

AGENDA
Transit Committee Meeting

April 11, 2019

9:00 AM

Location

San Bernardino County Transportation Authority
First Floor Lobby Board Room
1170 W. 3rd Street, San Bernardino, CA 92410

Transit Committee Membership

Chair

Council Member Bill Jahn
City of Big Bear Lake

Mayor John Dutrey
City of Montclair

Vice Chair

Mayor L. Dennis Michael
City of Rancho Cucamonga

Mayor Pro Tem Alan Wapner
City of Ontario

Council Member Ray Marquez
City of Chino Hills

Mayor Deborah Robertson
City of Rialto

Mayor Frank Navarro
City of Colton

Mayor John Valdivia
City of San Bernardino

Mayor Acquanetta Warren
City of Fontana

Mayor Pro Tem David Avila
City of Yucaipa

Mayor Pro Tem Larry McCallon
City of Highland

Supervisor Dawn Rowe
County of San Bernardino

**San Bernardino County Transportation Authority
San Bernardino Council of Governments**

AGENDA

Transit Committee Meeting

April 11, 2019

9:00 AM

Location

SBCTA Office

First Floor Lobby Board Room

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

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional ***“Meeting Procedures”*** and agenda explanations are attached to the end of this agenda.

CALL TO ORDER

(Meeting Chaired by Bill Jahn)

- i. Pledge of Allegiance
- ii. Attendance
- iii. Announcements
- iv. Agenda Notices/Modifications - Ashley Izard

Possible Conflict of Interest Issues

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

Pg. 10

Note agenda items and contractors/subcontractors, which may require member abstentions due to possible conflicts of interest.

This item is prepared monthly for review by Board of Directors 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 Members.

Consent - Transit

- 2. Contract Change Orders to on-going Contracts with Downing Construction and Stadler US** Pg. 13

Receive and file change order report.

Presenter: Carrie Schindler

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

DISCUSSION ITEMS

Discussion - Transit

- 3. Update on Conversion of Diesel Multiple Unit to Zero or Low Emission Multiple Unit** Pg. 15

Receive and file an update on the effort to convert a diesel multiple unit to a zero or low emission multiple unit.

Presenter: Carrie Schindler

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

- 4. Award for On-Call Right-of-Way Legal Services** Pg. 16

That the Transit Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

A. Award Contract No. 18-1001925 to Meyers Nave Riback Silver & Wilson for On-Call Right-of-Way Legal Services for current and future Transit and Rail projects and programs, for an amount described in Recommendation C, for a three-year term with two one-year options to extend.

B. Approve Contract No. 19-1002002 with Richards, Watson & Gershon for On-Call Right-of-Way Legal Services for current and future Transit and Rail projects and programs, for an amount described in Recommendation C, for a three-year term with two one-year options to extend.

C. Approve a total not-to-exceed amount of \$7,500,000 for Meyers Nave Riback Silver & Wilson (Contract No. 18-1001925) and Richards, Watson & Gershon (Contract No. 19-1002002).

Presenter: Victor Lopez

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA's General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft contracts.

5. Award for On-Call Right-of-Way Services

Pg. 24

That the Transit Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

A. Approve Contract No. 18-1001924 with Epic Land Solutions, Inc. for On-Call Right-of-Way Services, to support current and future Transit and Rail projects and programs, for an amount described in Recommendation E, for a three year term with two one-year options to extend.

B. Approve Contract No. 19-1002007 with Bender Rosenthal, Inc. for On-Call Right-of-Way Services, to support current and future Transit and Rail projects and programs, for an amount described in Recommendation E, for a three year term with two one-year options to extend.

C. Approve Contract No. 19-1002008 with Overland, Pacific & Cutler, LLC for On-Call Right-of-Way Services, to support current and future Transit and Rail projects and programs, for an amount described in Recommendation E, for a three year term with two one-year options to extend.

D. Approve Contract No. 19-1002009 with Paragon Partners, Ltd. for On-Call Right-of-Way Services, to support current and future Transit and Rail projects and programs, for an amount described in Recommendation E, for a three year term with two one-year options to extend.

E. Approve a total not-to-exceed amount of \$5,500,000 for Epic Land Solutions, Inc. (No. 18-1001924), Bender Rosenthal, Inc. (No. 19-1002007), Overland, Pacific & Cutler, LLC (No. 19-1002008), and Paragon Partners, Ltd (No. 19-1002009).

Presenter: Victor Lopez

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA's General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft contracts.

Discussion - Transportation Programming and Fund Administration

6. 2019 Update to the 10-Year Delivery Plan - Valley Transit Programs

Pg. 56

Receive report and provide comments on the planned update to the 10-Year Delivery Plan for the San Bernardino Valley Metrolink/Rail Service Program and San Bernardino Valley Express Bus/Bus Rapid Transit Service Program.

Presenter: Andrea Zureick

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

7. Transit and Specialized Transportation Planning Services

Pg. 61

That the Transit Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

Approve Contract No. 19-1001998 with AMMA Transit Planning for Transit and Specialized Transportation Services in a not-to-exceed amount of \$480,000 for three years with two one-year options.

Presenter: Nancy Strickert

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA's General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft contract.

Public Comment

Brief Comments from the General Public

Comments from Board Members

Brief Comments from Board Members

ADJOURNMENT

Additional Information

Attendance

Acronym List

Mission Statement

The next Transit Committee Meeting is scheduled for May 9, 2019.

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 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, 1st Floor, San Bernardino at least 72 hours in advance of the meeting. Staff reports related to agenda items may be reviewed at the SBCTA offices located at 1170 W. 3rd Street, 2nd Floor, San Bernardino and our website: www.gosbcta.com.

Agenda Actions – Items listed on both the "Consent Calendar" and "Discussion" contain recommended 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 or unanimous vote of members present as provided in the Ralph M. Brown Act Government Code Sec. 54954.2(b).

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. Members of the public requesting information be distributed to the Board of Directors must provide 40 copies of such information in advance of the meeting, except for noticed public hearings. Information provided as public testimony is not read into the record by the Clerk.

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 applies.

Disruptive or Prohibited 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 or prohibited conduct includes without limitation 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, bringing into the meeting any type of object that could be used as a weapon, including without limitation sticks affixed to signs, or otherwise preventing the Board from conducting its meeting in an orderly manner. Your cooperation is appreciated!

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 or she would like to amend his or her 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 voted upon first, and if it fails, then the original motion is considered.
- 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.

Adopted By SANBAG Board of Directors January 2008

Revised March 2014

Revised May 4, 2016

Minute Action

AGENDA ITEM: 1

Date: April 11, 2019

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.

Background:

In accordance with California Government Code 84308, members of the 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
4	18-1001925	Meyers, Nave, Riback, Silver & Wilson <i>David Skinner</i>	None
	19-1002002	Richards, Watson & Gershon <i>Regina Danner</i>	None
5	18-1001924	Epic Land Solutions, Inc. <i>Holly Rockwell, Kim Bibolet</i>	David Evans & Associates Psomas Santolucito Dore Group Donna Desmond Associates Desmond, Marcello & Amster Partner Engineering and Science, Inc. J&G Industries
	19-1002007	Bender Rosenthal, Inc. <i>Cydney Reents, Brenda Schimpf</i>	Nv5-Butsko Utility Design Commonwealth Land Title Compnay David Evans & Associates Donna Desmond Associates Hendrickson Appraisal Company Rincon Consultants Santolucito Dore Group Hjelmstrom and Associates

Entity: San Bernardino County Transportation Authority

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5 Continued	19-1002008	Overland, Pacific & Cutler, LLC <i>Mark La Bonte, Victoria Cook, Josh Cospers</i>	Hennessey & Hennessey LLC Integra Realty Resource R.P. Laurain & Associates Desmond, Marcello & Amster, LLC Donna Desmond Associates Hodges Lacey & Associates Coast Surveying, Inc Psomas Commonwealth Land Title Company Interior Demolition Inc Converse Consultants JM Diaz, Inc. JMD
	19-1002009	Paragon Partners, Ltd <i>Neilia LaValle, Mark Mendoza</i>	BRI Appraisal Commonwealth Land Title Company Del Richardson & Associates, Inc. Desmond, Marcello & Amster, LLC Donna Desmond Associates ECO & Associates First American Title Hammad & Associates Hodges Lacey & Associates J&G Industries Keith Settle & Company, Inc. Kiley Company RT Engineering & Associates, Inc. SLS Property Solutions Tait & Associates, Inc. Towill Valbridge Property Advisors Valentine Appraisal & Associates

Financial Impact:

This item has no direct impact on the annual budget.

Reviewed By:

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

San Bernardino County Transportation Authority

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Responsible Staff:

Carrie Schindler, Director of Transit and Rail Programs

Approved
Transit Committee
Date: April 11, 2019

Witnessed By:

San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 2

Date: April 11, 2019

Subject:

Contract Change Orders to on-going Contracts with Downing Construction and Stadler US

Recommendation:

Receive and file change order report.

Background:

San Bernardino County Transportation Authority (SBCTA) has one ongoing construction contracts and one vehicle procurement contract. There have been no Construction Change Orders (CCO) approved since the last reporting to the Transit Committee.

A. Contract No. 17-1001699 with Downing Construction, Inc., for the Redlands Passenger Rail Project early utility relocations did not have any CCOs since the last report.

B. Contract No. 16-1001531 with Stadler US for Redlands Passenger Rail Project vehicle procurement did not have any CCOs since the last report.

Financial Impact:

This item is consistent with the SBCTA Fiscal Year 2018/2019 adopted budget.

Reviewed By:

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

Responsible Staff:

Carrie Schindler, Director of Transit and Rail Programs

Approved
Transit Committee
Date: April 11, 2019

Witnessed By:

Entity: San Bernardino County Transportation Authority

Rail and Transit Construction Contracts

RPRP- Early Utility Relocation (17-1001699)		
Executed Change Orders		
Number	Description	Amount
1	No cost change order for Federal Wage Rate Determination	\$0.00
2	Labor and material to upsize pipe from 18" to 24" per standard drawing at Richardson St	\$9,271.75
3	Additional potholing due to 3rd party utility conflicts	\$25,000.00
4	Permit procurement exceeded contract line item limits	\$18,558.58
5	Negotiated 50% reimbursement to DCI's additional project insurance	\$18,000.00
6	Central Avenue and Ennis Street line item plan changes due to RFIs	\$4,426.30
7	NTE CO due to undermining track versus original plan to remove track	\$39,558.89
8	Extra work Orange Show Water, Sierra Way Water/Sewer and Richardson	\$46,639.13
9	Buried concrete conflict at Mill Street	\$21,537.31
10	Unforeseen 16" AC Pavement mitigation at Mill Street	\$2,649.06
11	Hand excavation around active SBVWD conduit not shown on plans	\$1,185.06
12	Installation of 24" PVC in lieu of 21" PVC (130') due to actual conditions not reflected on plans	\$9,965.79
13	Concrete encasement for Ennis 54" Sewer in lieu of casing due to field conditions	\$85,962.82
14	Connection of two sewer laterals at Sierra Way not shown on plans	\$6,258.79
15	Remove and reinstall conflicting CMP storm drain not shown on plans at Richardson Avenue, and mitigate excessive flooding as a result of heavy rain	\$36,790.42
16	D Street sewer design revisions, relocation of SCE conduit	\$122,687.57
17	Stoddard Sewer design revisions due to actual depth of existing sewer	\$132,341.28
18	Stoddard Water design revisions due to several conflicts found during pothole operations.	\$10,736.00
CCO TOTAL		\$591,568.75
APPROVED CONTINGENCY		\$659,960.00
REMAINING CONTINGENCY		\$68,391.25

RPRP- Vehicle Procurement from Stadler US (16-1001531)		
Executed Change Orders		
Number	Description	Amount
1	Additional ADA seating and bicycle storage capacity	\$118,500.00
2	Engineering and testing for modifications to the SBCTA DMU in preparation for future retractable steps	\$222,300.00
CCO TOTAL		\$340,800.00
APPROVED CONTINGENCY		\$3,390,508.00
REMAINING CONTINGENCY		\$3,049,708.00

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

Minute Action

AGENDA ITEM: 3

Date: April 11, 2019

Subject:

Update on Conversion of Diesel Multiple Unit to Zero or Low Emission Multiple Unit

Recommendation:

Receive and file an update on the effort to convert a diesel multiple unit to a zero or low emission multiple unit.

Background:

The San Bernardino County Transportation Authority (SBCTA) is expanding the public transit network in the San Bernardino Valley with implementation of the Redlands Passenger Rail Project, which facilitates the introduction of the Arrow service using diesel multiple unit (DMU) rail vehicles. In conjunction with public transit expansion and providing options for our traveling public, SBCTA seeks to reduce greenhouse gas emissions and improve air quality. The DMUs purchased for the Arrow service are powered via a diesel engine “generator” providing power to electric motors at the wheels. SBCTA recognized an opportunity to convert the power generator to an alternative propulsion technology in an effort to produce a zero or low emission vehicle that could run on existing heavy rail infrastructure thus reducing air quality impacts while maximizing the use of our existing rail infrastructure.

As part of this effort SBCTA was successful in securing a \$30 million Transit and Intercity Rail Capital Program (TIRCP) grant to conduct the research and development efforts necessary to convert the DMU to a zero or low emission vehicle, purchase a converted vehicle, construct the necessary infrastructure to support the alternative propulsion technology and test the converted vehicle on the Arrow service corridor. In addition, the State wants one of the first three DMUs converted in the future, with the ultimate goal being to operate the entire Arrow corridor as a zero or low emission revenue operation.

