

AGENDA

Commuter Rail & Transit Committee Meeting

November 13, 2014

9:00 AM

Location

SANBAG

First Floor Lobby

1170 W. 3rd Street, San Bernardino, CA 92410

Commuter Rail & Transit Committee Membership

Chair

Mayor Paul Eaton
City of Montclair

Mayor L. Dennis Michael
City of Rancho Cucamonga

Vice Chair

Supervisor James Ramos
County of San Bernardino

Mayor Ray Musser
City of Upland

Mayor Peter Aguilar
City of Redlands

Council Member Richard Riddell
City of Yucaipa

Council Member Bill Jahn
City of Big Bear Lake

Mayor Pro Tem Alan Wapner
City of Ontario

Council Member Mike Leonard
City of Hesperia

Mayor Deborah Robertson
City of Rialto

Mayor Pro Tem Larry McCallon
City of Highland

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
County Congestion Management Agency
Service Authority for Freeway Emergencies**

AGENDA

Commuter Rail & Transit Committee Meeting

**November 13, 2014
9:00 AM**

Location

**SANBAG Office
First Floor Lobby
1170 W. 3rd Street, San Bernardino, CA 92410**

CALL TO ORDER

(Meeting Chaired by Paul Eaton)

- i. Pledge of Allegiance
- ii. Attendance
- iii. Announcements
- iv. Agenda Notices/Modifications – Marleana Roman

Possible Conflict of Interest Issues for the Commuter Rail and Transit Committee Meeting of November 13, 2014

Note agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

1. Information Relative to Possible Conflict of Interest

Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest for the Commuter Rail and Transit Committee.

This item is prepared monthly for review by SANBAG Board and Committee members.

CONSENT CALENDAR

Items listed on the Consent Calendar are expected to be routine and non-controversial. The Consent Calendar will be acted upon as a single motion. Items on the Consent Calendar may be removed for discussion by Board Member Request.

Consent - Transit/Rail

2. Construction Contract Change Orders to on-going SANBAG Construction Contracts with Shimmick and Kemp Bros Construction.

Receive and Ratify Change Orders. **Mitch Alderman**

This item is not scheduled for review by any other policy committee or technical advisory committee.

3. September 2014 Right-of-Way Grants of Use Report

That the Commuter Rail and Transit Committee receive September 2014 Right-of-Way Grants of Use Report. **Monica Morales**

This item is not scheduled for review by any other policy committee or technical advisory committee.

DISCUSSION ITEMS

Discussion - Administrative Matters

4. Review Financial Audit for Transit Operator

That the Commuter Rail and Transit Committee recommend the Board review and receive Operator financial report for Fiscal Year 2011/2012 for Needles Area Transit. **Hilda Flores**

This item is not scheduled for review by any other policy committee or technical advisory committee.

Discussion - Transit/Rail

5. 2015 Commuter Rail and Transit Committee Meeting Schedule

That the Commuter Rail and Transit Committee recommend the Board approve the 2015 Commuter Rail and Transit Committee Meeting Schedule. **Mitch Alderman**

This item is not scheduled for review by any other policy committee or technical advisory committee.

6. Downtown San Bernardino Passenger Rail and San Bernardino Transit Center Construction update

That the Commuter Rail and Transit Committee receive a presentation on the construction update for the Downtown San Bernardino Passenger Rail Project and San Bernardino Transit Center Project. **Mitch Alderman**

This item is not scheduled for review by any other policy committee or technical advisory committee.

7. Amendment 2 to Contract No. C12077 with HDR Engineering, Inc.

That the Commuter Rail and Transit Committee recommend:

The Board, acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 2 to Contract No. C12077 with HDR Engineering, Inc. for additional construction administration, design changes, environmental, and right-of-way services on the San Bernardino Transit Center Project, increasing the contract amount by \$664,764 for an amended not-to-exceed amount of \$4,618,297, inclusive of contingency.

B. Approve contingency of a not-to-exceed amount of \$100,000 for Contract C12077 and authorize the Executive Director or designee to release contingency as necessary for the project.

The Board, acting as the San Bernardino County Transportation Commission:

C. Allocate \$664,764 of Valley Local Transportation Funds to the San Bernardino Transit Center Project in lieu of the Valley State Transit Assistance Funds that were originally identified for the project.

The Board:

D. Approve Fiscal Year 2014/2015 budget amendment to increase Task No. 0322-San Bernardino Transit Center in the amount of \$664,764 to be funded by Local Transportation Funds for a new task total of \$15,208,975. **Mitch Alderman**

This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel has reviewed this item and the draft contract amendment.

8. Amendment to Contract No. C11207 with Nossaman, LLP

That the Commuter Rail and Transit Committee recommend the Board:

Acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 1 to Contract No. C11207 with Nossaman, LLP for additional right-of-way legal services on the Downtown San Bernardino Passenger Rail Project, increasing the contract amount by \$500,000 for an amended not-to-exceed amount of \$2,500,000.

Acting as the San Bernardino County Transportation Commission:

B. Allocate \$340,000 of Valley Local Transportation Funds for right-of-way legal support on the Downtown San Bernardino Passenger Rail Project.

C. Allocate \$160,000 of Valley Local Transportation Funds for right-of-way legal support on the San Bernardino Transit Center Project in lieu of Valley State Transit Assistance Funds that were originally identified for the project. **Mitch Alderman**

This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel has reviewed this item and the draft contract amendment.

Comments from Board Members

Brief Comments from Board Members

Public Comment

Brief Comments from the General Public

ADJOURNMENT

Additional Information

Attendance

Entities

Meeting Procedures and Rules of Conduct

General Practices for Conducting Meetings

Acronym List

Mission Statement

The next Commuter Rail and Transit Committee Meeting will be December 11, 2014.

Complete packages of the SANBAG agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
- San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 1

Date: *November 13, 2014*

Subject:

Information Relative to Possible Conflict of Interest

Recommendation:

Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest for the Commuter Rail and Transit Committee.

Background:

In accordance with California Government Code 84308, members of the SANBAG Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual, except for the initial award of a competitively bid public works contract. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Principals & Agents	Subcontractors
2	C14002	Kemp Bros. Construction Inc. <i>Steven R. Solaas</i>	Howard Contracting Harris Rebar Winegardner SCW Contracting Corp. KCB Towers Schmitt Contracting Crowner Sheet Metal MK Roofing Hutington Glazing Continental Marble & Tile Company Hamilton Ceiling Systems JH Bryant Signs & Lucite Products Landscape Forms Empyrean Plumbing Inc. Air Flow Safeway Electric A&S Cement Contractors Inc. Western Paving Contractors Inc. Century Fences Pacific Premier Landscape Robert B Longway Inc. DBC Inc.

Entity: CMA, COG, CTA, CTC, SAFE

Commuter Rail & Transit Committee Agenda Item

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2	C14001	Shimmick Construction Company Inc. <i>Paul Camaur</i>	Allied Steel Co., Inc. Marina Landscape, Inc. Innovative Concrete & Engineering Giroux Glass Winegardner Masonry Excelsior Elevator Fencecorp Inc. Ellis Excavating Gerdau Eberhard EMC Rutherford Co., Inc. M.B. Herzog Electric Hardy & Harper, Inc.
7	C12077	HDR Engineering, Inc. <i>Robert Klovsky</i>	ICF Jones and Stokes Iteris Pac Engineering Project Design Consultants Group Delta Birge
8	C11207	Nossaman, LLP <i>Rick E Rayl</i>	None

Financial Impact:

This item has no direct impact on the SANBAG budget.

Reviewed By:

This item is prepared monthly for review by SANBAG Board and Committee members.

Responsible Staff:

Mitch Alderman, Director of Transit and Rail Programs



San Bernardino Associated Governments

1170 W. 3rd Street, 2nd Fl, San Bernardino, CA 92410
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 Web: www.sanbag.ca.gov



•San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
 •San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 2

Date: *November 13, 2014*

Subject:

Construction Contract Change Orders to on-going SANBAG Construction Contracts with Shimmick and Kemp Bros Construction.

Recommendation:

Receive and Ratify Change Orders.

Background:

Of SANBAG's two on-going Transit and Rail Construction Contracts, one had a Construction Change Order (CCO) approved since the last reporting to the Commuter Rail & Transit Committee. The CCO is listed below:

A. Contract Number C14002 with Kemp Bros. Construction, Inc. for construction of the San Bernardino Transit Center project: CCO No. 3 (\$201,125.48 increase for additional parking lot revisions at the Affaitati property; revisions to the building light fixtures, door hardware and bus canopy roof drains; revisions to the storm drain alignment and installation of an additional clean out for the sanitary sewer line; installation of electrical, communication and gas service to the proposed building).

B. Contract Number C14001 with Shimmick Construction Company, Inc. for construction of the Downtown San Bernardino Passenger Rail Project: No CCO this reporting period.

Financial Impact:

This item imposes no financial impact, as all CCOs are within previously approved contingency amounts under Task No's. 0322 and 0324.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Mitch Alderman, Director of Transit and Rail Programs

Entity: CTC

Rail and Transit Construction Contracts

San Bernardino Transit Center – Executed Change Orders		
Number	Description	Amount
1	Removal and Disposal of man-made objects (CN 1-\$50,000), and Remove & Replace AC (CN 7-\$31,000)	\$81,000.00
2	Additional Traffic Signal Conduit (CN 3-\$67,046.17), Install Interim Irrigation at Affaitati property (CN 4-\$9,144.15), New Block Wall Drain and Blockout (CN 5-\$9,763.87), Revised Roof Hatch and other Building Revisions (CN 8-\$10,547.77), Remove Buried Debris at Rialto (CN 9-\$5,185.96).	\$101,687.92
3	Affaitati Parking Lot Revisions (CN 2-\$88,941.45), Misc Building/Site Submittal and RFI changes (CN 8.1-\$48,238.58), Storm and Sewer Pipeline Revisions (CN 10-\$17,345.45), Utility Service Feeds (CN 12-\$46,600.00).	\$201,125.48
CCO TOTAL		\$383,813.40
APPROVED CONTINGENCY		\$631,175.00
REMAINING CONTINGENCY		\$247,361.60

Downtown San Bernardino Passenger Rail Project – Executed Change Orders		
Number	Description	Amount
CCO TOTAL		\$0
APPROVED CONTINGENCY		\$2,981,464.00
REMAINING CONTINGENCY		\$2,981,464.00

Bold-Construction Change Orders approved since the last reporting to the Commuter Rail Transit Committee
 Amounts shown in parentheses represent a credit to the Agency



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-
- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
 - San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
-

Minute Action

AGENDA ITEM: 3

Date: *November 13, 2014*

Subject:

September 2014 Right-of-Way Grants of Use Report

Recommendation:

That the Commuter Rail and Transit Committee receive September 2014 Right-of-Way Grants of Use Report.

Background:

The Board of Directors adopted the SANBAG Rail Property Policy (Policy No. 31602) on July 2, 2014. Within the policy under Section B - Policy Principals and Authority to Execute Grants of Right of Use, the Board authorized the Executive Director, or designee, to approve all grants of rights of use documents as approved to form by General Counsel.

A list of all grants of use that were executed by the Executive Director and/or designee during the month of September is presented herein as Attachment A.

Financial Impact:

This item imposes no impact on the Fiscal Year 2014/2015 budget. Presentation of the monthly Right-of-Way report demonstrates compliance with the SANBAG Rail Property Policy (Policy No. 31602).

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Monica Morales, Transit Analyst

Entity: CTA, CTC

Attachment A

September Right-of-Way Grants of Use Report

Vendor Name	Contract No.	Agreement Type	Linked Agreements	Executed Date	Term Date	Amount	Fee's Waived	Waived Fee Amount	Waived Fee Comments
KAD Paving, LLC	R14179	ROE *A1	C09121	10/3/14	12/31/14	\$ 560.00	N/A	N/A	N/A

Attachment: Attachment A (1418 : September 2014 Right-of-Way Grants of Use Report)

Minute Action

AGENDA ITEM: 4

Date: *November 13, 2014*

Subject:

Review Financial Audit for Transit Operator

Recommendation:

That the Commuter Rail and Transit Committee recommend the Board review and receive Operator financial report for Fiscal Year 2011/2012 for Needles Area Transit.

