



## ADMINISTRATIVE & FINANCE COMMITTEE

MONDAY, SEPTEMBER 9, 2013 – 11:00 A.M.

OMNITRANS METRO FACILITY

1700 WEST 5TH STREET

SAN BERNARDINO, CA 92411

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 Recording Secretary at least three (3) business days prior to the Committee Meeting. The Recording Secretary's telephone number is 909-379-7110 (voice) or 909-384-9351 (TTY), located at 1700 West Fifth Street, San Bernardino, California. If you have comments about items on the agenda or other general concerns and are not able to attend the meeting, please mail them to Omnitrans at 1700 West Fifth Street, San Bernardino, California, Attention Board Secretary. Comments may also be submitted by email to [BoardSecretary@omnitrans.org](mailto:BoardSecretary@omnitrans.org).

### A. CALL TO ORDER

### B. ANNOUNCEMENTS/PRESENTATIONS

1. Next Committee Meeting: **Tuesday**, October 15, 2013, at 11:00 a.m.  
Omnitrans Metro Facility Board Room

### C. COMMUNICATIONS FROM THE PUBLIC

This is the time and place for the general public to address the Board for items that are not on the agenda. In accordance with rules applicable to meetings of the Administrative & Finance Committee, comments on items not on the agenda and on items on the agenda are to be limited to a total of three (3) minutes per individual.

### D. POSSIBLE CONFLICTS OF INTEREST ISSUES

Disclosure – Note agenda items 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 in the appropriate item.

### E. AGENDA ITEMS

- |   |    |
|---|----|
| 1. Approve Administrative & Finance Committee Minutes – August 12, 2013   | 2  |
| 2. Receive & File Forward Fuel Purchase Program Update for September 2013   | 6  |
| 3. Receive & Forward to Board of Directors, Construction Progress Report No. 20 through August 22, 2013 – sbX E Street Corridor BRT Project | 10 |
| 4. Review and Forward to Board of Directors, Adopt Revisions to Procurement Policy 4000-1, Formal Procurement Procedures                    | 24 |

### F. ADJOURNMENT

N/A

ITEM #       E1      

**ADMINISTRATIVE & FINANCE COMMITTEE  
MINUTES  
August 12, 2013**

The Administrative & Finance Committee meeting was called to order by Chair Pat Morris at 11:00 a.m. on August 12, 2013.

Committee Members Attending

Mayor Pat Morris, City of San Bernardino – Chair  
Mayor Paul Eaton, City of Montclair  
Councilmember Frank Gonzales, City of Colton  
Vice Mayor Ed Graham, City of Chino Hills  
Supervisor Gary Ovitt, County of San Bernardino  
Councilmember Dick Riddell, City of Yucaipa  
Mayor Pro Tem John Roberts, City of Fontana  
Mayor Walt Stanckiewicz, City of Grand Terrace  
Councilmember Alan Wapner, City of Ontario

Committee Members Absent

Mayor Pro Tem Paul Foster, City of Redlands

Omnitrans Staff

Scott Graham, Interim CEO/General Manager  
Diane Caldera, Interim Director of Operations  
Wendy Williams, Director of Marketing  
Sam Gibbs, Director of Internal Audit Services  
Jack Dooley, Director of Maintenance  
Don Walker, Director of Finance  
Ray Lopez, Director of Safety & Security  
Marjorie Ewing, Director of Human Resources  
Jennifer Sims, Director of Procurement  
Oscar Tostado, Maintenance Manager  
Tech Loh, Engineering Services Manager  
Maurice Mansion, Treasury Manager  
Dennice Raygoza, Sr. Contracts Administrator  
Joanne Cook, Contracts Administrator  
Vicki Osborne, Assistant to CEO/General Manager  
Carol Angier, Administrative Secretary

**C. Communication From the Public**

None.

**D. Possible Conflict of Interest Issues**

None

**E. Agenda Items**

1. Approve Administrative & Finance Committee Minutes of July 8, 2013

M/S (Riddell/Roberts) to approve the minutes of the July 8, 2013 Committee meeting. Motion was unanimous by members present.

2. Receive & File Forward Fuel Purchase Program Update for August 2013

Director of Finance Walker said 45 percent of the natural gas fuel is hedged through June 2014 to offset the cost of fuel. For FY14, the fuel budget was increased from \$0.88 to \$0.92 to compensate for the increase in CNG fuel prices. There was a gain of \$1,375 for August and a favorable variance of \$15,399 through August. There was a total loss from February 2012 to August 2013 of \$47,133 on the hedge, with an unrecognized gain of \$44,888 from September 2013 through June 2014.

This was a receive and file agenda item.

3. Receive & Forward to Board of Directors, Construction Progress Report No. 19 through July 15, 2013 – sbX E Street Corridor BRT Project

Chair Morris said that a couple of weeks ago, there was a Letter to the Editor in the *San Bernardino Sun* regarding problems with the road paving along the sbX corridor. On Sunday, Interim CEO/General Manager Graham published a response to the letter that answered all concerns.

Engineering Services Manager Loh said that all the asphalt work on E Street and Hospitality Lane will be completed by the mid-September. The project is on time, on budget, and revenue start date will be April 30, 2014. The sbX bus stations are 70 percent completed. The sbX station at Cal State San Bernardino is completed with all equipment installed and power supplied to the station. Only Verizon connections remain to be done at that location. The construction team will be completing the other stations within the next few months. The FTA quarterly meeting will be held the end of this month, and current and updated construction schedules will be supplied at that meeting.

Member Graham asked about security at sbX bus stations. Engineering Services Manager Loh said Cal State has their own police force, and they will provide security at that station. The sbX team and Omnitrans Safety & Security staff are working with the San Bernardino Police Department to determine the best way to provide security at the other stations. Until the construction is completed, the construction company is responsible for security at the stations and other locations. Chair Morris asked when the art work will be installed at the sbX stations, and Engineer Service Manager Loh said installing the art will be the last step in the process. Chair Morris asked if the security cameras at the college station are working. Engineer Services Manager Loh said they are, and images are being sent to the Omnitrans facility to monitor.

Engineering Services Manager Loh said in September, the sbX articulated buses will be tested to ensure they are all working properly. Member Wapner said the signage at the center divider on Hospitality Lane is difficult to see. Engineering Services

Manager Loh said his staff will be meeting with the City Engineer to determine the best way to modify the signage at that location.

Member Graham asked if the Vehicle Maintenance Facility (VMF) is behind schedule. Engineering Services Manager Loh said substantial completion of the VMF will be completed by April 22, 2014, and revenue service starts April 30. There were 26 "rain days" in the VMF schedule, and staff is negotiating a reduction of those days to get the VMF time table back on track.

This was a receive and file agenda item.

4. Receive and Forward to Board of Directors, FTA Procurement System Review Final Report and Corrective Action Plan

Director of Procurement Sims said in April the FTA Procurement System Review (PSR) was conducted. The PSR consultants reviewed 44 contracts and analyzed 60 system-wide and individual elements defined in FTA Circular 4220.1F. The draft report was sent to Omnitrans in May listing 32 deficiencies. Omnitrans disagreed with four of the deficiencies, but FTA did not remove any of the challenged deficiencies. Eighteen of the deficiencies were regarding training, and all necessary staff has received the required training to date. One deficiency necessitated a revision to Procurement Policy 4000 related to Piggyback/Intergovernmental agreements. This revised policy will be presented to this Committee in September and to the full Board in October. All deficiencies will require an internal audit within 30 days of the PSR Final Report, which will be done by Director of Internal Audit Services Gibbs.