Staff will provide an update on the first phase of the project which includes the research and development efforts, as well as go over the guiding principles and next steps in the process.

Financial Impact:

This item is consistent with the Fiscal Year 2018/2019 adopted budget.

Reviewed By:

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

Responsible Staff:

Carrie Schindler, Director of Transit and Rail Programs

Approved
Transit Committee
Date: April 11, 2019

Witnessed By:

Entity: San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 4

Date: April 11, 2019

Subject:

Award for On-Call Right-of-Way Legal Services

Recommendation:

That the Transit Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

A. Award Contract No. 18-1001925 to Meyers Nave Riback Silver & Wilson for On-Call Right-of-Way Legal Services for current and future Transit and Rail projects and programs, for an amount described in Recommendation C, for a three-year term with two one-year options to extend.

B. Approve Contract No. 19-1002002 with Richards, Watson & Gershon for On-Call Right-of-Way Legal Services for current and future Transit and Rail projects and programs, for an amount described in Recommendation C, for a three-year term with two one-year options to extend.

C. Approve a total not-to-exceed amount of \$7,500,000 for Meyers Nave Riback Silver & Wilson (Contract No. 18-1001925) and Richards, Watson & Gershon (Contract No. 19-1002002).

Background:

In May 2018, the San Bernardino County Transportation Authority (SBCTA) Board approved the release of an On-Call Right-of-Way (ROW) Legal Services Request for Proposals (RFP) No. 18-1001925 to support the delivery of the West Valley Connector Project and other Transit and Rail projects and programs. The RFP was released on March 4, 2018, and was sent electronically to approximately four hundred and twenty-five (425) consultants registered on PlanetBids. The solicitation was issued in accordance with current SBCTA policies and procedures for Consultant Services.

One addendum was issued on May 24, 2018 to include additional information referenced on the Bidder's List of Subcontractors form Exhibit 12-B Part II. Eight (8) proposals were received by the date and time specified in the RFP. A responsiveness review was conducted by the Procurement Analyst and found all eight (8) proposals to be responsive.

The proposals were disseminated to all evaluation committee members on June 14, 2018 along with the Evaluation Committee Information and Instructions, copy of the Score Sheets, and the Declaration of Impartiality and Confidentiality form. The Evaluation Committee consisted of three (3) SBCTA staff members.

Evaluators concluded their individual review of the proposals and convened to review, discuss and score the proposals. The Evaluation Committee members met on June 26, 2018, and discussed each proposal according to the evaluation criteria, including the proposal's strengths and weaknesses. The procurement analyst also provided information regarding the reference checks of the firms. At the completion of discussions, the committee members individually scored the proposals based on the following evaluation criteria: Qualifications of the Firm - 30%; Proposed Staffing and Project Organization - 30%; Technical Approach/Work Plan - 25%; and

Entity: San Bernardino County Transportation Authority

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Price – 15%. Based on the scoring, the firms were ranked in order of technical merit and a short-list was developed. The Evaluation Committee agreed to interview the following four (4) firms: Meyers Nave Riback Silver & Wilson, Nossaman LLP, Richards, Watson & Gershon, and Woodruff Spradlin & Smart.

Interviews were conducted on July 12, 2018, and at the completion of the interviews, the Evaluation Committee separately scored the interviews. The assigned weight for the procurement was 40% for technical evaluation and 60% for the interview evaluations.

Based on the qualifications of each of the firms interviewed, the Evaluation Committee recommends that Contract Numbers 18-1001925 and 19-1002002 be awarded to Meyers Nave Riback Silver & Wilson and Richards, Watson & Gershon, respectively, to perform On-Call Right-Of-Way Legal Services. The firms clearly demonstrated a thorough understanding of the scope of work and proposed an overall solid team. Evaluation forms and reference checks are located in the Contract Audit File.

Work under the on-call contracts will be issued on a Contract Task Order (CTO) basis and in accordance with SBCTA's On-Call CTO policies and procedures. Per SBCTA's procedures, once the scope of work for a CTO is defined, it is released to the prequalified firms requesting a proposal. SBCTA staff evaluates the proposals and assign the CTO to the firm that best meets the project requirements based on criteria that includes; but is not limited to, schedule, cost, proposed staff experience, expertise, availability and proven success. Requesting proposals from each prequalified firm maintains the integrity of a competitive process ensuring the best overall value to SBCTA for each CTO.

It was originally anticipated that the majority of work under the CTO-based contracts would be to support the West Valley Connector (WVC) Project. The WVC project is currently in the environmental clearance phase and the environmental clearance is tentatively scheduled to be completed December 2019. As a result of funding constraints, moving the project beyond the environmental clearance phase is contingent on securing grant funding. Staff anticipates using the on-call contracts to complete the right of way acquisitions should sufficient grant funding be secured to deliver the WVC project.

Financial Impact:

This item is consistent with SBCTA Fiscal Year 2018/2019 budget.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA's General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft contracts.

Responsible Staff:

Victor Lopez, Program Manager

Approved
Transit Committee
Date: April 11, 2019

Witnessed By:

General Contract Information

Contract No: 18-1001925 Amendment No.: _____ Sole Source? No

Vendor No.: 02942 Vendor/Customer Name: Meyers Nave Riback Silver & Wilson

Description: On-Call Right-of-Way Legal Services

Estimated Start Date: 05/01/2019 Expiration Date: 05/01/2022 Revised Expiration Date: _____

List Any SBCTA Related Contracts Nos.: 19-1002002 On-Call Right-of-Way Legal Services-Richard Watson Gershon

Dollar Amount					
Original Contract	\$	3,750,000.00	Original Contingency	\$	-
Prior Amendments	\$	-	Prior Amendments	\$	-
Current Amendment	\$	-	Current Amendment	\$	-
Total/Revised Contract Value	\$	3,750,000.00	Total Contingency Value	\$	-
	Total Dollar Authority (Contract Value and Contingency)			\$	3,750,000.00

Contract Authorization

Board of Directors _____ Date: 05/01/2019 Committee _____ Item # _____

Contract Management (Internal Purposes Only)

Payable _____ Other Contracts _____ No Budget Adjustment _____

Accounts Payable											
Total Contract Funding: \$						Total Contingency: \$					
GL: 4160	30	0315	0334	52200	41100000	-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-
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Accounts Receivable											
Total Contract Funding: \$						-					
Funding Agreement No: _____						Reversion Date: _____					
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-

Victor Lopez

Carrie Schindler

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes: Total contract authority for On-Call Right-of-Way Legal Services Contracts is \$7.5 million and is shared between contract 19-1002002 (Richard Watson Gershon) and 18-1001925 (Meyers Nave).

Attachment: On_Call Legal_18-1001925 -Contract_Meyers Nave_CSS [Revision 1] (5670 : Award for On-Call Right-of-Way Legal Services)

General Contract Information

Contract No: 19-1002002 Amendment No.: _____ Sole Source? No

Vendor No.: 03413 Vendor/Customer Name: Richards, Watson & Gershon

Description: On-Call Right-of-Way Legal Services

Estimated Start Date: 05/01/2019 Expiration Date: 05/01/2022 Revised Expiration Date: _____

List Any SBCTA Related Contracts Nos.: 18-1001925 On-Call Right-of-Way Legal Services-Meyers Nave

Dollar Amount					
Original Contract	\$	3,750,000.00	Original Contingency	\$	-
Prior Amendments	\$	-	Prior Amendments	\$	-
Current Amendment	\$	-	Current Amendment	\$	-
Total/Revised Contract Value	\$	3,750,000.00	Total Contingency Value	\$	-
	Total Dollar Authority (Contract Value and Contingency)			\$	3,750,000.00

Contract Authorization

Board of Directors _____ Date: 05/01/2019 Committee _____ Item # _____

Contract Management (Internal Purposes Only)

Payable _____ Other Contracts _____ No Budget Adjustment _____

Accounts Payable											
Total Contract Funding: \$						Total Contingency: \$					
GL: 4160	30	0315	0334	52200	41100000	-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-
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Accounts Receivable											
Total Contract Funding: \$						-					
Funding Agreement No: _____						Reversion Date: _____					
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-

Victor Lopez

Carrie Schindler

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes: Total contract authority for On-Call Right-of-Way Legal Services Contracts is \$7.5 million and is shared between contract 19-1002002 (Richard Watson Gershon) and 18-1001925 (Meyers Nave).

Attachment: On_Call Legal_19-1002002 - Contract_RWG_CSS [Revision 1] (5670 : Award for On-Call Right-of-Way Legal Services)

Exhibit A – “SCOPE OF WORK”

ON-CALL LEGAL SERVICES FOR RIGHT-OF-WAY

SCOPE OF WORK

San Bernardino County Transportation Authority (“SBCTA”) is issuing this Request for Proposals for a CONSULTANT to provide **ON-CALL LEGAL SERVICES FOR RIGHT-OF-WAY** for a period of three (3) years with two (2) one-year options for extension, to be exercised at the sole discretion of SBCTA, on an On-Call basis in support of current and future SBCTA projects performed by the Transit & Rail Department.

Such services may include, but are not limited to, the following:

A. LEGAL SERVICES IN SUPPORT OF RIGHT OF WAY ACQUISITIONS FOR THE WEST VALLEY CONNECTOR BUS RAPID TRANSIT PROJECT

The WVC project is currently in the environmental clearance phase and moving the project beyond the environmental clearance phase is contingent on securing grant funding. The legal services to be provided to SBCTA concerning the right-of-way acquisition related to the West Valley Connector Bus Rapid Transit Project are to include all customary, necessary and/or desirable services related to negotiated purchases and/or eminent domain proceedings, and the sale or exchange of excess/surplus remnant parcels, at the direction of and coordinated with SBCTA’s General Counsel. SBCTA reserves the right to engage other firms or attorneys to perform the same or similar work for the West Valley Connector right of way acquisitions, and therefore the services shall also include full professional cooperation and coordination with such other firms or attorneys, if any. The legal services may include, but shall not be limited to, any or all of the following:

- Review of property titles of potential or actual real property interests required or potentially needed to be sold or exchanged for the project (or to be available to answer questions) with staff, right of way consultants, and appraiser before appraisal takes place, to address any legal issues that the appraiser might have – e.g., valid easements, title issues;
- Review appraisal and legal descriptions provided by right-of-way/design consultant, when finished, and appraisals regarding the sale of excess/surplus parcels;
- Review, prepare, and present SBCTA Board items to request approval of appraisals and authorize purchase of required real property interests and sale of excess/surplus remnant parcels, and attend other SBCTA Board meetings as requested by staff;
- Review Real Estate Acquisition Management Plans (RAMP) and relocation plans, and provide assistance with related issues, if requested.
- Prepare templates for offers, purchase and sale agreements, deeds, easements, rights of entry, possession and use agreements, administrative settlement memos, and other documents that may be required for the project;
- Review offers to be made to property owners, assist right-of-way/design consultant(s) with property negotiations for acquisitions and sale of excess/surplus remnant parcels, as requested;
- Attend monthly project meetings, and other meetings as requested;
- Review and approve as to form all purchase and sale documents, deeds, easements, possession and use documents, and right-of-entry and permit documents required for

acquisition of the required real property interests and the sale of excess/surplus remnant parcels.

- If needed, prepare Resolution(s) of Necessity and any supporting documents required for said Resolution(s);
- If needed, review, prepare, and present materials to SBCTA's Board for all hearings on Resolution(s) of Necessity;
- If needed, prepare eminent domain complaint and all necessary documents to obtain prejudgment possession;
- If needed, litigate and conduct trial for any portion of the right-of-way acquisition process that occurs within the court system, including but not limited to right-to-take challenges, stipulated orders for possession/judgment, and determination of compensation;
- Provide overview of and general advice regarding property acquisition and sale (excess/surplus remnant parcels) procedures, and ensure compliance with the federal and State acquisition law, regulations and guidelines;
- Prepare and present support materials to SBCTA's Board of Directors' meetings (closed and open sessions) for acquisitions and the sale of excess/surplus remnant parcels;
- Prepare or review any contracts and conveyance documents that may be required to ensure that all necessary right-of-way has been acquired and sold (excess surplus remnants), and is ready and useable for the purposes of the West Valley Connector project, including but not limited to, contracts with property owners, tenants, other private individuals and entities, local jurisdictions such as cities, the County of San Bernardino, public utility agencies, California Department of Transportation (Caltrans), Federal Transit Administration (FTA), BNSF Railway, Union Pacific Railroad, Southern California Regional Rail Authority (SCRRA or Metrolink), private utility companies, and other State and federal agencies;
- Progress reporting; and,
- Such other matters as may be assigned by SBCTA or its General Counsel.

B. ON-CALL LEGAL SERVICES FOR ALL OTHER PROJECTS

SBCTA Transit & Rail Department is responsible for many projects in conjunction with the railroad right-of-way it owns and manages throughout San Bernardino County. As a result, a wide variety of legal services are required on an on-call basis. The on-call legal services will include, but not be limited to, the following services:

- Prepare or review any contracts and conveyance documents that may be required to ensure that all necessary right-of-way has been acquired and sold (excess surplus remnants), and is ready and useable for the purposes of any given project, including but not limited to, contracts with property owners, tenants, other private individuals and entities, local jurisdictions such as cities and the County of San Bernardino, public utility agencies, California Department of Transportation (Caltrans), Federal Transit Administration (FTA), BNSF Railway, Union Pacific Railroad, Southern California Regional Rail Authority (SCRRA or Metrolink), private utility companies, and other State and federal agencies;
- Title research and support, including the ordering and review of title reports;
- Leasing, licensing, rights of entry, various permits, estoppels, cooperative agreements,

memorandums of understandings with various public entities, utility companies and private entities, and other agreements/documents as requested;

- Property management related services, including but not limited to, legal counsel on interpretation and enforcement of agreements, encroachments, property research, disputes, potential litigation, and litigation;
- Prepare and present support materials to SBCTA's Board of Directors' meetings (closed and open sessions) as requested;
- Represent SBCTA in property rights disputes, including but not limited to, title perfection and quiet title;
- Attend monthly project meetings, and other meetings as requested;
- Progress reporting;
- Risk assessment; and
- Such other matters as may be assigned by SBCTA or its General Counsel.