Background:

Public Utility Code 99245.2, Single Audit Act, and the U.S. Office of Management and Budget (OMB) require an annual audit be conducted of SANBAG and its affiliated organizations: Barstow Area Transit (BAT), Mountain Area Regional Transit Authority (MARTA), Morongo Basin Transit Authority (MBTA), Needles Area Transit (NAT), Omnitrans, Valley Transportation Services (Vtrans), and Victor Valley Transit Authority (VVTA).

This item presents the results of audits performed on NAT. The audit of the financial statements for Fiscal Year 2011/2012 was completed by Vavrinek Trine and Day Co., LLC (VTD). The financial statements include an Independent Auditors' Report included as Attachment A for NAT with a modified opinion, meaning that except for the lack of accounting and reporting of deferred revenue, the financial statements are presented fairly in conformity with Generally Accepted Accounting Principles.

The report of internal control identified three deficiencies. Deferred revenue was not calculated properly and beginning balance was not reconciled, beginning equity balances should be reconciled to prior year financial statements, and balances recorded in due from other governments should reflect valid receivables. Management has implemented procedures to correct the deficiencies.

VTD was not able to audit deferred revenue since the beginning balance was not reconciled and activity was not recorded during the fiscal year. Deferred revenue should be recorded when the revenue is deemed unearned due to the timing of cash receipt or the collectability of the revenue is considered long-term.

Effective Audit Fiscal Year 2011/2012, SANBAG procured Vavrinek Trine and Day Co., LLC as the new auditor for the transit operators. The previous auditor Miers & Miers provided audit services since 1992 (excluding Omnitrans). This change created challenges for the operators during the first year of audits because of the new process.

Financial Impact:

This item has no financial impact on the SANBAG Fiscal Year 2014/2015 Budget.

Entity: CTA, CTC

Commuter Rail & Transit Committee Agenda Item

November 13, 2014

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Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Hilda Flores, Chief of Accounting and Procurement

NEEDLES AREA TRANSIT
(Enterprise Fund of the City of Needles)

BASIC FINANCIAL STATEMENTS
WITH
INDEPENDENT AUDITORS' REPORT

FOR THE FISCAL YEAR ENDED
JUNE 30, 2012

**NEEDLES AREA TRANSIT
(Enterprise Fund of the City of Needles)**

JUNE 30, 2012

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BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN
ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*, THE TRANSPORTATION
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Attachment: Attachment A (1345 : Review Financial Audit of Transit Operator)



INDEPENDENT AUDITORS' REPORT

To the Board of Directors
San Bernardino Associated Governments
San Bernardino, California

We have audited the accompanying financial statements of Needles Area Transit (NAT) enterprise fund of the City of Needles, California (City), as of and for the year ended June 30, 2012, as listed in the table of contents. These financial statements are the responsibility of the City's management. Our responsibility is to express an opinion on these financial statements based on our audit.

As discussed in Note 1, the financial statements present only the NAT and do not purport to, and do not, present fairly the financial position of the City as of June 30, 2012, and the changes in financial position, or, where applicable, its cash flows, for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Except as discussed in the following paragraph, we conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and the significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe our audit provides a reasonable basis for our opinion.

Management has not established procedures for accounting and reporting of deferred revenue and, accordingly, has not reconciled the opening balance of deferred revenue and related equity. Pursuant to Section 6634 of the Transportation Development Act, a transit claimant is precluded from receiving monies from the local transportation fund and the state transit assistance fund in an amount which exceeds the claimant's costs less the sum of fares received, local support required to meet the fare ratio, federal operating assistance, and the amount received during the year from a city or county to which the operator has provided service beyond its boundaries. The amount by which this departure would affect the assets, liabilities, net assets, and revenues of the NAT is not reasonably determinable.

In our opinion, except for the possible effects of the matter described in the preceding paragraph, the financial statements referred to above present fairly, in all material respects, the financial position of the NAT as of June 30, 2012, and the changes in financial position and its cash flows thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Attachment: Attachment A (1345 : Review Financial Audit of Transit Operator)

In accordance with *Government Auditing Standards*, we have also issued a report dated October 15, 2014, on our consideration of the City's internal control over financial reporting for the NAT, and our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements, and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

Management has omitted the Management's Discussion and Analysis for the NAT that accounting principles generally accepted in the United States of America requires to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting and for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.



Rancho Cucamonga, California
October 15, 2014

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**STATEMENT OF NET ASSETS
JUNE 30, 2012**

ASSETS

CURRENT ASSETS:

Accounts receivable	\$ 25
Due from other governments	31,291
Prepaid expenses	632
Total Current Assets	<u>31,948</u>

CAPITAL ASSETS:

Depreciable assets	594,320
Accumulated depreciation	<u>(404,433)</u>
Capital assets, net	<u>189,887</u>
TOTAL ASSETS	<u>221,835</u>

LIABILITIES

CURRENT LIABILITIES:

Accounts payable	672
Accrued liabilities	265
Due to City of Needles	<u>40,296</u>
TOTAL LIABILITIES	<u>41,233</u>

NET ASSETS:

Invested in capital assets	189,887
Unrestricted	<u>(9,285)</u>
TOTAL NET ASSETS	<u>\$ 180,602</u>

Attachment: Attachment A (1345 : Review Financial Audit of Transit Operator)

The accompanying notes are an integral part of these financial statements.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**STATEMENT OF REVENUES, EXPENSES AND
CHANGES IN NET ASSETS
YEAR ENDED JUNE 30, 2012**

OPERATING REVENUES:	
Fares	\$ 35,675
OPERATING EXPENSES:	
Operations	282,929
Maintenance	14,196
General and administration	17,750
Depreciation	47,319
Total Operating Expense	<u>362,194</u>
OPERATING (LOSS)	<u>(326,519)</u>
NON-OPERATING REVENUES AND EXPENSES:	
Operating Assistance:	
Local Transportation Fund Article 8	166,753
Federal Transit Administration Section 5311	31,157
State Transit Assistance Fund	42,600
Measure I	12,450
Community Development Block Grant	8,496
Interest income	93
Other	157
Total Non-operating Revenues (Expenses)	<u>261,706</u>
NET (LOSS) BEFORE CAPITAL CONTRIBUTIONS	<u>(64,813)</u>
CAPITAL CONTRIBUTIONS:	
State Transit Assistance Fund	143,680
Total Capital Contributions	<u>143,680</u>
CHANGE IN NET ASSETS	78,867
NET ASSETS, Beginning of year, as restated	<u>101,735</u>
NET ASSETS, End of year	<u><u>\$ 180,602</u></u>

Attachment: Attachment A (1345 : Review Financial Audit of Transit Operator)

The accompanying notes are an integral part of these financial statements.

**NEEDLES AREA TRANSIT FUND
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**STATEMENT OF CASH FLOWS
YEAR ENDED JUNE 30, 2012**

Cash flows from operating activities:

Cash received from fares	\$ 35,650
Payments to employees	(14,590)
Payments to vendors for services	<u>(343,141)</u>
Net cash used in operating activities	<u>(322,081)</u>

Cash flows from non-capital financing activities:

Borrowing from the City of Needles	40,296
Operating grants received	<u>261,504</u>
Net cash provided by non-capital financing activities	<u>301,800</u>

Cash flows from capital and related financing activities:

Capital grants received	143,680
Purchase of capital assets	<u>(150,536)</u>
Net cash used in capital and related financing activities	<u>(6,856)</u>

Cash flows from investing activities:

Interest received	<u>93</u>
Net decrease in cash and cash equivalents	(27,044)
Cash and cash equivalents, beginning of year	<u>27,044</u>
Cash and cash equivalents, end of year	<u>\$ -</u>

**Reconciliation of operating (loss) to net cash used
in operating activities:**

Operating income (loss)	<u>\$ (326,519)</u>
Adjustments to reconcile operating (loss) to net cash used in operating activities:	
Depreciation expense	47,319
Changes in assets and liabilities:	
(Increase)/Decrease in assets:	
Accounts receivable	(25)
Prepaid expenses	(242)
Increase/(Decrease) in liabilities:	
Accounts payable and accrued liabilities	<u>(42,614)</u>
Total Adjustments	<u>4,438</u>
Net cash used in operating activities	<u>\$ (322,081)</u>

The accompanying notes are an integral part of these financial statements.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**NOTES TO FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2012**

NOTE 1 – GENERAL INFORMATION

Needles Area Transit (NAT) provides public transportation services and a Dial-a-Ride program for seniors and persons with disabilities in the City of Needles. The financial statements are intended to reflect the financial position and changes in financial position and cash flows of the NAT only. Accordingly, the financial statements do not purport to, and do not, present fairly the financial position of the City of Needles and changes in financial position, or, where applicable, its cash flows thereof for the year then ended in conformity with generally accepted accounting principles in the United States of America.

Article 8

San Bernardino Associated Governments (SANBAG) receives and passes through Article 8 funding to the local claimants for the purposes of local streets and roads in accordance with Section 99400 of the California Public Utilities Code, which may include those purposes necessary and convenient to the development, construction, and maintenance of the city or county's streets and highways network, which further includes planning and contributions to the transportation planning process, acquisition of real property, construction of facilities and buildings. The fund may also be used for passenger rail service operations and capital improvements.

The NAT utilizes these TDA Article 8 funds to provide operation and maintenance for the transit system. The funding is also used to purchase assets related to transportation, such as buses, bus benches, bus shelters, bus stop signs and fareboxes.

Article 8 subdivision C further allows payments to counties, cities, and transit districts for their administrative and planning cost with respect to transportation services. A claimant may also receive payments for capital expenditures to acquire vehicles and related equipment, bus shelters, bus benches, and communication equipment for the transportation services.

Payment of Article 8 to any entity that provides public transportation services under contract with the local county, city, or transit district for any group with special transportation assistance need must be determined by SANBAG.

NOTE 2 – SIGNIFICANT ACCOUNTING POLICIES

The accounting policies of the NAT conform to accounting principles generally accepted in the United States of America. The following is a summary of significant accounting policies.

Fund Accounting

The accounts of the City are organized on the basis of funds. A fund is defined as an independent fiscal and accounting entity wherein operations of each fund are accounted for in a separate set of self-balancing accounts that record resources, related liabilities, obligations, net position segregated for the purpose of carrying out specific activities or attaining certain objectives in accordance with special regulations, restrictions or limitations.

The NAT is accounted for within a separate enterprise fund of the City.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**NOTES TO FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2012**

NOTE 2 – SIGNIFICANT ACCOUNTING POLICIES, (CONTINUED)

Measurement Focus and Basis of Accounting

The NAT is reported using the economic resources measurement focus and accrual basis of accounting. Under this method, revenues are recorded when earned and expenses are recorded when the related liability is incurred, regardless of the timing of related cash flows. NAT has elected under Governmental Accounting Standards Board (GASB) Statement No. 20, *Accounting and Financial Reporting for Proprietary Funds and Other Governmental Entities That Use Proprietary Fund Accounting*, to apply all applicable GASB pronouncements, as well as any applicable pronouncements of the Financial Accounting Standards Board (FASB), the Accounting Principles Board, or any Accounting Research Bulletins issued on or before November 30, 1989, unless those pronouncements conflict with or contradict GASB pronouncements. NAT has elected not to follow subsequent private sector guidance.

Cash and Investments

Cash and investments are pooled in the City's investment pool to facilitate cash management and maximize investment opportunities and yields. Investment income resulting from this pooling is allocated to the respective funds including the NAT based upon the average cash balance. The investment policies and the risks related to GASB Statement No. 40, *Deposits and Investment Risk Disclosures*, applicable to the NAT, are those of the City and are disclosed in the City's basic financial statements. The City's basic financial statements can be obtained at the City's Administrative Office at 817 Third Street, Needles, California 92363. For the purpose of the statement of cash flows, amounts maintained in the City Pool are considered cash and cash equivalents. As of June 30, 2012, the NAT had a balance of \$0.

Grants

Grants for operating assistance and capital acquisitions are included in revenue in the period in which the grant was earned. Federal capital grant funds claimed on a reimbursement basis have receivables for grant funds recorded as the related obligations are incurred. Capital grant funds advanced but not yet earned are treated as deferred revenues. Also, operating funds advanced from San Bernardino Associated Governments (SANBAG) for working capital are treated as deferred revenues until earned. Operating assistance grants are included in non-operating revenues in the year in which the grant is applicable and the related expenses are incurred. Revenue earned under capital grants are recorded as capital contributions.