Chair Morris said he expected some deficiencies in the PSR, but is concerned about the amount of deficiencies found. Director of Procurement Sims said the VMF contract was done after the sbX contract, and only one deficiency was found for that contract. Chair Morris asked about the Out of Scope changes on the sbX contract. Director of Procurement Sims said Omnitrans will be meeting with FTA to discuss ways to resolve the current issues, but this will not occur in the future, as staff has received training on this. Director of Procurement Sims said that the sbX contract contained a 15 percent markup on all time and material change orders, which made this a cost plus percentage of cost type contract. FTA prohibits this type of contract. All change orders have to be negotiated independently. Omnitrans will amend the contract, training was conducted, and compliance will be verified by the Internal Audit. Staff has been working with FTA to find an alternate solution for this issue in the hope that FTA does not give an unfavorable determination requiring Omnitrans to pay for these items with another source of funds.

Member Graham asked how many deficiencies were related to the sbX contract. Director of Procurement Sims said 19 were for sbX. There was some discussion among Committee members that future BRT construction projects would be best for SANBAG to oversee, with Omnitrans providing the bus service. Member Graham asked about the deficiency related to sole source contracts awarded. Director of Procurement Sims said many of these awards were done in 2008 under the prior PSR, but training has been conducted to alleviate confusion on FTA-funded versus non-FTA-funded procurements.

Member Wapner said in 2008, both Omnitrans and SANBAG were going through some major changes, which may have affected the way the sbX contract was managed. Also, many of the Procurement staff then is no longer working at

Omnitrans. The Committee commended Director of Procurement Sims on getting the Agency back on track in the right direction.

5. Recommend Approval to Board of Directors, Adopt Revisions to Personnel Policy #701, Substance Abuse

Director of HR Ewing said staff was attempting to meet all FTA requirements on Substance Abuse in this policy, but found the "self-identification" portion to be confusing. Therefore, it was left out. A recent arbitration decision stipulated that the self-identification need to be put back in with non-FTA language. As an arbitrator's decision is binding, this has been done.

M/S (Ovitt/Eaton) to recommend approval to the Board of Directors, adoption of proposed changes to Personnel Policy #701, Substance Abuse, effective September 4, 2013. Motion was unanimous by members present.

6. Receive & Forward to Board of Directors, Summary of Risk Assessment Results and Fiscal Year 2014 Internal Audit Workplan

Director of Internal Audit Services Gibbs said he reviewed the areas at Omnitrans that had the highest risk assessment, especially Procurement and cash handling, to develop his FY2014 internal Audit Workplan. He said he is very familiar with the FTA procurement requirements, and he will audit the contracts to ensure they are being followed. Chair Morris asked how often he meets with the Interim CEO/General Manager. Director of Internal Audit Services Gibbs said he meets with him monthly, but can meet with him more frequently if warranted. Member Graham asked for an opinion of Omnitrans fuel hedge. Director of Internal Audit Services Gibbs said the purpose of the fuel hedge was to mitigate high fuel costs, and that has been successful in providing more certainty for the fuel budget. Member Graham asked how often reports will be given to this Committee and the Board. Director of Internal Audit Services Gibbs said reports will be given on a quarterly basis.

The Administrative & Finance Committee meeting adjourned at 12:09 p.m. The next Administrative & Finance Committee Meeting is scheduled for September 9, 2013 at 11:00 a.m., with location posted on the Omnitrans website and at Omnitrans' San Bernardino Metro Facility.

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Carol Angier, Recording Secretary

ITEM # E2

**DATE:** September , 2013

**TO:** Committee Chair Patrick Morris and  
Members of the Administrative and Finance Committee

**THROUGH:** P. Scott Graham, Interim CEO/General Manager

**FROM:** Donald Walker, Director of Finance

**SUBJECT: DIRECTOR OF FINANCE'S REPORT ON FORWARD FUEL  
PURCHASES FOR SEPTEMBER 2013**

### **FORM MOTION**

Receive and file Director of Finance's report on forward fuel purchases for September 2013. This program was implemented on May 6, 2009, to increase the predictability of Omnitrans costs and reduce operational uncertainty in the event of dramatic fuel price increases in the open market.

### **BACKGROUND**

This report is submitted in order to comply with the requirements of the Omnitrans Forward Fuel Purchase Policy and Procedure. The report highlights activities taken under the Board action of November 2011 authorizing staff to hedge up to 150,000 gallons per month of CNG on the NYMEX exchange through Morgan Stanley. The report includes a summary of the hedge that has been established, an estimate of the monthly variance to be recognized in the Agency's financials, and may include articles on significant matters that have impacted the market for CNG. The current hedge fixes the price of approximately 45% of the Agency's natural gas through June of 2014. Staff will make a recommendation on whether or not to extend the hedge within the next nine months.

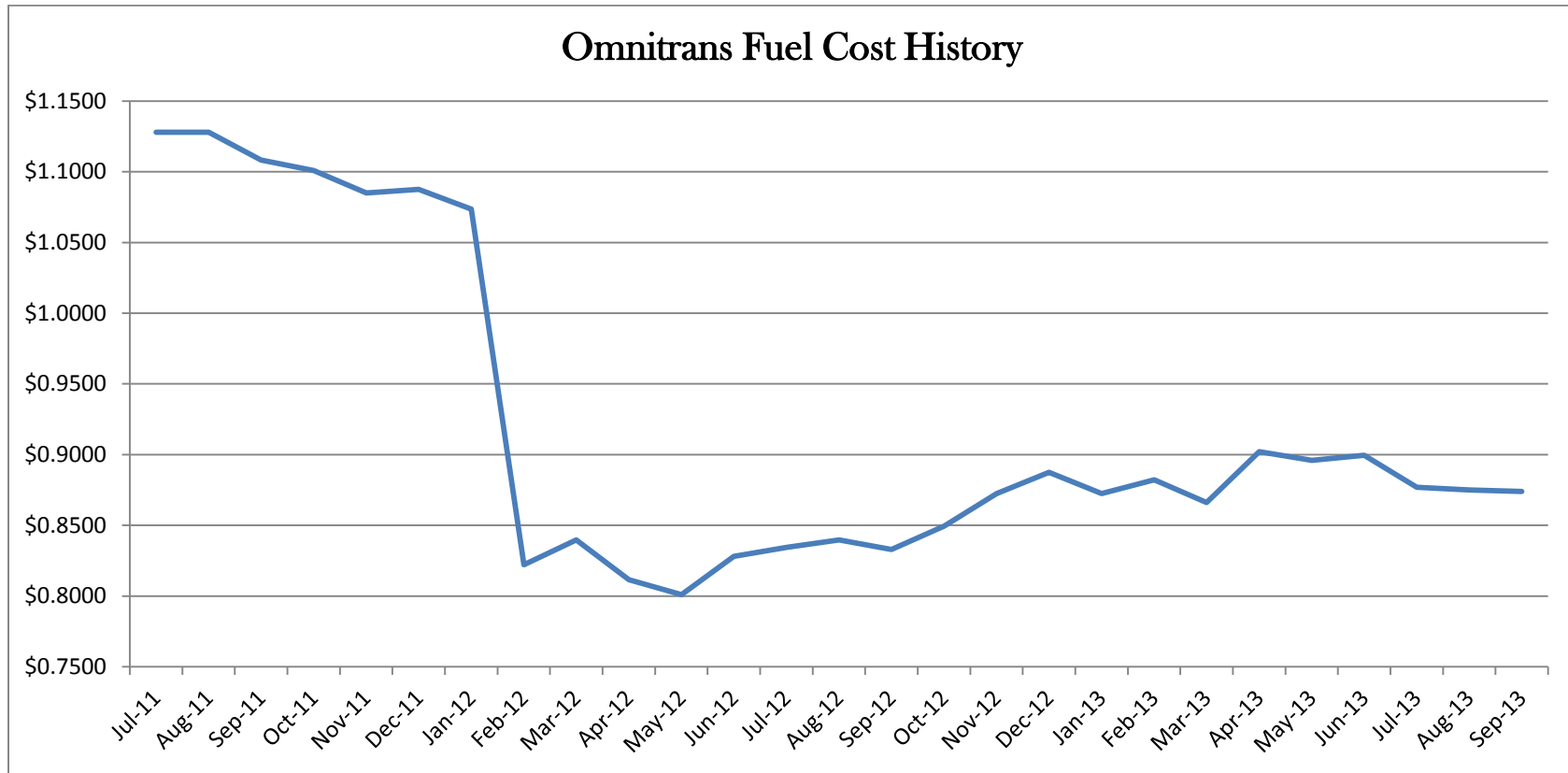
Omnitrans has increased its fuel budget from \$.88 to \$.92 for FY2014, as CNG prices in the market have increased. The September 2013 contract closed above the hedge price. The Agency will record a profit on our futures position for the month of September and that gain will offset a portion of the fuel costs that will be reflected in the Agency's P&L for August 2013.