Minute Action

AGENDA ITEM: 5

Date: April 11, 2019

Subject:

Award for On-Call Right-of-Way Services

Recommendation:

That the Transit Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

A. Approve Contract No. 18-1001924 with Epic Land Solutions, Inc. for On-Call Right-of-Way Services, to support current and future Transit and Rail projects and programs, for an amount described in Recommendation E, for a three year term with two one-year options to extend.

B. Approve Contract No. 19-1002007 with Bender Rosenthal, Inc. for On-Call Right-of-Way Services, to support current and future Transit and Rail projects and programs, for an amount described in Recommendation E, for a three year term with two one-year options to extend.

C. Approve Contract No. 19-1002008 with Overland, Pacific & Cutler, LLC for On-Call Right-of-Way Services, to support current and future Transit and Rail projects and programs, for an amount described in Recommendation E, for a three year term with two one-year options to extend.

D. Approve Contract No. 19-1002009 with Paragon Partners, Ltd. for On-Call Right-of-Way Services, to support current and future Transit and Rail projects and programs, for an amount described in Recommendation E, for a three year term with two one-year options to extend.

E. Approve a total not-to-exceed amount of \$5,500,000 for Epic Land Solutions, Inc. (No. 18-1001924), Bender Rosenthal, Inc. (No. 19-1002007), Overland, Pacific & Cutler, LLC (No. 19-1002008), and Paragon Partners, Ltd (No. 19-1002009).

Background:

In May 2018, the San Bernardino County Transportation Authority (SBCTA) Board approved the release of an On-Call Right-of-Way (ROW) Request for Proposals (RFP) No. 18-1001924 to provide on-call right-of-way services to support current and future Transit and Rail projects and programs. The RFP was released on March 4, 2018, and was sent electronically to approximately three hundred and four (304) consultants registered on PlanetBids and was downloaded by forty-one (41) firms. The solicitation was issued in accordance with current SBCTA policies and procedures for consultant services.

A Pre-proposal meeting was held on May 17, 2018, and was attended by eight (8) firms. Addendum No. 1 was issued on May 17, 2018, to include the Pre-proposal Conference sign-in sheet and Pre-proposal agenda. Addendum No. 2 was issued on June 19, 2018, responding to questions received prior to the submittal deadline. Nine (9) proposals were received by the date and time specified in the RFP. A responsiveness review was conducted by the Procurement Analyst and found all nine (9) proposals to be responsive.

Entity: San Bernardino County Transportation Authority

The proposals were disseminated to all Evaluation Committee members on June 21, 2018, along with the Evaluation Committee Information and Instructions, a copy of the Score Sheets and the Declaration of Impartiality and Confidentiality form. The Evaluation Committee consisted of two (2) SBCTA staff, one (1) staff member from the City of Ontario and one (1) staff member from Omnitrans.

Evaluators concluded their review of the proposals and convened to review, discuss and score the proposals. The Evaluation Committee members met on May 17, 2018, and discussed each proposal according to the evaluation criteria, including the strengths and weaknesses of the proposal. The procurement analyst also provided information regarding the reference checks of the firms. At the completion of discussions, the committee members individually scored the proposals based on the following evaluation criteria: Qualifications of the Firm - 40%; Proposed Staffing and Project Organization - 40%; and Technical Approach/Work Plan – 20%. Price proposals are not required for the selection process. Because of the scoring, the firms were ranked in order of technical merit and a short-list was developed. The Evaluation Committee agreed to interview the following five (5) firms: Bender Rosenthal, Inc., Epic Land Solutions, Inc., Overland Pacific & Cutler, LLC, Paragon Partners, Ltd. and Property Specialists, Inc.

Interviews were conducted on July 19, 2018, and at the completion of the interviews, the Evaluation Committee separately scored the interviews. The assigned weight for the procurement was 40% for technical evaluation and 60% for the interview evaluations.

Based on the qualifications of each of the firms interviewed, the Evaluation Committee recommends that Contract Numbers 18-1001924, 19-1002007, 19-1002008 and 19-1002009 be awarded to Epic Land Solutions, Inc., Bender Rosenthal, Inc., Overland Pacific & Cutler, LLC and Paragon Partners, Ltd., respectively, to perform On-Call Right-Of-Way Services. The firms clearly demonstrated a thorough understanding of SBCTA right-of-way needs and proposed strong teams that can effectively perform a wide variety of potential right-of-way tasks. Evaluation forms and reference checks are located in the Contract Audit File.

Work under the various on-call contracts will be issued on a Contract Task Order (CTO) basis and in accordance with SBCTA's On-Call CTO policies and procedures. Per SBCTA's procedures, once the scope of work for a CTO is defined, it is released to the prequalified firms requesting a proposal. SBCTA staff evaluates the proposals and assigns the CTO to the firm that best meets the project requirements based on criteria that includes, but is not limited to, schedule, cost, proposed staff experience, expertise, availability and proven success. Requesting proposals from each prequalified firm maintains the integrity of a competitive process, ensuring the best overall value to SBCTA for each CTO.

It was originally anticipated that the majority of work under the CTO-based contracts would be to support the West Valley Connector (WVC) Project. The WVC project is currently in the environmental clearance phase and the environmental clearance is tentatively scheduled to be completed in December 2019. As a result of funding constraints, moving the project beyond the environmental clearance phase is contingent on securing grant funding. Staff anticipates using the on-call contracts to complete the right-of-way acquisitions should sufficient grant funding be secured to deliver the WVC project.

Financial Impact:

This item is consistent with SBCTA Fiscal Year 2018/2019 budget.

San Bernardino County Transportation Authority

Transit Committee Agenda Item
April 11, 2019
Page 3

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA's General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft contracts.

Responsible Staff:

Victor Lopez, Program Manager

Approved
Transit Committee
Date: April 11, 2019

Witnessed By:

San Bernardino County Transportation Authority

General Contract Information

Contract No: 18-1001924 Amendment No.: _____ Sole Source? No

Vendor No.: 02727 Vendor/Customer Name: Epic Land Solutions, Inc.

Description: On-Call Right-of-Way Services

Estimated Start Date: 05/01/2019 Expiration Date: 05/01/2022 Revised Expiration Date: _____

List Any SBCTA Related Contracts Nos.: 19-1002007 (Bender Rosenthal), 19-1002008 (Overland Pacific & Cutler), 19-1002009 (Paragon Partners).

Dollar Amount							
Original Contract		\$	1,375,000.00	Original Contingency		\$	-
Prior Amendments		\$	-	Prior Amendments		\$	-
Current Amendment		\$	-	Current Amendment		\$	-
Total/Revised Contract Value		\$	1,375,000.00	Total Contingency Value		\$	-
		Total Dollar Authority (Contract Value and Contingency)				\$	1,375,000.00

Contract Authorization

Board of Directors _____ Date: 05/01/2019 Committee _____ Item # _____

Contract Management (Internal Purposes Only)

Payable _____ Other Contracts _____ No Budget Adjustment _____

Accounts Payable											
Total Contract Funding: \$						Total Contingency: \$					
<u>1,375,000.00</u>						<u>-</u>					
GL: 4160	30	0315	0334	52001	41100000	GL:					-
GL:						GL:					-
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Accounts Receivable											
Total Contract Funding: \$						Reversion Date: _____					
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Funding Agreement No: _____											
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Victor Lopez

Carrie Schindler

Project Manager (Print Name)

Task Manager (Print Name)

Additional Notes: Total contract authority for On-Call Right-of-Way Services Contracts is \$5.5 million and is shared between Contract 18-1001924 (Epic Land Solutions, 19-1002007 (Bender Rosenthal), 19-1002008 (Overland Pacific & Cutler) and 19-1002009 (Paragon Partners). Current WVC funding is 4160 MSI Bus until further funding is allocated/verified and is subject to change due to current availability.

General Contract Information

Contract No: 19-1002007 Amendment No.: _____ Sole Source? No

Vendor No.: 03228 Vendor/Customer Name: Bender Rosenthal, Inc.

Description: On-Call Right-of-Way Services

Estimated Start Date: 05/01/2019 Expiration Date: 05/01/2022 Revised Expiration Date: _____

List Any SBCTA Related Contracts Nos.: 18-1001924 (Epic Land Solutions, 19-1002008 (Overland Pacific & Cutler), 19-1002009 (Paragon Partners).

Dollar Amount					
Original Contract	\$	1,375,000.00	Original Contingency	\$	-
Prior Amendments	\$	-	Prior Amendments	\$	-
Current Amendment	\$	-	Current Amendment	\$	-
Total/Revised Contract Value	\$	1,375,000.00	Total Contingency Value	\$	-
	Total Dollar Authority (Contract Value and Contingency)			\$	1,375,000.00

Contract Authorization

Board of Directors _____ Date: 05/01/2019 Committee _____ Item # _____

Contract Management (Internal Purposes Only)

Payable _____ Other Contracts _____ No Budget Adjustment _____

Accounts Payable											
Total Contract Funding: \$						Total Contingency: \$					
<u>1,375,000.00</u>						<u>-</u>					
GL: 4160	30	0315	0334	52001	41100000	GL:					-
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Accounts Receivable											
Total Contract Funding: \$						Reversion Date: _____					
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Funding Agreement No: _____											
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Victor Lopez

Project Manager (Print Name)

Carrie Schindler

Task Manager (Print Name)

Additional Notes: Total contract authority for On-Call Right-of-Way Services Contracts is \$5.5 million and is shared between Contract 18-1001924 (Epic Land Solutions, 19-1002007 (Bender Rosenthal), 19-1002008 (Overland Pacific & Cutler) and 19-1002009 (Paragon Partners). Current WVC funding is 4160 MSI Bus until further funding is allocated/verified and is subject to change due to current availability.

General Contract Information

Contract No: 19-1002008 Amendment No.: _____ Sole Source? No

Vendor No.: 02556 Vendor/Customer Name: Overland, Pacific & Cutler, LLC

Description: On-Call Right-of-Way Services

Estimated Start Date: 05/01/2019 Expiration Date: 05/01/2022 Revised Expiration Date: _____

List Any SBCTA Related Contracts Nos.: 18-1001924 (Epic Land Solutions, 19-1002007 (Bender Rosenthal), 19-1002009 (Paragon Partners).

Dollar Amount

Original Contract	\$	1,375,000.00	Original Contingency	\$	-
Prior Amendments	\$	-	Prior Amendments	\$	-
Current Amendment	\$	-	Current Amendment	\$	-
Total/Revised Contract Value	\$	1,375,000.00	Total Contingency Value	\$	-
Total Dollar Authority (Contract Value and Contingency)					\$ 1,375,000.00

Contract Authorization

Board of Directors _____ Date: 05/01/2019 Committee _____ Item # _____

Contract Management (Internal Purposes Only)

Payable _____ Other Contracts _____ No Budget Adjustment _____

Accounts Payable

Total Contract Funding: \$ <u>1,375,000.00</u>						Total Contingency: \$ <u>-</u>					
GL: 4160	30	0315	0334	52001	41100000	-	GL:				-
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Accounts Receivable

Total Contract Funding: \$ <u>-</u>						Reversion Date: _____					
Funding Agreement No: _____						GL:					-
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Victor Lopez

Project Manager (Print Name)

Carrie Schindler

Task Manager (Print Name)

Additional Notes: Total contract authority for On-Call Right-of-Way Services Contracts is \$5.5 million and is shared between Contract 18-1001924 (Epic Land Solutions, 19-1002007 (Bender Rosenthal), 19-1002008 (Overland Pacific & Cutler) and 19-1002009 (Paragon Partners). Current WVC funding is 4160 MSI Bus until further funding is allocated/verified and is subject to change due to current availability.

Attachment: On_Call ROW_19-1002008 - OPC_CSS [Revision 1] (4959 : Award for On-Call Right-of-Way Services)

General Contract Information

Contract No: 19-1002009 Amendment No.: _____ Sole Source? No

Vendor No.: 02624 Vendor/Customer Name: Paragon Partners, Ltd.

