



BOARD OF DIRECTORS MEETING
Wednesday, October 3, 2012 – 8:00 a.m.
Omnitrans Metro Facility
1700 West 5th Street
San Bernardino, CA 92411

The Board of Directors 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 Board 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.

A. CALL TO ORDER

1. Invocation
2. Pledge of Allegiance
3. Roll Call

B. ANNOUNCEMENTS/PRESENTATIONS

1. Next Board Meeting: Wednesday, November 7, 2012, at 8:00 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 Board of Directors, 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 CONFLICT OF INTEREST ISSUES

1. 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.

E. CONSENT CALENDAR

The following items are expected to be routine and non-controversial. The Board will act upon them at one time without discussion, unless the Board directs that an item be held for further discussion under Agenda Item F, Discussion Items. Any person wishing to address consent items should address the Board under Agenda Item E-11, Action on Consent Calendar.

- | | |
|---|----|
| 1. Approve Board Minutes – September 5, 2012 | 4 |
| 2. Receive & File Administrative & Finance Committee Minutes – July 9, 2012 | 8 |
| 3. Receive & File Agency Management Report – August 2012 | 13 |
| 4. Claims Filed Against Omnitrans – Information Item Only | 22 |



BOARD OF DIRECTORS MEETING
Wednesday, October 3, 2012 – 8:00 a.m.
OmniTrans Metro Facility
1700 West 5th Street
San Bernardino, CA 92411

E. CONSENT CALENDAR CONTINUED

- | | |
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| 5. Receive and File Construction Progress Report No. 9 through August 2012, sbX E Street Corridor BRT Project | 23 |
| 6. Receive and File Forward Fuel Purchase Quarterly Report, July through September 2012 | 43 |
| 7. Authorize Sole Source Purchase of Software Maintenance Services for Financial & Operational Reporting to SANBAG (San Bernardino Associated Governments) | 47 |
| 8. Award Contract MKT13-28, Bus Stop Signs | 51 |
| 9. Award Contract PRC13-04, Coolant Supply | 55 |
| 10. Press Articles and Letters of Interest to the Board | 59 |
| 11. Action on Consent Calendar | |

F. DISCUSSION ITEMS

The following items do not legally require any public testimony, although the Chair may open the meeting for public input.

- | | |
|---|-----|
| 1. CEO/General Manager's Report | 73 |
| 2. Approve Proposed Revisions to Disadvantaged Business Enterprise (DBE) Program for Federal Transit Administration (FTA) Assisted Contracts to Include Small Business Enterprise (SBE) Component | 77 |
| 3. Authorize Award, Sixteen Americans with Disabilities Act (ADA) Certified Paratransit Vehicles | 96 |
| 4. Authorize Release, Invitation for Bids IFB-MNT13-17, Bus Painting and Wrapping Services | 98 |
| 5. Authorize Sole Source Purchase of Additional Microsoft Licenses and Annual Maintenance Services | 100 |

G. CALL FOR PUBLIC HEARING

- | | |
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| 1. Call for Public Hearing, Federal Transit Administration Section 5307 and Section 5309, Fiscal Year 2013 | 102 |
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H. BOARD BUSINESS

Closed Session

- | | |
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| 1. Conference with Labor Negotiator, Rohan Kuruppu, as designee for Milo Victoria, concerning labor negotiations with Teamsters Local #166 regarding Maintenance/Administrative Support Unit, pursuant to Government Code Section 54957.6 | |
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I. REMARKS AND ANNOUNCEMENTS

J. ADJOURNMENT

ITEM # D1

DATE: October 3, 2012

TO: Board Chair Dick Riddell & Members of the Omnitrans Board of Directors

THROUGH: Milo Victoria, CEO/General Manager

FROM: Jennifer Sims, Director of Procurement

**SUBJECT: DISCLOSURE(S) REGARDING RECOMMENDATIONS FOR
ACTION BY THE OMNITRANS BOARD OF DIRECTORS**

FORM MOTION

Staff hereby provides the Omnitrans Board of Directors with a listing of principals and subcontractors associated with action items on the agenda for the October 3, 2012, Board of Director's Meeting.

Item No.	Contract	Principals & Agents	Subcontractors
E7	Authorize Sole Source Purchase Software Maintenance Services for Financial & Operational Reporting to SANBAG	TransTrack Systems <i>Mary Sue O'Melia, President</i>	<i>None</i>
E8	Authorize Award, Contract No. MKT13-28 Bus Stop Signs	Zumar Industries <i>Santa Fe Springs, CA</i> <i>Barry McGrath, Manager</i>	<i>None</i>
E9	Authorize Award, Contract No. PRC13-04 Coolant Supply	Thermo Fluids <i>Santa Ana, CA</i> <i>Gavin Hensing, Account Manager</i>	<i>None</i>
F5	Authorize Sole Source Purchase Additional Microsoft Licenses and Annual Maintenance Services	EnPointe Technologies, Inc. <i>Gardena, CA</i> <i>Bryan Humphrys, Account Manager</i>	<i>None</i>

MV/JS

ITEM # E1

**BOARD OF DIRECTORS' MEETING
MINUTES
September 5, 2012**

A. CALL TO ORDER

Chair Dick Riddell called the regular meeting of the Omnitrans Board of Directors to order at 8:04 a.m., Wednesday, September 5, 2012, at the Omnitrans Facility located at 1700 West 5th Street, San Bernardino, California.

1. Invocation
2. Pledge of Allegiance
3. Roll Call – Self-introductions were made.

BOARD MEMBERS PRESENT

Mayor Dick Riddell, City of Yucaipa – Chair
Councilmember Bill Alexander, City of Rancho Cucamonga (alternate)
Councilmember Ron Dailey, City of Loma Linda
Mayor Paul Eaton, City of Montclair
Mayor Pro Tem Paul Foster, City of Redlands
Mayor Pro Tem Lee Ann Garcia, City of Grand Terrace
Mayor Pro Tem Frank Gonzales, City of Colton
Mayor Ed Graham, City of Chino Hills
Mayor Pro Tem Penny Lilburn, City of Highland
Mayor Pat Morris, City of San Bernardino
Mayor Ray Musser, City of Upland
Supervisor Gary Ovitt, County of San Bernardino
Councilmember Ed Palmer, City of Rialto
Mayor Pro Tem John Roberts, City of Fontana
Supervisor Janice Rutherford, County of San Bernardino
Mayor Dennis Yates, City of Chino

BOARD MEMBERS NOT PRESENT

Supervisor Neil Derry, County of San Bernardino
Supervisor Josie Gonzales, County of San Bernardino
Supervisor Brad Mitzelfelt, County of San Bernardino
Councilmember Alan Wapner, City of Ontario

OMNITRANS' ADMINISTRATIVE STAFF PRESENT

Milo Victoria, CEO/General Manager
Jack Dooley, Director of Maintenance
Marge Ewing, Director of Human Resources
Sam Gibbs, Director of Internal Audit Services
Rohan Kuruppu, Director of Planning & Development Services
Ray Lopez, Director of Safety & Regulatory Compliance
Robert Miller, Chief Financial Officer
Jennifer Sims, Director of Procurement
William Tsuei, Director of Information Technology
Don Walker, Director of Finance
Wendy Williams, Director of Marketing
Milind Joshi, IPMO Program Manager
Jeremiah Bryant, Service Planning & Scheduling Manager
Ray Maldonado, Employee Relations Manager
John Steffon, Transportation Manager
Maurice Mansion, Treasury Manager
Joanne Cook, Contract Administrator
Mark Crosby, Loss Prevention Supervisor
Vicki Osborne, Assistant to CEO/General Manager
Carol Angier, Administrative Secretary

OTHER

Carol Greene, Legal Counsel

B. ANNOUNCEMENTS/PRESENTATIONS

The next regular meeting is scheduled Wednesday, October 3, 2012, at 8:00 a.m.

C. COMMUNICATIONS FROM THE PUBLIC

Jeffrey DeFillipes, San Bernardino, expressed gratitude towards numerous Coach Operators for their courtesy towards him and help with getting his bike on the rack.

D. POSSIBLE CONFLICT OF INTEREST ISSUES

None.

E. CONSENT CALENDAR

- 1) Approve Board Minutes – August 1, 2012
- 2) Receive & File Agency Management Report – July 2012
- 3) Claims Filed Against Omnitrans – Information Item Only
- 4) Receive & File Construction Progress Report No. 8 through July 2012, sbX E Street Corridor BRT Project
- 5) Press Articles and Letters of Interest to the Board

On motion by Member Eaton, seconded by Member Yates and carried, the Consent Calendar was approved. Alternate Member Alexander abstained.

F. DISCUSSION ITEMS

1) CEO/General Manager's Report

CEO/General Manager Victoria reviewed the CEO/General Manager's Report for July 2012. Director of Marketing Wendy Williams announced to the Board that Omnitrans won five first place awards in the 2012 APTA AdWheel Competition. The grand prize winners will be announced at the annual meeting in Seattle next month.

CEO/General Manager Victoria informed the Board he will be attending the APTA Annual Meeting during the October 3 Board Meeting, and Chair Riddell has approved Director of Planning & Development Services Kuruppu to preside at that meeting in his place.

2) Approve Proposed Overall Disadvantaged Business Enterprise (DBE) Goal for Federal Transit Administration (FTA) Assisted Contracts (October 1, 2012 – September 30, 2015)

M/S/C (Yates/Garcia) to review and approve the proposed Overall Triennial DBE Participation Goal of 8.4% for Federal Fiscal Years (FFE) 2013-2015 and authorize the CEO/General Manager to submit the goal and all supporting documentation to the Federal Transit Administration (FTA) for review and approval.

3) Authorize Release, RFP-MKT13-17, Bus Exteriors and Bus Stop Amenities Advertising Services

M/S/C (Morris/Musser) to authorize the CEO/General Manager to release Request for Proposals RFP-MKT13-17, for the provision of revenue generating advertising services for Omnitrans' Bus Exteriors and Bus Stop Amenities for a five-year period, beginning January 1, 2013, and ending no later than December 31, 2017.