Capital Assets

Capital assets are recorded at cost where historical records are available and at estimated historical costs where no historical records exist. Contributed capital assets are valued at their estimated fair market value at the date of the contribution. Generally, capital asset purchases in excess of \$1,000 are capitalized if they have an expected useful life of three years or more.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**NOTES TO FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2012**

NOTE 2 – SIGNIFICANT ACCOUNTING POLICIES, (CONTINUED)

Capital assets used in operations are depreciated over their estimated useful lives using the straight-line method. Depreciation is charged as an expense against operations. The range of lives used for depreciation purposes for each fixed asset class is as follows:

Passenger facilities	5-10 years
Equipment	5 years
Vehicles	5 years

Estimates

The preparation of basic financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Operating and Non-Operating Revenue

The NAT distinguishes operating revenues and expenses from non-operating items. Operating revenues and expenses generally result from directly providing services in connection with the City's principal operation of bus transit services. These revenues are primarily passenger fares. Non-operating revenues consist of federal, state and local operating grants, fuel tax credits, and investment income.

Operating Expenses

Operating expenses include the cost of sales and services, administrative expenses, and depreciation on capital assets. Expenses not meeting this definition are reported as non-operating expenses.

Capital Contributions

Capital contributions consist of grants that are legally restricted for capital expenses by federal, state, or local law that established those charges.

When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, and then unrestricted resources as they are needed.

NOTE 3 – TRANSPORTATION DEVELOPMENT ACT REQUIREMENTS

The NAT is subject to the provisions pursuant to Section 6634 of the California Code of Regulations and Sections 99268.4 and 99313.3 of the Public Utilities Code.

The NAT receives allocations of local transportation funds pursuant to the Transportation Development Act of 1971. These funds are generated within San Bernardino County and are allocated based on annual claims filed by the City of Needles and approved by SANBAG.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**NOTES TO FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2012**

NOTE 3 – TRANSPORTATION DEVELOPMENT ACT REQUIREMENTS, (CONTINUED)

The NAT also receives allocated Federal operating assistance funds pursuant to Section 5311 of the Federal Transit Act of 1964. Such funds are apportioned to the local urbanized area by the Federal Transit Authority (FTA). Expenditures of Federal operating assistance funds are subject to final audit and approval by the FTA.

A. Section 6634

Pursuant to Section 6634, a transit claimant is precluded from receiving monies from the Local Transportation Fund and the State Transit Assistance Fund in an amount which exceeds the claimant's costs less the sum of fares received, local support required to meet the fare ratio, federal operating assistance, and the amount received during the year from a city or county to which the operator has provided service beyond its boundaries.

The opening balance of deferred revenue could not be adequately reconciled by management in the current period. As a result, an adjustment to the deferred revenue opening balance was recorded. See Note 7 for further details.

The computation of deferred revenue for 2012 is as follows:

	Operating Funds	Capital Funds	Total
Beginning balance, July 1, 2011, as restated	\$ -	\$ -	\$ -
Gross receipts			
State Transit Assistance Fund	42,600	143,680	186,280
Local Transportation Fund, Article 8	166,753	-	166,753
Federal Transportation Admin, Section 5311	31,157	-	31,157
Measure I	12,450	-	12,450
Interest income	93	-	93
Fares	35,675	-	35,675
Other	157	-	157
Total gross receipts	<u>288,885</u>	<u>143,680</u>	<u>432,565</u>
Operating expenses, less depreciation	(302,875)	(12,000)	(314,875)
Capital acquisitions		<u>(150,536)</u>	<u>(150,536)</u>
Receipts over (under) expenses in current period	<u>(13,990)</u>	<u>(18,856)</u>	<u>(32,846)</u>
Amounts received in excess (under) of costs as of June 30, 2012	<u>\$ (13,990)</u>	<u>\$ (18,856)</u>	<u>\$ (32,846)</u>

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**NOTES TO FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2012**

NOTE 3 – TRANSPORTATION DEVELOPMENT ACT REQUIREMENTS, (CONTINUED)

B. Section 99268.4

Section 99268.4 indicates that in the case of an operator which is serving a non-urbanized area, the operator shall be eligible for local transportation funds in any fiscal year if it maintains, for the fiscal year, a ratio of fare revenues to operating cost at least equal to 10%.

The fare ratio as of June 30, 2012, is calculated as follows:

Operating expenses	\$ 362,194
Less depreciation	(47,319)
Adjusted operating expenses	<u>\$ 314,875</u>
Fare revenue	<u>\$ 35,675</u>
Fare ratio	<u>11.33%</u>

NOTE 4 – CAPITAL ASSETS

Capital asset activity for the fiscal years ended June 30, 2012, is as follows:

	Beginning		Deletions	Ending	
	Balance	Balance		Balance	Balance
	July 1, 2011	Additions		June 30, 2012	
Depreciable assets					
Passenger facilities	\$ 28,882	\$ -	\$ -	\$ 28,882	
Equipment	98,560	-	-	98,560	
Vehicles	316,342	150,536	-	466,878	
subtotal depreciable assets	<u>443,784</u>	<u>150,536</u>	<u>-</u>	<u>594,320</u>	
Accumulated depreciation					
Passenger facilities	(26,096)	(2,786)	-	(28,882)	
Equipment	(95,784)	(1,388)	-	(97,172)	
Vehicles	(235,234)	(43,145)	-	(278,379)	
subtotal accumulated depreciation	<u>(357,114)</u>	<u>(47,319)</u>	<u>-</u>	<u>(404,433)</u>	
Net depreciable assets	<u>86,670</u>	<u>103,217</u>	<u>-</u>	<u>189,887</u>	
Total capital assets	<u>\$ 86,670</u>	<u>\$ 103,217</u>	<u>\$ -</u>	<u>\$ 189,887</u>	

NOTE 5 – DUE TO THE CITY OF NEEDLES

At June 30, 2012, the NAT had a deficit cash balance, representing short term borrowings from the City's Investment Pool in the amount of \$40,296.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**NOTES TO FINANCIAL STATEMENTS
YEAR ENDED JUNE 30, 2012**

NOTE 6 – DEFICIT UNRESTRICTED NET ASSETS

The NAT reflects deficit unrestricted net assets of \$9,285. Management has asserted that this will be remedied through the receipts of Local Transportation Fund revenues, State Transit Assistance Funds, and other grant proceeds in subsequent periods.

NOTE 7 – RESTATEMENT OF BEGINNING NET ASSETS

The opening balance of deferred revenue could not be adequately reconciled by management in the current period. As a result, an adjustment to the deferred revenue opening balance was recorded which had an impact on beginning net assets of \$15,065 as summarized in the table below.

	<u>2012</u>
Beginning of year, as previously reported	
Net Assets	\$ 86,670
Elimination of deferred revenue	<u>15,065</u>
Beginning net assets, as restated	<u><u>\$ 101,735</u></u>

Following is the proforma effect of the retroactive application:

	<u>2011 Previously Presented</u>	<u>Restatement</u>	<u>2011 Restated</u>
Deferred Revenue	\$ 15,065	\$ (15,065)	\$ -
Net Assets, Beginning of period	86,670	15,065	101,735



INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS, THE TRANSPORTATION DEVELOPMENT ACT AND CALIFORNIA GOVERNMENT CODE §8879.50

To the Board of Directors
San Bernardino Associated Governments
San Bernardino, California

We have audited the accompanying financial statements of the Needles Area Transit (NAT) enterprise fund of the City of Needles, California (City), as of and for the year ended June 30, 2012, and have issued our report thereon dated October 15, 2014. Our report on the NAT's financial statements was qualified because management had not established procedures for accounting and reporting of deferred revenue. Our report also noted that the financial statements of the NAT do not purport to, and do not, present fairly the financial position of the City as of June 30, 2012, and that the financial statements do not include Management's Discussion and Analysis. Except as discussed in the preceding sentences, we conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

Management of the NAT is responsible for establishing and maintaining effective internal control over financial reporting. In planning and performing our audit, we considered the NAT's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the NAT's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the NAT's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses and therefore, there can be no assurance that all deficiencies, significant deficiencies, or material weaknesses have been identified. However, as described in the accompanying schedule of findings and responses, we identified certain deficiencies in internal control over financial reporting that we consider to be material weaknesses.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiencies described in the accompanying schedule of findings and responses as items 2012-01, 2012-02, and 2012-03 to be material weaknesses.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the NAT's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, including Section 6667 of Part 21 of the California Code of Regulations and California Government Code §8879.50 et seq., and the allocation instructions of San Bernardino Associated Governments, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed an instance of noncompliance or other matter that is required to be reported under *Government Auditing Standards*, Section 6667 of Title 21 of the California Code of Regulations, or the California Government Code §8879.50 et seq., and which is described in the accompanying schedule of findings and responses as item 2012-01.

Management's responses to the findings identified in our audit are described in the accompanying schedule of findings and responses. We did not audit management's responses and, accordingly, we express no opinion on them.

This report is intended solely for the information and use of NAT management, City Council, and SANBAG and is not intended to be and should not be used by anyone other than these specified parties.

Varrinck Train, Dug & Co, LLP

Rancho Cucamonga, California
October 15, 2014

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**SCHEDULE OF FINDINGS AND RESPONSES
YEAR ENDED JUNE 30, 2012**

Finding 2012-01

DEFERRED REVENUE RECONCILIATION

Criteria:

Pursuant to Section 6634 of the Transportation Development Act, a transit claimant is precluded from receiving monies from the Local Transportation Fund and the State Transit Assistance Fund in an amount which exceeds the claimant's costs less the sum of fares received, local support required to meet the fare ratio, federal operating assistance, and the amount received during the year from a city or county to which the operator has provided service beyond its boundaries.

Condition:

Management has not adopted a methodology for tracking, monitoring, and reviewing deferred revenue and, accordingly, has not provided a reconciliation of the opening balance of deferred revenue.

Context:

The condition noted above was identified during the testing of transactions related to NAT's compliance with the Transportation Development Act (TDA).

Effect:

As a result of condition noted above, management could not support the beginning balance of deferred revenue.

Cause:

Management has not adopted a methodology for calculating, tracking, and reviewing deferred revenue.

Recommendation:

We recommend that management implement processes to calculate and review the deferred revenue in accordance with the TDA.

View of responsible official and planned corrective action:

A process for calculating and reviewing deferred revenue is now in place, and will be implemented on a going forward basis.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**SCHEDULE OF FINDINGS AND RESPONSES
YEAR ENDED JUNE 30, 2012**

Finding 2012-02

BEGINNING EQUITY RECONCILIATION

Criteria:

Beginning equity balances in the trial balance should be reconciled to the prior year financial statements.

Condition:

Beginning equity balances in the current year were not reconciled to the amounts included in the prior year financial statements. The difference of \$93,152 related to variances in deferred revenue, capital assets, and an adjustment for an overstated receivable.

Context:

The condition noted above was identified during the testing of opening balances.

Effect:

As a result adjustments were proposed to fairly state the financial statements.

Cause:

Management did not perform a reconciliation of the equity balance.

Recommendation:

We recommend that management implement processes to reconcile the opening equity balances.

View of responsible official and planned corrective action:

A process for reconciling the equity balance will also be implemented on a going forward basis.

**NEEDLES AREA TRANSIT
(ENTERPRISE FUND OF THE CITY OF NEEDLES)**

**SCHEDULE OF FINDINGS AND RESPONSES
YEAR ENDED JUNE 30, 2012**

Finding 2012-03

DUE FROM OTHER GOVERNMENTS

Criteria:

Balances recorded in due to other governments should reflect valid receivables.

Condition:

The due from other governments account was overstated by approximately \$62 thousand and required adjustment to fairly state the balance.

Context:

The condition noted above was identified during the testing of receivable balances.

Effect:

As a result of the condition above, adjustments of approximately \$62 thousand were proposed to fairly present the NAT financial statements.

Cause:

The condition was caused by the receivable account not being analyzed.

Recommendation:

We recommend management implement processes to review receivable accounts at year-end.

View of responsible official and planned corrective action:

A process for analyzing the receivable account will also be implemented on a going forward basis.