The net price that will be used for Omnitrans' August fuel purchases will reflect a price of \$.8739 per gallon including CNG at the So Cal Index price, the gain on the hedge position, liquefaction, delivery, and sales tax. (Note: We do not hedge the index differential. The gain on the hedge is based on the Henry Hub index. Clean Energy prices our deliveries off the SoCal

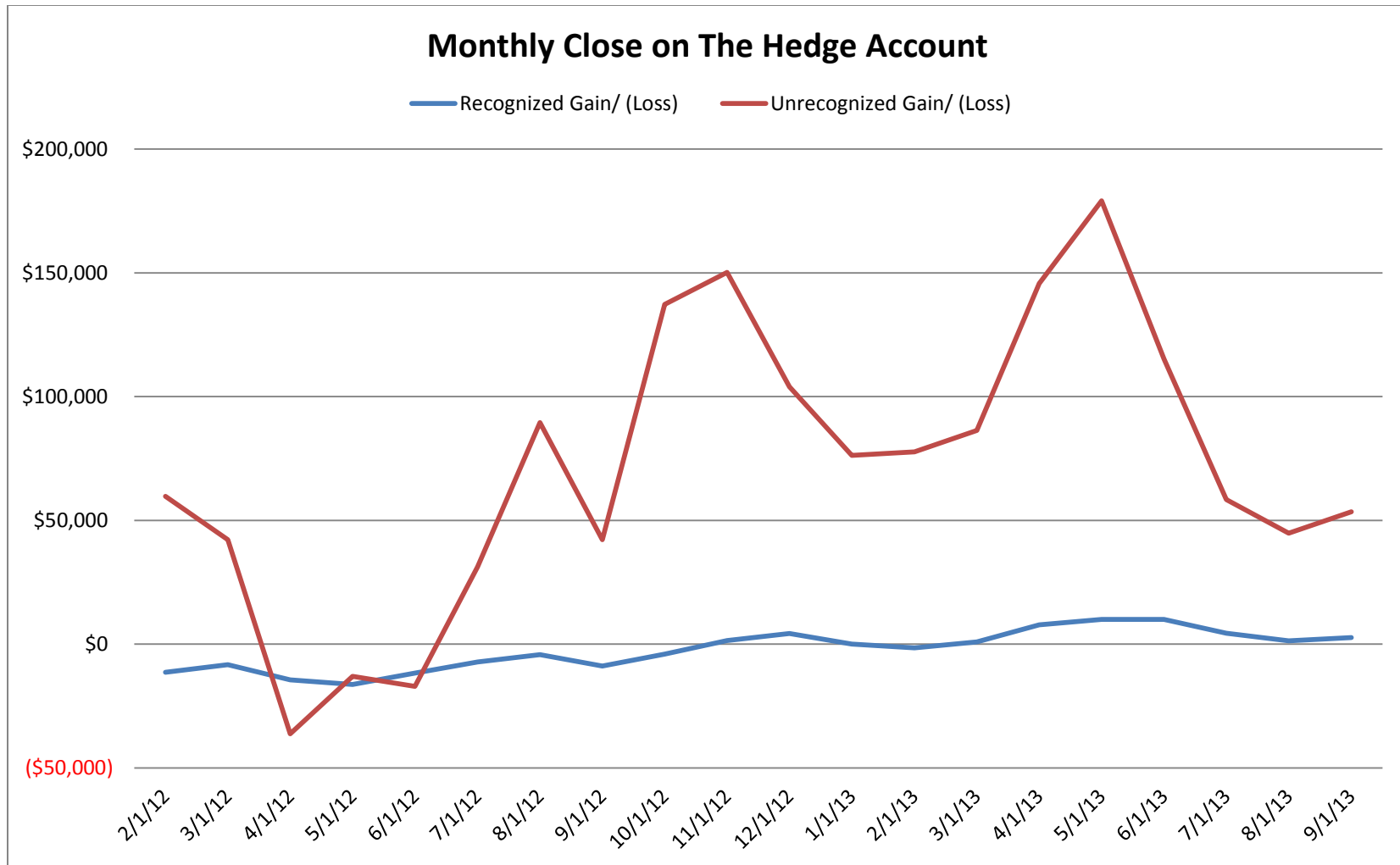
index. In September, the SoCal Index settled slightly above Henry Hub.) This price is after recognition of the monthly gain on the hedge position in the amount of \$2,725.

Omnitrans will recognize a favorable budget variance in the CNG account of approximately \$15,672 in the month of September 2013. Omnitrans has recognized a total loss of <\$44,444> on settled hedge positions; February 2012 through September 2013. The Agency has an unrecognized gain of \$53,513, on positions that remain open; October 2013 through June 2014. The forward market is anticipating that CNG fuel prices in the future will remain above the price levels of the Omnitrans hedge.

PSG:dw







ITEM #           E3          

**DATE:** September 9, 2013

**TO:** Committee Chair Patrick Morris and  
Members of the Administrative & Finance Committee

**THROUGH:** P. Scott Graham, Interim CEO/General Manager

**FROM:** Milind Joshi, sbX Program Manager

**SUBJECT:** **CONSTRUCTION PROGRESS REPORT NO. 20 THROUGH  
AUGUST 22, 2013 - sbX E STREET CORRIDOR BRT PROJECT**

**FORM MOTION**

Receive and recommend to the Board of Directors for receipt and file Construction Progress Report No. 20 for the sbX E Street Corridor BRT Project through August 22, 2013.

**BACKGROUND**

This is Construction Progress Report No. 20 for the sbX E Street Corridor Project.

**CONCLUSION**

Receive and recommend to the Board of Directors for receipt and file Construction Progress Report No. 20 for the sbX E Street Corridor BRT Project through August 22, 2013.