4) Authorize Release, IFB-SAS13-01, Card Access System Upgrade

M/S/C (Yates/Palmer) to authorize the CEO/General Manager to release Invitation for Bids IFB-SAS13-01 for the provision of a Card Access System Upgrade at the East Valley, West Valley, and I Street locations.

5) Authorize Release, IFB-SAS13-02, Public Address System

M/S/C (Yates/Alexander) to authorize the CEO/General Manager to release Invitation for Bids IFB-SAS13-02 for the provision of a Public Address System at the East Valley, West Valley, and I Street locations.

6) Authorize Award, Contract RFP-FIN13-19, Banking Services

M/S/C (Eaton/Morris) to authorize the CEO/General Manager to award Contract RFP-FIN13-19 to Union Bank of Los Angeles, CA, for the provision of banking services for a three year base period, beginning October 1, 2012, and ending no later than September 30, 2015, in the amount of \$62,425.08, and the authority to exercise two single year options, to extend the contract no later than September 30, 2017, for \$20,808.36 for each of the two option years, totaling \$104,041.80, plus a ten percent contingency of \$10,404.18, for a total not-to-exceed amount of \$114,418.98.

7) Authorize Award, Contract RFP-MNT12-27, Uniform Rental & Laundry Services

M/S/C (Graham/Musser) to authorize the CEO/General Manager to award Contract RFP-MNT12-27 to G & K Services, Inc., of Ontario, CA, for the provision of Uniform Rental and Laundry Services for a two year base period, beginning October 1, 2012, and ending no later than September 30, 2014, in the amount of \$76,665.20, and the authority to exercise three single year options, to extend the contract no later than September 30, 2017, for \$38,332.60 for each of the three option years, totaling \$191,663, plus a ten percent contingency of \$19,166, for a total not-to-exceed amount of \$210,829.

G. BOARD BUSINESS

Closed Session

1. Conference with Labor Negotiator, Milo Victoria, concerning labor negotiations with Teamsters Local #166 regarding Maintenance/Administrative Support Unit, pursuant to Government Code Section 54957.6

The Board adjourned to Closed Session at 8:19 a.m. The Board reconvened at 8:22 a.m. Chair Riddell said no reportable action took place during Closed Session.

H. REMARKS AND ANNOUNCEMENTS

None.

I. ADJOURNMENT

The Board adjourned at 8:23 a.m. The next regular meeting is October 3, 2012, at 8:00 a.m. with location posted on the Omnitrans website and at Omnitrans' San Bernardino Metro Facility.

Carol Angier, Recording Secretary

ADMINISTRATIVE & FINANCE COMMITTEE

MINUTES

July 9, 2012

The Administrative & Finance Committee meeting was called to order by Chair Alan Wapner at 3:02 p.m. on July 9, 2012.

Committee Members Attending

Councilmember Alan Wapner, City of Ontario, Committee Chair
Mayor Paul Eaton, City of Montclair
Mayor Pro Tem Lee Ann Garcia, City of Grand Terrace
Mayor Pro Tem Frank Gonzales, City of Colton
Mayor Ed Graham, City of Chino Hills
Mayor Dick Riddell, City of Yucaipa
Mayor Pro Tem John Roberts, City of Fontana

Committee Members Absent

Mayor Pro Tem Paul Foster, City of Redlands
Supervisor Gary Ovitt, County of San Bernardino

Omnitrans Staff & Others Attending

Milo Victoria, CEO/General Manager
Robert Miller, Chief Financial Officer
Marjorie Ewing, Director of Human Resources
Wendy Williams, Director of Marketing
Jack Dooley, Director of Maintenance
William Tsuei, Director of Information Technology
Sam Gibbs, Director of Internal Audit Services
Scott Graham, Director of Operations
Jennifer Sims, Director of Procurement
Ray Lopez, Director of Safety & Regulatory Compliance
Rohan Kuruppu, Director of Planning & Development Services
Anna Rahtz, Planning Project Manager
Milind Joshi, sbX Program Manager
Bart Hayashi, sbX Construction Manager
Debra Nicastro, Sr. Contracts Specialist
Maurice Mansion, Treasury Manager
Joanne Cook, Contract Administrator
Daniel Medrano, Contract Manager
Nancy Strickert, SANBAG
Carol Angier, Administrative Secretary

C. Possible Conflict of Interest Issues

None

D. Agenda Items

1. Approve Administrative & Finance Committee Minutes of June 11, 2012

M/S (Graham/Eaton) to approve the minutes of the June 11, 2012, Committee meeting. Motion was unanimous by members present.

2. Receive & File Construction Progress Report No. 7 through June 2012 – sbX E Street Corridor BRT Project

sbX Construction Manager Hayashi reviewed the construction progress report through June 2012. Member Graham asked if all the permits have been approved. sbX Program Manager Joshi said the permit with the City of Riverside has been approved, and the permit with Flood Control should be approved within the next two weeks. Due to delays getting the CalTrans permit, staff contacted FTA requesting permission for an alternative mixed flow for the 300 feet within Caltrans' jurisdiction. This change will eliminate the need for a permit. FTA did approve this change, and staff will proceed with the change in mixed flow. He said staff continues with extensive public outreach to affected businesses during construction. This was a receive and file agenda item.

3. Receive & File Forward Fuel Purchase Program Update for July 2012

Chief Financial Officer Miller said the rate for natural gas has risen four cents, but Omnitrans continues with a favorable fuel variance for July (\$15,000).

This was a receive and file agenda item.

4. Receive & File College Pass Program Final Report

Director of Marketing Williams said the pilot College Pass Program ended on June 30. To date, Omnitrans has recorded 1.4 million student trips, with 13,000 of those being unique trips. This is approximately 25 percent of the combined student population. The participating community colleges approved funding this program for the next three years. Cal State San Bernardino continues looking for funding for this program. The Art Institute now has a pilot program with Omnitrans. Loma Linda University and other local trade schools have also indicated an interest in this program. Director of Marketing Williams said this program has been a great success and thanked the Committee members for their support of this program.

This was a receive and file agenda item.

5. Receive & File Report, Compressed Natural Gas Conversion/Retrofit of Omnitrans Non-revenue Vehicles

Director of Maintenance Dooley said the Committee requested staff to investigate the feasibility of converting Omnitrans' non-revenue vehicles to CNG. Of the 72 non-revenue vehicles, 40 are leased. Twenty-nine vehicles are owned by Omnitrans, and there is no certified CNG conversion available for these vehicles. Three vehicles are either too old or have too many miles to be converted to CNG. Chair Wapner requested staff to consider CNG non-revenue vehicles for future purchases.

This was a receive and file agenda item.

6. Receive & Forward to Board of Directors, Authorize Release, RFP-PLN13-03, Alternatives Analysis of Route 61 (Holt Boulevard/San Bernardino Avenue) Corridor

Director of Planning & Development Services Kuruppu reviewed the proposed Holt Boulevard Corridor that starts at the Pomona Transit Center and ends at the Fontana Transit Center. This is one of the busiest routes in our system and connects with many other routes. The Pomona Transit Center connects with Los Angeles routes. Omnitrans received an \$850,000 grant from FTA for an alternatives analysis for this corridor. Omnitrans will partner with the cities of Pomona, Ontario, and Fontana to include their study of this corridor into the analysis. Chair Wapner asked if Metrolink would be included in the study, and he was told Metrolink would be part of the development team.

M/S (Garcia/Gonzales) to receive and forward to the Board of Directors to authorize the CEO/General Manager to release RFP-PLN13-03 for Alternatives Analysis of Route 61 (Holt Boulevard/San Bernardino Avenue) Corridor. Motion was unanimous by members present.

7. Recommend Approval to Board of Directors, Award Contract PRC13-24, Electronic Online Procurement Services

Director of Procurement Sims said Omnitrans' current online procurement system is a home-grown system with limited abilities to allow bids to be received on line and other contract compliance functions. The electronic online procurement service will have this capability, along with being able to meet DOT requirements to expand our system to automate DBE reporting requirements. Chair Wapner asked if Omnitrans IT Department supported this new system, and Director of IT Tsuei said he did.

M/S (Eaton/Garcia) to recommend approval to the Board of Directors to authorize the CEO/General Manager to award Contract PRC13-24, with PlanetBids, Inc, Woodland Hills, CA, for the provision of Electronic Online Procurement Services under San Diego County Regional Airport Authority Agreement 800298 OB. The term of the contract will be a three-year base period, beginning on or about September 1, 2012, and ending no later than August 31, 2015, in the amount of \$188,755, with the lead agency to exercise two one year extensions to January 31, 2017, in the amount of \$121,895. The total for the five year contract is not-to-exceed \$310,650. Motion was unanimous by members present.

8. Recommend Approval to Board of Directors, Ratify Change Order No. 1, Contract IPMO11-1, Vehicle Maintenance Facility Modification Architectural and Engineering Services

sbX Program Manager Joshi said this Change Order is actually No. 2 instead of No. 1. He said when the contract with STV was awarded by the Board in January 2011, there was an option to prepare hydrology/storm water data. At that time, it was determined this data service was not needed. However, the City of San Bernardino informed staff that additional engineering services were required pertaining to the review performed by the Design Review Committee and necessary coordination during public review and comment period. This is a change in the Scope of Work for the STV contract and does not affect the contract price.

M/S (Graham/Garcia) to recommend approval to the Board of Directors to authorize the CEO/General Manager to ratify Change Order No. 1 to increase the base Contract IPMO11-1 amount with STV, Inc., of Rancho Cucamonga, California, for the provision of additional engineering services for the East Valley Vehicle Maintenance Facility modifications for the sbX E Street Corridor BRT Project by \$19,839; and delete Option 1 in the amount of \$19,839 for the provision of conducting Hydrology/Storm Water Data related work. Motion was unanimous by members present.

9. Recommend Approval to Board of Directors, Ratify Contract IPMO11-3, Bus Inspection Services

Director of Procurement Sims said that when the contract with New Flyer was awarded in May 2010 for procurement of fourteen buses, a contingency fund of \$472,567.62 was designated to cover any design changes or inspection services. It was determined that an independent audit firm is necessary for bus inspections, and New Flyer could not do the inspections. Three quotes were obtained, and E F Enterprises was the low quote for the independent inspection service.