San Bernardino Associated Governments

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- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
 - San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
-

Minute Action

AGENDA ITEM: 5

Date: November 13, 2014

Subject:

2015 Commuter Rail and Transit Committee Meeting Schedule

Recommendation:

That the Commuter Rail and Transit Committee recommend the Board approve the 2015 Commuter Rail and Transit Committee Meeting Schedule.

Background:

The San Bernardino Associated Governments (SANBAG) Commuter Rail and Transit Committee has established a regular meeting schedule on the second Thursday of the month following the SANBAG Board meeting, beginning at 10:00 a.m., in the 1st Floor Lobby at the Santa Fe Depot. However, the 2015 schedule requests the Committee adopt a meeting start time of 9:00 a.m. Although a monthly schedule is adopted, it is acknowledged that when there are not sufficient business items to require a meeting, the meeting will be cancelled. It has also been the practice to modify the meeting date and time when the meeting has been rescheduled due to conflicts with other meetings or holiday schedules. SANBAG staff, however, has been directed to make every effort to minimize deviation from the regular schedule to insure continuity of meetings and participation.

A proposed 2015 meeting schedule is identified below for approval. Committee members and staff are urged to calendar these meetings for the coming year. Advance confirmation of meetings or cancellation notices are part of SANBAG's standard procedure for meeting preparation. The proposed 2015 meeting schedule does conform to the second Thursday of the month following the SANBAG Board of Directors meeting.

The proposed 2015 Commuter Rail/Transit Committee meeting dates are as follows:

January 15, 2015**
 February 12, 2015
 March 12, 2015
 April 9, 2015
 May 14, 2015
 June 11, 2015
 July 9, 2015 (**DARK**)
 August 13, 2015
 September 10, 2015
 October 15, 2015**
 November 12, 2015
 December 10, 2015

Entity: CMA, COG, CTA, CTC, SAFE

Commuter Rail & Transit Committee Agenda Item

November 13, 2014

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***This date falls on the 3rd Thursday of the month*

Financial Impact:

Approval of the meeting schedule for the Commuter Rail and Transit Committee has no impact on the Fiscal Year 2014/2015 SANBAG Budget.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Mitch Alderman, Director of Transit and Rail Programs

SANBAG 2015 Master Calendar

~ January 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 SCAG Regional Council (DARK) New Year's Day HOLIDAY	2	3 Muhammad's Birthday Islamic Holiday
4	5	6	7 Board Orthodox Christmas HOLIDAY	8	9	10
11	12	13	14 General Policy Committee League New Mayors & Council Members Academy	15 Metro Valley Study Session Commuter Rail/Transit Committee League New Mayors & Council Members Academy	16 Mt/Desert Policy Committee League New Mayors & Council Members Academy	17
18	19 Martin Luther King Day HOLIDAY	20	21	22	23	24
25	26	27	28	29	30	31

Attachment: 2015 SANBAG Master Meeting Calendar (1428 : 2015 CRTC Meeting Schedule.)

SANBAG 2015 Master Calendar

~ February 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4 Board	5 SCAG Regional Council	6	7
8	9	10	11 General Policy Committee	12 Metro Valley Study Session Commuter Rail/Transit Committee	13	14
15	16 President's Day HOLIDAY	17	18	19	20 Mt/Desert Policy Committee	21 NACo Legislative Conference
22 NACo Legislative Conference	23 NACo Legislative Conference	24 NACo Legislative Conference	25 NACo Legislative Conference	26	27	28

Attachment: 2015 SANBAG Master Meeting Calendar (1428 : 2015 CRTS Meeting Schedule.)

SANBAG 2015 Master Calendar

~ March 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4 Board	5 SCAG Regional Council	6	7
8 Daylight Saving Time Begins	9	10	11 General Policy Committee	12 Metro Valley Study Session Commuter Rail/Transit Committee	13	14
15	16	17	18	19	20 Mt/Desert Policy Committee	21 Naw-Ruz Bahai HOLIDAY
22	23	24	25	26	27	28
29	30	31 Cesar Chavez	Notes:			

Attachment: 2015 SANBAG Master Meeting Calendar (1428 : 2015 CRTS Meeting Schedule.)

SANBAG 2015 Master Calendar

~ April 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 Board	2 SCAG Regional Council	3 Good Friday Christian HOLIDAY	4 Passover Jewish HOLIDAY (4/4 – 4/11)
5 Easter Sunday	6	7	8 General Policy Committee	9 Metro Valley Study Session Commuter Rail/Transit Committee	10	11 Passover Jewish HOLIDAY (Ends)
12	13	14	15	16	17 Mt/Desert Policy Committee	18
19	20	21 First Day of Ridvan Baha'i HOLIDAY	22	23	24	25
26	27	28	29 Ninth Day of Ridvan Baha'i HOLIDAY	30	Notes:	

Attachment: 2015 SANBAG Master Meeting Calendar (1428 : 2015 CRTC Meeting Schedule.)

SANBAG 2015 Master Calendar

~ May 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2 Twelfth Day of Ridvan Baha'i HOLIDAY
3	4	5	6 Board	7 2015 SCAG Regional Conf. & General Assembly	8 2015 SCAG Regional Conf. & General Assembly	9
10 Mother's Day	11	12	13 General Policy Committee	14 Metro Valley Study Session Commuter Rail/Transit Committee	15 Mt/Desert Policy Committee	16
17	18	19	20	21	22	23 Declaration of the Bab Baha'i HOLIDAY
24 Shavout Jewish HOLIDAY	25 Shavout (Cont.) Jewish HOLIDAY Memorial Day HOLIDAY	26	27 CSAC Legislative Conference	28 CSAC Legislative Conference	29 Ascension of Baha'u'llah Baha'i HOLIDAY	30
31	Notes:					

Attachment: 2015 SANBAG Master Meeting Calendar (1428 : 2015 CRTC Meeting Schedule.)

SANBAG 2015 Master Calendar

~ June 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3 Board	4 SCAG Regional Council	5	6
7	8	9	10 General Policy Committee	11 Metro Valley Study Session Commuter Rail/Transit Committee	12	13
14	15	16	17	18 Beginning of Ramadan Islamic HOLIDAY	19 Mt/Desert Policy Committee US Conference of Mayors (June 19-22)	20
21 Father's Day	22	23	24	25	26	27
28	29	30	Notes:			

Attachment: 2015 SANBAG Master Meeting Calendar (1428 : 2015 CRTS Meeting Schedule.)

SANBAG 2015 Master Calendar

~ July 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 Board	2 SCAG Regional Council	3 Independence Day Observed HOLIDAY	4 Independence Day HOLIDAY
5	6	7	8 General Policy Committee (DARK)	9 Metro Valley Study Session (DARK) Commuter Rail/Transit Committee (DARK) Martyrdom of the Bab Baha'i HOLIDAY	10 NACo Annual Meeting	11 NACo Annual Meeting
12 NACo Annual Meeting	13 NACo Annual Meeting Lailatul-Quadr Islamic HOLIDAY	14	15	16 End of Ramadan Islamic HOLIDAY	17 Mt/Desert Policy Committee (DARK)	18
19	20	21	22	23	24	25
26	27	28	29	30	31	Notes:

Attachment: 2015 SANBAG Master Meeting Calendar (1428 : 2015 CRTC Meeting Schedule.)

SANBAG 2015 Master Calendar

~ August 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5 Board (DARK)	6 SCAG Regional Council (DARK)	7	8
9	10	11	12 General Policy Committee	13 Metro Valley Study Session Commuter Rail/Transit Committee	14	15
16	17	18	19	20	21 Mt/Desert Policy Committee	22
23	24	25	26	27	28	29
30	31	Notes:				

Attachment: 2015 SANBAG Master Meeting Calendar (1428 : 2015 CRTC Meeting Schedule.)

SANBAG 2015 Master Calendar

~ September 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2 Board	3 SCAG Regional Council	4	5
6	7 Labor Day HOLIDAY	8	9 General Policy Committee	10 Metro Valley Study Session Commuter Rail/Transit Committee	11	12
13 Rosh Hashanah Jewish HOLIDAY	14 Rosh Hashanah Jewish HOLIDAY	15 Rosh Hashanah Jewish HOLIDAY	16	17	18 Mt/Desert Policy Committee	19
20	21	22	23 Eid al-Adha Islamic HOLIDAY Yom Kippur Jewish HOLIDAY	24	25	26
27	28 Sukkot Jewish HOLIDAY (9/28-10/4)	29	30 League of CA Cities Annual Conference	Notes:		

Attachment: 2015 SANBAG Master Meeting Calendar (1428 : 2015 CRTS Meeting Schedule.)

SANBAG 2015 Master Calendar

~ October 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 League of CA Cities Annual Conference	2 League of CA Cities Annual Conference	3
4 APTA Annual Meeting	5 APTA Annual Meeting Shmini Atzeret Jewish HOLIDAY	6 APTA Annual Meeting Simchat Torah Jewish HOLIDAY	7 Board APTA Annual Meeting	8 SCAG Regional Council	9	10
11	12 Columbus Day HOLIDAY	13	14 General Policy Committee	15 Metro Valley Study Session Commuter Rail/Transit Committee	16 Mt/Desert Policy Committee	17
18	19	20 Birth of the Bab Baha'i HOLIDAY	21	22	23	24
25	26	27	28	29	30	31

Attachment: 2015 SANBAG Master Meeting Calendar (1428 : 2015 CRTC Meeting Schedule.)

SANBAG 2015 Master Calendar

~ November 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1 Daylight Saving Time Ends	2	3	4 Board	5 SCAG Regional Council	6	7
8	9	10	11 Veteran's Day HOLIDAY	12 (Date Change)General Policy Committee Metro Valley Study Session Commuter Rail/Transit Committee Birth of the Baha'u'llah Baha'i HOLIDAY	13 Mt/Desert Policy Committee (Date Change)	14
15	16	17	18	19	20	21
22	23	24	25	26 Thanksgiving HOLIDAY Day of the Covenant Baha'i HOLIDAY	27 Thanksgiving Day After HOLIDAY	28 Ascension of Abdul – Baha Baha'i HOLIDAY
29	30	Notes: General Policy Committee meeting date changed to same day as Metro Valley Study Session and Commuter Rail/Transit Committee.				

Attachment: 2015 SANBAG Master Meeting Calendar (1428 : 2015 CRTC Meeting Schedule.)

SANBAG 2015 Master Calendar

~ December 2015 ~						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 CSAC Annual Meeting	2 Board CSAC Annual Meeting	3 SCAG Regional Council (Economic Summit) CSAC Annual Meeting	4 CSAC Annual Meeting	5
6 Hanukkah (12/6 – 12/14) Jewish HOLIDAY	7	8	9 General Policy Committee	10 Metro Valley Study Session Commuter Rail/Transit Committee	11 Mt/Desert Policy Committee (Date Change)	12
13	14	15	16	17	18	19
20	21	22	23	24 Christmas Eve HOLIDAY	25 Christmas Day HOLIDAY	26 Kwanzaa (12/26 – 1/1/16) Interfaith/African American HOLIDAY
27	28	29	30	31 New Year's Eve HOLIDAY	Notes: Mountain/Desert Committee meeting moved up one week due to the end of month holidays.	

Attachment: 2015 SANBAG Master Meeting Calendar (1428 : 2015 CRTC Meeting Schedule.)

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- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
 - San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
-

Minute Action

AGENDA ITEM: 6

Date: November 13, 2014

Subject:

Downtown San Bernardino Passenger Rail and San Bernardino Transit Center Construction update

Recommendation:

That the Commuter Rail and Transit Committee receive a presentation on the construction update for the Downtown San Bernardino Passenger Rail Project and San Bernardino Transit Center Project.

Background:

In December of 2013, both Downtown San Bernardino Passenger Rail Project (DSBPRP) and San Bernardino Transit Center Project (SBTC) construction contracts were awarded, i.e. – Shimmick Construction (DSBPRP) and Kemp Bros Construction (SBTC). Following the award of these contracts, initial project set-up requirements were completed. The Limited Notice To Proceed (LNTP) for Shimmick was issued to take effect on January 27, 2014 followed by the Notice To Proceed (NTP) on April 9, 2014. Likewise the effect date for the Kemp LNTP was issued as January 27, 2014 followed by the NTP effective date as March 31, 2014. LNTP's are issued to allow a contractor to do the initial paperwork necessary to start the actual field construction activities when issued the NTP. The contract end date for Shimmick is July 22, 2016 and the end date for Kemp Bros is March 12, 2015. Currently the SBTC will be completed on schedule. For the DSBPRP, it is too early to project a completion date as well as contractor performance.