PSG:MJ

Attachment



## **sbX E Street Corridor Bus Rapid Transit (BRT) Project**

### **Construction Progress Report No. 20**

**As of August 22, 2013**

**Submitted By:**

**JACOBS**

Contractor:	SBX Corridor - Griffith/Comet VMF – USS Cal Builders
Contractor Contract No.:	IPMO11-5
Project Manager:	Roger Hatton, P.E.
Resident Engineer	Karim Varshochi, P.E. (Corridor) Anni Larkins, P.E. (VMF)
Omnitrans Construction Manager:	Andres Ramirez



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## **I. PROJECT STATUS SUMMARY**

### **A. Project Description – sbX Corridor**

The sbX E Street Corridor BRT Project is a 15.7-mile-long transit improvement project that will connect the northern portion of the City of San Bernardino with the City of Loma Linda. Over the past four years, the sbX E Street Corridor Bus Rapid Transit (BRT) Project has evolved as the highest priority corridor identified in the System-Wide Transit Corridor Plan for the San Bernardino Valley.

The Refined LPA includes:

- 15.7 mile corridor
- 5.4 miles of exclusive center-running BRT lanes
- 10.3 miles of mixed flow BRT operation
- 16 BRT station locations, 6 center stations and 10 curb stations
- 23 station boarding structures
- 4 park-and-ride facilities with a total of 610 parking spaces
- Transit signal priority (TSP) applications at select key intersections

### **B. Summary Status Update – sbX Corridor**

In August construction continued on the platforms; installing pavers at the North Mall and Hunts Lane stations, as well as, placing base for paver installation at the Carnegie and Tippecanoe stations.

Completed construction of the center running lanes on Hospitality Lane between Carnegie West and Tippecanoe and started construction of center running lanes on E Street from Rialto Avenue to 10th Street.

Contractor continued installation of electrical equipment for stations and traffic signals, as well as irrigation and landscaping work on E Street between 6th Street and 2nd Street.

In Loma Linda, pavement striping took place for new asphalt and concrete.

### **C. Accomplishments – sbX Corridor**

- Verizon completed the relocation of manhole at Baseline and E Street for the north bound station.
- Began energizing SCE services to stations.
- 94 COR's have been approved and executed.

**D. September Work – sbX Corridor**

Work planned for September is as follows:

- Continue energizing SCE services to stations.
- Construct two catch basins along the south side of Hospitality Lane.
- Complete center running lanes E Street between Rialto Avenue and 10<sup>th</sup> Street.
- Start Construction of Baseline Station and site work.
- Construct sewer at Court Station.
- Start construction of Court Station.

**E. Project Description – Vehicle Maintenance Facility (VMF)**

The Omnitrans' Vehicle Maintenance Facility is a 4.4-acre facility which maintains and services the Omnitrans' bus fleet which is comprised of over 160 buses. Modifications to Omnitrans' facility include the demolition of a bus washing station, removal of abandoned underground fuel tanks and new construction of a bus washing system, a new Genset building, 3-lane CNG fueling station, and re-configuring bus parking area. Modifications to the maintenance building will be made in order to accommodate Omnitrans' 60-foot articulated bus fleet.

**F. Summary Status Update – Vehicle Maintenance Facility (VMF)**

In August 2013, the Contractor completed work at the temporary fuel island (Building D). Pre-functionality testing and commissioning started on August 16, 2013, in preparation for turnover to the Agency. It is expected that Bldg. D will be ready for turnover effective August 30, 2013. Coordination meetings were held in August 2013 to ensure Building D, and all IT components, CCTV cameras and associated items are operational for turnover to the Agency.

The 1,000 gallon unleaded fuel tank was filled and functionality tested, Agency personnel trained, and turned over to the Agency effective July 25, 2013.

Change Order No. 13 for design changes to the lift locations, and associated electrical and mechanical components, at the Maintenance Building (Building A) was approved on August 2, 2013. Overhead work started on August 5, 2013 and is currently ongoing.

The Contractor completed reinforcing steel placement and slab thickness revisions to the thirty-yard trash compactor pad per Change Order No. 14. Concrete poured on August 22, 2013.

Contractor continued construction of the metal stud framing, drywall, and rough-in electrical work at the new Battery Room at Building A. Installation of the drain pipe for the emergency eyewash/shower in the storage room was also completed and concrete was placed in the battery room pit.

**G. Accomplishments – Vehicle Maintenance Facility (VMF)**

- Completed installation of all light poles in the parking lot in July 2013.
- Successfully tested and turned over 1,000 gallon unleaded AST to the Agency effective July 25, 2013.
- Completed work at the Temporary Fuel Island (Bldg D), and started testing and commissioning for turnover to the Agency; expected turnover by August 30, 2013.
- Started overhead utility work in Maintenance Building A on August 2, 2013. Work is ongoing.
- The new lifts for the maintenance pits in Bldg. A delivered in August 2013.

**H. September Work – Vehicle Maintenance Facility (VMF)**

In September 2013 the Contractor is expected to continue work at Maintenance Bldg. A, including completion of overhead utilities and start of demolition of the pits.

Pending successful commissioning and turnover of the temporary fuel island (Building D) in late August 2013, the Contractor plans to start demolition work at the existing fuel island (Building C).

**II. PROJECT SCHEDULE**

The CM team and the Contractors are using the latest scheduling tools (Primavera V. P6) available to manage the project schedule.

Due to the actual field conditions (SBX Corridor and the VMF), many construction activities were re-sequenced, resulting in several revisions in the baseline schedules submitted. As a proactive approach, the CM team has created an internal schedule as a guiding tool used to monitor and manage the construction progress.

**Based on the latest updates, the CM team is confident of commencing Revenue Services Operations on April 30, 2014.**

**A. Summary of Project Schedule – sbX Corridor**

The preliminary July schedule update was submitted on August 9, 2013. The Jacobs and Omnitrans CM team began review of the schedule in anticipation of the official cost loaded schedule submitted on August 20, 2013.

The CM team is currently continuing review of the schedule and shall submit comments to the contractor by August 27, 2013.

**B. Summary of Project Schedule – Vehicle Maintenance Facility (VMF)**

The Contractor submitted its combined June/July 15, 2013 Monthly Schedule Update on July 24, 2013. The monthly update was reviewed and returned "For Record Purposes Only – Make Corrections Noted" on August 6, 2013. The submitted project schedule includes approximately 160-calendar days of negative float projecting a Substantial Completion Date of May 18, 2014;

however, current progress and proactive assessment of upcoming work and durations, and potential risks, is ongoing to ensure further delays can be avoided.

The Agency, Contractor and CM Team are collectively working on identifying options to negotiate time impacts incurred to date, and implement options to ensure timely completion of the work relative to the Revenue Start Date (RSD) of April 30, 2014.

### **III. REQUESTS FOR INFORMATION (RFIs), SUBMITTALS, AND NON-CONFORMANCE REPORTS (NCRs)**

#### **A. sbX Corridor**

To date, the CM team has met the required timelines and no delay has come about as a result of submittal and RFI responses.

Total RFIs – 926	Total Submittals – 727	Total NCRs - 20
Total Open – 24	Total Open – 19	Total Open - 5

Weekly RFI meetings held every Tuesday morning.  
Weekly NCR meetings held every Thursday morning.