Description: On-Call Right-of-Way Services

Estimated Start Date: 05/01/2019 Expiration Date: 05/01/2022 Revised Expiration Date: _____

List Any SBCTA Related Contracts Nos.: 18-1001924 (Epic Land Solutions, 19-1002007 (Bender Rosenthal), 19-1002008 (Overland Pacific & Cutler)

Dollar Amount

Original Contract	\$	1,375,000.00	Original Contingency	\$	-
Prior Amendments	\$	-	Prior Amendments	\$	-
Current Amendment	\$	-	Current Amendment	\$	-
Total/Revised Contract Value	\$	1,375,000.00	Total Contingency Value	\$	-
Total Dollar Authority (Contract Value and Contingency)					\$ 1,375,000.00

Contract Authorization

Board of Directors _____ Date: 05/01/2019 Committee _____ Item # _____

Contract Management (Internal Purposes Only)

Payable _____ Other Contracts _____ No Budget Adjustment _____

Accounts Payable

Total Contract Funding: \$ <u>1,375,000.00</u>						Total Contingency: \$ <u>-</u>					
GL:	4160	30	0315	0334	52001	41100000	-	GL:			-
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Accounts Receivable

Total Contract Funding: \$ <u>-</u>						Reversion Date: _____					
Funding Agreement No: _____											
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Victor Lopez

Project Manager (Print Name)

Carrie Schindler

Task Manager (Print Name)

Additional Notes: Total contract authority for On-Call Right-of-Way Services Contracts is \$5.5 million and is shared between Contract 18-1001924 (Epic Land Solutions, 19-1002007 (Bender Rosenthal), 19-1002008 (Overland Pacific & Cutler) and 19-1002009 (Paragon Partners). Current WVC funding is 4160 MSI Bus until further funding is allocated/verified and is subject to change due to current availability.

Exhibit A – “SCOPE OF WORK”

ON-CALL RIGHT-OF-WAY SERVICES

SCOPE OF WORK

San Bernardino County Transportation Authority (“SBCTA”) is issuing this Request for Proposal for a CONSULTANT to provide **ON-CALL RIGHT OF WAY SERVICES** for a period of three (3) years with two (2) one-year options for extension, to be exercised at the sole discretion of SBCTA, on an On-Call basis in support of current and future SBCTA projects.

Such services may include, but are not limited to, the following work program:

A. PROJECT MANAGEMENT

This task covers typical project management services, including the requirements for meetings, schedules, progress reports, and administration of the CONSULTANT’s work. Depending on the specific project assignment, SBCTA may require additional Project Management services to be performed by CONSULTANT, but typical services anticipated at this time include, but are not limited to, the following:

1. Coordination and Meetings

CONSULTANT shall meet with the relevant parties to discuss issues pertinent to the project assignments. CONSULTANT shall participate in project meetings (i.e., Project Development Team (PDT) meetings, Agency coordination meetings, project status meetings, workshops) and be prepared to discuss project status, issues, policy, or procedural issues. CONSULTANT shall bring progress plans as appropriate and assist in developing meeting notices, agenda, minutes, and/or handouts as needed.

2. Administration

Administration shall include the following elements:

- Supervise, coordinate, and monitor work for conformance with the appropriate standards and policies;
- Apply for and/or assist to obtain City, County, State and federal approvals and permits as required;
- Prepare, circulate, and file correspondence and memoranda as appropriate;
- Maintain project files using the Federal Transit Administration (FTA) filing guidelines for projects including, or potentially including, federal funds, unless otherwise directed by SBCTA.

3. Schedule and Progress Reports

CONSULTANT shall submit an initial Project Schedule for each Contract Task Order (CTO) assignment. As directed by SBCTA, the schedule shall be tailored for project-specific activities as appropriate to track the task assigned in the CTO. In the case of right of way

acquisition, it shall include project clearance activities from the initial appraisal phase through property demolition. Following approval by SBCTA, this schedule will become the Baseline Project Schedule and will be tracked throughout the duration of the project.

As directed by SBCTA, schedule updates will be part of a monthly Progress Report prepared by CONSULTANT that describes the project status, outstanding action items, and/or issues for AUTHORITY approval. If appropriate and requested by SBCTA, the schedule and/or Progress Report may require updating more frequently.

On FTA oversight projects, CONSULTANT shall assist SBCTA in the preparation, tracking and monitoring of all Quarterly Reporting Requirements as described in FTA Circular 5010.1D. For all major projects as part of the Project Management Plan (PMP), CONSULTANT shall prepare and update as needed a Real Estate Acquisition Management Plan (RAMP) for approval by SBCTA and FTA.

4. Quality Assurance/Quality Control (QA/QC) Plan

CONSULTANT shall maintain a Quality Assurance/Quality Control Plan throughout term of this Contract. The QA/QC Plan is intended to ensure that the work product, including, but not limited to, appraisals, maps, reports, plans, studies, estimates, agreements, deeds, agenda reports, exhibits, correspondence, and other documents submitted under this Scope of Services are complete, accurate, checked, and proofread to meet professional standard practices in effect at the time of execution of the Contract.

Upon receipt of the Notice to Proceed (NTP), CONSULTANT shall discuss and explain their plan to provide a reasonable quality control check system and quality assurance program for the contract services described herein and shall follow the applicable standard practices in effect at the time of execution of the Contract. Within twenty (20) working days of receiving the NTP, CONSULTANT shall submit a draft copy of the QA/QC Plan for review and approval by SBCTA. If requested by SBCTA, CONSULTANT shall modify and/or revise the QA/QC Plan as needed to appropriately control the project quality program for the contract.

5. Budget Management

Consultant shall manage the budget throughout the term of the Contract Task Order (CTO). Consultant will provide SBCTA updates of the cost to date of the Contract Task Order and its budget for every invoice. An increase in cost or scope needs to be reported to SBCTA and authorized by SBCTA.

6. Right of Way Management Team

On a project by project basis and as needed, CONSULTANT shall assign individuals to key positions such as a Project Manager, an Acquisition/Negotiation Manager, a Relocation Assistance Manager, and a Utilities Relocation Coordinator, who may not be replaced

without the written consent of SBCTA.

B. RIGHT OF WAY ENGINEERING AND SURVEYING SERVICES

Right of Way Engineering and Surveying services may include, but are not limited to, the following:

1. CONSULTANT shall provide right of way engineering and field surveying services including, but not limited to: preparing Boundary Maps, Monumentation Maps, Survey Control Maps, Records Of Survey, Lot Line Adjustments, Subdivision Maps, Parcel Maps, Appraisal Maps, utility potholing information maps, project maps, Legal Descriptions & Plats for specific parcels, Certificates of Compliance as described in the California Government Code Section 66499.35, and other right of way engineering services as directed by SBCTA.
2. CONSULTANT shall prepare Boundary, Monumentation and Survey Control Maps showing all parcels and easement boundaries and their relationship to the land net monuments used to define them. In cases where SBCTA is working in conjunction with FTA or other federal agencies, these maps shall conform to federal guidelines and manuals. In cases where SBCTA is working in conjunction with Caltrans, these maps shall conform to the State's manuals as follows: PLANS PREPARATION MANUAL, the RIGHT OF WAY MANUAL, SURVEYS MANUAL and the DRAFTING MANUAL in regard to content and appearance of said right of way engineering and field surveying products.
3. CONSULTANT shall utilize appropriate land surveying and land title practices to:
 - Establish all property and easement boundaries within and overlapping the project area;
 - Perform site reconnaissance and monument recovery;
 - Establish or reestablish all monumentation required by Federal, State law and local regulations;
 - File a Record of Survey, or Corner Recorder as necessary, to comply with the Land Surveyors Act;
 - The preparation, filing and associated fees will be the responsibility of CONSULTANT.

All data, maps and documents produced by CONSULTANT shall be subject to approval and acceptance by SBCTA's Project Manager. In the event of non-acceptance due to errors or omissions, CONSULTANT shall have seven calendar days to make corrections and return maps and documents to SBCTA. Final acceptance will occur only after the work product has been determined to conform to this document's scope of work and requirements.

4. All surveying and mapping work affecting the federal or State of California Right of Way at any location, or along any route, shall be in accordance with the applicable federal and/or

State law(s), local regulation, and the procedures and instructions contained in the federal manual, and if applicable, the Caltrans Right of Way Manual and the Caltrans Surveys Manual (Manual). Additionally, all work for State-funded projects shall be in accordance with Cal. Government Code 7260. All Right of Way acquisitions by SBCTA with the intent to ultimately convey such acquisitions to the City or other public entity are considered public entity right of way acquisitions.

5. CONSULTANT shall appoint a Survey Manager who is a Licensed Land Surveyor or Licensed Civil Engineer authorized to practice land surveying by the State of California. The Survey Manager will be responsible for all survey related work to be performed by CONSULTANT for SBCTA.
6. Deliverables shall generally consist of electronic files of pertinent reports and documents. Any required electronic mapping, Base Map (Hardcopy), Monumentation Map, Appraisal Maps, etc., shall be in a format consistent with Microstation File (.DGN). Electronic documents shall be in ASCII text, or Microsoft Word 2000 or 2003. Completed Record of Survey (filed with the County Recorder) shall be formatted at full size for Adobe Acrobat professional (.PDF). A Mylar copy shall also be provided. All survey field notes shall also be in an Adobe Acrobat professional format.
7. If any legal issues exist during the course of an assignment, CONSULTANT shall coordinate with SBCTA who will request a legal opinion. All legal opinions shall be rendered by SBCTA's legal counsel.
8. As directed by SBCTA, CONSULTANT shall coordinate with other SBCTA staff and/or consultants for supplemental work required for the effective delivery of Measure I program, other local, State, FTA and other federally funded programs. Fees charged by SBCTA staff and/or consultants shall be paid directly by SBCTA.

C. RIGHT OF WAY APPRAISAL SERVICES FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL AND AGRICULTURAL PROPERTIES

CONSULTANT shall provide right of way appraisal services for developed or undeveloped residential, commercial, industrial, railroad, open space, public use, and agricultural properties. CONSULTANT may be required to produce appraisal reports for full or partial acquisitions, easements, temporary construction easements, leased or licensed properties, and sale or disposition of excess/surplus properties. Right of way appraisal services will comply with the appropriate laws as dictated by the related funding. Such appraisal services may include, but are not limited to, the following:

1. CONSULTANT shall prepare appraisals in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*), and implemented by 49 CFR Part 24; Chapter 16, of Title 1, Division 7 of the California Government Code, the State of California Relocation Assistance and Real Property Acquisition Guidelines (Title 25 California Code of Regulations Division 1,

Chapter 6, Art 1, Section 6000 *et seq.*); the California Eminent Domain Law, Code of Civil Procedure sections 1230.010 *et seq.*; the Uniform Standards of Professional Appraisal Practice (USPAP); and in some cases, the Uniform Appraisal Standards for Federal Land Acquisitions, where applicable. CONSULTANT must be licensed by the State of California Bureau of Real Estate Appraisers.

2. CONSULTANT must be qualified to provide expert witness testimony and defend the conclusions reached in the appraisal at any Administrative or Judicial proceeding.
3. All reports and deliverables shall generally be transmitted electronically to AUTHORITY.
4. CONSULTANT may be required to meet with and coordinate their efforts with SBCTA staff, SBCTA legal counsel, oversight agencies and other consultants, and participate in office or project site meetings.
5. Appraisal reports may be reviewed for acceptance and independent approval by the review appraisers. Revisions may be required by reason of this review process. Consultants may be requested to complete and deliver revised and/or updated appraisals. In the event of non-acceptance due to errors or omissions, CONSULTANT shall have fifteen (15) calendar days to make corrections and return the revised appraisals to the review appraiser.
6. For proposed acquisitions, the owner of the real property or a designated representative will be invited by CONSULTANT to accompany the CONSULTANT during the inspection of the property. This invitation must be in the form of a letter entitled "Notice to Appraise" written by the CONSULTANT to the owner. A copy of the invitation will be included in the appraisal report.
7. It is the CONSULTANT's responsibility to contact SBCTA's project engineers for discussion and/or clarification of any project design matters. This is critical in the appraisal of partial acquisitions and easements where the CONSULTANT may need cross sections or other project engineering data to complete the report.
8. The highest and best use for the property in the before condition must be determined and supported. If a partial acquisition is involved, the highest and best use of the property in the after condition must be determined and supported. If the existing use is not the premise on which the valuation is based, the appraisal will contain an explanation justifying the determination that the property is available and adaptable for a different highest and best use and there is demand for that use in the market.
9. Where the acquisition involves only a part (or portion) of the property, the CONSULTANT will conclude any severance damages and special benefits to the remainder, including reasoning and market data to support the conclusion. The CONSULTANT will indicate if the remainder constitutes an economic or uneconomic unit in the market and/or to the present owner.

10. Appraisal for easement acquisitions will reflect the restrictive elements of the easement to be acquired and the potential effect of such elements on the utility of the property considering its highest and best use. Full details with respect to any interference with the highest and best use of the property affected must be explained and supported.
11. The CONSULTANT must estimate and support the economic rent, state the contract rent and the remaining term of the lease as of the date of value. Include lessor and lessee responsibilities for paying major expenses, e.g., taxes, insurance, and maintenance.
12. In cases where the Appraisal Assignment requires a Specialty Appraisal (Furniture, Fixtures, Machinery and Equipment) and/or Specialists Reports (title, survey, soils, and engineering), CONSULTANT may be required to coordinate with SBCTA staff and/or consultants for such services as directed by SBCTA. Fees charged by SBCTA staff and/or consultants for Specialty Appraisal and/or Specialists Reports shall be paid directly by SBCTA.
13. It is the CONSULTANT's responsibility to thoroughly review the Specialty Appraisal for adoption (with adjustments or not, as appropriate) and inclusion in the overall appraisal. The estimated values that the specialty items actually contribute to the overall value of the real estate will be separately stated, but not included in the total value of the property.
14. CONSULTANT shall itemize in detail the "improvements pertaining to realty" in accordance with the applicable laws and regulations showing their replacement cost new, depreciated value in place, salvage value if any, and relocation estimate. To the extent possible, determine the ownership claims of the Improvements Pertaining to the Realty.
15. CONSULTANT will receive and analyze the completed appraisal reports and will reconcile the real estate and fixtures and equipment conclusions as necessary.
16. If any legal issues exist during the course of the appraisal assignment, CONSULTANT shall notify SBCTA, who will request legal opinion. All legal opinions shall be rendered by SBCTA's legal counsel.
17. It is the CONSULTANT's responsibility to contact SBCTA's project manager to arrange for legal counsel discussions and/or clarifications in identifying personal or real property.
18. If hazardous waste is discovered on the property, CONSULTANT shall make the appropriate adjustment to the value conclusion in the appraisal report.