Financial Impact:

This item has no financial impact at this time.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee.

Responsible Staff:

Mitch Alderman, Director of Transit and Rail Programs

Entity: CTC

Minute Action

AGENDA ITEM: 7

Date: *November 13, 2014*

Subject:

Amendment 2 to Contract No. C12077 with HDR Engineering, Inc.

Recommendation:

That the Commuter Rail and Transit Committee recommend:

The Board, acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 2 to Contract No. C12077 with HDR Engineering, Inc. for additional construction administration, design changes, environmental, and right-of-way services on the San Bernardino Transit Center Project, increasing the contract amount by \$664,764 for an amended not-to-exceed amount of \$4,618,297, inclusive of contingency.

B. Approve contingency of a not-to-exceed amount of \$100,000 for Contract C12077 and authorize the Executive Director or designee to release contingency as necessary for the project.

The Board, acting as the San Bernardino County Transportation Commission:

C. Allocate \$664,764 of Valley Local Transportation Funds to the San Bernardino Transit Center Project in lieu of the Valley State Transit Assistance Funds that were originally identified for the project.

The Board:

D. Approve Fiscal Year 2014/2015 budget amendment to increase Task No. 0322-San Bernardino Transit Center in the amount of \$664,764 to be funded by Local Transportation Funds for a new task total of \$15,208,975.

Background:

The San Bernardino Transit Center (SBTC) is a 22-bay bus facility serving Omnitrans fix route services, providing connections to sbX and Metrolink, and hosting Victor Valley Transit Authority, Mountain Transit, and the City of Beaumont buses. SBTC is also the future westerly terminus of the Redlands Passenger Rail system.

Construction of SBTC began in February of this year and is scheduled to be complete in mid-2015. While construction has been progressing and on schedule there are additional out-of-scope items that need to be addressed by the project designer, HDR Engineering. The main causes for the additional work are:

Entity: CTA, CTC

Commuter Rail & Transit Committee Agenda Item

November 13, 2014

Page 2

- Unforeseen additional requirements by the City of San Bernardino, other agencies and utility companies
- Changes in the project design and additional support services due to complications in, litigation over, and agreements relating to Right-of-Way Acquisition
- Inexperience of the contractor with FTA projects, requiring more oversight and direction to ensure compliance with grant requirements

Following is a general description of the additional work items (see the attached Scope of Work for more detail).

City of San Bernardino

- Additional design work to resolve damage to existing sanitary sewer line on “E” Street including moving manhole requested by the City of San Bernardino. The damage was caused by a separate contractor for the project and is now being negotiated by SANBAG for compensation.
- Additional City of San Bernardino Planning, Design and Environmental Review Committee coordination meetings required for plans approval. Parking lot was reconfigured due to the right-of-way acquisition negotiations of the property located at 655 W Rialto Ave. Parking lot was redesigned after the bidding process and the City’s initial approval of the construction drawings, therefore requiring additional review and approval by the City.

Omnitrans

- Additional coordination and design services to redesign the “map wall” graphic in the passenger waiting area. Plans approved by the City include a passenger waiting area map depicting Omnitrans system map. Omnitrans has requested a new theme for the wall that not only includes Omnitrans system map but also other imagery of historical significance to Omnitrans.
- Additional Leadership in Energy and Environmental Design (LEED) certification services to include commissioning report. Omnitrans requested additional support in order to compile and submit the necessary information required by the United State Green Building Code in order for Omnitrans to maintain the LEED “Gold” certification status.

Construction

- Assist SANBAG and the Construction Management team in the development of the General Specifications for the project. Scope includes attending four additional (4) workshop meetings.
- Provide additional construction administration services including meetings, documentation and problem solving to maintain project timeliness, quality and to assist construction manager to minimize potential change orders. Because of the inexperience of the contractor, having never performed a Federal Transit Administration (FTA) project, the contractor requires more than normal documentation and direction to construct project.

Commuter Rail & Transit Committee Agenda Item

November 13, 2014

Page 3

- Additional meetings and assistance requested by the Contractor in order to properly develop the SWPPP (Storm Water Pollution Prevention Plan) for the project and as required by the State of California. Scope includes reviewing document and adjudicating comments with Contractor.

Utilities

- Additional coordination meetings with Southern California Edison (SCE), Verizon, and the City of San Bernardino Engineering Department to resolve unforeseen electrical service issues to new traffic signal and maintenance of existing street lights at “F” Street and W. Rialto Avenue encountered during construction. Electrical and utility drawings will need to be revised and re-issued to the contractor.

Right-Of-Way and Property Acquisition

- After construction documents had been completed and bid, and construction begun, the owner of property being acquired at 655 W. Rialto Avenue presented an “Alternative Layout” for the parking lot to SANBAG which was approved by SANBAG in order to facilitate a difficult acquisition transaction and avoid litigation. The new design was later approved by the City of San Bernardino. This requires additional right of way services, changes to the plans and specifications, and coordination including: contractor change order reviews, City planning submittals, parking lot final design, stair and landing redesign, building permit submittals, security wall and fencing redesign, landscape and irrigation redesign, electrical and lighting redesign.
- Additional right-of-way services for three appraisals of properties at “F” and “E” Street to improve the street turning radius for bus transit center entrance. Street turning radius required reconfiguration as a result of the alternative layout approved for the property being acquired at 655 W. Rialto Avenue.
- Additional real estate and right-of-way (ROW) services for unforeseen complications in right-of-way acquisitions during the time between the initial design phase and construction, including support services for litigation in several cases that resulted in court proceedings, such as updated appraisals, providing project documentation and preparation for deposition testimony, etc..

For reference Amendment No. 1 for this contract was for construction administration, continuation of design support, environmental, and right-of-way services for an additional amount of \$1,079,832 for a new total of \$3,953,533.

Financial Impact:

This item is not consistent with the current adopted Fiscal Year 2014/2015 SANBAG Budget. A budget amendment is included in the recommendation above increasing Task No. 0322-San Bernardino Transit Center in the amount of \$664,764 using previously Unallocated Valley Local Transportation Funds (LTF).

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel has reviewed this item and the draft contract amendment.

Responsible Staff:

Mitch Alderman, Director of Transit and Rail Programs



CONTRACT SUMMARY SHEET

Contract No. C 12077 Amendment No. 2

By and Between

San Bernardino County Transportation Authority and HDR Engineering, Inc.

Contract Description A/E Services for the San Bernardino Transit Center Omnitrans Bus Facility

Board of Director's Meeting Date: December 3, 2014
Overview of BOD Action: That the Committee recommend the Board approve Amendment No. 2 to Contract No. C12077 with HDR Engineering, Inc. for additional construction administration, design changes, environmental, and right-of-way services increasing the contract amount by \$664,764 for an amended not-to-exceed amount of \$4,618,297.
Is this a Sole-Source procurement? Yes No

CONTRACT OVERVIEW			
Original Contract Amount	\$	<u>2,629,180</u>	Original Contingency Amount
			\$ 253,521
Revised Contract Amount <i>Inclusive of prior amendments</i>	\$	3,700,012	Revised Contingency Amount <i>Inclusive of prior amendments</i>
			\$ 253,521
Current Amendment Amount	\$	564,764	Contingency Amendment
			\$ 100,000
TOTAL CONTRACT VALUE	\$	4,264,776	TOTAL CONTINGENCY VALUE
			\$ 353,521
TOTAL BUDGET AUTHORITY (contract value + contingency)			\$ 4,618,297

Contract Start Date 3/7/12	Current Contract Expiration Date 12/31/15	Revised Contract Expiration Date N/A
Has the contract term been amended? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - please explain.		

FINANCIAL INFORMATION

Budget authority for this contract currently exists in Task No. 0322.
 A Budget Amendment is required.
 How are we funding current FY? Omnitrans, FTA 5309, LTF Rail

<input checked="" type="checkbox"/> Federal Funds	<input type="checkbox"/> State Funds	<input checked="" type="checkbox"/> Local Funds	<input checked="" type="checkbox"/> TDA Funds	<input type="checkbox"/> Measure I Funds
---	--------------------------------------	---	---	--

Provide Brief Overview of the Overall Funding for the duration of the Contract: 6010 (Transit Center Project Fund), LTF Rail, FTA 5309, FTA 5307.

Payable Receivable

CONTRACT MANAGEMENT INFORMATION

Check all applicable boxes:

Retention? If yes, indicate % _____.

Disadvantaged Business Enterprise (DBE) Goal _____ %

<u>Mitchel A Adernman</u> Project Manager (Print Name)	<u>M. A. Adernman</u> Signature	<u>9/25/14</u> Date
<u>Mitchel A Adernman</u> Task Manager (Print Name)	<u>M. A. Adernman</u> Signature	<u>9/25/14</u> Date
<u>Andrea Zureick</u> Dir. of Fund Admin. & Programming (Print Name)	<u>Andrea Zureick</u> Signature	<u>9/25/14</u> Date
<u>Jeffery Hill</u> Contract Administrator (Print Name)	<u>Jeffery Hill</u> Signature	<u>10/28/14</u> Date
<u>William Stawarski</u> Chief Financial Officer (Print Name)	<u>William Stawarski</u> Signature	<u>11/11/14</u> Date



**SAN BERNARDINO TRANSIT CENTER
OMNITRANS BUS FACILITY (SBTC)
ATTACHMENT A.2: SCOPE AND FEE FOR
AMENDMENT NO. 2
FOR**

Construction Administration, Continuation of Design Support, Environmental & Right-of-Way Services Through Construction

SANBAG Contract No. C12077

Prepared for:

San Bernardino Associated Governments

1170 W. 3rd Street, 2nd Floor

San Bernardino, CA 92602

Prepared by:

HDR Engineering, Inc.

2280 Market Street, Suite 100r

Riverside, CA 92501-2110



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Attachment: SBTC Amend No 2 10-14-2014 (1327 : Amendment 2 to Contract No. C12077 with HDR Engineering, Inc.)

**SANBAG San Bernardino Transit Center Project
Amendment No. 2**

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SAN BERNARDINO TRANSIT CENTER - OMNITRANS BUS FACILITY

ATTACHMENT “A.2” SCOPE OF SERVICES

Amendment No. 2

Contract No. C12077

SCOPE OF WORK

HDR Engineering, Inc. proposes an amendment to the professional Architectural and Engineering Services Contract No. C12077 for the Omnitrans Bus Facility (Project) at the San Bernardino Transit Center (SBTC) including off-site improvements.

EXECUTIVE SUMMARY

Various changes have occurred with SANBAG’s approach to deliver Final Construction Documents and Construction Administration Services for the San Bernardino Transit Center – Omnitrans Bus Facility (SBTC). These changes were not anticipated in the scope of services, requiring an amendment to HDR’s architectural and engineering services contract. A brief summary of the required additional work items are as follows:

City of San Bernardino

- Additional design work is required to resolve sBX contractor damage to existing sanitary sewer line including moving manhole at “E” Street requested by the City of San Bernardino.
- Additional City of San Bernardino D/ERC and Planning Coordination meetings and processing due to the property acquisition process of 655 W. Rialto Avenue.
- Additional meetings are required to ensure the correct processing take place with greatly reduced City of San Bernardino staff with the bankruptcy of the City of San Bernardino and dissolution of the San Bernardino Economic Development Agency.

Omnitrans

- Additional design services to redesign the “map wall” graphic in the passenger waiting area
- Additional Construction LEED Certification Services to include commissioning report services.

Construction

- Additional Bid Support – Division 01 Specification workshop sessions to develop Division 01.
- Provide additional construction administration services including meetings, documentation and problem solving to maintain project timeliness, quality and to assist construction manager to minimize potential change orders. Because of the disposition of the contractor, having never performed a Federal Transit Administration (FTA) project, the contractor requires more than normal documentation and direction to construct project.
- Additional meetings and assistance requested by the Contractor in order to properly develop a SWPPP (Storm Water Pollution Prevention Plan) for the State of California.

Utilities

- Additional coordination meetings with Southern California Edison (SCE), Verizon, and electrical design revision are needed to resolve power for new traffic signals and maintenance of street lights at “F” Street and W. Rialto Avenue.