M/S (Garcia/Eaton) to recommend approval and forward to the Board of Directors to ratify Contract IPMO11-3 with E F Enterprises of Banning, CA, for the provision of Bus Inspection Services beginning May 17, 2010, and ending no later than March 13, 2013, in the amount of \$32,400, plus a ten percent contingency of \$3,240, and a 3.27 percent Omnitrans Cost Allocation Plan (CAP) of \$1,165, for a total amount not-to-exceed \$36,805. Motion was unanimous by members present.

10. Recommend Approval to Board of Directors, Award Contract, WinShuttle Software and Implementation Services

Director of Information Technology Tsuei said the Agency uses multiple spreadsheets to collect data, and WinShuttle will allow these spreadsheets to be incorporated into the SAP Enterprise Resources Planning (ERP) application and eliminate staff manual time to incorporate the spreadsheets into the system. This software is budgeted for FY13.

M/S (Eaton/Roberts) to recommend approval to the Board of Directors to authorize the CEO/General Manager to award a contract to Ciber, Inc., Greenwood Village, CO, for the WinShuttle application purchase and implementation project, in the amount of \$104,160, plus a 10% contingency of \$10,416, and a Cost Allocation Plan

July 9, 2012

(CAP) of \$3,747 (3.27% of total contract amount), for an amount not-to-exceed \$118,323 under the General Services Administration's Cooperative Purchasing Program Contract Numbers GS-35F-0499K. Motion was unanimous by members present.

11. Recommend Approval to Board of Directors, Award Contract, Sybase Afaria Mobile Platform Project Implementation Services

Director of Information Technology Tsuei said the Sybase Afaria Mobile Platform contract was awarded in January. However the system is complex and requires security integration with the SAP ERP system. Therefore, staff recommends a contract with Ciber, Inc. to implement the system. This system will connect all of Omnitrans' mobile devices (cell phones, tablets and laptops), along with bar codes that will be used by Omnitrans in the near future. This contract is budgeted for FY13.

M/S (Garcia/Eaton) to recommend approval to the Board of Directors to authorize the CEO/General Manager to award a contract to Ciber, Inc., Greenwood Village, CO, for the Sybase Afaria Mobile Platform Implementation Project in the amount of \$68,440, plus a 10% contingency of \$6,844, and a Cost Allocation Plan (CAP) of \$2,462 (3.27% of total contract amount), for an amount not-to-exceed \$77,746, under the General Services Administration's Cooperative Purchasing Program Contract Numbers GS-35F-0499K. Motion was unanimous by members present.

The Administrative & Finance Committee meeting adjourned at 2:17 p.m. The next Administrative & Finance Committee Meeting is scheduled for August 13, 2012, with location posted on the Omnitrans website and at Omnitrans' San Bernardino Metro Facility.

Carol Angier, Recording Secretary

ITEM # E3**AGENCY MANAGEMENT REPORT****August 2012**
FISCAL YEAR 2013**Agency Results****Operating Revenue**

August total Operating Revenue of \$5,686,061 is 24,164 under budget. Year-to-Date (YTD) Operating Revenue of \$11,187,510 is \$232,940 under budget. The negative monthly and YTD variance is primarily driven by passenger fares being lower than planned. Thirty-one day full-fare pass sales and regular full-fare cash sales are running below plan.

Operating Expense

August Operating Expense of \$5,977,412 is \$206,178 or 4% over budget. YTD Operating Expense of \$10,852,798 is \$689,670 or 6% under budget. The negative monthly variance is driven by the accrual to recognize our Incurred But Not Reported Loss Reserves. In the past, Omnitrans would record this item at the end of the year only, Omnitrans has made a decision to show this item as a monthly accrual and not a one time year-end adjustment. The positive YTD variance is driven by labor, fringe benefits, material and supplies, services and occupancy all coming in under budget.

Ridership

During the month of August, Omnitrans carried a total of 1,453,602 passengers. This consisted of 1,408,815 on Fixed Route service and 44,787 on Demand Response routes. YTD Ridership is 2,649,838, which reflects a total system increase of 3.04% when compared to the same period last year.

Revenue Hours/Revenue Miles

During the month of August, Omnitrans provided a total of 70,704 revenue hours reflecting an increase of 1.94% versus the same period last year. Omnitrans logged a total of 931,011 revenue miles during the month, reflecting a decrease of .90% when compared to same period last year. YTD Omnitrans provided a total of 136,818 revenue hours reflecting an increase of 3.08% versus the same period last year. Also, YTD Omnitrans logged a total of 1,830,082 revenue miles reflecting an increase of 1.55% when compared to same period last year.

Farebox Recovery Ratio

August farebox revenue for Fixed Route/Omnalink is \$1,148,516 versus \$1,198,554 for the same period last year. This is a decrease of 4.17%. The farebox recovery ratio for the month is 23.71%. YTD farebox revenue for Fixed Route/Omnalink is \$2,110,849 versus \$2,158,867 for the same period last year. This is a decrease of 2.22%. YTD farebox recovery ratio is 23.76%

August farebox revenue for Access is \$125,095 versus \$134,499 for the same period last year. This is a decrease of 6.99%. Farebox recovery ratio for the month is 11.45%. YTD farebox revenue for Access is \$264,962 versus \$267,855 for the same period last year. This is a decrease of 1.08%. YTD farebox recovery ratio is 13.75%

Financials

Total Salaries and Benefits of \$3,396,189 are \$79,582 under budget for the month of August. YTD Salaries and Benefits of \$6,728,522 are \$223,020 or 3% under budget. The positive monthly and YTD variances are primarily driven by headcount being less than planned.

Total Services are \$120,552 or \$137,957 under budget in August. YTD Total Services are \$162,028 or \$354,990 under budget. The positive monthly and YTD variances are principally driven by professional services being less than planned.

Materials and Supplies are \$780,195 or \$21,428 under budget in August. YTD Materials and Supplies are \$1,260,503 or \$342,743 under budget. The positive monthly and YTD variance is principally driven by gasoline and CNG fuel being less than planned.

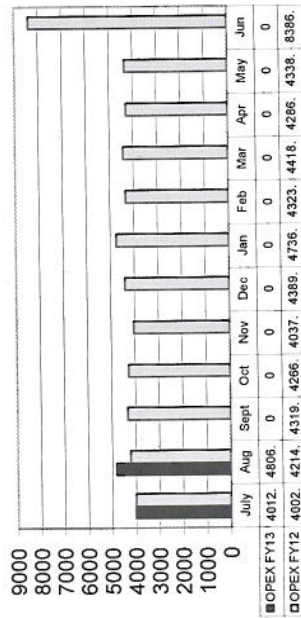
Purchased Transportation is \$767,675 or \$26,327 over budget in August. YTD Purchased Transportation is \$1,509,655 or \$26,958 over budget. The current month and YTD variance is driven by demand being up over the prior year.

Other Expenses are \$912,801 or \$418,818 over budget in August. YTD Other Expenses are \$1,192,090 or \$204,125 over budget. The current month and YTD variances are primarily driven by the IBNR reserve accrual.

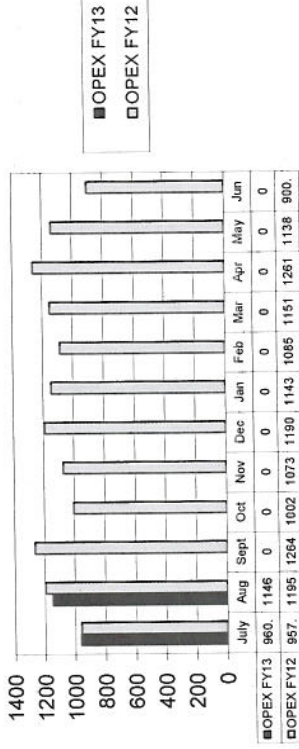
**PERFORMANCE STATISTICS
FISCAL YEAR 2013
August 2012**

	<u>Current Month</u>		<u>YR/YR</u>	<u>Year-To-Date</u>		<u>YR/YR</u>
	<u>August 2013</u>	<u>August 2012</u>	<u>inc/(dec)</u> <u>CURRENT</u>	<u>August 2013</u>	<u>August 2012</u>	<u>inc/(dec)</u> <u>YTD</u>
Total Passenger Revenue & Subsidy						
Fixed Route	\$1,145,773	\$1,194,932	-4.1%	\$2,106,150	\$2,152,616	-2.2%
Demand Response	\$127,838	\$138,122	-7.4%	\$269,661	\$273,906	-1.5%
Total Passengers						
Fixed Route	1,408,815	1,369,539	2.9%	2,566,325	2,492,334	3.0%
Demand Response	44,787	42,870	4.5%	83,513	79,297	5.3%
Farebox Recovery Ratio						
Fixed Route/OmniLink	23.71%	28.09%		23.76%	25.99%	
Access	11.45%	12.73%		13.75%	14.10%	
Total Passengers per Revenue Hour						
Fixed Route	25.9	26.0	-0.4%	24.2	24.4	-0.8%
Demand Response	2.8	2.6	6.8%	2.7	2.6	4.7%
Revenue per Passenger						
Fixed Route	0.81	0.87	-6.8%	0.82	0.86	-5.0%
Demand Response	2.85	3.22	-11.4%	2.68	3.45	-22.4%
Cost per Passenger						
Fixed Route	3.41	3.08	10.9%	3.44	3.30	4.2%
Demand Response	25.24	25.90	-2.5%	23.87	25.09	-4.9%
Cost per Revenue Hour						
Fixed Route	88.27	79.91	10.5%	83.15	80.45	3.4%
Demand Response	69.55	66.81	4.1%	63.99	64.27	-0.4%
	<u>Actual</u>	<u>Target</u>				
On Time Performance						
Fixed Route	86.05%	90%				
Demand Response	86.34%	90%				
Headcount (includes PT Operators)	624	647				