D. APPRAISAL REVIEW SERVICES

Appraisal review services may include, but are not limited to, the following:

1. When required by SBCTA, CONSULTANT shall examine appraisals prepared by the

principal appraisers.

2. CONSULTANT shall provide Review Appraisal Services based on nationally recognized appraisal standards and techniques, including those established by the Uniform Standards of Professional Appraisal Practice (USPAP) and the Uniform Appraisal Standards for Federal Land Acquisition, and shall ensure compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implemented by 49 CFR Part 24, Chapter 16, of Title 1, Division 7 of the California Government Code, the State of California Relocation Assistance and Real Property Acquisition Guidelines (Title 25, California Code of Regulations Ch 6, Art 1, Section 6000 *et seq.*), and the California Eminent Domain Law, Code of Civil Procedure section 1230.010 *et seq.*, when applicable. CONSULTANT's Appraiser must be licensed by the State of California Bureau of Real Estate Appraisers.
3. CONSULTANT must be qualified to provide expert witness testimony and defend the conclusions at any Administrative or Judicial proceeding.
4. CONSULTANT may be required to meet with and coordinate their efforts with SBCTA staff, SBCTA legal counsel, oversight agencies and other consultants, and to participate in office or project site meetings.
5. It is the CONSULTANT's responsibility to contact SBCTA's project engineers for discussion and/or clarification of any project design matters. This is critical in reviewing appraisals of partial acquisitions and easements where engineering data have to be verified.
6. Review Appraiser shall examine appraisals to assure that they meet applicable appraisal requirements and shall, prior to acceptance, seek necessary corrections or revisions.
7. If the CONSULTANT is unable to recommend approval of an appraisal as an adequate basis for the establishment of the offer of just compensation, and it is determined that it is not practical to obtain additional appraisal, CONSULTANT may develop appraisal documentation to recommend value.
8. CONSULTANT's Review Appraiser and the CONSULTANT's Appraiser should discuss the appraisal assignment as soon work is assigned. The Review Appraiser and, if practical, the Appraiser, should hold at least one field review in order to identify any legal issues that may exist. If any legal issues exist, the Review Appraiser shall request a legal opinion.
9. All legal opinions shall be rendered by SBCTA's legal counsel and the appraisal shall be prepared in accordance therewith.
10. CONSULTANT's Review Appraiser's certification of the recommended value of the property shall be set forth in a signed statement which identifies the appraisal reports reviewed and explains the basis for such recommendation. Any damages or benefits to any

remaining property shall also be identified in the statement.

11. All reports and deliverables shall generally be transmitted electronically to SBCTA.
12. As directed by SBCTA, CONSULTANT shall coordinate with other SBCTA staff and/or consultants for supplemental work required for the effective delivery of the Measure I Program, other local, State, FTA and other federally funded programs. Fees charged by SBCTA staff and/or consultants shall be paid directly by SBCTA.

E. GOODWILL APPRAISAL SERVICES

Goodwill appraisal services may include, but are not limited to, the following:

1. CONSULTANT's Appraiser shall prepare Goodwill Valuations in accordance with California Code of Civil Procedure sections 1263.510-1263.530 and the Uniform Standards of Professional Appraisal Practice (USPAP). Appraiser must be licensed by the State of California Bureau of Real Estate Appraisers.
2. Appraiser must be qualified to provide expert witness testimony and defend the conclusions reached in the appraisal at any Administrative or Judicial proceeding.
3. All reports and deliverables shall generally be transmitted electronically to SBCTA.
4. Appraiser may be required to meet with and coordinate their efforts with SBCTA staff, SBCTA legal counsel, or other consultants, and to participate in office or project site meetings.
5. In valuing the loss of goodwill to a business, Appraiser shall rely upon the definition of fair market value found in Section 1263.320 of the California Code of Civil Procedure, and provisions for compensation for loss of goodwill as outlined in Section 1263.510 of the California Code of Civil Procedure.
6. It is the Appraiser's responsibility to contact SBCTA's staff for discussion and/or clarification of any project design matters as well as relocation sites for the business.
7. Appraiser shall work with and take direction from SBCTA legal counsel in the delivery of their reports.
8. If any legal issues exist during the course of the appraisal assignment, Appraiser shall request a legal opinion. All legal opinions shall be rendered by SBCTA's legal counsel.
9. As directed by SBCTA, CONSULTANT shall coordinate with other SBCTA staff and/or consultants for supplemental work required for the effective delivery of the Measure I Program, other local funds, State and federally funded programs. Fees charged by SBCTA staff and/or consultants shall be paid directly by SBCTA.

F. FURNITURE, FIXTURES, MACHINERY AND EQUIPMENT APPRAISAL SERVICES

Such appraisal services may include, but are not limited to, the following:

1. CONSULTANT shall prepare appraisals in accordance with the California Eminent Domain Law, Code of Civil Procedure sections 1230.010 *et seq.*; the Uniform Standards of Appraisal Practice (USPAP); the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended and as implemented by 49 CFR Part 24; Chapter 16, of Title 1, Division 7 of the California Government Code; and the State of California Relocation Assistance and Real Property Acquisition Guidelines (Title 25, California Code of Regulations Div. 1, Ch. 6, Art. 1, Section 6000 *et seq.*). Appraiser must be licensed by the State of California Bureau of Real Estate Appraisers.
2. Prepare a complete inventory of the assets at the subject business location. This inventory includes a description of the assets, as well as observation of their age and condition.
3. Review documentation pertaining to the assets provided by the business owner or manager, such as invoices and depreciation schedules.
4. Interview business owners and/or managers.
5. Research the marketplace for each of the assets identified on-site. Such research includes reference to a variety of publications, as well as discussions with individuals knowledgeable about the market for the assets.
6. Coordinate with other appraisers to avoid duplication of compensation.
7. Apply valuation methods including the Market Approach and Cost Approach to the subject assets.
8. CONSULTANT must be qualified to provide expert witness testimony and defend the conclusions reached in the appraisal at any Administrative or Judicial proceeding.
9. All reports and deliverables shall generally be transmitted electronically to SBCTA.
10. CONSULTANT may be required to meet with and coordinate their efforts with SBCTA staff, SBCTA legal counsel, or other consultants, and to participate in office or project site meetings.
11. It is the CONSULTANT's responsibility to contact SBCTA's project engineers for discussion and/or clarification of any project design matters.

12. It is the CONSULTANT's responsibility to contact SBCTA's legal counsel for discussion and/or clarification in identifying personal or real property.
13. If any legal issues exist during the course of the appraisal assignment, CONSULTANT shall request legal opinion. All legal opinions shall be rendered by SBCTA's legal counsel.
14. As directed by SBCTA, CONSULTANT shall coordinate with other SBCTA staff and/or consultants for supplemental work required for the effective delivery of the Measure I Program, other local, State, FTA and other federally funded programs. Fees charged by SBCTA staff and/or consultants shall be paid directly by SBCTA.
15. Additional Qualifications for appraisal-related services:
 - CONSULTANT shall have a minimum five years' experience as full-time appraiser
 - CONSULTANT shall be a member of a professionally recognized appraisal society or institute, such as the Appraisal Institute
 - CONSULTANT shall have completed a minimum ten appraisal assignments in California involving potential acquisition pursuant to the laws of eminent domain
 - CONSULTANT shall certify that CONSULTANT has not been disciplined in the last five years as an appraiser by any government or professional association

G. RIGHT OF WAY ACQUISITION AND RELOCATION, REAL PROPERTY RESEARCH, SEARCHES, IDENTIFICATION AND FEASIBILITY STUDIES FOR REPLACEMENT AND MITIGATION SITES, and COST ESTIMATES

CONSULTANT services may include, but are not limited to, the following:

1. All CONSULTANT work, including but not limited to right of way acquisition and relocation, real property research, searches, identification, and feasibility studies for replacement and mitigation sites, cost estimates, the sale or disposition of excess/surplus real property interests, and any related work shall comply with applicable federal, State and local statutes and regulations, including but not limited to: the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended, and implemented by 49 CFR Part 24; Chapter 16, of Title 1, Division 7 of the California Government Code; the California Relocation Assistance and Real Property Acquisition Guidelines (Title 25, California Code of Regulations Div. 1, Ch. 6, Art 1, Section 6000 *et seq.*); the California Eminent Domain Law, Code of Civil Procedure sections 1230.010 *et seq.*; the Uniform Standards for Federal Land Acquisitions; the California Public Utilities Code; and the California Streets and Highways Code.
2. CONSULTANT shall establish and maintain complete and current ownership files in a form acceptable to the client.
3. CONSULTANT shall receive and analyze title information, approved appraisal reports, and

legal descriptions in sufficient detail to negotiate with property owners and other parties.

4. CONSULTANT shall prepare all offer letters, summary statements, and lists of compensable items of fixtures and equipment, in accordance with state or federal regulations and approval of client.
5. CONSULTANT shall present written purchase offers to owners or their representatives in person, when possible. Secure receipt of delivery of offer as practical, and present and secure tenant information statements, as applicable.
6. CONSULTANT shall notify relocation agent of initiation of negotiations within two business days and provide appraisal information, occupant contact information, and tenant information as necessary.
7. CONSULTANT shall follow-up and negotiate with each property owner, as necessary; prepare and submit recommended settlement justifications to client for review and approval; review any independent appraisal secured by property owner; and coordinate reimbursement of appraisal fees (up to \$5,000) with client. Ongoing negotiations and settlement discussions will continue for 8 weeks after the initial offer or if settlement or impasse is reached sooner.
8. CONSULTANT shall prepare and assemble acquisition contracts, deeds, and related acquisition documents required for the acquisition of necessary property interests. Legal descriptions to accompany easements or to accompany partial acquisition deeds are not included in this Scope of Work.
9. CONSULTANT shall maintain a diary report of all contacts made with property owners or representatives and a summary of the status of negotiations indicating attitude of owners, problem areas, and other pertinent information. Copies of all applicable written correspondence will be maintained in files.
10. CONSULTANT shall prepare an impasse letter for any parcel where, after diligent attempts to settle by negotiation, it appears eminent domain will be needed or prudent to acquire the needed interest.
11. CONSULTANT shall transmit executed acquisition documents to client. Each transmittal package shall include a fully executed and properly notarized deed(s), fully executed acquisition contract with attachments, and a brief settlement memorandum which summarizes the pertinent data relative to the transaction.
12. On projects involving FTA oversight, CONSULTANT will seek prior approval from FTA for all appraisals in excess of \$500,000, and concurrence from FTA on all administrative settlements that are \$50,000 above the appraisal amount.
13. In the event condemnation is necessary, CONSULTANT will provide SBCTA's eminent domain counsel with a duplicate copy of the parcel file, including but not limited to, the

appraisal, preliminary title report/litigation guarantee, offer to purchase, correspondence, acquisition contract, deed and all other relevant project information.

14. Provide eminent domain counsel with available right of way maps and legal descriptions, preliminary title reports and title review documents, and information on how to contact each owner or interest holder.
15. Convert preliminary title reports to litigation guarantees for eminent domain counsel's use.
16. Provide ongoing support for condemnation activities at the direction of SBCTA's eminent domain counsel, including settlement negotiations and court testimony.
17. If any legal issues arise during the course of CONSULTANT's performance of services required by SBCTA, CONSULTANT shall request legal opinion. All legal opinions shall be rendered by SBCTA's legal counsel.
18. CONSULTANT may be required to review right of way acquisition and relocation files of current and past SBCTA projects to ensure compliance with applicable State and/or federal federal regulations.
19. CONSULTANT's Acquisition/Negotiation Agents must provide evidence of proper real estate license in the State of California.
20. CONSULTANT must demonstrate knowledge and experience in working with the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), Caltrans, other public entities, railroad entities, and major utility owners.

H. TITLE AND ESCROW SERVICES

Title and Escrow Services may include, but are not limited to, the following:

1. At the initiation of the work program, the CONSULTANT shall meet with SBCTA staff regarding SBCTA's requirements for specific title work and escrow services assignments.
2. CONSULTANT shall provide Preliminary Title Reports and Litigation Guarantees on all Fee Simple and less than Fee Simple property and property interests as requested by SBCTA.
3. CONSULTANT shall ensure that all Preliminary Title Reports are accurate and complete.
4. CONSULTANT shall provide all additional legal documents required by SBCTA, such as copies of conveyance deed, deed restrictions, liens and encumbrances, title chains and the like.
5. CONSULTANT staff shall prepare and review all legal documents necessary to ensure that

SBCTA is acquiring good title to the property or property interests to be purchased, free from liens and encumbrances.