Right-Of-Way and Property Acquisition

- Owner of acquired property, 655 W. Rialto Avenue presented an “Alternative Layout” for the parking lot to SANBAG which was conceptually approved by SANBAG and later City of San Bernardino after construction began in March of 2014 after construction documents have been completed and bid. This requires changes to the plans and specifications and coordination including: contractor change order reviews, City planning submittals, parking lot final design, stair and landing redesign, building permit submittals, security wall and fencing redesign, landscape and irrigation redesign, electrical and lighting redesign.
- Additional right-of-way services for three appraisals of properties at F and E Street to improve the street turning radius for bus transit center entrance.
- Post design real estate and right-of-way (ROW) services for the lengthy duration between the initial design phase and construction requiring - additional ROW coordination services on the various acquisition parcels included in this project such as 655 W. Rialto Avenue which have gone to court.
- Additional ROW appraisals after the six month shelf life required by SANBAG’s outside counsel when final acquisition negotiations are completed. Supplying back-up project documents on CD requested by SANBAG’s outside counsel.

TASK 1 PROJECT MANAGEMENT

HDR Engineering will provide overall project management, coordination, and supervision of the project staff to facilitate the performance of the work in accordance with the scope and requirements of SANBAG. In meetings with the Stakeholders, we will act as agents of SANBAG communicating the needs and intentions of the Project with other Stakeholders. This strategy of project management depends on clear and frequent communication between SANBAG and HDR, which we accomplish through face to face meetings, telephone consultations, email, and written progress reports.

TASK 1.1 – 1.7 NOT USED

TASK 1.8 ADDITIONAL PROJECT MANAGEMENT SERVICES FOR CONTRACT AMEDEMEMENT 2

Additional labor hours are being requested to account for ongoing project management, coordination and project accounting due to the expanded scope and design revisions as described herein during construction.

Activities

- Added Project Management Services

Deliverables

- Monthly Invoicing and Status Report

TASK 2 RESEARCH AND DATA COLLECTION – NOT USED

TASK 3 CONCEPT DESIGN/DEFINITION – NOT USED

TASK 4 ENVIRONMENTAL DOCUMENTATION (CEQA/NEPA CLEARANCE) – NOT USED

TASK 5 DESIGN DEVELOPMENT – NOT USED

TASK 6 CONSTRUCTION DOCUMENTS

TASK 6.1 – 6.14 NOT USED

TASK 6.15 UNFORSEEN "E" ST SANITARY MANHOLE RELOCATION & LATERAL REDESIGN

Due to sBX Contractor damage to an existing sewer pipe during construction, the City of San Bernardino requested SANBAG to redesign location of the manhole on E Street. This changed sewer invert elevation at new location requiring redesign of lateral entering SBTC site.

Activities

- Research “As-Built” Condition invert
- Redesign sanitary lateral slope and integration with manhole and sewer system on SBTC site. Vertical and horizontal coordinates will be revised to meet code slope requirements.

Deliverables

- Revise, QA/QC and reissue “E” Street Utility improvements manhole.

- Document existing “As Built” Conditions.

TASK 6.16 UNFORSEEN UTILITIES COMPANIES’ MEETINGS & COORDINATION

At West Rialto, F and E Streets, additional meetings and coordination with Southern California Edison (power and natural gas), San Bernardino Water Department (domestic and fire protection) and Verizon is required due to non-responsiveness. City of San Bernardino Engineering Department also requested utility coordination beyond project limits. Project went to bid prior to full utility coordination in order to maintain federal grant funding timing. Additional Meetings and follow-up documentation are necessary to assure proper installation of new utilities both on and off site including traffic signals, controls, underground power, street lights, conduits, water, fire protection, piping, meters, telephone service.

Activities

- Organize and Attend (8) additional coordination meetings.

Deliverables

- Revise, QA/QC and reissue West Rialto Avenue Utility Drawings including additional conduits, F Street lighting, Traffic Signals, phone and water services,

TASK 6.17 LOBBY SYSTEM MAP GRAPHIC REVISION

Additional meetings and design work necessary to revise the large “map wall” graphic in the passenger waiting area requested by Omnitrans.

Activities

- Work with Omnitrans to determine new theme imagery in lieu of designed “map wall”.
- Design revised concept including Architectural Interior Elevation plans and details.

Deliverables

- Revise, QA/QC and reissue GRAPIC WALL drawings with new design.

TASK 7 BID SUPPORT

TASK 7.1 NOT USED

Task 7.2 PREPARE DIVISION 01 SPECIFICATION

This item covers the cost and additional effort to extend the duration of this task from IFB (September 28, 2013) until NTP April 1, 2014. Bidding SBTC simultaneously with Downtown San Bernardino Passenger Rail Project created additional effort to plan bid documents including Division 1 that were out of scope and to be completed by others. The effort to combine the two projects entailed four (4) workshop meetings to advance writing of Division 1 Specifications which was a deliverable for the Construction Manager. Division 1 review and coordination with SANBAG and Construction Manager added value to the project but was not anticipated in the scope and increased Bid Support. NTP was not issued for two months after bids were received and bid support services continued during this period.

Activities

- Provide additional Bid Support services for extended bid period.

Deliverables

- Bid Addendums

TASK 8 CONSTRUCTION ADMINISTRATION / DESIGN SERVICES DURING CONSTRUCTION

This task involves the provision of technical support services by the HDR team to SANBAG during the bidding and construction phases of the project. Due to the nature of performing Design Support during Construction Services is based on many unknowns including the experience of the contractor and identification of changed field conditions. The proposed cost defined in the fee estimate was developed based on historical costs in performing these types of projects. A general assumption for this Scope of Services is that fee estimate is for budget purposes only and work is performed on a time and materials basis and will invoice based on effort expended during the period of performed services. HDR will notify SANBAG if and when there is any indication of not having sufficient funds to complete this service. Construction services will include management and construction administration for each discipline along with incidental post design coordination.

Disciplines include Architecture, Civil, structural, mechanical, electrical, plumbing, landscape, photovoltaic, signage, security, communication services.

TASK 8.1 – 8.2 NOT USED

TASK 8.3 ADDITIONAL ON-SITE OBSERVATION, RFI, & SUBMITTAL REVIEW

Provide construction administration services including additional meetings, documentation and problem solving required to maintain project timeliness, quality and to assist construction manager to minimize potential change orders. Because of the disposition of the contractor, having never done a Federal Transit Administration (FTA) project, the contractor requires more than normal documentation and direction to construct project. More resources are needed to field normal construction administration review and construction design services support functions.

Activities

- Provide additional construction administration services to “full time” level

Deliverables

- Construction Observation Reports
- Meeting Notes

TASK 8.4 ADDITIONAL SWPPP REVIEW & PROCESSING

Three additional meetings with the contractor’s subconsultant to review and assist contractor to create a project SWPPP document per State of California Regulations.

Activities

- Provide three (3) additional meeting with contractor’s subconsultant

Deliverables

- Review Comments and Resolution Response

TASK 8.5 UNFORESEEN SECURITY WALL FOUNDATION REDESIGN DUE TO CONTRACTOR ERROR

Unforeseen structural review of foundation in field and alternative design and respond to incorrect rebar installation by contractor including field visit, observations, structural research, calculation, and supplemental design and CAD documentation.

Activities

- Site Visit (2 total)
- Observation Report

Provide additional structural design, QA/QC and reissue drawings.

Deliverables

- Revised and Supplemental Plans and Specifications including structural discipline

TASK 8.6 SUPPLEMENTAL CITY of SAN BERNARDINO PLANNING APPROVAL

Additional services to complete the permitting process with the City of San Bernardino. This required additional D/ERC Coordination and permit processing.

Activities

- Provide inter-departmental coordination between city agencies to assess all permitting fees for sewer, school, impact, etc. as required by the permit process.

Deliverables

- Provide additional, stamped permit documents (4 total)

TASK 9 REDESIGN OF PARKING LOT TO ACCOMMODATE PROPERTY OWNER (655 W. RIALTO AVENUE)

Owner of acquired property at 655 W. Rialto, presented an “Alternative Layout” to SANBAG and which was conceptually approved by SANBAG and later by the City of San Bernardino after construction began in March of 2014. This requires changes to the plans and specifications. Property owner has requested several other upgrades including added fencing, walls, outlets, gate operators, landscaping, irrigation and lighting. This work is known as Design Revision #1.

TASK 9.1 CHANGE ORDER COORDINATION

Added time to review contractors work to date and advise SANBAG regarding applicability of change order pricing.

Activities

- Provide added time to review constructor’s work to date and advise SANBAG regarding applicability of claim

Deliverables

- Advice to SANBAG Memorandum

TASK 9.2 REVISED PARKING LOT PLANNING SUBMITTAL TO THE CITY OF SAN BERNARDINO

Resubmittal to the City of San Bernardino for amendment to the project planning approval to accomplish 655 W. Rialto owner requested alternative layout.

Activities

- Provide additional planning amendment processing services for the City of San Bernardino
- One (1) meeting with the City of San Bernardino

Deliverables

- Meeting Notes
- Amended planning documents to City of Bernardino

TASK 9.3 ADDITIONAL PARKING LOT DESIGN REVISION

Owner of acquired property presented an “Alternative Layout” to SANBAG during construction and which was conceptually approved by City of San Bernardino and SANBAG after construction began in March of 2014. Alternative layout includes the need for significant design revision of Civil parking lot layout, drainage, erosion control, and additional coordination with revised security wall enclosure, rolling gate, architectural features, personnel gate, landscape and irrigation redesign, and electrical power and signal support along with new lighting design. This effort includes resubmittal to the City of San Bernardino for Planning permit amendment and Building Permit revision.

Activities

- Three (3) Coordination meetings with SANBAG
- One (1) Site visit for each discipline to review on-site conditions
- Provide Design Revision of parking lot including Civil, Landscape, Irrigation, Structural, Architectural, Electrical, and Lighting disciplines,

Deliverables

- Meeting Notes
- Site Observation Report
- Revised and Supplemental Plans and Specifications

TASK 9.4 ADDITIONAL STAIR & LANDING DESIGN

Alternative plan required modification to existing exterior door landing, stair, ramp and railings to maintain on site pedestrian emergency egress.

Activities

- Provide additional design for modifications of exterior doors landing, stairs, and railings

Deliverables

- Supplemental Architectural and Structural plans and specifications

TASK 9.5 REVISED BUILDING PERMIT SUBMITTAL

Alternative Layout requires resubmittal to the City of San Bernardino to confirm the changes, receive City comments and revise and resubmit plans and specifications as necessary to comply with the City concerns regarding technical design of revisions.

Activities

Provide additional permit amendment processing services for City of San Bernardino. Alternative Layout requires additional design of masonry and steel security wall separating the semi-secure parking from the secure parking area for property owner. This includes relocation of rolling gate, personnel gate including operator location. Additional steel picket fence was requested adjacent to West Rialto Avenue which was approved by SANBAG. Security wall redesign included plan and profile drawings to insure proper coordination with Alternative Layout.

- Bernardino
- Two (2) meetings with the City of San Bernardino

Deliverables

- Meeting Notes
- Copies of amended plans and specifications to City of Bernardino

TASK 9.6 SECURITY WALL & FENCE DESIGN REVISION

Activities

- Revise and supplement permit plans and specifications to accomplish revised and supplemented security wall and fencing

Deliverables

- Revised and supplemental plans and specifications including Civil, Architectural and Structural disciplines.

TASK 9.7 LANDSCAPE & IRRIGATION DESIGN REVISION

Alternative layout includes the need for significant design revision to landscape and irrigation design for property owner including coordination with new lighting design.

Activities

- Provide Design Revision of parking lot Landscape and Irrigation design,

Deliverables

- Revised and Supplemental Plans and Specifications including Landscape and Irrigation disciplines.

TASK 9.8 ELECTRICAL & LIGHTING DESIGN REVISION

Alternative Layout requires redesign of parking lot electrical system including lighting which is to meet City of San Bernardino illumination requirements and the requirements of the property owner. Alternative Layout requires complete revision to parking lot lighting concept requiring all poles and most landscaping to be removed, modified and relocation. New lighting fixtures are required to achieve necessary lighting levels including photometrics. Additional electrical design requires relocation of gate

operator card key access devices and safety loops. Site visit is required to review current construction progress and revisions necessary to achieve Alternative Layout.