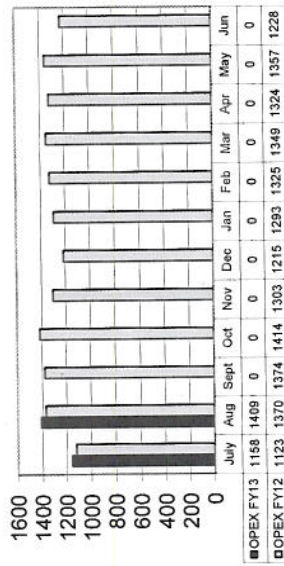
Fixed Route Operating Expense Thousands



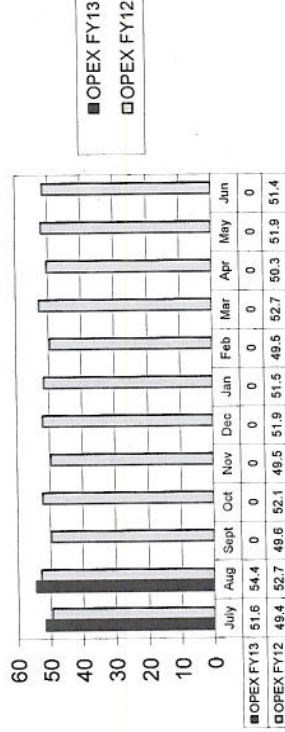
Fixed Route Passenger Revenue Thousands



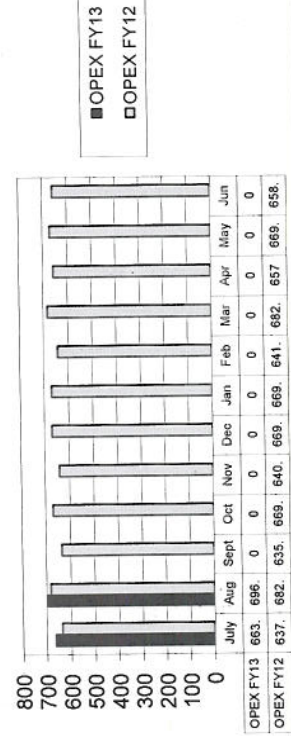
Fixed Route Ridership Thousands



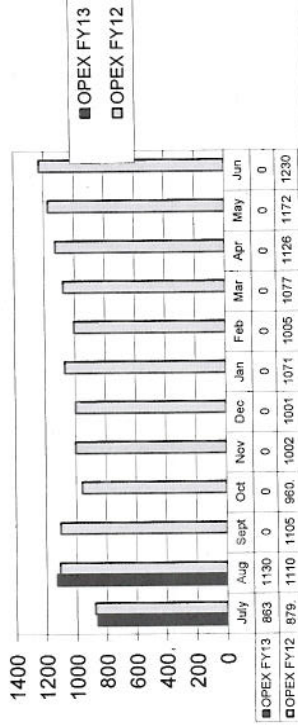
Fixed Route Revenue Hours Thousands



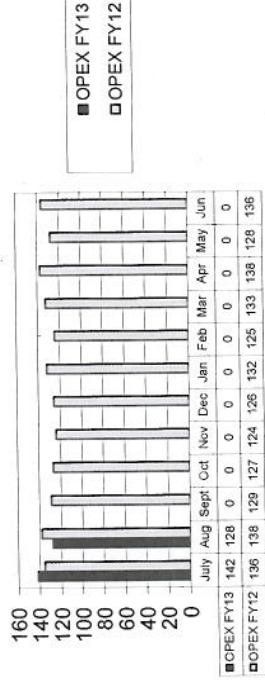
Fixed Route Revenue Miles Thousands



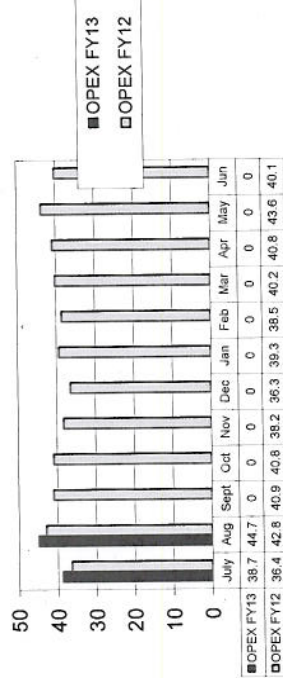
Demand Response Operating Expense Thousands



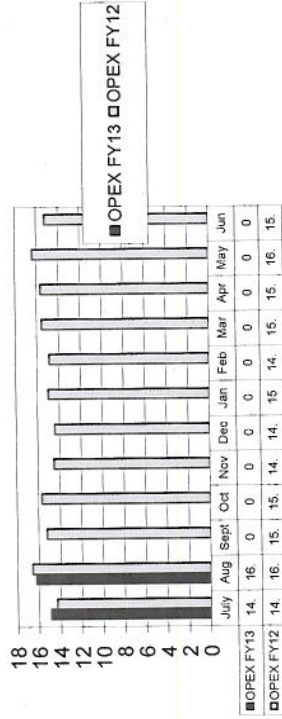
Demand Response Passenger Revenue Thousands



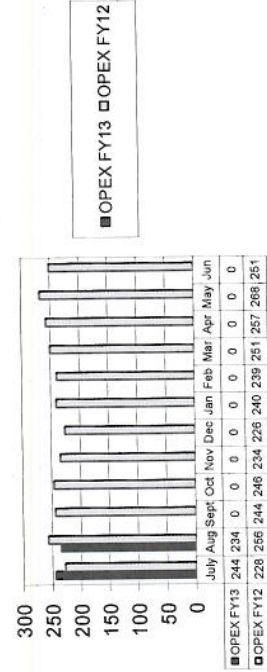
Demand Response Ridership Thousands



Demand Response Revenue Hours Thousands



Demand Response Revenue Miles Thousands



Statement of Operations

Fiscal Year: 20113

CURRENT MONTH: August 2012

YEAR-TO-DATE: August 2012

	Actual	Budget	Fav/(Unf)	% of Budget		Actual	Budget	Fav/(Unf)	% of Budget
<u>Operating Revenues</u>									
Passenger Fares	1,243,516	1,249,407	(5,890)	100%		2,318,530	2,498,813	(180,283)	93%
Measure I Subsidy - Fares	30,095	27,477	2,618	110%		57,281	54,954	2,327	104%
Measure I Subsidy - Operating	376,689	376,689	0	100%		753,379	753,379	0	100%
Auxiliary Transportation Revenue	41,992	54,167	(12,175)	78%		107,033	108,333	(1,300)	99%
Non-Transportation Revenue	(148)	2,667	(2,815)	0%		2,542	5,333	(2,791)	48%
LTF Operating	2,825,125	2,825,125	0	100%		5,650,249	5,650,249	(1)	100%
STAF Operating	68,909	68,909	(0)	100%		137,818	137,818	0	100%
Capital Funds for Operations	1,099,884	1,105,785	(5,901)	99%		2,160,679	2,211,570	(50,892)	98%
Total Revenues	5,686,061	5,710,226	(24,164)	100%		11,187,510	11,420,450	(232,940)	98%
<u>Operating Expenses</u>									
Labor	2,233,336	2,114,168	(119,168)	106%		4,221,807	4,228,335	6,528	100%
Fringe Benefits	1,162,854	1,361,603	198,750	85%		2,506,715	2,723,207	216,492	92%
Services	120,552	258,509	137,957	47%		162,028	517,019	354,990	31%
Materials and Supplies	780,195	801,623	21,428	97%		1,260,503	1,603,246	342,743	79%
Occupancy	230,937	233,903	2,966	99%		356,614	467,807	111,192	76%
Casualty and Liability	658,074	208,998	(449,077)	315%		786,343	417,995	(368,348)	188%
Taxes and Fees	0	5,000	5,000	0%		2,080	10,000	7,920	21%
Purchased Transportation	767,675	741,348	(26,327)	104%		1,509,655	1,482,697	(26,958)	102%
Printing and Advertising	18,152	79,050	60,898	23%		28,002	158,100	130,098	18%
Miscellaneous Expense	(34,861)	(75,279)	(40,418)	46%		(21,447)	(150,559)	(129,112)	14%
Lease and Rental	40,498	42,311	1,813	96%		40,498	84,622	44,124	48%
Total Operating Expense	5,977,412	5,771,234	(206,178)	104%		10,852,798	11,542,468	689,670	94%
Net Gain (Net Loss)	(291,351)	(61,008)	(230,342)			334,712	(122,018)	456,730	
Sal & Ben	3,396,189	3,475,771	79,582	98%		6,728,522	6,951,542	223,020	97%
Other	912,801	493,982	(418,818)	185%		1,192,090	987,965	(204,125)	121%

9/21/2012

DATE: October 3, 2012

TO: Board Chair Dick Riddell & Members of the Omnitrans Board of Directors

THROUGH: Milo Victoria, CEO/General Manager

FROM: Mae Sung, Accounting Manager

SUBJECT: INVESTMENT STATUS

FORM MOTION

Receive and file this report on the status of the Agency's investments.

BACKGROUND & SUMMARY

California Government Code requires the monthly reporting of investments of public agency funds to its governing body.

SUMMARY

All of the Agency's investments are invested with the Local Agency Investment Fund (LAIF) and Union Bank. Please refer to the attachment for the investment activity of the Agency for the month of August, 2012. Sufficient funds are available to meet the obligations of the Agency for the next thirty-one days.