#### **B. Vehicle Maintenance Facility (VMF)**

To date, the CM team has met the required timelines and no delay has come about as a result of submittal and RFI responses.

Total RFIs – 126	Total Submittals – 275	Total NCRs – 6
Total Open – 3	Total Open – 12	Total Open – 3

### **IV. SAFETY**

The project team considers safety to be the utmost priority. As such, the entire project team works towards a “no-lost time” goal on a daily basis.

SbX Corridor - As of July 16, 2013 there are 306,456 “no-lost time” hours.  
VMF - As of July 16, 2013 there are 5572 “no-lost time” hours.

### **V. PROJECT BUDGET AND COST**

#### **TOTAL PROGRAM BUDGET**

BUDGET AS OF JULY 31, 2013

Approved Budget	\$191,706,000
Cost to Date	\$119,528,405
Estimate to Complete	\$ 72,177,595
Estimate at Completion	\$187,395,958



**SBX CORRIDOR PROJECT COSTS - AS OF JULY 31, 2013**

	<b>CURRENT AUTHORIZED</b>	<b>CURRENT INVOICES PAID</b>	<b>REMAINING CONTRACT BALANCE</b>
Jacobs	\$11,852,647	\$5,713,251	\$6,139,396
Parsons	\$18,097,876	\$16,841,566	\$1,256,310
Griffith/Comet	\$80,226,664	\$50,195,537	\$30,031,127
Total	\$110,177,187	\$72,750,354	\$37,426,833

**VMF CORRIDOR PROJECT COSTS - AS OF JULY 31, 2013**

	<b>CURRENT AUTHORIZED</b>	<b>CURRENT INVOICES PAID</b>	<b>REMAINING CONTRACT BALANCE</b>
STV Inc.	\$1,046,132	\$901,757	\$144,375
USS Cal Builders	\$11,228,896	\$2,027,562	\$9,201,334
Total	\$12,275,028	\$2,929,319	\$9,345,709

**SBX CORRIDOR CONTRACT TIME**

<b>Activity</b>	<b>Days</b>	<b>Date</b>
Notice to Proceed		11/21/11
Calendar Days per Original Contract	730	
Original Completion Date		12/21/13
Calendar Days Completed as of August 22, 2013	631	
CCO Time Extension to Date	0	
Required Completion Days/ Date as of August 22, 2013	99	12/21/13
Forecasted Completion Date as of August 22, 2013		TBD*
Percent Time Elapsed	86%	

**VMF CONTRACT TIME**

<b>Activity</b>	<b>Days</b>	<b>Date</b>
Notice to Proceed		12/10/12
Calendar Days per Original Contract	425	
Original Completion Date		02/08/14
Calendar Days Completed as of August 22, 2013	255	
CCO Time Extension to Date	0	
Required Completion Date as of August 22, 2013	177	02/08/14
Forecasted Revenue Start Date as of August 22, 2013		04/30/14
Percent Time Elapsed	60%	

**\* CONSTRUCTION COMPLETION DATE WILL BE AVAILABLE UPON COMPLETION OF THE SCHEDULE UPDATE.**

**CHANGE ORDERS****SBX CORRIDOR CONTRACT CHANGE ORDERS - As of July 22, 2013**

<b>Change Order Status</b>	<b>Amount Approved</b>
Approved Change Orders	\$15,219,061
Pending Change Orders	\$3,260,428
Potential Change Orders	\$3,119,035
<b>Total</b>	<b>\$21,598,524</b>

**VMF CONTRACT CHANGE ORDERS - As of July 22, 2013**

<b>Change Order Status</b>	<b>Amount</b>
Approved Change Orders	\$556,847
Pending Change Orders	\$35,250
Potential Change Orders	\$1,436,526
<b>Total</b>	<b>\$2,028,623</b>

**Note:** Currently, pricing for Potential Change Orders are estimated based on Rough Order of Magnitude pending designer plans or final submittal of pricing by the contractor.

Upon the approval of the final to date schedule, an analysis will be completed to determine the effect of the change orders on the scheduled completion date.

## VI. Project Photographs

### SBX CORRIDOR PROGRESS PHOTOS



1. Pot holing for utilities at Anderson/Redlands Park-N-Ride in Loma Linda.



2. Connecting a hose bib to the potable water line at Highland Avenue and E Street.

**VMF PROGRESS PHOTOS**

1. Reinforcing steel being set for the new trash compactor pad west of the Maintenance Facility (Building A)



2. CIMG7828 = Testing of the Fleetwatch and GFI systems at the Temporary Fuel Island (Building D)

**IPMO/sbX Project Cost Report**  
**Period Ended 7/31/13**

Description	Current Budget	Expenditures \$	%	Remaining Budget	Estimate to Complete	Estimate at Completion	Budget Forecast Variance
BRT Construction	84,637,000	50,271,880	59.4%	34,365,120	36,973,658	87,245,538	(2,608,538)
Vehicle Maintenance Facility (VMF) Construction	8,131,000	2,027,562		6,103,438	12,493,905	14,521,467	(6,390,467)
Vehicles - Design & Manufacturing	16,628,000	14,800,861	89.0%	1,827,139	1,537,869	16,338,730	289,270
ROW Acquisition Services	10,357,000	10,774,663	104.0%	(417,663)	963,737	11,738,400	(1,381,400)
3rd Party Utilities Design & Relocation	1,003,000	967,520	96.5%	35,480	138,597	1,106,117	(103,117)
BRT Design	17,849,400	16,841,566	94.4%	1,007,834	1,256,310	18,097,876	(248,476)
VMF Design	1,007,600	916,157	90.9%	91,443	529,775	1,445,932	(438,332)
Other Professional, Technical & Management Services	34,020,000	22,928,196	67.4%	11,091,804	13,973,702	36,901,898	(2,881,898)
<b>SUB-TOTAL</b>	<b>173,633,000</b>	<b>119,528,405</b>		<b>54,104,595</b>	<b>67,867,553</b>	<b>187,395,958</b>	<b>(13,762,958)</b>
Unallocated Contingency	18,073,000	-		18,073,000	4,310,042	4,310,042	13,762,958
<b>TOTAL</b>	<b>191,706,000</b>	<b>119,528,405</b>	<b>62.3%</b>	<b>72,177,595</b>	<b>72,177,595</b>	<b>191,706,000</b>	<b>-</b>