Activities

- Provide Design Revision of parking lot Electrical and Lighting design,

Deliverables

- Revised and Supplemental Plans and Specifications including Electrical and Lighting disciplines.

TASK 10 POST DESIGN REAL ESTATE AND RIGHT-OF-WAY ADDITIONAL ACQUISITION SERVICES

Additional real estate services to ensure proper coordination of acquisition properties.

TASK 10.1 NOT USED

TASK 10.2 ADDITIONAL RIGHT-OF-WAY SUPPORT SERVICES

Due to the continued legal process necessary to acquire needed properties by SANBAG additional coordination and processing time is necessary for right-of-way services. This includes bi-weekly agenda and call-in meetings with SANBAG and legal council along with coordination of new property lines and easements.

Activities

- Provide sixteen (16) additional right-of-way support coordination meetings. These bi-weekly meetings are for SANBAG, the right-of-way team and legal council to review progress and outstanding issues regarding various properties including acquisition and reconfiguration of 655 W. Rialto Avenue including adjacent G Street parcel, partial corner takes at F and Rialto Street, partial corner takes at E and Rialto Streets and the lot line adjustments to the SBTC site and future development parcel required by SANBAG and OmniTrans. In addition to facilitating meetings and conference calls, action items, follow-up of those items are prepared. Acquisition has been elevated to the courts with equity hearing scheduled for early 2015 leaving this oversight open up to completion of construction.

Deliverables

- Agendas and Meeting Minutes
- Preliminary Lot Line Adjustment
- Final Lot Line Adjustment

TASK 10.3 ADDITIONAL RIGHT-OF-WAY APPRAISALS FOR ACQUISITIONS (OVER SIX MONTHS OLD)

Provide updated appraisals for six (6) parcels at the E and F Street intersections on Rialto required by City of San Bernardino for increasing corner curb radii modifications. Appraisals are required to be updated every six months which occurs because of the duration of the acquisitions.

Activities

- Provide six (6) updated appraisals

Deliverables

- Six (6) updated appraisals

TASK 10.4 ASSEMBLE COURT REQUESTED DESIGN DOCUMENTS FOR AQUISITIONS

Due to the legal acquisition process, opposing legal council has requested back-up project design documents, emails, and other support documents found in HDR archives. These voluminous documents are placed and organized on computer disks (CD) in an organized effort to respond to these requirements. This archival research and documentation effort is additional to scope of project. Every effort will be made to streamline this effort.

Activities

- Assemble and provide back-up project documents organized on computer disks (CD) for legal council as requested by the Court for the acquisition process.

Deliverables

- Back-up project documents on computer disks (CD).

TASK 11 POST DESIGN SUSTAINABILITY AND LEED COMMISSIONING SERVICES

TASK 11.1 – 11.3 NOT USED

TASK 11.4 ADDITIONAL LEED CERTIFICATION SERVICES

Additional United States Green Building Code (USGBC) processing is necessary for Omnitrans to maintain the LEED “Gold” Certification status. Project requires additional coordination work as Civil, Landscape, Irrigation, Mechanical, Electrical and Plumbing disciplines. Additionally, assistance in preparing the Owner’s commissioning report was provided.

Activities

- Provide additional general coordination with each discipline for inclusion to the Project USGBC website for detail backup of each selected LEED points proposed.
- Provide additional Civil, Landscape, Irrigation, Architectural, Mechanical, Electrical and Plumbing discipline details for inclusion to USGBC website include commissioning report services.
- Update Project USGBC website for each point per discipline.

TASK 12 ART COORDINATION – NOT USED

END OF DOCUMENT

EXHIBIT "B" - FEE ESTIMATE: HDR

Task Description	HDR TEAM - PROJECT FEE BY TASK BY PERSONNEL		Site Civil/Structures				Arch. Structural		Architecture					MEP			Right of Way		Misc.		TOTAL HOURS HDR	TOTAL FEE HDR	BASE + Blrge	TOTAL PROJECT FEE		
	Project Director	Project Manager	Senior Engineer	Project Engineer	Design Engineer	CADD	Structural Lead	Senior Engineer	Project Architect	Project Architect	Design Architect	3D Renderer	Landscape Architect	Landscape Designer	Senior MEP Manager	Project MEP Engineer	CADD MEP	Real Estate Service Manager	Right of Way Agent	QA/QC					Interior Designer	Clerical / Administrative
TASK 1: PROJECT MANAGEMENT AND ADMINISTRATION																										
<i>Task 1.1-1.7 - NOT USED</i>																										
Task 1.8 Additional Project Management Services for Contract Amendment 2	4	40																			120	164	23,164		\$23,164	
SUBTOTAL	4	40																			120	164	\$23,164		\$23,164	
TASK 6: CONSTRUCTION DOCUMENTS																										
<i>Task 6.1-6.14 - NOT USED</i>																										
Task 6.15 - Unforeseen "E" ST Sanitary Manhole Relocation & Lateral Redesign.			16	8		8				4										4		40	6,960		\$6,960	
Task 6.16 - Unforeseen Utilities Companies' Meetings & Coordination.		8	48	32		24								24						8		224	36,624		\$36,624	
Task 6.17 - Lobby System Map Graphic Revision		2									40									4		62	9,680		\$9,680	
SUBTOTAL		10	64	40		32				100	40			24						16		326	\$53,264		\$53,264	
TASK 7: BID SUPPORT (SANBAG REQUEST FOR BOILERPLATE IFB DIVISION 1 DOCUMENTS)																										
<i>Task 7.1 - NOT USED</i>																										
Task 7.2 - Prepare Division 01 Specification		40		40				40	20	80					32						120	372	52,600		\$52,600	
SUBTOTAL		40		40				40	20	80					32						120	372	\$52,600		\$52,600	
TASK 8: CONSTRUCTION ADMINISTRATION / DESIGN SERVICES DURING CONSTRUCTION																										
<i>Task 8.1 - 8.2 NOT USED</i>																										
Task 8.3 - Additional On-site Observation, RFI, & Submittal Review		16							40	100											80	236	33,058	12,030	\$45,088	
Task 8.4 - Additional SWPPP Review & Processing		2	16																	4	4	26	5,123		\$5,123	
Task 8.5 - Unforeseen Security Wall Foundation Redesign		4	24		32	24				80										8		172	\$24,722		\$24,722	
Task 8.6 - Supplemental CoSB Planning Approval, Additional D/ERC Coordination & Permit Processing		16	24						8	120												168	\$25,420		\$25,420	
SUBTOTAL		38	64		32	24			48	300										12		602	\$88,323	\$12,030	100,353	
TASK 9: Redesign of Parking Lot to Accommodate Property Owner (655 W Rialto Avenue)																										
Task 9.1 - Change Order Coordination	1	4							8	40												53	\$7,829		\$7,829	
Task 9.2 - Revised Parking Lot Planning Submittal to the City of San Bernardino		4						4	40	30											8	86	\$10,733		\$10,733	
Task 9.3 - Additional Parking Lot Design Revision	2	20	80	40		100	20	8		80								8	20	20		398	\$63,884		\$63,884	
Task 9.4 - Additional Stair, Landing Design		8							8	40												64	\$10,460		\$10,460	
Task 9.5 - Revised Building Permit Submittal		4	16						8	24											4	56	\$9,183		\$9,183	
Task 9.6 - Security Wall & Fence Design Revision		20	40			40			8	40												156	\$26,052		\$26,052	
Task 9.7 - Landscape & Irrigation Design & Revision		4								20		80	120									244	\$34,701		\$34,701	
Task 9.8 - Electrical & Lighting Design Revision		8								40				80	80	80					8	296	43,525		\$43,525	
SUBTOTAL	3	72	136	40		140	20	8	36	324	30	80	120	80	80	80	8	20	64		12	1,353	\$206,367		206,367	
TASK 10: POST DESIGN REAL ESTATE AND RIGHT-OF-WAY ACQUISITION SERVICES																										
<i>Task 10.1 - NOT USED</i>																										
Task 10.2 Additional Right-of-Way Support Services for Acquisitions		4								20											200	160	160	544	80,112	\$80,112
Task 10.3 Additional Right-of-Way Appraisals for Acquisitions (Over Six Months Old)																					8	16	32	56	7,225	\$7,225
Task 10.4 Assemble Court Requested Design Documents for Acquisitions										32												8	48	6,122		\$6,122
SUBTOTAL		4								52											208	184	200	648	\$93,459	\$93,459
TASK 11: POST DESIGN SUSTAINABILITY AND LEED COMMISSIONING SERVICES																										
<i>Task 11.1 - 11.3 - NOT USED</i>																										
Task 11.4 - Additional LEED Certification Services		4									20	40	20									16	100	14,557		\$14,557
SUBTOTAL		4									20	40	20									16	100	\$14,557		\$14,557
TASK 12: ART COORDINATION																										
<i>Task 12.2 - 12.2 - NOT USED</i>																										
SUBTOTAL																										
TOTAL LABOR	7	208	264	120	32	196	20	48	104	856	30	40	100	160	124	112	80	216	204	92		552	3,565	\$531,734	\$12,030	543,764
TRANSIT CENTER PROJECT CONTINGENCIES																										
Additional Project Contingency																								100,000		\$100,000
SUBTOTAL																								\$100,000		\$100,000
TRANSIT CENTER PROJECT BUDGET FOR ODC'S																										
ODC																								\$19,000	\$2,000	\$21,000
SUBTOTAL																								\$19,000	\$2,000	\$21,000
TOTAL ESTIMATED FEE FOR ARCHITECTURE, ENGINEERING, ENVIRONMENTAL, AND ROW SERVICES PHASES 1 & 2, POST DESIGN, CONTINGENCY, ODC'S																								\$650,734	\$14,030	\$664,764

AMENDMENT NO. 2

TO

CONTRACT NO. C12077

BETWEEN

SAN BERNARDINO COUNTY TRANSPORTATION AUTHORITY

AND

HDR ENGINEERING, INC.

This AMENDMENT No. 2 to Contract No. C12077 (this “Amendment”) is made by and between HDR Engineering, Inc. (hereafter called CONSULTANT) and the San Bernardino County Transportation Authority (hereafter called AUTHORITY):

RECITALS:

- A. **WHEREAS**, AUTHORITY, under Contract No. C12077, has engaged the services of CONSULTANT to provide certain architectural and engineering services, project management, right-of-way location, and acquisition and environmental, including CEQA and NEPA compliance as well as traffic studies, geotechnical work; hydrology work and landscaping for the San Bernardino Transit Center (“Project”); and
- B. **WHEREAS**, AUTHORITY and CONSULTANT desire to amend the aforesaid contract; and
- C. **WHEREAS**, the parties agree that the net increase will be \$664,764.

NOW THEREFORE, the parties mutually agree to amend Contract No. C12077 as follows:

1. The Scope of Services for Contract No. C12077 shall be amended to reflect the changes and additions described in Attachment A.2 to this Amendment No. 2, all to be performed to AUTHORITY’S satisfaction. Except as specifically amended in Attachment A.2, the current provisions of the Scope of Services shall remain in force and effect.
2. Amend Article 3, “Price”, sub-paragraph 3.2, to delete \$3,750,467 as the not-to-exceed amount and replace with \$4,618,297 as the revised not-to-exceed amount.
3. Except as otherwise specified herein or in Attachment A.2, the modified and additional services set forth in Attachment A.2 shall be compensated in the same manner and under the same procedures as for the services under Contract No. C12077 and are subject to the amended not-to-exceed figure set forth in paragraph 2 above. Attachment B to this Amendment No. 2, contains the projected budget

for the cost components of the price increase negotiated by the parties for the completion of the modified and additional services set forth in Attachment A.2.

- 4. Contract No. C12077 is incorporated into this Amendment.
- 5. Except as amended by this Amendment No. 2, all other provisions of Contract No. C12077, as amended, remain in full force and effect.

IN WITNESS WHEREOF, the parties have duly executed this Amendment No. 2 below.

HDR ENGINEERING, INC.

AUTHORITY

By: _____
Thomas Kim
Sr. Vice President

By: _____
L. Dennis Michael
President

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Robert D. Herrick
Assistant General Counsel

CONCURRENCE:

By: _____
Jeffery Hill
Procurement Manager

Attachment: C12077-2 [Revision 1] (1327 : Amendment 2 to Contract No. C12077 with HDR Engineering, Inc.)