OMNITRANS
Treasurer's Report
Month ending August 2012

Institution - Investment Type	Description	Starting Balance	Deposits	Disbursements	Interest Yield	Ending Balance
Cash and Investments Under the Direction of the Treasurer						
Local Agency Investment Fund		\$ 17,285,248.17			0.36%	
			\$ 2,100,000.00	\$ (4,650,000.00)	0.37%	
					0.38%	
				\$ (1,100,000.00)	0.38%	
				\$ (800,000.00)	0.37%	
				\$ (1,500,000.00)	0.34%	
		\$ 19,385,248.17		\$ (8,050,000.00)		
Net LAIF Funds				\$ 11,335,248.17		\$ 11,335,248.17
Fair Marketing Value	Fair Value Factor				1.001219643	\$ 11,349,073.13
Union Bank Money Market GMRA	Interest	\$ 4,836,929.87	\$ 400.74		0.10%	
				\$ (236,414.37)		
		\$ 4,837,330.61		\$ (236,414.37)		
				\$ 4,600,916.24		
				\$ 4,600,916.24		\$ 4,600,916.24
Citybank Morgan Stanley Futures Account		\$ 285,263.71				
	Gain/Loss for month			\$ (82,800.00)		
		\$ 285,263.71		\$ (82,800.00)		
				\$ 202,463.71		\$ 202,463.71
		\$ 577,605.37				
	Passenger	\$ 1,112,870.67				
	Grants' Revenue	\$ 3,342,297.70				
	Miscellaneous Revenue	\$ 105,241.27				
	Transfers From (To) LAIF	\$ 8,050,000.00		\$ (2,100,000.00)		
	Transfers From (To) Money Market	\$ 236,414.37				
	Transfers From (To) Morgan Stanley Futures Account					
	Accounts Payable			\$ (7,175,518.27)		
	Payroll and Payroll Taxes			\$ (2,392,705.68)		
	Employee Benefits			\$ (366,982.30)		
	Bank Service Charge			\$ (1,028.42)		
		\$ 13,424,429.38		\$ (12,036,234.67)		
Net Union Bank Operating Funds				\$ 1,388,194.71		\$ 1,388,194.71
		\$ 3,000.00				
Petty Cash						\$ 3,000.00

Cash and Investments Under the Direction of Fiscal Agents

Wachovia Bank N.A.	\$ 75,000.00		
Workmens' Comp. Adjuster			
York Insurance Services			\$ 75,000.00
Total Cash & Investments			\$ 17,618,647.79

I hereby certify that the investment portfolio of OMNITRANS complies with its investment policy and the California Government Code Sections pertaining to the investment of local agency funds and Union Bank of California. Pending any future actions by the Omnitrans Board or any unforeseen catastrophe, OMNITRANS has an adequate cash flow to meet its expenditure requirements for the next six months.

Prepared by: _____
Mae Sung, Accounting Manager

Approved by: _____
Milo Victoria, CEO/General Manager, Treasurer

@ Source of Market Value: California State Pooled Money Investment Board Report.
(1) Union: "Summary of Market Value" posted on monthly fiscal agent statements.
(2) LAIF: "Pooled Money Investment Account Market Valuation".
Master Control Account is the controlling account for all the zero balance accounts with Union including: Accounts Payable Account (General Account) and Payroll Account.
Interest earned by the Master Control account is used as a partial offset to the monthly bank service charges.

DATE: October 3, 2012

TO: Board Chair Dick Riddell & Members of the Omnitrans Board of Directors

FROM: Milo Victoria, CEO/General Manager

SUBJECT: PAYROLLS AND WARRANTS FOR AUGUST, 2012

Approve the Agency's gross payroll for Management/Confidential Employees as follows:

Payroll Period	Amount	Register #
07/25/12-08/07/12	\$319,673.22	16
08/08/12-08/21/12	\$320,134.43	17

Approve the Agency's gross payroll for Represented Employees as follows:

Payroll Period	Amount	Register #
07/16/12-07/29/12	\$854,432.02	16
07/30/12-08/12/12	\$850,798.30	17

Approve the Register of Demands, dated as follows, and authorize the issuance of warrants:

Register Date	Amount	Register #
08/02/2012	\$3,751,529.50	571-572
08/09/2012	\$1,209,782.07	573
08/16/2012	\$639,448.15	574
08/23/2012	\$1,076,027.82	575
08/30/2012	\$498,730.71	576

I, Milo Victoria, CEO/General Manager of Omnitrans, declare that the above Register of Demands has been audited as required by Section 37202 and 37208 of the Government Code, and said documents are accurate and correct.

MV: ms

ITEM # E4

DATE: October 3, 2012

TO: Board Chair Dick Riddell & Members of the Omnitrans Board of Directors

FROM: Milo Victoria, CEO/General Manager

SUBJECT: **CLAIMS FILED AGAINST OMNITRANS FOR SEPTEMBER 2012 – INFORMATION ITEM ONLY**

CLAIMANT	DATE OF LOSS	CLAIM NUMBER
Alvarez, Angelina	08/29/12	CLPA10769A2
Anaya, Gabriel	03/03/12	CLPA10746A1
Salcido, Adrian	07/15/12	CLPA10755C1
Salcido, Raeanne	07/15/12	CLPA10755B1
Salcido, Susana	07/15/12	CLPA10755A2
Soriano, Gonzalo	08/28/12	CLPA10770A2
Vasquez, Alfonso	06/10/12	CLPA10760A1

<u>Summary of Accidents</u>	<u>No. of Claimants</u>
Coach/Vehicle Accident	5
Injury Inside Coach	2

For the Claims Above:

0% of claims were filed 1 to 5 days after the incident.

0% of claims were filed 6 to 10 days after the incident.

100% of claims were filed 11 or more days after the incident.

/ca

ITEM # E5

DATE: October 3, 2012

TO: Board Chair Dick Riddell & Members of the Omnitrans Board of Directors

THROUGH: Milo Victoria, CEO/General Manager

FROM: Milind Joshi, sbX Program Manager

**SUBJECT: CONSTRUCTION PROGRESS REPORT NO. 9 THROUGH AUGUST
2012 - sbX E STREET CORRIDOR BRT PROJECT**

FORM MOTION

Receive and file Construction Progress Report No. 9 for the sbX E Street Corridor BRT Project through August 2012.

This item was reviewed by the Administrative & Finance Committee at its September 10, 2012, meeting and recommended to the Board of Directors for receipt and file.

BACKGROUND & SUMMARY

This is Construction Progress Report No. 9 for the sbX E Street Corridor Project.

CONCLUSION

Receive and file the Construction Progress Report No. 9 for the sbX E Street Corridor BRT Project through August 2012.

MV:MJ

Attachment



sbX E Street Corridor Bus Rapid Transit (BRT) Project

Construction Progress Report No. 9

Month Ending: August 2012

Submitted By:

JACOBS

Contractor:	Griffith/Comet
Contractor Contract No.:	IPMO11-5
Project Manager:	Joe Jenkins, P.E.
Resident Engineer	Karim Varshochi, P.E.
Omnitrans Construction Manager:	Bart Hayashi, P.E.



Construction Progress This Month:

- Graded for sidewalk and backfilled sidewalk at Wells Fargo on Hospitality Lane.
- Graded curb and gutter on the north side of Hospitality Lane (Phase II).
- Continued removal of vegetation and trees from median from Tippecanoe to Carnegie west on Hospitality Lane.
- Relocated trees (6) at the west end of Hospitality Lane on the north side from Wells Fargo to Tippecanoe.
- Relocated water services on the south side of Hospitality Lane.
- Sawcut all existing asphalt behind all driveways between 9th and 10th streets and east side of E Street.
- Performed forensics on main sewer line from Union Street to 2nd Street, to determine condition of existing sewer line.
- Little Mountain – Started the rough grading for the station platform.
- Shandin Hills – Removed the existing bus stop canopy and bench. All sidewalk was removed and started the rough grading for the subgrade.
- Applied primer, finish and anti graffiti coating to the bus driver's restroom at Kendall and Palm.
- Removed trees (4) from center median at the east end near Wells Fargo and Carnegie East on Hospitality Lane.
- CSUSB Station - Continued forming of the station platform foundation and laid out and installed the reinforcement for the platform beams and matting.
- Marshall Station (East and West) - Surveyed and set, (leveled) the existing anchor bolts for the station's structural steel canopy.
- Marshall Station at E Street – Started the asphalt removal inside the parking area. Archeo/Paleo was onsite to observe the removal.

Community Relation Activities this Month:

- Conducted sbX Monthly Construction Status Meeting with stakeholders, businesses, and residents to provide construction updates including upcoming closures, milestones etc.
- Continued communication with public regarding the City of San Bernardino bankruptcy.
- Communicated with South E Street businesses for water meter relocation activities. Worked with the JV to change water shut-off times to minimize impact to businesses.
- Prepared to begin outreach to tenants in parcels along Phase Two on Hospitality Lane.
- Continued update and distribution of Sbx Construction Alerts updating the community of the construction schedule.
- Continued with water meter relocation outreach program along Hospitality Lane.

RFIs and Submittals:

Per contract response time for submittals is 25 days and 15 days for RFIs.

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

Accomplishments this Month:

- A total of 9 CORs, in the amount of \$3,772,094.04, have been approved by Omnitrans.
- Project schedule updated through March 2012.
- Attended weekly informational meeting with the City of San Bernardino. The following items were discussed and solutions were reached.
 - City has agreed to giving field approvals for ADA access on sidewalks (between 36" and 48") on a case by case basis.
 - City will not allow a u-turn at northbound Waterman.
 - City will allow a modified design to the driveway at 7-Eleven to accommodate the Verizon manholes.
- Met on August 2, 2012 to review the project risk register that identifies risks and potential costs to the project. We have prepared a 14 page risk register identifying 127 risk items in 14 different categories reducing the project's exposure to these risks.
- Partnering was held on August 3, 2011. Think Tank decision process was discussed.

Construction Planned for the Next Month:

- Kendall/Palm – Install pavers at bus passenger platform; install AC pavement at the park & ride and form and pour sidewalk and ramps.
- CSUSB – roadway improvements - form and pour sidewalk and ramps.
- Little Mountain (north) – form and set rebar for footings; set imbeds; pour footing; pour structure slab.
- Shandin Hills (north) - form and set rebar for footings; set imbeds; pour footing; pour structure slab; cure structure slab.
- Highland East - Passenger platform – erect structure steel.
- Auto Center Dr. at E Street – form and pour sidewalks and driveway ramps; form and pour bus pad; base pave AC slot.
- Hospitality –and Carnegie East – pothole; rough grade sidewalks, driveways, and ramps; fine grade curb and gutter spandrels.
- Hospitality –construct catch basin and local depressions.
- Hospitality – Relocate water services – pothole,excavate, install pipe and flush, backfill, switch-over water services and install meter boxes.
- Released VMF bid documents on August 3, 2012; prebid meeting to be held on August 29, 2012; and bid opening scheduled for October 18, 2012.