**IPMO/sbX Project  
Through 7/31/13**

Standard Cost Category (SCC)	Description	Approved Current Budget	Expenditures \$ %	Remaining Budget	Estimate to Complete	Estimate at Completion	Budget Forecast Variance
<b>10</b>	<b>GUIDEWAY &amp; TRACK ELEMENTS</b>	<b>19,725,000</b>	<b>10,384,927 52.6%</b>	<b>\$ 9,340,073</b>	<b>\$ 7,989,581</b>	<b>\$ 18,374,508</b>	<b>\$ 1,350,492</b>
	Guideway: At-grade semi-exclusive (allows cross-traffic)	\$ 18,353,000	8,916,355 48.6%	\$ 9,436,645	\$ 7,198,908	\$ 16,115,263	\$ 2,237,737
10.02							
10.03	Guideway: At-grade in mixed traffic	\$ 1,372,000	1,468,572 107.0%	\$ (96,572)	\$ 790,673	\$ 2,259,245	\$ (887,245)
<b>20</b>	<b>STATIONS, STOPS, TERMINALS, INTERMODAL</b>	<b>14,917,000</b>	<b>7,483,530 50.2%</b>	<b>\$ 7,433,470</b>	<b>\$ 6,852,549</b>	<b>\$ 14,336,079</b>	<b>\$ 580,921</b>
	At-grade station, stop, shelter, mall, terminal, platform	14,917,000	7,483,530 50.2%	\$ 7,433,470	\$ 6,852,549	\$ 14,336,079	\$ -
20.01							
<b>30</b>	<b>SUPPORT FACILITIES: YARDS, SHOPS, ADMIN. BLDGS</b>	<b>\$ 8,131,000</b>	<b>2,027,562 24.9%</b>	<b>\$ 6,103,438</b>	<b>\$ 12,493,905</b>	<b>\$ 14,521,467</b>	<b>\$ (6,390,467)</b>
	Light Maintenance Facility	\$ 4,265,000	1,575,416 36.9%	\$ 2,689,584	\$ 9,606,114	\$ 11,181,530	\$ (6,916,530)
30.02							
30.05	Yard and Yard Track	\$ 3,866,000	452,146 0.0%	\$ 3,413,854	\$ 2,887,791	\$ 3,339,937	\$ 526,063
<b>40</b>	<b>SITework &amp; SPECIAL CONDITIONS</b>	<b>34,271,000</b>	<b>19,984,166 58.3%</b>	<b>\$ 14,286,834</b>	<b>\$ 8,349,693</b>	<b>\$ 28,333,859</b>	<b>\$ 5,937,141</b>
	Demolition, Clearing, Earthwork	\$ 4,741,000	281,559 5.9%	\$ 4,459,441	\$ 174,000	\$ 455,559	\$ 4,285,441
40.01							
40.02	Site Utilities, Utility Relocation	\$ 4,993,000	7,502,466 150.3%	\$ (2,509,466)	\$ 2,786,947	\$ 10,289,413	\$ (5,296,413)
	Site structures including retaining walls, sound walls	\$ 90,000	67,969 75.5%	\$ 22,031	\$ 98,283	\$ 166,252	\$ (76,252)
40.05							
40.06	Pedestrian / bike access and accommodation, landscaping	\$ 6,925,000	1,901,746 27.5%	\$ 5,023,254	\$ 2,279,370	\$ 4,181,116	\$ 2,743,884
	Automobile, bus, van accessways including roads, parking lots	\$ 3,601,000	3,286,560 91.3%	\$ 314,440	\$ 960,789	\$ 4,247,349	\$ (646,349)
40.07							
40.08	Temporary Facilities and other indirect costs during construction	\$ 13,921,000	6,943,866 49.9%	\$ 6,977,134	\$ 2,050,304	\$ 8,994,170	\$ 4,926,830
<b>50</b>	<b>SYSTEMS</b>	<b>\$ 16,727,000</b>	<b>13,386,778 80.0%</b>	<b>\$ 3,340,222</b>	<b>\$ 6,977,899</b>	<b>\$ 20,364,677</b>	<b>\$ (3,637,677)</b>
	Traffic signals and crossing protection	\$ 10,810,000	5,361,429 49.6%	\$ 5,448,571	\$ 1,109,248	\$ 6,470,677	\$ 4,339,323
50.02							
50.05	Communications	\$ 4,210,000	5,322,729 126.4%	\$ (1,112,729)	\$ 2,971,271	\$ 8,294,000	\$ (4,084,000)
50.06	Fare collection system and equipment	\$ 1,707,000	2,702,620 158.3%	\$ (995,620)	\$ 2,897,380	\$ 5,600,000	\$ (3,893,000)
	Pending Change Orders				\$ 5,259,231	\$ 5,259,231	\$ (5,259,231)
	Risk				\$ 1,683,300	\$ 1,683,300	\$ (1,683,300)
	<b>Construction Subtotal (10-50)</b>	<b>93,771,000</b>	<b>53,266,963 56.8%</b>	<b>\$ 40,504,037</b>	<b>\$ 49,606,158</b>	<b>\$ 102,873,121</b>	<b>\$ (9,102,121)</b>
<b>60</b>	<b>ROW, LAND, EXISTING IMPROVEMENTS</b>	<b>\$ 6,532,000</b>	<b>\$ 5,847,342 89.5%</b>	<b>\$ 684,658</b>	<b>\$ 1,251,923</b>	<b>\$ 7,099,265</b>	<b>\$ (567,265)</b>
	Purchase or lease of real estate	\$ 6,327,000	5,749,978 90.9%	\$ 577,022	\$ 1,144,287	\$ 6,894,265	\$ (567,265)
60.01							
60.02	Relocation of existing households and businesses	\$ 205,000	97,364 47.5%	\$ 107,636	\$ 107,636	\$ 205,000	\$ -
<b>70</b>	<b>VEHICLES</b>	<b>\$ 16,628,000</b>	<b>\$ 14,800,861 89.0%</b>	<b>\$ 1,827,139</b>	<b>\$ 1,537,869</b>	<b>\$ 16,338,730</b>	<b>\$ 289,270</b>
	Bus	\$ 15,448,000	14,800,861 95.8%	\$ 647,139	\$ 630,821	\$ 15,431,682	\$ 16,318
70.04							
70.06	Non-revenue vehicles	\$ 250,000	- 0.0%	\$ 250,000	\$ -	\$ -	\$ 250,000
70.07	Spare parts	\$ 930,000	- 0.0%	\$ 930,000	\$ 907,048	\$ 907,048	\$ 22,952
<b>80</b>	<b>PROFESSIONAL SERVICES</b>	<b>56,702,000</b>	<b>45,613,239 80.4%</b>	<b>\$ 11,088,761</b>	<b>\$ 15,471,603</b>	<b>\$ 61,084,842</b>	<b>\$ (4,382,842)</b>
	Preliminary Engineering	\$ 12,921,000	12,876,525 99.7%	\$ 44,475	\$ 17,502	\$ 12,894,027	\$ 26,973
80.01							
80.02	Final Design	\$ 7,261,000	6,658,638 91.7%	\$ 602,362	\$ 1,480,278	\$ 8,138,916	\$ (877,916)
	Project Management for Design and Construction	\$ 15,997,000	9,472,278 59.2%	\$ 6,524,722	\$ 5,250,423	\$ 14,722,701	\$ 1,274,299
80.03							
80.04	Construction Administration & Management	\$ 6,632,000	5,713,251 86.1%	\$ 918,749	\$ 6,139,397	\$ 11,852,648	\$ (5,220,648)
	Professional Liability and other Non-Construction Insurance	\$ 1,112,000	- 0.0%	\$ 1,112,000	\$ 500,000	\$ 500,000	\$ 612,000
80.05							
80.06	Legal; Permits; Review Fees by other agencies, cities, etc.	\$ 10,596,000	10,892,547 102.8%	\$ (296,547)	\$ 1,338,003	\$ 12,230,550	\$ (1,634,550)
80.07	Surveys, Testing, Investigation, Inspection	\$ 1,463,000	- 0.0%	\$ 1,463,000	\$ 25,000	\$ 25,000	\$ 1,438,000
80.08	Start up	\$ 720,000	- 0.0%	\$ 720,000	\$ 721,000	\$ 721,000	\$ (1,000)
	<b>Subtotal (10-80)</b>	<b>\$ 173,633,000</b>	<b>\$ 119,528,405 68.8%</b>	<b>\$ 54,104,595</b>	<b>\$ 67,867,553</b>	<b>\$ 187,395,958</b>	<b>\$ (13,762,958)</b>
<b>90</b>	<b>UNALLOCATED CONTINGENCY</b>	<b>18,073,000</b>	<b>- 0.0%</b>	<b>\$ 18,073,000</b>	<b>\$ 4,310,042</b>	<b>\$ 4,310,042</b>	<b>\$ 13,762,958</b>
	<b>Subtotal (10-90)</b>	<b>191,706,000</b>	<b>119,528,405 62.3%</b>	<b>\$ 72,177,595</b>	<b>\$ 72,177,595</b>	<b>\$ 191,706,000</b>	<b>\$ -</b>
<b>100</b>	<b>FINANCE CHARGES</b>	<b>-</b>	<b>-</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
	<b>TOTAL PROJECT COST (10-100)</b>	<b>191,706,000</b>	<b>119,528,405 62.3%</b>	<b>\$ 72,177,595</b>	<b>\$ 72,177,595</b>	<b>\$ 191,706,000</b>	<b>\$ -</b>