Minute Action

AGENDA ITEM: 8

Date: *November 13, 2014*

Subject:

Amendment to Contract No. C11207 with Nossaman, LLP

Recommendation:

That the Commuter Rail and Transit Committee recommend the Board:

Acting as the San Bernardino County Transportation Authority:

A. Approve Amendment No. 1 to Contract No. C11207 with Nossaman, LLP for additional right-of-way legal services on the Downtown San Bernardino Passenger Rail Project, increasing the contract amount by \$500,000 for an amended not-to-exceed amount of \$2,500,000.

Acting as the San Bernardino County Transportation Commission:

B. Allocate \$340,000 of Valley Local Transportation Funds for right-of-way legal support on the Downtown San Bernardino Passenger Rail Project.

C. Allocate \$160,000 of Valley Local Transportation Funds for right-of-way legal support on the San Bernardino Transit Center Project in lieu of Valley State Transit Assistance Funds that were originally identified for the project.

Background:

On December 7, 2011, the San Bernardino Associated Governments (SANBAG) Board of Directors awarded Contract No. C11207 to Nossaman, LLP for right-of-way legal services on the Downtown San Bernardino Passenger Rail Project (DSBPRP) and the San Bernardino Transit Center (SBTC) projects. The original contract value with Nossaman, LLP was for a not-to-exceed amount of \$2,000,000.

As part of the project, SANBAG was required to obtain a total of thirty-six (36) parcels that included permanent acquisitions, temporary construction easements, and licenses from property owners. The anticipated legal services costs for a project of this magnitude are difficult to accurately estimate, due to the number of parcels to be acquired and the variables encountered in legal representation. Right-of way acquisitions involve negotiations between two or more parties, often with opposing counsel. Parties and attorneys differ in their levels of cooperativeness and reasonableness. In addition, the unique features of each parcel acquired can affect the amount of legal services needed. Thus, the estimated legal costs can vary significantly.

The DSBPRP and SBTC projects are moving closer toward completion and the pending acquisitions and settlements have taken longer than anticipated therefore requiring \$500,000 in

Entity: CTA, CTC

Commuter Rail & Transit Committee Agenda Item

November 13, 2014

Page 2

additional budget and a contract amendment. The proposed amendment is needed to cover the pending right-of-way legal services as follows:

1. Finalize settlement with Southern California Gas Company and other miscellaneous work to finalize various acquisitions (APN 136-101-14, 136-101-15 and 136-101-21).
2. Finish acquisition of Byun property (APN 136-091-11 and 0136-011-31), with likely jury trial and possible appeal.
3. Finish acquisition of Affaitati property (APN 136-021-28). This acquisition has the potential for a full jury trial and possible appeal.

Financial Impact:

This item is consistent with the current adopted Fiscal Year 2014/2015 SANBAG Budget. Funding for the contract amendment is provided under Task No. 0323-San Bernardino Passenger Rail Project and Task No. 0322- San Bernardino Transit Center Project.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SANBAG General Counsel has reviewed this item and the draft contract amendment.

Responsible Staff:

Mitch Alderman, Director of Transit and Rail Programs



CONTRACT SUMMARY SHEET

Contract No. C 11207 Amendment No. 1

By and Between

San Bernardino Associated Governments and Nossaman, LLP

Contract Description Legal Services for the Downtown San Bernardino Passenger Rail Project

Board of Director's Meeting Date: December 5, 2014

Overview of BOD Action: 1) Approve Amendment No. 1 to Contract No. C11207 with Nossaman, LLP for additional right-of-way legal services on the Downtown San Bernardino Passenger Rail Project, increasing the contract amount by \$500,000 for an amended not-to-exceed amount of \$2,500,000.

Is this a Sole-Source procurement? Yes No

CONTRACT OVERVIEW					
Original Contract Amount	\$	2,000,000	Original Contingency Amount	\$	0
Revised Contract Amount <i>Inclusive of prior amendments</i>	\$	2,000,000	Revised Contingency Amount <i>Inclusive of prior amendments</i>	\$	0
Current Amendment Amount	\$	500,000	Contingency Amendment	\$	0
TOTAL CONTRACT VALUE	\$	2,500,000	TOTAL CONTINGENCY VALUE	\$	0
TOTAL BUDGET AUTHORITY (contract value + contingency)					\$ 2,500,000

Contract Start Date 12/7/2011	Current Contract Expiration Date 7/30/2015	Revised Contract Expiration Date n/a
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Has the contract term been amended? No Yes - please explain.

FINANCIAL INFORMATION

Budget authority for this contract currently exists in Task No. 0322-SBTC and 0323-DSBPRP.
 A Budget Amendment is required.
 How are we funding current FY? Task 0323 LTF Rail (1040)

Federal Funds State Funds Local Funds TDA Funds Measure I Funds

Provide Brief Overview of the Overall Funding for the duration of the Contract:

Payable Receivable

CONTRACT MANAGEMENT INFORMATION

Check all applicable boxes:

Retention? If yes, indicate % _____.

Disadvantaged Business Enterprise (DBE) Goal _____ %

Mitchell A Alderman

Project Manager (Print Name)
Mitchell A. Alderman

Task Manager (Print Name)
Andrea Zureck

Dir. of Fund Admin. & Programming (Print Name)
Jeffery Hill

Contract Administrator (Print Name)
William Stawarske

Chief Financial Officer (Print Name)

M. A. Alderman 10/29/14
Signature Date

M. A. Alderman 10/29/14
Signature Date

Andrea Zureck 11/4/14
Signature Date

Jeffery Hill 11/4/14
Signature Date

William Stawarske 11/6/14
Signature Date

AMENDMENT NO. 1

TO

CONTRACT NO. C11207

BETWEEN

SAN BERNARDINO ASSOCIATED GOVERNMENTS

AND

NOSSAMAN LLP

This AMENDMENT No. 1 to Contract No. C11207 (this “Amendment”) is made by and between Nossaman LLP, Inc. (hereafter called “ATTORNEY”) and the San Bernardino Associated Governments, acting as the San Bernardino County Transportation Authority (hereafter called “AUTHORITY”). The AUTHORITY and ATTORNEY are each a “Party” and collectively “Parties” herein.

RECITALS:

- A. **WHEREAS**, AUTHORITY, under Contract No. C11207, has engaged ATTORNEY to provide legal services pertaining to the acquisition of right-of-way for the Downtown San Bernardino Passenger Rail Project (“Project”); and
- B. **WHEREAS**, AUTHORITY and ATTORNEY desire to amend the contract increasing the contract amount to provide for additional legal services necessitated by the Project right-of-way acquisitions; and
- C. **WHEREAS**, the Parties agree that the additional services will increase the Not-To-Exceed amount by \$500,000 Dollars.

NOW THEREFORE, the Parties mutually agree to amend Contract No. C11207 as follows:

1. Amend Article 3, “Performance of Services and Hourly Rates,” sub-paragraph 3.2, to delete \$2,000,000 as the total Not-To-Exceed amount and replace with \$2,500,000 as the revised total Not-To-Exceed amount.
2. Except as amended by this Amendment, all other provisions of the Contract shall remain in full force and effect.
3. This Amendment No. 1 is effective of the date executed by AUTHORITY.

IN WITNESS WHEREOF, the Parties have duly executed this Amendment No. 1 below.

NOSSAMAN LLP

SAN BERNARDINO ASSOCIATED GOVERNMENTS

By: _____
Rick E. Rayl
Partner

By: _____
L. Dennis Michael
President, Board of Directors

Date: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Robert D. Herrick
Assistant General Counsel

CONCURRENCE:

By: _____
Jeffery Hill
Procurement Manager

Attachment: C11207-1 [Revision 2] (1417 : Amendment to Contract No. C11207 with Nossaman, LLP)

COMMUTER RAIL AND TRANSIT POLICY COMMITTEE ATTENDANCE RECORD – 2014

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Patrick Morris City of San Bernardino	X	X	X	X		X		X		X		
Paul Eaton City of Montclair	X	X		X		X		X		X		
James Ramos County of San Bernardino	X	X	X	X		X		X				
Peter Aguilar City of Redlands	X	X		X		X		X		X		
Bill Jahn City of Big Bear Lake	X	X	X	X				X		X		
Mike Leonard City of Hesperia	X	X	X	X		X				X		
Larry McCallon City of Highland	X	X	X	X				X		X		
L. Dennis Michael City of Rancho Cucamonga	X		X	X		X		X		X		
Ray Musser City of Upland	X	X	X			X		X		X		
Richard Riddell City of Yucaipa	X	X	X	X		X		X				
Alan Wapner City of Ontario	X		X	X				X		X		
Deborah Robertson City of Rialto	X	X	X	X		X		X		X		

X = Member attended meeting. Empty box = Member did not attend meeting. Crossed out box = Not a member at the time.

San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors.

In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:

***The San Bernardino County Transportation Commission**, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.*

***The San Bernardino County Transportation Authority**, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.*

***The Service Authority for Freeway Emergencies**, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.*

***The Congestion Management Agency**, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.*

*As a **Subregional Planning Agency**, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.*

Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the SANBAG offices located at 1170 W. 3rd Street, 2nd Floor, San Bernardino and our website: www.sanbag.ca.gov.

Agenda Actions – Items listed on both the “Consent Calendar” and “Items for Discussion” contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a “Request to Speak” form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under “Public Comment” may not be acted upon at that meeting. “Public Testimony on any Item” still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

SANBAG General Practices for Conducting Meetings of Board of Directors and Policy Committees

Attendance - The Chair of the Board or a Policy Committee (Chair) has the option of taking attendance by Roll Call or Self-Introductions. If attendance is taken by Roll Call, the Clerk of the Board will call out by jurisdiction or supervisorial district. The Member or Alternate will respond by stating his/her name. If attendance is by Self-Introduction, the Member or Alternate will state his/her name and jurisdiction or supervisorial district.

- A Member/Alternate, who arrives after attendance is taken, shall announce his/her name prior to voting on any item.
- A Member/Alternate, who wishes to leave the meeting after attendance is taken but before remaining items are voted on, shall announce his/her name and that he/she is leaving the meeting.

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.
- The “aye” votes in favor of the motion shall be made collectively. Any Member who wishes to oppose or abstain from voting on the motion, shall individually and orally state the Member’s “nay” vote or abstention. Members present who do not individually and orally state their “nay” vote or abstention shall be deemed, and reported to the public, to have voted “aye” on the motion.

The Vote as specified in the SANBAG Bylaws - Each Member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.) Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion - Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he/she would like to amend the motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion. Occasionally, a motion dies for lack of a second.

Call for the Question - At times, a Member of the Board/Committee may “Call for the Question.”

- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair - At all times, meetings are conducted in accordance with the Chair’s direction. These general practices provide guidelines for orderly conduct. From time-to-time circumstances require deviation from general practice. Deviation from general practice is at the discretion of the Chair.

Courtesy and Decorum - These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation. It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist SANBAG Board Members and partners as they participate in deliberations at SANBAG Board meetings. While a complete list of all acronyms which may arise at any given time is not possible, this list attempts to provide the most commonly-used terms. SANBAG staff makes every effort to minimize use of acronyms to ensure good communication and understanding of complex transportation processes.

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ARRA	American Recovery and Reinvestment Act
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation and Air Quality
CMIA	Corridor Mobility Improvement Account
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CPUC	California Public Utilities Commission
CSAC	California State Association of Counties
CTA	California Transit Association
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DBE	Disadvantaged Business Enterprise
DEMO	Federal Demonstration Funds
DOT	Department of Transportation
EA	Environmental Assessment
E&D	Elderly and Disabled
E&H	Elderly and Handicapped
EIR	Environmental Impact Report (California)
EIS	Environmental Impact Statement (Federal)
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
S RTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TSM	Transportation Systems Management
TSSDRA	Transit System Safety, Security and Disaster Response Account
USFWS	United States Fish and Wildlife Service
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments

San Bernardino Associated Governments



MISSION STATEMENT

To enhance the quality of life for all residents, San Bernardino Associated Governments (SANBAG) will:

- Improve cooperative regional planning
- Develop an accessible, efficient, multi-modal transportation system
- Strengthen economic development efforts
- Exert leadership in creative problem solving

To successfully accomplish this mission, SANBAG will foster enhanced relationships among all of its stakeholders while adding to the value of local governments.

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