Areas of Concern and Proposed Solutions:

1. Met with Council member Valdivia on August 23, 2012; he had concerns with project housekeeping. CM to meet with Griffith/Comet to discuss.
2. In order to mitigate a potential construction delay caused by obtaining the Caltrans Encroachment permit for Hospitality and Carnegie (received Caltrans comments on June 13, 2012), the project team is currently evaluating an option to modify design to substitute the exclusive lane with the mixed flow lane (approximately 600 ft) at that location.
3. Waiting for the Flood Control District Permit for the Redlands Park & Ride Station.

4. Vendor for the solar panels has declared bankruptcy. JV is currently working to replace vendor.

Contract Change Orders

CCO	Description	Negotiated Cost	Time Extension Contract Calendar Days
1	Water Meter and Fire Hydrant Connections to the Main	\$2,594,555.00	0
2	Additional Insurance Requirements, prepared and processing	\$214,364.64	0
3	Electrical Service Modifications for Street Lights; prepared and processing	\$433,500.00	0
4	Modifications to Project Signs	\$3,519.69	0
5	Requirement for Additional Emergency Vehicle Pre-emption (EVP) & Civil Modifications	\$455,553.60	0
6	Partnering Supplies	\$7,936.87	0
7	Additional Traffic Signal Requirements	\$59,477.00	
8	No Cost Change Orders Including CORs 10, 10A, 11, 13, 16, and 48	\$0	0
9	Increase in Artist Costs, In Plain Sight	\$3,187.24	
TOTALS		\$3,772,094.04	0

Potential Change Orders/Change Order Requests:

COR	Description	*Estimated Cost	Time Extension Contract Calendar Days	Status
2	Permit Plan Changes, Delta 1A, additional changes	\$150,000	TBD	JV preparing cost proposal
3	Permit Plan Changes, Delta 2, G & M Oil Gas Station and Station Utility Service Pedestals (SCE & Verizon)	\$896,930	TBD	JV to revise and resubmit cost proposal
5	Ad Panels - rejected	0	0	Denied
6	SWPPP training	\$2,512	TBD	Proposal under review by Jacobs
7	Street Conduit Forensic study, Paid under Pay Item No. 318, closed	0	0	Denied
9	Caltrans Kendall/Palm Encroachment Permit	\$50,000	TBD	Awaiting further information
15	Electrical Plan Changes	\$80,000	TBD	JV preparing cost proposal
17	177 lf of 6" DIP missing from bid list; paid under Pay Item No. 55, closed.	0	0	Denied
18	Drainage Plan and Profile Kendall/Palm Station East	\$68,343	TBD	Under review by Jacobs
19	Lowering Catch Basin for Street Light Foundation	0	0	Denied
20	Missing bid item for 1-1/2" PVC pipe at Kendall/Palm – Denied included in Station bid item	0	0	Denied
21	Flow line modifications at Benton, Prospect, Anderson & Redlands stations	\$12,000	TBD	Designer preparing scope
22	Potholing along E Street for curb & gutter excavation, paid under Bid Item 318, closed.	0	0	Denied
25	Addition of two bus stops at Kendall/Palm	\$53,510	TBD	Under review by Jacobs
26	Redesign of median fountain area at Court Station	\$15,000	TBD	Designer preparing scope
27	Kendall at Palm Traffic Signal Revisions	\$10,000	TBD	Designer preparing scope
28	Kendall at Palm additional local bus station – Part 2 – electrical, landscape, signage and striping additions	\$40,000	TBD	Designer preparing scope

COR	Description	*Estimated Cost	Time Extension Contract Calendar Days	Status
29	Gage Canal Changes	\$10,000	TBD	Designer preparing scope
30	Bus Stop No. 2 Revisions	\$120,000	TBD	Designer preparing scope
31	Planter curb additions at Shell Gas Station	\$8,000	TBD	Designer preparing scope
32	Graded channel at north end of Kendall/Palm	\$25,000	TBD	JV preparing cost proposal
33	E Street/North Mall Way bay taper & median removal	\$52,000	TBD	JV preparing cost proposal
34	Optional traffic signal at Hospitality and private drive	0	TBD	Designer preparing scope
35	E Street/North Mall Way bay taper	\$5,000	TBD	Awaiting info from JV
36	Flow line modifications to Hospitality at Tippecanoe, Hospitality at Carnegie, Kendall at Little Mountain and the CSUSB stations	\$48,000	TBD	Designer preparing scope
37	Out of Sequence Concrete Pours due to Existing Unforeseen Obstructions -	\$481,000	TBD	Jacobs preparing package
38	Modified Utility Plans Showing Vaults to be Replaced and water Meter As-Builts	\$382,000	TBD	JV preparing cost proposal
39	Out of Sequence Concrete Pours due to Existing Unforeseen Obstructions – Union Street	\$8,262	TBD	Under review by Jacobs
40	Curb Ramp at Northwest Corner of E Street & Rialto	\$12,000	TBD	Designer preparing scope
41	Change sbX Traffic Signal Heads from PV to LRT	\$5,000	TBD	Designer preparing scope
42	Pavement Section Along E Street from 10 th to 2 nd Street	\$760,000	TBD	Field directive sent via CM 19 on 05/18/12
43	Increase in Bid Quantities	\$50,000	TBD	Preparing documentation for submittal to Omnitrans
44	SCE Vault at North Mall Way	\$5,000	TBD	Awaiting info from JV
45	Cross Gutter at E Street and Victoria	\$20,000	TBD	Designer preparing scope
46	Eliminate Driveway Approach at Parcel C33	0	TBD	Designer preparing scope

COR	Description	*Estimated Cost	Time Extension Contract Calendar Days	Status
47	Replace Driveway Approach at B251	\$10,000	TBD	Designer preparing scope
49	System #23 Catch Basin at E & N Mall Way	\$6,824	TBD	Under review by Jacobs
50	Shoe City Planters	\$5,647	TBD	JV tracking T & M
51	Expedite Driveway on Hospitality at STA 698+20	\$6,000	TBD	JV tracking T & M
52	Gas Station at NW Corner of E Street & Orange Show Road (Auto Center Drive)	\$100,000	TBD	Designer preparing scope
53	Demolition for Northerly Building on Parcel at NE Corner E Street & Marshall.	\$68,000	TBD	Designer preparing scope
54	Revised Architectural Drawings	0	TBD	Designer preparing scope
55	Revised Survey Control Sheets	\$20,000	TBD	Designer preparing scope
57	Steel Plate Rentals	\$6,000	TBD	JV tracking T & M
58	Trees on Hospitality	\$5,000	TBD	Designer preparing scope
59	Route 2 Stop Revision at 9 th & E – Bus Turnout Lane	\$15,000	TBD	Jacobs preparing T&M Package
60	Concrete at Kendall/Palm Loop from 2500 to 4000 psi	\$10,000	TBD	Parsons preparing scope
61	New Cabinet at E & E Orange Show; Additional Conduit at CSUB	\$100,000	TBD	JV preparing cost proposal
62	Driveways Along North Side of Hospitality, Phase 1, Remove	\$20,000	TBD	Jacobs preparing T&M Package
63	Irrigation Revisions Due to Meter Size Revisions at SBX Stations	0	TBD	Parsons preparing scope
64	Irrigation Revisions at CSUSB Station Due to CSUSB Irrigation Requests	0	TBD	Parsons preparing scope
65	Fire Sprinkler Restart	\$150,000	TBD	Omnitrans to provide path forward
66	Brick Pavers at Driveway STA 694+50	\$15,000	TBD	JV to provide invoices on material cost difference.

COR	Description	*Estimated Cost	Time Extension Contract Calendar Days	Status
67	Walkway at Coco's Restaurant along Hospitality STA 633+00	\$25,000	TBD	T&M package sent to Omnitrans 6/28/12. Directive sent to JV on 6/27/12 with limit not-to-exceed \$24,775.37. Approved by CCB 7/3/12.
68	Demolition of Home on Southeast Corner of Hospitality and Tippecanoe	\$35,000	TBD	Parsons preparing scope.
69	Paver over Platform Electrical Junction Box	\$25,000	TBD	JV preparing cost proposal.
70	Additional Survey Monuments	\$60,000	TBD	City of SB to provide scope.
71	Modifications to Traffic Control at E & Orange Show	\$0	TBD	Paid under 318.78
72	Irrigation Modifications along Hospitality	\$0	TBD	Paid under 318.84
73	Kendal/Palm Grade Revisions to Meet ADA requirements	\$30,000	TBD	COR package sent to Omnitrans 7/26/2012.
74	Revised Concrete Footing for Kendall/Little Mountain North Station	\$10,000	TBD	COR package sent to Omnitrans 07/13/2012.
75	Sewer Line Replacement along E Street from 10 th to 2 nd Street	\$75,000	TBD	City of SB to plans.
76	Slope on West Side of E Street at Hospitality Lane (STA 672+69 to 676+00)	\$100,000	TBD	JV preparing cost proposal.
77	Remove and Relocate Conflicting Traffic Signal	\$10,000	TBD	COR package sent to Omnitrans on 08/06/2012
78	Clear & Grub Remobilization at Hospitality and Carnegie West	\$10,000	TBD	JV preparing cost proposal.
79	Remove Center Median along Hospitality from Carnegie West to Tippecanoe to Expedite Construction	\$170,000	TBD	JV preparing cost proposal.
80	Addition of New Conduit & Deletion of Red Light Camera System at the NE Corner of Hospitality Lane and Waterman Ave.	\$0	TBD	Jacobs preparing package.
TOTALS		\$4,457,028.00	TBD	

* Currently pricing is estimated based on Rough Order of Magnitude pending designer plans or final submittal of pricing by JV.