ITEM #       **E4**      

**DATE:** September 9, 2013

**TO:** Committee Chair Patrick Morris and  
Members of the Administrative and Finance Committee

**THROUGH:** P. Scott Graham, Interim CEO/General Manager

**FROM:** Jennifer M. Sims, Director of Procurement

**SUBJECT: ADOPT REVISIONS TO OMNITRANS PROCUREMENT POLICY 4000-1, FORMAL PROCUREMENT PROCEDURES**

**FORM MOTION**

Review and recommend adoption to the Board of Directors revisions to Omnitrans' Procurement Policy 4000-1, Formal Procurement Procedures, to become effective October 2, 2013.

**BACKGROUND**

The Common Grant Rule (49 C.F.R. § 18.36(b)(5), provides that “grantees and subgrantees are encouraged to enter into State and local intergovernmental agreements for procurements of common goods and services,” however, the Federal Transit Administration (FTA) no longer authorizes State and local intergovernmental agreements to be used by grantees. The FTA revised Circular 4220.1F on March 18, 2013, recognizing joint procurements as the only type of intergovernmental agreement suitable for use.

Accordingly, Omnitrans' Procurement Policy 4000-1, Formal Procurement Procedures, has been updated to support the revised FTA C 4220.1F. Minor edits have also been made for consistency with the online bidding system and to eliminate duplication with Procurement Policy 2010 (Emergency & Non-Competitive Procurements), and Procurement Procedures 2060-1 (Emergency Procurements), and 4050-1(Non-Competitive & Sole Source Procurement). Upon approval by the Board of Directors, Omnitrans will have fully complied with the FTA's recommendations as detailed in the Procurement System Review Final Report.

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Attachment





## Procurement Procedures Manual

Procedure 4000-1

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### FORMAL PROCUREMENT PROCEDURES

#### Overview

Approved by Omnitrans Board of Directors  
Date Approved: ~~October 2, 2013~~ ~~January 9, 2002~~  
~~Admin. & Finance Committee~~  
~~Approval: May 8, 2006~~  
~~Revised October 15, 2007~~  
~~Revised: September 2009~~

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## 1. OVERVIEW

1.1. Procurements requiring a formal procurement process are defined as the following:

1.1.1. Requirements for goods or services to be purchased exceeding \$100,000.00 per acquisition, or per contract period including option years. These requirements include:

1.1.1.1. Rental/lease payments;

1.1.1.2. Maintenance service contracts including option years; and,

1.1.1.3. Construction projects.

1.1.2. **NOTE:** Purchases in excess of \$25,000.00, but not greater than \$100,000.00 per award shall not require formal authorization for release from Omnitrans' Board of Directors. All purchases in excess of \$100,000.00, however, shall require the use of formal procurement processes, including authorization for release of solicitation from Omnitrans' Board of Directors.


## 2. EXCEPTIONS

2.1. There are situations in which procurements that would otherwise meet the requirements for the formal procurement process are exempt. See Policy 2010, Emergency & Non-Competitive/Sole Source Procurement, for more information on exceptions to the formal procurement process.

## 3. DEFINITION OF COMMON TERMS


3.1. Competitive Procurements exceeding \$100,000.00

3.1.1. Competitive Procurements for purchases with an aggregate value exceeding \$100,000.00, including exercise of all option years, require a formal procurement process. All formal procurements require full and open competition. Formal procurement methods (sealed bid/competitive proposals) must be utilized and most procurements of this nature are subject to federal/state requirements. Board approval is required prior to the start of the procurement process and also to award a contract. Technical specifications/scope of work and/or any other specific requirements shall be prepared by the requesting department and submitted to the Procurement Department. The Procurement Department will prepare and publicly release an Invitation for Bid (IFB) or a Request for Proposal (RFP), as appropriate. (See Procedure 4060-1 and 4070-1 for further discussion). IFBs/RFPs are publicly advertised in newspapers of general circulation in addition to being emailed directly to the sources ~~listed~~ registered in Omnitrans' vendor database. Competitive procurements are also posted online via Omnitrans'

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<p>FORMAL PROCUREMENT PROCEDURES</p> <p>Overview</p>	<p>Approved by Omnitrans Board of Directors</p> <p>Date Approved: <del>October 2, 2013</del> January 9, 2002</p> <p><del>Admin. &amp; Finance Committee</del></p> <p>Approval: May 8, 2006</p> <p>Revised October 15, 2007</p> <p>Revised: September 2009</p>
<p><del>websiteonline bidding system.</del></p> <p>3.1.2. The threshold requirements, as outlined above, apply to the aggregate purchase amount of the required goods or services. It is not Omnitrans' policy to separate related costs for the express purpose of avoiding the competitive bid process.</p> <p>3.2. Non-Competitive (Sole Source) Procurement</p> <p>3.2.1. Under certain conditions, non-competitive or "sole source" procurements may be authorized for the acquisition of goods and/or services. In all cases, all sole source procurements will be supported by a properly prepared Sole Source Justification <del>and Approval Worksheet (Attachment A)</del> See Policy 2010 and 2060-1 and 4050-1).</p> <p><del>3.2.1 To allow Omnitrans to expediently and adequately respond to public emergencies. In such cases, the Board of Directors may approve the award of a contract or issuance of a purchase order to a single source. (See Policy 2010 and Procedures 2060-1 and 4050-1 for details on parameters and definitions.) Documents fully explaining the emergency will be filed.</del></p> <p><del>3.2.1.1 The item is available only from a single source and no other supplies or services can satisfy the requirement</del></p> <p><del>3.2.1.2 The FTA authorizes non-competitive negotiations.</del></p> <p><del>3.2.1.3 Lack of adequate competition (see FTA Circular 4220.1F, Section VI.3.i.2.a, page VI-16)</del></p> <p>3.3. Intergovernmental Procurement Agreements</p> <p><del>3.3.1. To foster economy and efficiency, Omnitrans may enter into State and local intergovernmental or interagency agreements for procurement or use of common goods and services. FTA recognizes joint purchases to be the only type of intergovernmental agreement suitable for use by its grantees and subgrantees. Omnitrans may also plan procurements in advance with other governmental users, and competitively award contracts in which several governmental entities may draw upon to meet their needs. This approach creates economies of scale, reduces procurement lead times and reduces administrative effort and expense. The requirements and standards of this manual apply to these agreements.</del></p> <p><del>3.3.2. All FTA and Federal Requirements apply. When obtaining property or services in this manner, Omnitrans must ensure all Federal requirements, required clauses, and certifications (including Buy America) are properly followed and included, whether in the master intergovernmental contract or in</del></p>	

