been in service over 5 years. The Police Services fleet includes 23 patrol vehicles. The average age of the 13 vehicles identified for replacement is nearly 10 years old. The 13 vehicles, 7 Ford Crown Victoria and 6 Ford Police Interceptor Utility are unreliable and require excessive maintenance. SacRT is also having trouble sourcing replacement parts on the now-discontinued Ford Crown Victoria. The need to replace 13 vehicles and add an additional 3 vehicles will address those aged vehicles that currently provide critical and direct support to SacRT operations. The 3 additional patrol vehicles are necessary to allow for spares to be used when vehicles are unavailable due to needed service and repairs. These 16 replacement and additional vehicles will increase the Police Services fleet from 23 to 26 total patrol vehicles.

At this time, Staff is still resolving the contract details with FLF, so a delegation of authority to the General Manager/CEO is being requested at this time.

RESOLUTION NO. 2022-11-132

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

November 14, 2022

**DELEGATING AUTHORITY TO THE GENERAL MANAGER/CEO TO EXECUTE A CONTRACT WITH FOLSOM LAKE FORD FOR THE PURCHASE OF 16 POLICE INTERCEPTOR UTILITY VEHICLES**

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

THAT, authority is delegated to the General Manager/CEO to approve a contract for the purchase of 16 Police Interceptor Utility Vehicles with Folsom Lake Ford under which Folsom Lake Ford agrees to provide a quantity of 16 model year 2023 Police Interceptor Utility Vehicles, as specified in the State of California Contract Number 1-22-23-14C, for a total amount of \$765,136.10, plus applicable state and local taxes and fees, upon successful completion of contract negotiations.

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

A T T E S T:

HENRY LI, Secretary

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

## **STAFF REPORT**

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**DATE:** November 14, 2022  
**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 Report

### **SacRT Meeting Calendar**

#### **Regional Transit Board Meeting**

December 12, 2022  
SacRT Auditorium / Webconference  
5:30 P.M

#### **Quarterly Retirement Board**

Meeting December 14, 2022  
SacRT Auditorium / Webconference  
9:00 A.M

#### **Mobility Advisory Council**

Meeting December 1, 2022  
SacRT Auditorium / Webconference  
2:30 P.M

### **SacRT Holiday Bus**

SacRT will continue its annual holiday tradition by offering free rides on the SacRT Holiday bus beginning Thursday, December 1, 2022, through Monday, January 2, 2023. The decorated 40-foot bus will travel on various routes throughout the region.

Passengers will have the opportunity to deposit a donation in the farebox (cash or check accepted) or scan the on-board QR code to donate. This year's donations benefit the Front Street Animal Shelter in Sacramento.

Learn more at [sacrt.com/holidaybus](https://sacrt.com/holidaybus).

## **SacRT is Hiring**

The Sacramento Regional Transit District (SacRT) is holding two in-person hiring events on Tuesday, December 6, 2022, and Tuesday, December 13, 2022, for all open SacRT positions.

For driver positions, we offer paid training and will help you get your Commercial Driver License. Plus, SacRT is offering \$2,000 sign-on bonuses and excellent benefits.

### **WHEN:**

Tuesday, December 6, 2022  
2 p.m. – 7 p.m.

Tuesday, December 13, 2022  
10 a.m. – 3 p.m.

### **WHERE:**

SacRT Administrative Building, Auditorium  
1400 29th Street Sacramento, CA

Apply today online at [sacrt.com/careers](https://sacrt.com/careers).

## **SacRT Seeking Input on New Brand Identity and Logo**

SacRT is developing a new brand identity and logo as part of our long-term marketing strategy. The goal of the project is to modernize SacRT's brand and increase our visibility by helping our riders and community members better identify our vehicles and all the services we provide through consistent imagery. This is especially important as we prepare to receive delivery of our modern new low-floor light rail trains later this year. To ensure any costs associated with the project stay low, we will take a phased "as needed" approach to implementation.

During the course of the project, which is expected to take place through mid-2023, the SacRT communications team will continue to be actively engaged with riders and community members. We encourage you to check this project web page frequently to track development and receive general project updates.

In September, SacRT received rider and community feedback on the brand perception and knowledge of SacRT through the first public survey. SacRT is back out this November with a second survey to get feedback on updated brand concepts. Check our website for updates!

## **Board Follow-up**

Following the October 24<sup>th</sup> Board meeting, SacRT staff has followed-up on the questions raised during the meeting:

Customer services staff has reached out to Mr. Nick Bryant regarding his concerns with the Connect Card and the conditions at Watt I/80 and the Louis Orlando Transfer Center.

SacRT Deputy General Manager Shelly Valenton called Mr. Glenn Mandelkern regarding his questions about SacRT's organizational structure that will further improve SacRT's operational efficiencies and also explained that to ensure Brown Act compliance, staff is unable to provide detailed answers to questions during the public comment part of board meetings

Customer Service staff has reached out to Mr. Jeffrey Tardaguila regarding his comments and report outs of Closed Session items.

Staff also attended a community meeting on November 2<sup>nd</sup> focused on the Broadway corridor.