Contract Statistics:**Contract Time**

Activity	Days	Date
Notice to Proceed		11/21/11
Calendar Days per Original Contract	730	
Original Completion Date		12/21/13
Calendar Days Completed as of 22 August 2012	245	
CCO Time Extension to Date	0	
Required Completion Date as of 22 August 2012	485	12/21/13
Forecasted Completion Date as of 22 August 2012		12/21/13
Percent Time Elapsed	34%	

Contractor Cost

	Comments	Project Cost
Original Contract Amount		\$64,700,603.05
CCO's to Date as of August 22, 2012		\$3,772,094.04
Option Pay Item 320	Approved	\$150,000.00
Total Authorization to Date as of month ending July 2012		\$68,779,697.09
Option Pay Item 319	Not Yet Approved	\$157,000.00
Pending CCO's as of August 22, 2012		\$4,457,028.00
Forecasted Cost at Completion as of August 22, 2012		\$73,393,725.09
Contract Items as of month ending July 2012		\$11,099,459.96
Materials on Hand as of month ending June 2012		\$0
CCO's Paid as of month ending July 2012		\$1,247,481.24
DBE Contract Amount as of month ending July 2012		\$6,473,983.70
DBE Paid to Date as of month ending July 2012		\$1,017,084.43
DBE Contract Goal		9.15%
DBE Percentage of Total Earned to Date as of month ending July 2012		15.71%
Amount Earned as of month ending June 2012		\$14,451,628.82
Retention Held as of month ending July 2012		\$1,445,162.88
Percent Complete (% paid) as of month ending July 2012		21.01%

	Comments	Project Cost
Original Contract Amount		\$3,898,769.00
CCO's to Date		\$1,818,196.84
Total Authorization to Date		\$5,716,965.97
Pending CCO's		\$0
Forecasted Cost at Completion		\$9,637,342.00
Total Billed as of 29 June 2012		\$2,511,829.60
DBE Contract Amount		\$789,333.00
DBE Paid to Date		\$200,037.73
DBE Percentage of Contract		13.84%
DBE Percentage of Total Earned to Date		7.96%
Percent of Budget Expended		43.94%

Construction Management Services Cost

CM budgets are projecting an increase from \$5,716,965.97 to \$9,637,342.00 due to the following reasons;

1. In order to meet the extensive documentation control requirements of the FTA and the suggestions made by the FTA as a result of the first two (2) audits, the following were added:
 - Primavera Contract Manager,
 - A new server to provide the capacity to store documents at a remote location,
 - Additional staff for administrative and document control services.

With the addition of the above, the CM is now in full compliance with FTA requirements.

2. Numerous "unforeseen" site conditions, stake holder requirements, and safety/environmental and regulatory conditions have all resulted in an increased amount of change orders requiring a substantial increase in effort.

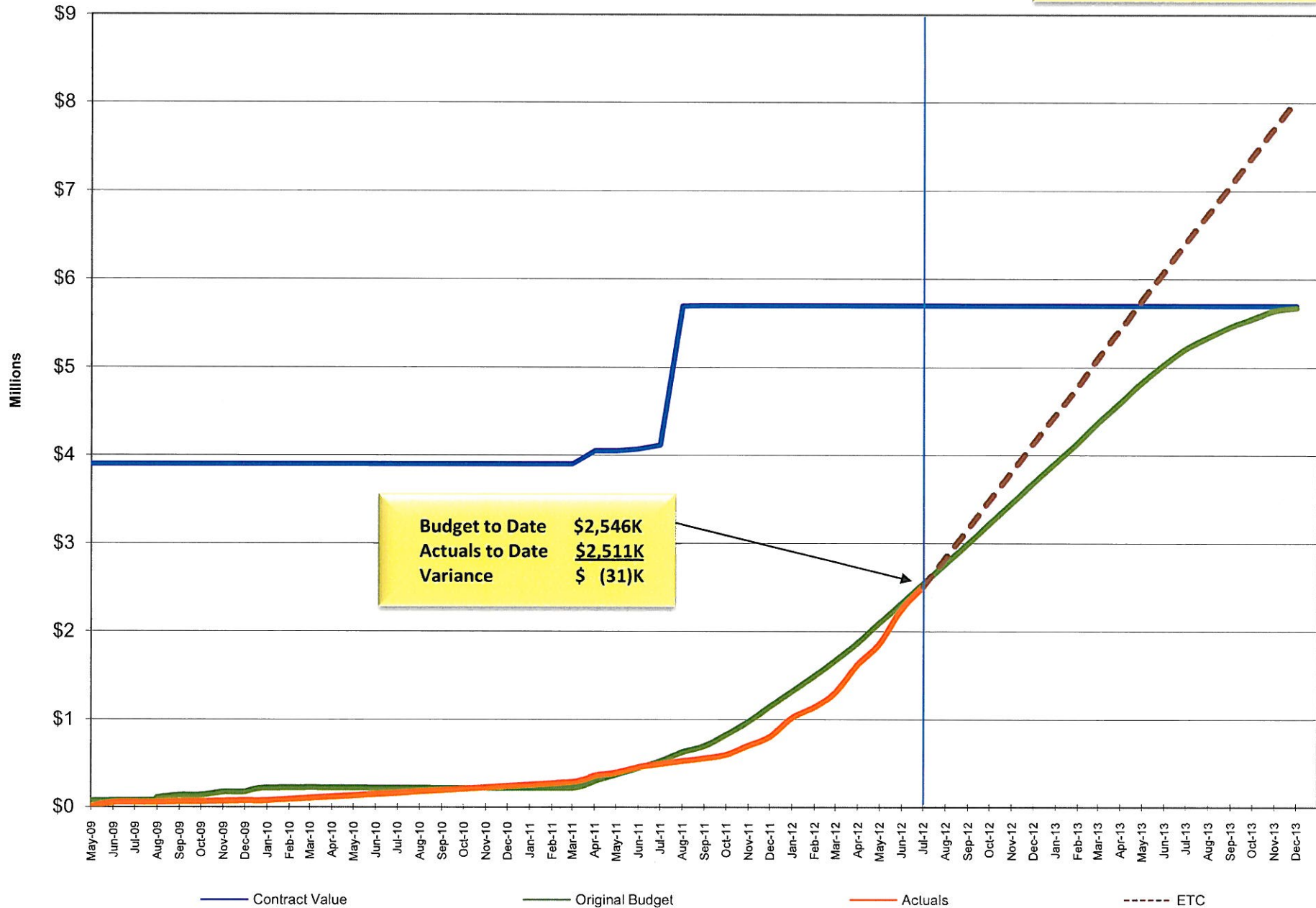
In an effort to meet the current schedule and to mitigate further delay, the addition of staff was required; both to process the change orders on the administrative side, i.e. estimators, as well as ensure compliance with new

changes on the project site, i.e. field inspectors which were added sooner than planned.

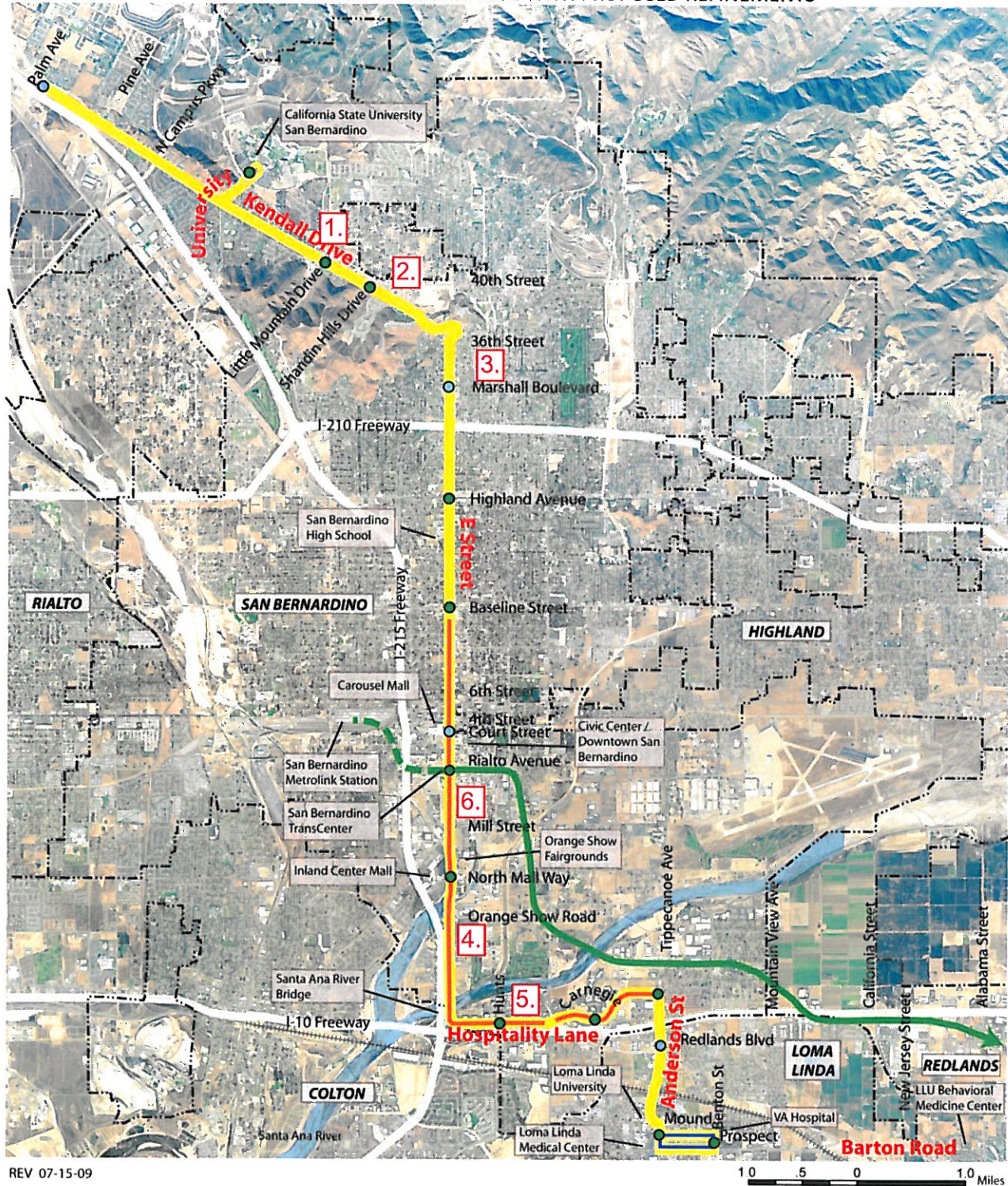
3. The public outreach requirements have also increased due to the changing political environment of the City of San Bernardino, thus requiring increased community outreach.
4. The utility coordination effort has also increased due to the unforeseen hurdles in communicating with the utility companies in order to coordinate for the project; as well as, the additional utility conflicts discovered after the start of construction.
5. Due to the delay in the start of construction, the contractor has increased its work crews and shifts to meet the schedule resulting in the need to increase the number of Jacobs' inspectors.
6. Jacobs has added a Quality Assurance Manager, as well as, additional staff to provide review support for the schedule updates.