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<p><u>Omnitrans' purchase document.</u></p> <p><u>3.3.1.3.3.3. When buying from these schedules, Omnitrans should obtain Buy America certification before entering into the purchase order.</u></p> <p>3.4. Options</p> <p>3.4.1. Option items may be included in contracts entered into by Omnitrans. An option is a unilateral right in a contract by which, for a specified time, Omnitrans may elect to purchase additional equipment, supplies, or services called for in the contract, or may elect to extend the term of the contract. If Omnitrans chooses to use options, the requirements below apply:</p> <p>3.4.1.1. Evaluation of options</p> <p>3.4.1.1.1. To all extent possible, Project Managers or owning departments will test how the exercise of contract options contribute to the fulfillment of Omnitrans' strategic plan. Further instructions are found in Procedure 6021 (see Attachment B).</p> <p>3.4.1.1.2. Option quantities or periods in a vendor's offer will be evaluated as part of the entire offer. When options are not reviewed as part of the original evaluation process, the exercise of such options will be considered a sole source procurement.</p> <p>3.4.1.2. Exercise of Options</p> <p>3.4.1.2.1. Options are to be included in the terms and conditions of the initial contract award document.</p> <p>3.4.1.2.2. Omnitrans must ensure that the exercise of an option is in accordance with the terms and conditions of the option provisions stated in the initial contract awarded.</p> <p>3.4.1.2.3. Options will not be exercised without the determination that the option price is better than current market offerings or without the determination that exercising the option is the most advantageous for the Agency at the time of its exercise.</p> <p>3.4.1.2.4. As of May 2002, the FTA has rescinded its five-year contract term limitation for some FTA-funded contracts, including "revenue contracts". Good procurement practice requires that Omnitrans enter into contract terms no longer than is minimally necessary to accomplish the</p>	

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## Procurement Procedures Manual

Procedure 4000-1

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### FORMAL PROCUREMENT PROCEDURES

#### Overview

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purpose of the contract. Therefore, it remains the general practice of Omnitrans to contract for terms not exceeding a five (5) year period, inclusive of options.

#### 3.5. Federal General Service Administration (GSA) Schedules

3.5.1. Under certain circumstances, Omnitrans may be permitted to make purchases through Federal GSA supply schedules in accordance with GSA published procedures as outlined in the Best Practices Procurement Manual. The Procurement Department will determine if the proposed procurement can utilize existing GSA schedules.

~~3.5.1.~~3.5.2. Procurement will obtain the required offers from at least three sources, analyze the prices for reasonableness, and seek a lower than published price when necessary.

#### 3.6. Procurement Department Files


3.6.1. The Procurement Department maintains a procurement History file which provides an audit trail from the initiation of a purchasing requirement through contract closeout. Where appropriate, the files will include documentation such as, the requisitions, independent cost estimate, list of sources solicited, specifications/scope of work, original solicitation, amendments, proposals, bid evaluation results, determination that price is fair and reasonable, contract or purchase order, change orders, Board agendas, copies of public notices, insurance documents, evidence of performance/payment or other bond documents, notice of award, notice to proceed and all other related correspondence.

#### 3.7. Geographic Restrictions

3.7.1. Omnitrans will not use geographic preferences in the award of contracts except in the case of procurement of architectural and engineering (A&E) services, where knowledge of local conditions and building codes is a relevant factor in the quality of the A&E services.


#### 3.8. Progress Payment

3.8.1. In some circumstances, Omnitrans may enter into contracts that require the use of progress payments. Progress payments shall only be made to the contractor for costs incurred in the performance of the contract. In addition, the Agency must obtain title to the property (materials, work in progress, finished goods) for which the progress payments are made. The Agency does not participate in funding payments (advance payments) to a contractor prior to the incurrence of costs by the contractor.

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<p>3.9. Solicitation Mailing List</p> <p>3.9.1. In addition to the general requirement for full and open competition (publicly advertised solicitations), the Agency maintains a bidders list of eligible and qualified vendors who have expressed an interest in receiving solicitations. The bidders list contains the names, addresses and point of contact for entities that will receive the solicitation. Firms responding to the publicly advertised notice for a specific solicitation are added to the mailing list.</p> <p>3.10. Pre-Bid and Pre-Proposal Conferences</p> <p>3.10.1. Pre-bid and pre-proposal conferences are generally used in complex acquisitions as a means of briefing prospective bidders and explaining complicated specifications and requirements. The conference is chaired by the responsible Procurement Department staff member and is an open forum where potential respondents may address ambiguities in the solicitation documents. Notice of the conference is included in the solicitation at the time of issuance.</p> <p>3.11. Cost and Price Analysis</p> <p>3.11.1. Some form of cost or price analysis shall be made and documented for every procurement action, including contract modifications, except as indicated in the procedure. The method and degree of analysis is dependent on the facts surrounding the particular procurement. At a minimum, Omnitrans shall develop independent cost estimates for each procurement before receiving bids or proposals. The intent of performing a cost or price analysis is to ensure Omnitrans receives a fair and equitable price consistent with the required quality, delivery, and overall terms of the transaction.</p> <p>3.12. Pre-Award and Post Delivery Requirements for Rolling Stock</p> <p>3.12.1. When purchasing revenue service rolling stock with FTA funds, a pre-award audit must be completed prior to entering into a formal contract for the purchase of the rolling stock in compliance with 49 CFR § 663.21. The pre-award audit shall include:</p> <ul style="list-style-type: none"> <li>• A Buy America certification</li> <li>• A purchaser's requirements certification; and</li> <li>• Where appropriate, a manufacture's Federal Motor Vehicle Safety certification information.</li> </ul> <p>3.12.2. A post delivery audit must be completed before title to the rolling stock is transferred and shall include:</p>	

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<ul style="list-style-type: none"> <li>• A post delivery Buy America certification;</li> <li>• A post-delivery purchasers certification;</li> <li>• Where appropriate a manufacturer's Federal Motor Vehicle Safety Standard self certification information.</li> <li>• Review actual component to ensure that the vehicle meets 60 percent Buy America domestic content requirement;</li> <li>• Check that the final assembly location is in the United States and the manufacturer's final assembly activities meet the requirements outlined in regulations; and</li> <li>• Have an on-site inspector for rail car procurements and bus procurements of greater than 10 vehicles.</li> </ul> <p>3.13 Bonding and Sureties</p> <p>3.13.1 Bonds are required for all construction contracts valued at over \$100,000.00 (see FTA Circular 4220.1F, Section IV.2.h for FTA requirements, and the California Contracts Code Section for State requirements). Bond or surety requirements will not be waived without the permission of the Board of Directors. The following minimum criteria apply:</p> <ul style="list-style-type: none"> <li>• A bid guarantee equivalent to 5% of a proposers' bid price, consisting of a firm commitment such as a bid bond, certified check or other negotiable instrument submitted with a bid to ensure the bidder will honor its bid upon acceptance by Omnitrans.</li> <li>• Performance bond equal to 100% of the contract price to ensure contractor completes its obligations under a contract.</li> <li>• Payment bonds equal to 100% of the contract price to ensure a contractor will pay all who provide labor and materials for the completion of a contract.</li> </ul>	

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