6. CONSULTANT shall provide all necessary assistance to SBCTA to clear all exceptions stated in the Preliminary Title Reports, unless waived by SBCTA in writing.
7. CONSULTANT shall ensure that all conditions precedent and conditions subsequent provided for in Purchase and Sales Agreements are met and satisfied prior to Close of Escrow.
8. CONSULTANT shall prepare, subject to review and approval by SBCTA's legal counsel, Escrow Instructions for execution by SBCTA and the grantor(s) or grantee(s). CONSULTANT shall ensure that all legal requirements are satisfied prior to Close of Escrow.
9. CONSULTANT shall provide efficient Escrow Services to SBCTA and property owners involved in SBCTA-related transactions.
10. CONSULTANT shall prepare all necessary conveyance documents and demand and release of lien/encumbrance documents, and submit the same for approval by SBCTA legal counsel prior to close of escrow.
11. CONSULTANT shall obtain grantor's Tax Identification Number, Social Security Number, Employer Identification Number or Federal Employer Identification Number prior to Close of Escrow and provide the same to SBCTA.
12. CONSULTANT shall record all documents necessary for the acquisition of property/property rights, release of liens and encumbrances with the proper State, County and City recorder's office.
13. CONSULTANT shall prepare an Escrow Closing Schedule in accordance with written instructions from SBCTA and property owners.
14. CONSULTANT shall meet and coordinate its work with other right of way consultants as directed by SBCTA.
15. Immediately prior to Close of Escrow, CONSULTANT shall order and provide SBCTA with an Updated Preliminary Title Report to ensure that no new liens and/or encumbrances are recorded on the property/property interests to be acquired by SBCTA.
16. At Close of Escrow, CONSULTANT shall prepare and submit an Escrow Closing Statement to SBCTA and other parties to the transaction, together with copies of all documents conveying title to SBCTA, copies of releases of liens and encumbrances, and receipt for payments made on behalf of SBCTA and the other parties to the transaction.

17. At Close of Escrow, unless otherwise agreed to by SBCTA, the CONSULTANT shall issue a Standard Owner's Policy of Title Insurance effectively insuring SBCTA's interest and ownership of the property or property rights acquired, unless an ALTA Policy of Title Insurance is requested by SBCTA.
18. CONSULTANT shall provide multi-lingual services as needed for efficient closing of SBCTA transactions.
19. As requested by SBCTA, CONSULTANT may be required to testify in any administrative or judicial proceeding.
20. CONSULTANT shall perform any other normal procedures and processes necessary to implement the assignment or work program and shall provide any other supporting information and/or correspondence required by SBCTA.
21. CONSULTANT shall assign a Project Manager, a Title Officer and an Escrow Officer to this procurement, which may not be replaced without the written consent of SBCTA.
22. If legal issues exist during CONSULTANT's performance of services required by SBCTA, CONSULTANT shall request legal opinion. All legal opinions shall be rendered by or concurred with by SBCTA's legal counsel.
23. As directed by SBCTA, CONSULTANT shall coordinate with other SBCTA staff and/or consultants for supplemental work required for the effective delivery of Measure I Program, other local, State, FTA and other federally funded programs. Fees charged by SBCTA staff and/or CONSULTANTS shall be paid directly by SBCTA.

I. PROPERTY MANAGEMENT, HAZARDOUS MATERIAL REMOVAL, DEMOLITION AND CLEARANCE SERVICES

Services may include, but not be limited to, the following:

1. General Property Management Services
 - a) For acquisition-related projects, maintain a Certified Property Manager (CPM) on staff during the full term of the agreement and/or task order as necessary to lease, license, manage and maintain all property types acquired, including improved and unimproved property interests.
 - b) Prepare and administer leases, licenses, rights of entry, and amendments; coordinate with utilities and ensure payment of utilities; secure and maintain vacant properties; perform inspections and weed abatement; remove trespassers; maintain a monthly Property Inventory Report and Rent Roll; prepare and maintain invoicing; perform collections and

other responsibilities in conjunction with the management and maintenance of real property interests.

- c) In cases where occupants need to remain in the property prior to relocation in conjunction with a property acquisition, administer temporary lease agreements, which includes rent collection, ensuring payment of utility bills, and maintaining decent living conditions for occupants. Prepare, maintain and submit a monthly Rent Collection and Receivables Aging Report.
- d) After occupants have been relocated in conjunction with a property acquisition and properties are vacant, CONSULTANT shall coordinate with SBCTA to appropriately fence and secure properties and prevent trespassers, intruders and vandals from gaining entry to properties.
- e) As directed by SBCTA, CONSULTANT shall coordinate with other SBCTA staff and/or consultants for supplemental work (i.e., perform soil testing, environmental clean-up) required for the effective delivery of Measure I Program, other local, State, FTA and other federally funded programs. Fees charged by SBCTA staff and/or consultants shall be paid directly by SBCTA.

2. Hazardous Material Removal, Demolition and Clearance

- a) Surveys of buildings, containers, etc.

The CONSULTANT may be required to provide survey activities. Survey activities may include the surveying and testing, as applicable, of buildings, structures, stored materials, tank contents, soils, water, and containers to determine whether hazardous waste or materials are present. The CONSULTANT may also be required to perform environmental site assessment work to confirm that the properties are free and clear of hazardous materials, potentially requiring the on-call team to assist with required environmental assessment and/or site remediation work as directed by SBCTA.

Typical surveys or assessments may include, but not be limited to, inspections for:

- Asbestos containing materials (ACM) in buildings and pipelines
- PCB containing materials in transformers, equipment, containers
- Fuels and other chemicals in tanks, barrels and storage containers
- Review of buildings or structures to determine whether hazardous materials are being used or stored
- The presence of lead paint
- Environmental Assessment (i.e., Phase 1, Phase 2)
- Only when requested will a Certified Industrial Hygienist (CIH) be utilized for survey plans and work. Requests for a CIH will be through the project or task order process. When surveys are included in a task order, survey activities as well as results shall be included as a report or as part of the Site Investigation Report.

- Soil
- Groundwater

b) Removal and Disposal of Asbestos and Lead Paint

This work shall consist of identifying, quantifying, removing and disposing of materials containing friable and/or non-friable asbestos prior to the demolition of improvements, and obtaining all necessary licenses, permits, certification, and other documents needed for the work. No grinding equipment that may expose asbestos-containing materials may be used.

CONSULTANT shall prepare a plan presenting the methods for removing, handling, transporting and disposing of friable or non-friable asbestos. Prior to submittal to the Project Manager, the local Air Quality Management District must approve the plans for friable asbestos. The submittal of these plans to the Southern California Air Quality Management District (SCAQMD) must occur 14 days prior to the start of work. This plan shall include identification of all Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OSHA) licenses, permits and certifications required for asbestos abatement work, removal, handling and transport.

All asbestos work and lead paint removal shall conform to federal, State and local laws governing the identification, preparation, workers, equipment, safety, monitoring, signing, fencing, removing, and hauling of friable and non-friable asbestos, and shall supply copies or information on all applicable licenses, permits, and notifications required by applicable laws and regulations.

In cleaning sites that involve asbestos removal, CONSULTANT must be properly licensed for such work. CONSULTANT shall be responsible for maintaining, monitoring, securing, and posting the site in accordance with all laws, regulations and permits required for asbestos abatement work. The CONSULTANT shall be provided with an asbestos report prior to starting the job, and will be required to provide the SBCTA manager with copies of all documents required for abatement and certification at the conclusion of the removal and disposal of asbestos.

CONSULTANT shall use a California Uniform Hazardous Waste Manifest, which will be signed by the Project Manager or his designee. Project Manager will supply the EPA Generator number for the CONSULTANT if necessary.

CONSULTANT shall use hazardous waste haulers having current registration with the California Department of Health Services (CDOHS), and shall have a U.S. EPA Identification Number (US EPA ID Number). All vehicles used to transport hazardous waste shall have a valid Certificate of Compliance affixed to the vehicle.

Asbestos containerized for transportation to a disposal site shall be appropriately labeled. CONSULTANT shall pay any disposal site charges.

Non-friable asbestos-containing material is to be considered hazardous waste. CONSULTANT shall take precautions during removal that it remains wet, breakage is minimized, minimal visual emissions are allowed, and it is not physically altered or powdered to result in the release of free asbestos fibers.

If the CONSULTANT discovers any asbestos-containing material or other hazardous waste not noted in the report provided by SBCTA, the CONSULTANT must stop work. The CONSULTANT must call the Project Manager and should give an estimate of cost for this unforeseen work. Said materials will be removed only after approval in writing by the Project Manager. The removal of unforeseen asbestos will comply with the requirements pertaining to removal and disposal of asbestos.

c) Hazardous and/or Toxic Waste or Materials

CONSULTANT shall immediately notify the Project Manager upon encountering any type of hazardous and/or toxic wastes or materials during the demolition and removal process. Project Manager will request an immediate site investigation by SBCTA's designated consultant.

Should it become necessary to terminate the demolition and removal process, CONSULTANT shall be compensated only for work in progress or actually completed. The amount of such compensation is to be determined by the Project Manager. No payment shall be made for delay or lost profits anticipated for uncompleted work.

Failure of the CONSULTANT to notify SBCTA of the presence of hazardous and/or toxic wastes or materials may result in legal liability to the CONSULTANT for all actual damages resulting to SBCTA.

d) Demolition and Clearance

CONSULTANT may be required to provide related demolition and clearance services, including but not limited to, demolition and clearance, removal of walls, fences, trees and shrubs, asbestos and lead based paint removal and disposal, site remediation of hazardous materials, and fencing or securing within 24 hours of Task Order execution. CONSULTANT shall work through a Demolition Contractor who shall furnish all labor, tools, materials and equipment necessary to provide routine and/or emergency demolition and clearance services for residential, commercial and industrial properties. In the performance of this task, CONSULTANT shall at all times comply with all applicable laws, decisions, ordinances, statutes, rules, and regulations of the U.S. Government, the State of California, and any political subdivision or public authority thereof, including without limitation, tax, labor, prevailing wage, safety, security and social security laws and regulations. In addition, CONSULTANT shall perform the services thereunder in a manner so as not to endanger the safety of any person or property.

CONSULTANT shall procure all permits and licenses, pay all charges and fees, and give all notices necessary for the due and lawful performance of work. CONSULTANT shall comply with the provisions of said statutes in obtaining such permits, licenses and other authorizations, and they shall be obtained in sufficient time to prevent delays to the work.

CONSULTANT shall preserve and protect all structures, equipment, and vegetation (such as trees, shrubs, and grass) adjacent to the work site, which is not to be removed and which does not unreasonably interfere with the work required under this contract.

CONSULTANT shall protect from damage all existing improvements and utilities near the work site and on adjacent property owned by a third party, the locations of which are made known to or should be known by the CONSULTANT. CONSULTANT shall repair any damage, at its own cost or expense, to those facilities, including those that are the property of a third party, resulting from failure to comply with the requirements of this contract or failure to exercise reasonable care in performing the work. If the CONSULTANT fails or refuses to repair the damage promptly, SBCTA may have the necessary work performed and charge the cost to the CONSULTANT.

e) Demolition and Clearance Special Provisions

All materials resulting from provision of demolition and clearance services shall become the property of the Demolition Contractor and shall be removed from the premises. Hazardous materials shall be disposed of in accordance with appropriate laws and regulations, including OSHA Construction Standard (29 CFR 1926.1101) and EPA National Emission Standards for Hazardous Air Pollutants (NESHAP 40 CFR Part 61 Subpart M).

Sewer capping shall be the first order of work. CONSULTANT shall disconnect and cap sewer lines at the property line or back of sidewalk. All sewer capping shall be subject to inspection by the responsible agency. CONSULTANT shall notify the responsible agency a minimum of 24 hours prior to capping the sewer. The excavation resulting from the sewer cap operation shall be covered until inspection by the responsible agency and immediately backfilled after inspection. CONSULTANT or his representative shall be on the site at the time the responsible agency inspects the sewer cap. Prior to starting demolition operations, CONSULTANT shall contact utility companies to verify the location of their service lines to be protected in place and/or verify removal of their service lines.

Prior to starting demolition operations adjacent to any public way, CONSULTANT shall erect a protection fence. A protection fence will not be necessary when the distance from the improvement to the public way is more than one-half the height of the improvement being demolished.

Where a protection fence is erected on a public sidewalk, a pedestrian walkway shall be

provided. The walkway and sidewalk shall meet the Code requirements established by the City/Jurisdiction where the project is located. The required width of the walkway shall be unobstructed.

No structural member in any level shall be demolished or removed until the level next above is completely removed, excepting Class "A" masonry and/or concrete improvements, subject to the approval of the responsible agency.

The cleaning of brick on the site is prohibited. CONSULTANT shall break the floor of and fill all basements, pits, and sumps, and backfill all excavations resulting from the removal operations.

CONSULTANT shall not proceed from one item of work to the next until the previous item is in non-hazardous condition and all combustible material has been removed.

CONSULTANT shall clear and grub all trees, shrubs and vegetation unless otherwise specified in a task order. Tree removal shall include removing the major root ball and backfilling the resulting excavations.

CONSULTANT shall not remove fencing adjoining improved property unless instructed to do so by the Project Manager.

Unless specifically stated otherwise in these provisions, SBCTA assumes no responsibility for conditions not evident at the time of bid openings or for subsequent change or damage of any nature to the improvements not within the control of the SBCTA.

The Project Manager reserves the right to remove such items from the improvements as deemed suitable before directing CONSULTANT to begin demolition operations.

f) Workmanship

The workmanship shall be in conformance with the building codes of the State, County, and city in which the work is being done. CONSULTANT shall conduct operations in such a manner to cause the least obstruction and/or inconvenience to the surrounding tenants and/or property owners.

It is the CONSULTANT's responsibility to notify the Project Manager to have all work inspected within 24 hours of work completion for final inspection of work. CONSULTANT shall leave each work site in a clean and neat condition, and shall haul away and legally discard any materials or debris caused by work actions from the job site, at no additional cost.

g) Coordination of Work with other SBCTA consultants.

As directed by SBCTA, CONSULTANT shall coordinate with other SBCTA staff and/or consultants for supplemental work (i.e., perform soil testing, environmental clean-up) required for the effective delivery of Measure I Program, other local, State, FTA and other federally funded programs. Fees charged by SBCTA staff and/or consultants shall be paid directly by SBCTA.

h) Estimated Time of Completion

Precise time frame for completion of work will be specified in the contract task order to be issued upon award of work. The exact time frame will depend on the volume and type of work, typically within 45 calendar days, including Southern California Air Quality Management District (SCAQMD) notification.

J. RELOCATION SERVICES

The CONSULTANT shall provide a Relocation Assistance Coordinator, as needed, to implement the Relocation Assistance Program (RAP) in accordance with applicable laws, regulations, and policies. Services may include, but are not limited to, the following:

1. Implement the Uniform Act and other requirements.
2. Prepare Relocation Impact Documents (RID), Replacement Housing Valuations, and other relocation planning documents.
3. Identify that sufficient consultants are available to perform the RAP requirements of the project, such that there is adequate time to spend with each displacee to ensure the appropriate level of advisory assistance is provided and that claims are processed in a timely manner.
4. Maintain communication with project team, including acquisition agents, SBCTA staff, and other team members.
5. Attend project coordination meetings.
6. Act as primary point of contact between displaced persons and businesses while coordinating with acquisition agents, SBCTA staff, and other staff as necessary.
7. Thoroughly understand the project, its impacts to the owner and tenants, and the need to acquire the property.
8. Conduct personal, on-site interview with displacee to ascertain relocation housing or business needs and special requirements.

9. Inform displacee of available relocation assistance services and benefits, and explain relocation process.
10. Provide displacee with ongoing advisory assistance to minimize hardship, including referrals to, and coordination with, community service resources, public housing, and other services, as necessary.
11. Prepare and distribute Informational Notices, Notices of Eligibility, 90-Day Notices to Vacate, and other notices and brochures, as may be required, in coordination with SBCTA staff.
12. Provide written referrals to comparable replacement housing or alternative business locations, and physically assist residential or business occupant in locating replacement properties, including transporting displacee to view replacement sites, if necessary.
13. Prepare replacement housing/down payment assistance entitlement reports for displacee.
14. Determine eligibility and proposed amount of relocation benefits, including moving payments and rental/down payment assistance.
15. Inspect replacement dwellings to determine if they meet decent, safe and sanitary requirements.
16. Prepare all applicable benefit claim forms, secure claimant's signatures, and submit claim forms to agency staff for processing and payment.
17. Monitor the move to replacement site, as necessary.
18. Deliver benefit checks and other appropriate payments to claimant, obtaining signed receipts for such payments.
19. Maintain necessary case documentation, including case diaries which will be submitted monthly.
20. Verify that all personal property has been removed from the acquired site prior to authorizing the payment of the moving entitlement.
21. Deliver completed relocation assistance files to SBCTA upon completion.
22. Coordinate increase of rental rates with SBCTA and/or FTA staff to ensure that increases for RAP eligible occupants are in accordance with rental policy for residential rental rates. Increases in rental rates for 90-day Occupants may drastically affect their entitlements.
23. Perform inspections of the real property just prior to or at the close of escrow to determine if the acquired items of realty are still on-site, and explain to the displacees who will remain in

occupancy that they are responsible for maintenance of the property until they vacate.

6. Describe grace period, if any, for businesses with rental agreement.

K. PROPERTY DISPOSITION

CONSULTANT shall assist SBCTA in the sale and disposition of property declared as excess land in accordance with California Government Code Sections 54220 *et seq.*

1. Following determination by SBCTA that the property(ies) is (are) excess land, CONSULTANT shall assist SBCTA with the 60-day public agency notification period for City and County agencies within the jurisdiction of the parcels for their specific, limited uses. CONSULTANT will prepare the agreement documents, coordinate the transaction with the parties and facilitate the closing of escrow. If no interest is expressed, the excess land will be offered on the open market.
2. In preparation for sale at the appropriate time, CONSULTANT will ensure that a new legal description is prepared for each remnant parcel, that the value has been determined by an appraisal, and that SBCTA has the ability to convey clear title to the excess land.
3. CONSULTANT will assist with advertising in trade magazines, provide on-site marketing signs, and perform site inspections prior to the auction for potential bidders. CONSULTANT will also provide an auctioneer and scribe, or an agent to open bids and record information if the auction is by sealed bid.
4. CONSULTANT will obtain a pre-approval letter and an earnest deposit from each bidder to be placed in an escrow account.
5. CONSULTANT will prepare Purchase Agreement, Bid Packages and Parcel Information Sheets. CONSULTANT will keep track of who has requested information and mail out information as appropriate to potential bidders.
6. CONSULTANT will prepare the necessary SBCTA Board of Directors resolutions authorizing the sale of the properties and approving the terms and conditions.
7. CONSULTANT will submit all documents to escrow and ensure that the transactions close.

L. RIGHT OF WAY CERTIFICATION

SBCTA intends to self-certify projects by having a Right of Way Certification prepared and completed in a format similar to the Caltrans Right of Way Manual. CONSULTANT shall prepare Certification Package from the files and documents necessary to complete the Right of Way Certification for SBCTA's review.

M. UTILITY RELOCATION COORDINATION

CONSULTANT shall provide a Utility Relocation Coordinator with knowledge and experience with local, State, and federal laws, policies, and procedures that deal with Utility Relocation to verify utilities, identify utility conflicts, coordinate utility relocation, and manage and track billings related to these activities for utilities in physical conflict or in violation of the Department's utility accommodation policy for transportation projects. Additionally, the Utility Relocation Coordinator shall be knowledgeable in liability determination for cost of utility relocation by understanding and using Master Contracts between Caltrans and other public agencies, and utility companies, California Streets and Highways Code, and statutes relating to the FTA and Caltrans. Services may include, but are not limited to, the following:

1. CONSULTANT shall establish files that document action taken or recommended.
2. Prepare estimates based on possible relocations. Update and revise the estimates when necessary.
3. Identify and verify all utility facilities lying within existing and proposed rights of way.
4. Coordinate all positive location requirements for all high/low risk utility facilities within the project limits.
5. Coordinate "avoidance" and relocation of facilities.
6. Assist in preparing and/or reviewing: encroachment exception requests, high/low risk policy exceptions, FTA or FHWA Request for Authorization packages, FTA or FHWA approval of Utility Agreements, portions of the Right of Way Data Sheets, portions of the R/W Certification document, where applicable.
7. Prepare Notices to Owners, Utility Agreements, and Encroachment Permits.
8. Verify relocation billings and process for payment when acceptable.
9. Represent SBCTA at meetings with utility companies.

N. RAILROAD COORDINATION

On an as-needed basis, CONSULTANT shall provide a railroad coordinator to lead the efforts required to provide clearance between the subject railroad and other agencies to perform design and construction activities. Other agencies may consist of SBCTA, Caltrans, FTA, County and/or cities. Services may include, but are not limited to, the following:

1. Coordinate with PM, SBCTA, and other agencies.

2. Schedule and coordinate meetings with the various agencies and the railroad.
3. Develop a schedule of activities required for clearance.
4. Monitor the activities and action items and report this to the right of way project manager regularly.
5. Prepare required documentation.

O. SBCTA STAFF AUGMENTATION

SBCTA staffing needs fluctuate and, depending on the workload, CONSULTANT may be asked to provide on-site staff augmentation at SBCTA premises.

Minute Action

AGENDA ITEM: 6

Date: April 11, 2019

Subject:

2019 Update to the 10-Year Delivery Plan - Valley Transit Programs

Recommendation:

Receive report and provide comments on the planned update to the 10-Year Delivery Plan for the San Bernardino Valley Metrolink/Rail Service Program and San Bernardino Valley Express Bus/Bus Rapid Transit Service Program.

Background:

The Strategic Plan serves as the policy manual for the delivery of Measure I Programs by the San Bernardino County Transportation Authority (SBCTA) and its member agencies for the 30-year life of the Measure. The Strategic Plan addresses significant policy, fiscal and institutional issues associated with the administration and implementation of Measure I; including managing the different goals and priorities among the Valley, Victor Valley and Rural Mountain/Desert Subareas of the County. One of the key requirements of the Strategic Plan was the preparation of a 10-Year Delivery Plan for Measure I Programs.

The Board adopted the first Measure I 2010-2040 10-Year Delivery Plan in January 2012. The Delivery Plan provides a list of projects to be developed during a ten-year period and identifies project scopes, schedules and budgets. Additionally, it provides a basis for the development of the annual budget for capital projects. The Delivery Plan is a living document that is updated every two years in order to capture revisions to the projects and assumptions in the plan, actual Measure I revenue figures, and relevant Board actions. Staff anticipates providing the 2019 Update in its entirety for review at the May Metro Valley Study Session and Mountain/Desert Policy Committee meetings and for approval by the Board of Directors in June.

Valley Metrolink/Rail Service Program

In accordance with the Measure I 2010-2040 Ordinance and Expenditure Plan, 8% of the Measure I revenue collected in the Valley Subarea funds the Valley Metrolink/Rail Service Program, which for Fiscal Year 2019/2020 is estimated to be about \$11.2 million. The Measure I Expenditure Plan and Strategic Plan identify increased service on the Metrolink line and facility improvements necessary for increased service for San Bernardino County, the purchase of expansion commuter rail passenger cars and locomotives, the Redlands Passenger Rail Project, and Gold Line Extension to Montclair as projects to be funded from this program. The 2017 Update to the 10-Year Delivery Plan included estimated Metrolink/Rail Service Program project and operations costs over the ten-year period of \$615 million for the following projects:

- Downtown San Bernardino Rail - \$122.9M
- Redlands Passenger Rail - \$345M (\$285.5M capital/\$59.5M operating)
- San Bernardino Line Double Track - \$73.9M
- Gold Line to Montclair - \$73.6M (\$70.4M capital/\$3.2M operating)

Entity: San Bernardino County Transportation Authority

The projects and operations were funded with \$196 million from Measure I, \$203 million from local funds, \$13 million from anticipated fare revenues and the balance from State and Federal funds. Since approval of the 2017 Update, construction was completed and service began on the Metrolink extension to downtown San Bernardino; construction has commenced on the Redlands Passenger Rail Project; and construction bids were received by the Gold Line Authority for the Gold Line extension to Montclair.

Along with the implementation of the Redlands Passenger Rail Project, SBCTA recognized an opportunity for alternative propulsion technology in an effort to produce a zero or low emission multiple unit (ZEMU) vehicle that could run on existing heavy rail infrastructure thus reducing greenhouse gas emissions and improving air quality while maximizing the use of our existing rail infrastructure. SBCTA was successful in securing a \$30 million Transit and Intercity Rail Capital Program (TIRCP) grant to conduct the research and development efforts necessary to convert diesel multiple unit (DMU) rail vehicles to ZEMU vehicles, purchase a converted vehicle, construct the necessary infrastructure to support the alternative propulsion technology, and test the converted vehicle on the Arrow service corridor.

The 2019 Update to the 10-Year Delivery Plan will include the current construction estimates and schedules for all four of these remaining projects, although the San Bernardino Line Double Track Project will continue to be listed as unfunded past preliminary engineering, and the Gold Line extension to Montclair will be dependent on the ability of the Los Angeles County Metropolitan Transportation Authority (Metro) to identify funding to extend the Gold Line to the San Bernardino County line. The table below provides an overview of the projects that have been identified for development in the 2019 Update and the current project status relative to the project scheduling and total project cost forecasts identified in the 2017 Update:

Table 1. Valley Metrolink/Rail Service Program Delivery Plan Project Status

Project	Schedule	Capital Cost	Phase
Downtown San Bernardino Rail	N/A	N/A	Complete
Redlands Passenger Rail Project	+1 yr	+70M	CON
San Bernardino Line Double Track*	+2 yr	+1M	On hold – pending funding
Gold Line to Montclair	+2.5 yr	+25M	Design-Build, L.A. County**
DMU to ZEMU	N/A	N/A	Research & Development

*PA/ED complete - funding not identified past PA/ED

**Pending Metro identifying funds to complete to L.A./S.B. County Line

Although Redlands Passenger Rail Project costs have increased since initial estimates, the project has received over \$82 million in SB 1 funding, including \$75 million from SB 1 competitive programs, namely \$65 million from the Solutions for Congested Corridors Program (SCCP) and \$10.8 million from the Local Partnership Program (LPP competitive), which offset the assumed Federal Small Starts grant in the 2017 Update. Other State, Federal and local funds have been approved by the Board to offset the balance of the cost increase. Construction of the mainline of the Redlands Passenger Rail Project, consisting of nine miles of new passenger rail line, will start in June 2019.

The Gold Line Extension Project was awarded over \$290 million of TIRCP funds in an application submitted by Metro, including \$41 million for the portion within San Bernardino County from the Los Angeles County line to Montclair that closed the funding gap identified in the 2017 Update. Although funding for the project was thought to be secured, the design-build bids came in significantly higher than estimated and the project construction is now being phased. Funding for the eastern end of the project to the Los Angeles County/San Bernardino County line has not yet been identified by Metro; therefore, the portion within San Bernardino County is anticipated to be delayed by approximately two and a half years. As part of the phasing plan, Metro has a two-year period to exercise its option to complete the project to the county line under its current construction contract. Due to the increased costs, SBCTA has an estimated \$15.2 million funding gap for the San Bernardino County portion of the project. However, SBCTA remains committed to funding its share if Metro is able to find the funding and exercise its option to complete the construction to the county line. If it is determined that the San Bernardino County phase will be constructed, SBCTA will bring funding options before the Board to fully fund the project.

Valley Express Bus/Bus Rapid Transit Service

In accordance with the Measure I 2010-2040 Ordinance and Expenditure Plan, the Valley Express Bus/Bus Rapid Transit Service initially received 2% of revenue collected in the Valley until March 31, 2020. Beginning ten years after initial revenue collection, the Measure I Expenditure Plan requires the SBCTA Board of Directors to increase the amount of Measure I revenue dedicated to the program to at least 5%, but no more than 10%, of the Valley Subarea funding. On January 9, 2019, the Board took action to set the revenue at 5% effective April 1, 2020. Program revenue for Fiscal Year 2019/2020 is estimated to be about \$2.8 million.

Just prior to adoption of the 2017 Update, the SBCTA Board designated SBCTA as the lead agency for delivery of the West Valley Connector Project, which included completion of the environmental studies that had been initiated by Omnitrans; as such, the 2017 Update did not contain any project funding or schedule detail. Environmental approval is currently anticipated in December 2019. As project development has continued, the project cost was determined to be significantly higher than the original estimate, and it is projected a relatively large number of riders will be existing riders shifting from existing service rather than new riders, resulting in less new fare revenue and much higher operations and maintenance (O&M) costs than originally considered. Because O&M is expected to be funded by future Measure I revenue, increases to O&M costs require more future Measure I revenue to be reserved, which lowers the bonding capacity of the program for capital costs. The current estimated capital project cost for the project is \$286 million with an estimated funding gap of \$157 million.

Revenue Forecast for Metrolink/Rail Service and Express Bus/Bus Rapid Transit Service

The 2017 Delivery Plan assumed that revenue would be increasing at 3.3% per year through the ten-year period and then 3.8% through 2040. The proposed inflation and real growth rate for the 2019 Update is between 3.3% and 3.6% through 2029 and then between 3.0% and 3.5% through 2040 based on a study completed in December 2018 by the University of California, Riverside School of Business. Because the 2019 Update starts with a lower base value as a result of slightly lower revenue than forecast in the interim years and lower rates going forward, the

cumulative collections are less than those in the 2017 Update, decreasing the \$6.8 billion total revenue in the 2017 Update to \$6.5 billion projected in the 2019 Update. A comparison of the forecasts in the 2017 Update to those in the 2019 Update is presented in Tables 2 and 3.

**Table 2. Valley Metrolink/Rail Service Program Revenue Comparison
 2017 Update vs 2019 Update (1,000s)**

Period	2017 Update	2019 Update	Change
FY2010/2011 - 2018/2019	\$85,805	\$85,518	-\$287
FY2019/2020 - 2028/2029	\$132,766	\$131,200	-\$1,566
FY2010/2011 - 2039/2040	\$430,107	\$418,741	-\$11,366

**Table 3. Valley Express Bus/Bus Rapid Transit Service Program Revenue Comparison
 2017 Update vs 2019 Update (1,000s)**

Period	2017 Update	2019 Update	Change
FY2010/2011 - 2018/2019	\$21,451	\$21,380	-\$71
FY2019/2020 - 2028/2029	\$78,684	\$77,780	-\$904
FY2010/2011 - 2039/2040	\$232,346	\$225,424	-\$6,922

Bonding Analysis

The bonding analysis for the 2019 Update is being developed with the following criteria:

- Minimum agency-wide debt coverage ratio: 2.0
- Individual programs must have a positive cash flow over the term of the bond.
- Bond interest rate: 5%
- Latest bond issuance: still under analysis

As in previous Delivery Plans there will be a need to bond for the Valley Metrolink/Rail Service Program and, if full funding is found for the West Valley Connector, for the Valley Express Bus/Bus Rapid Transit Service Program. Staff is anticipating the need to bond beginning in Fiscal Year 2020/2021 and will recommend short-term financing or cash flow borrowing between Measure I Programs where possible to minimize bond costs.

It is important to note that although SBCTA will not be responsible for providing on-going O&M for the rail and bus capital projects, the subsidies for these services must come from SBCTA sources. While the Metrolink extension to downtown San Bernardino is part of the Metrolink system and funded through the annual subsidy, separate agreements with multiple agencies are required for the extension to Redlands and for the Gold Line extension. The bonding model is being developed with the assumption that O&M costs incurred for the Gold Line extension and by Southern California Regional Rail Authority will be funded with LTF, which is the current funding source for Metrolink operations, and O&M costs incurred by Omnitrans for rail will be funded with Measure I Metrolink/Rail Service Program Funds, after an initial 5-year contribution of \$5 million annually of Congestion Mitigation and Air Quality

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(CMAQ) funds. CMAQ funds can be used for initial operations of new transit service for up to 5 years, and by Board Policy 40001, CMAQ funds shall be considered as a significant source to fund transit capital projects and start-up operating expenses in accordance with CMAQ criteria. SBCTA continues to identify appropriate funding sources for long-term operations when considering the funding of future capital projects and the sustainability of the fund source. Consequently, funding for certain capital projects, like the West Valley Connector, are dependent on identifying additional capital grants/funding sources while SBCTA first takes into account the Measure I funds available for operations before considering them for capital.

Financial Impact:

This item is consistent with the adopted Fiscal Year 2018/2019 budget.

Reviewed By:

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

Responsible Staff:

Andrea Zureick, Director of Fund Administration

Approved
Transit Committee
Date: April 11, 2019

Witnessed By:

San Bernardino County Transportation Authority

Minute Action

AGENDA ITEM: 7

Date: April 11, 2019

Subject:

Transit and Specialized Transportation Planning Services

Recommendation:

That the Transit Committee recommend the Board, acting as the San Bernardino County Transportation Authority:

Approve Contract No. 19-1001998 with AMMA Transit Planning for Transit and Specialized Transportation Services in a not-to-exceed amount of \$480,000 for three years with two one-year options.

Background:

On January 7, 2019, the Executive Director authorized the advertisement of Request for Proposals (RFP) No. 19-1001998 for transit and specialized transportation planning services. The RFP was sent electronically to approximately 268 consultants registered on Planet Bids. The solicitation was issued in accordance with current San Bernardino County Transportation Authority (SBCTA) policies and procedures for procurement of professional services.

The anticipated budget for this procurement, based on the Independent Cost Estimate submitted, was \$480,000 for three years and is funded by Transportation Development Act (TDA) funds. One proposal was received by the date and time specified in the RFP. A responsiveness review was conducted by the Procurement Analyst, who found the proposal to be responsive. Fifty-three firms downloaded the RFP from PlanetBids: two of the teams were working together on a proposal, a few marked themselves as non-bidders and others were plan room/advertisers. The Procurement Analyst contacted the remaining 43 firms that downloaded the RFP but did not submit a proposal to find out the reason they did not submit. Out of the 43 contacted, 13 have responded. Ten of the firms indicated they do not do this type of work; two firms did not have any local staff to work on the project; and one firm said they have not been successful in past proposals with SBCTA, so they have not bid on SBCTA projects in a while.

On February 14, 2019, the one proposal was disseminated to all evaluation committee members. A copy of the Score Sheets and the Declaration of Impartiality and Confidentiality form were also distributed to the evaluation committee members. The evaluation committee was comprised of two SBCTA staff members and one representative from Morongo Basin Transit Authority.

The evaluation committee members met on February 26, 2019, to discuss the proposal according to the evaluation criteria, including the proposal's strengths and weaknesses. Additionally, AMMA Transit Planning gave a presentation to the evaluation committee members in conjunction with their proposal. The proposal and presentation strengths included: a detailed and expansive work plan; a work plan that was consistent with the RFP scope of work (Attachment A); staff with relevant experience; and the proposal was easy to read and follow. The evaluation committee did not find any weaknesses within the proposal.

The evaluation committee recommends that the contract to perform the scope of work as outlined in the RFP No. 19-1001998 be awarded to AMMA Transit Planning. The firm clearly
Entity: San Bernardino County Transportation Authority

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demonstrated a thorough understanding of the scope of work and proposed an overall solid team. Staff is requesting approval to award Contract No. 19-1001998 to AMMA Transit Planning in a not-to-exceed amount of \$480,000 for three years, with two one-year options, to be funded with TDA Local Transportation Fund (LTF) administrative and planning funds.

Financial Impact:

This item is consistent with SBCTA Fiscal Year 2018/2019 budget.

Reviewed By:

This item is not scheduled for review by any other policy committee or technical advisory committee. SBCTA's General Counsel, Procurement Manager and Risk Manager have reviewed this item and the draft contract.

Responsible Staff:

Nancy Strickert, Management Analyst III

Approved
Transit Committee
Date: April 11, 2019

Witnessed By:

San Bernardino County Transportation Authority

General Contract Information

Contract No: 19-1001998 Amendment No.: _____ Sole Source? No

Vendor No.: 00130 Vendor/Customer Name: AMMA Transit Planning

Description: Transit and Specialized Transit Planning

Estimated Start Date: 07/01/2019 Expiration Date: 06/30/2022 Revised Expiration Date: _____

List Any SBCTA Related Contracts Nos.: _____

Dollar Amount

Original Contract	\$	480,000.00	Original Contingency	\$	-
Prior Amendments	\$	-	Prior Amendments	\$	-
Current Amendment	\$	-	Current Amendment	\$	-
Total/Revised Contract Value	\$	480,000.00	Total Contingency Value	\$	-
Total Dollar Authority (Contract Value and Contingency)					\$ 480,000.00

Contract Authorization

Board of Directors _____ Date: 05/01/2019 Committee _____ Item # _____

Contract Management (Internal Purposes Only)

Payable _____ Other Contracts _____ N/A _____

Accounts Payable

Total Contract Funding: \$ 480,000.00						Total Contingency: \$ -					
GL:	1030	30	0309	0309	52001	41200000	216,000.00	GL:			-
GL:	1035	30	0309	0309	52001	41200000	264,000.00	GL:			-
GL:							-	GL:			-
GL:							-	GL:			-
GL:							-	GL:			-
GL:							-	GL:			-
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Accounts Receivable

Total Contract Funding: \$ -						Reversion Date: _____					
Funding Agreement No: _____											
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-
GL:						-	GL:				-

Nancy Strickert

Project Manager (Print Name)

Andrea Zureick

Task Manager (Print Name)

Additional Notes:

Attachment: Contract Summary Sheet 19 1001998 (5185 : Transit and Specialized Transportation Planning Services)

Attachment A

Exhibit A

Scope of work:

1. Consultant Services – The Consultant shall be responsible for supporting SBCTA’s public and specialized transportation planning efforts including the following:

a. Providing support to the Public and Specialized Transit Advisory and Coordinating Council, including preparing and mailing/distribution of meeting agenda notices and providing support materials and services.

b. Collect data from transit operators and non-profits to create an Annual Countywide Performance Report.

c. Assist in conducting the annual Transportation Development Act Unmet Transit Needs Public Hearings, including mailing of hearing notices, attending hearings, summarizing testimony received and developing responses to the testimony, notifying those testifying of the responses and when the formal findings will be adopted, and coordinating with SBCTA in preparing the annual submittal of the Unmet Transit Needs Public Hearing process to the State.

d. Distribute information to eligible agencies for the Federal Transit Administration (FTA) Section 5310 Capital Grant Program, assist potential applicants, convene the Local Review Panel to review and score applications, develop a list of projects recommended for approval and programming by the Board of Directors.

e. Provide technical assistance for Title VI to SBCTA’s transit providers and non-profits.

f. Provide technical assistance and documentation for SBCTA’s Civil Rights Program. This will include Title VI, Disadvantaged Business Enterprise Program (DBE) and Equal Employment Opportunity Program to ensure on an ongoing basis that the agency is meeting all requirements under all local, state and federal laws, specifically to the FTA.

g. Provide technical assistance to public and specialized transit operators with respect to the implementation of the Americans with Disabilities Act to ensure compliance, monitor legal issues and proposed regulatory changes.

h. Coordinate and represent SBCTA with state and national specialized transit organizations.

i. Assist in the development of services and/or programs recommended in the Public Transit/Human Services Transportation Coordination Plan, including the review of competitively sought proposals for the recommended services and/or programs.

j. Provide technical assistance with Short Range Transit Plans to public and specialized transit operators as requested by SBCTA.

k. Monitor transit and specialized transit initiatives including training for general public and human services providers.

l. Provide general technical assistance to public and specialized transit operators as requested by SBCTA.

TRANSIT COMMITTEE ATTENDANCE RECORD – 2019

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Bill Jahn City of Big Bear Lake		X	X									
Frank Navarro City of Colton		X	X									
Larry McCallon City of Highland		X	X									
Aquanetta Warren City of Montclair			X									
Alan Wapner City of Ontario		X	X									
L. Dennis Michael City of Rancho Cucamonga												
Deborah Robertson City of Rialto			X									
David Avila City of Yucaipa		X	X									
Ray Marquez City of Chino Hills		X	X									
John Dutrey City of Montclair		X	X									
Dawn Rowe Board of Supervisors												
John Valdivia City of San Bernardino												

Communication: Attendance (Additional Information)

X = Member attended meeting. X* = Alternate member attended meeting Empty box = Member did not attend meeting.
 Crossed out box = Not a member at the time shaded box=The Transit Committee did not meet

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist Board Members and partners as they participate in deliberations at 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. 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

Acronym List

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
SRTP	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.

Approved June 2, 1993
Reaffirmed March 6, 1996