**Omnitrans - sbx E Street Corridor
Cash Flow Analysis
Billings through July 2012**

Contract Value	\$ 5,716,965
Est. at Complete	\$ 9,637,342
Overrun	\$ (3,920,377)



LOCALLY PREFERRED ALTERNATIVE WITH PROPOSED REFINEMENTS



- Proposed sbX Alignment (Refined LPA)
- Preliminary Locations of Exclusive Center Lanes
- Potential sbX Stations
- Potential sbX Stations with Park-and-Ride

- City Boundaries
- Proposed Redlands Rail/Metrolink Extension
- Turnaround

Progress Photos:

1. Kendall/Palm – Revised ADA ramp.



2. Shandin Hills East – Starting work on the station platform



3. Marshall/E Street – Clear and grub.



4. E Street, North of Orange Show – Street light foundation.



5. Excavate trench for traffic signal conduit run # 8 across south bound at Waterman/Hospitality.



6. Pole setting operation northbound E Street/Mill Street.

**IPMO/sbX Project Costs
Forecasted through 8/31/12**

Standard Cost Category (SCC)	Description	Budget Authority (PCGA)	Current Budget	Total Spending Authority		Expenditures		Remaining Budget	Estimate to Complete	Estimate at Completion	Budget Forecast Variance
				\$	%	\$	%				
10	GUIDEWAY & TRACK ELEMENTS	\$ 17,984,000	\$ 19,725,000	12,959,917	65.7%	2,018,076	10.2%	\$ 17,706,924	\$ 10,941,841	\$ 12,959,917	\$ (6,765,083)
10.02	Guideway: At-grade semi-exclusive (allows cross-traffic)	\$ 16,686,000	\$ 18,353,000	\$ 12,169,991	66.3%	1,871,489	10.2%	\$ 16,481,511	\$ 10,298,502	\$ 12,169,991	\$ (6,183,009)
10.03	Guideway: At-grade in mixed traffic	\$ 1,298,000	\$ 1,372,000	\$ 789,926	57.6%	146,587	10.7%	\$ 1,225,413	\$ 643,339	\$ 789,926	\$ (582,074)
20	STATIONS, STOPS, TERMINALS, INTERMODAL	\$ 17,201,000	\$ 14,917,000	13,195,338	88.5%	1,505,342	10.1%	\$ 13,411,658	\$ 11,539,996	\$ 13,045,338	\$ (1,871,662)
20.01	At-grade station, stop, shelter, mall, terminal, platform	\$ 17,201,000	\$ 14,917,000	13,195,338	88.5%	1,505,342	10.1%	\$ 13,411,658	\$ 11,539,996	\$ 13,045,338	\$ (1,871,662)
30	SUPPORT FACILITIES: YARDS, SHOPS, ADMIN. BLDGS	\$ 5,370,000	\$ 8,131,000	\$ 9,750,099	119.9%	-	0.0%	\$ 8,131,000	\$ 10,944,318	\$ 10,944,318	\$ 2,813,318
30.02	Light Maintenance Facility	\$ 1,265,000	\$ 4,265,000	\$ 9,750,099	228.6%	-	0.0%	\$ 4,265,000	\$ 10,944,318	\$ 10,944,318	\$ 6,679,318
30.05	Yard and Yard Track	\$ 4,105,000	\$ 3,866,000	\$ -	0.0%	-	0.0%	\$ 3,866,000	\$ -	\$ -	\$ (3,866,000)
40	SITEWORK & SPECIAL CONDITIONS	\$ 35,611,000	\$ 34,271,000	19,979,908	58.3%	8,834,843	25.8%	\$ 25,436,157	\$ 11,295,065	\$ 20,129,908	\$ (14,141,092)
40.01	Demolition, Clearing, Earthwork	\$ 4,785,000	\$ 4,741,000	\$ 455,559	9.6%	228,009	4.8%	\$ 4,512,991	\$ 227,550	\$ 455,559	\$ (4,285,441)
40.02	Site Utilities, Utility Relocation	\$ 6,245,000	\$ 4,993,000	\$ 4,482,511	89.8%	2,766,203	55.4%	\$ 2,226,797	\$ 1,722,308	\$ 4,488,511	\$ (504,489)
40.05	Site structures including retaining walls, sound walls	\$ 99,000	\$ 90,000	\$ 72,224	80.2%	-	0.0%	\$ 90,000	\$ 72,224	\$ 72,224	\$ (17,776)
40.06	Pedestrian / bike access and accommodation, landscaping	\$ 6,312,000	\$ 6,925,000	\$ 3,653,137	52.8%	498,228	7.2%	\$ 6,426,772	\$ 3,297,725	\$ 3,795,953	\$ (3,129,047)
40.07	Automobile, bus, van accessways including roads, parking lots	\$ 6,972,000	\$ 3,601,000	\$ 4,247,349	117.9%	976,150	27.1%	\$ 2,624,850	\$ 3,272,383	\$ 4,248,533	\$ 647,533
40.08	Temporary Facilities and other indirect costs during construction	\$ 11,198,000	\$ 13,921,000	\$ 7,069,128	50.8%	4,366,253	31.4%	\$ 9,554,747	\$ 2,702,875	\$ 7,069,128	\$ (6,851,872)
50	SYSTEMS	\$ 19,984,000	\$ 16,727,000	\$ 20,046,557	119.8%	2,655,023	15.9%	\$ 14,071,977	\$ 17,391,534	\$ 20,046,557	\$ 3,319,557
50.02	Traffic signals and crossing protection	\$ 11,386,000	\$ 10,810,000	\$ 6,152,557	56.9%	658,471	6.1%	\$ 10,151,529	\$ 5,494,086	\$ 6,152,557	\$ (4,657,443)
50.05	Communications	\$ 6,294,000	\$ 4,210,000	\$ 8,294,000	197.0%	1,605,000	38.1%	\$ 2,605,000	\$ 6,689,000	\$ 8,294,000	\$ 4,084,000
50.06	Fare collection system and equipment	\$ 2,304,000	\$ 1,707,000	\$ 5,600,000		391,552		\$ 1,315,448	\$ 5,208,448	\$ 5,600,000	\$ 3,893,000
	Contract Change Orders								\$ 3,772,094	\$ 3,772,094	\$ 3,772,094
	Pending Change Orders								\$ 4,457,028	\$ 4,457,028	\$ 4,457,028
	Risk								\$ 17,664,563	\$ 17,664,563	\$ 17,664,563
	Allocated Contingency			\$ 9,751,140							
	Construction Subtotal (10-50)	\$ 96,150,000	\$ 93,771,000	85,682,959	91.4%	15,013,284	16.0%	\$ 78,757,716	\$ 88,006,439	\$ 103,019,723	\$ 9,248,723
60	ROW, LAND, EXISTING IMPROVEMENTS	\$ 6,532,000	\$ 6,532,000	\$ 6,032,000	92.3%	5,033,011	77.1%	\$ 1,498,989	\$ 2,716,254	\$ 7,749,265	\$ 1,217,265
60.01	Purchase or lease of real estate	\$ 6,327,000	\$ 6,327,000	\$ 5,827,000	92.1%	5,023,917	79.4%	\$ 1,303,083	\$ 2,520,348	\$ 7,544,265	\$ 1,217,265
60.02	Relocation of existing households and businesses	\$ 205,000	\$ 205,000	\$ 205,000	100.0%	9,094	4.4%	\$ 195,906	\$ 195,906	\$ 205,000	\$ -
70	VEHICLES	\$ 16,628,000	\$ 16,628,000	\$ 15,830,545	95.2%	-	0.0%	\$ 16,628,000	\$ 15,830,545	\$ 15,830,545	\$ (797,455)
70.04	Bus	\$ 15,448,000	\$ 15,448,000	\$ 14,923,497	96.6%	-	0.0%	\$ 15,448,000	\$ 14,923,496	\$ 14,923,496	\$ (524,504)
70.06	Non-revenue vehicles	\$ 250,000	\$ 250,000	\$ -		-		\$ 250,000	\$ -	\$ -	\$ (250,000)
70.07	Spare parts	\$ 930,000	\$ 930,000	\$ 907,048	97.5%	-	0.0%	\$ 930,000	\$ 907,049	\$ 907,049	\$ (22,951)
80	PROFESSIONAL SERVICES	\$ 58,365,000	\$ 56,702,000	52,169,072	92.0%	29,346,381	51.8%	\$ 27,355,619	\$ 28,126,067	\$ 57,472,448	\$ 770,448
80.01	Preliminary Engineering	\$ 12,933,000	\$ 12,921,000	\$ 12,894,026	99.8%	12,876,525	99.7%	\$ 44,475	\$ 1	\$ 12,876,526	\$ (44,474)
80.02	Final Design	\$ 7,268,000	\$ 7,261,000	\$ 6,019,829	82.9%	5,545,243	76.4%	\$ 1,715,757	\$ 1,875,086	\$ 7,420,329	\$ 159,329
80.03	Project Management for Design and Construction	\$ 17,622,000	\$ 15,997,000	\$ 14,272,701	89.2%	5,768,110	36.1%	\$ 10,228,890	\$ 8,504,591	\$ 14,272,701	\$ (1,724,299)
80.04	Construction Administration & Management	\$ 6,638,000	\$ 6,632,000	\$ 5,716,966	86.2%	2,511,830	37.9%	\$ 4,120,170	\$ 7,125,512	\$ 9,637,342	\$ 3,005,342
80.05	Professional Liability and other Non-Construction Insurance	\$ 1,113,000	\$ 1,112,000	\$ 500,000	45.0%	-	0.0%	\$ 1,112,000	\$ 500,000	\$ 500,000	\$ (612,000)
80.06	Legal; Permits; Review Fees by other agencies, cities, etc.	\$ 10,606,000	\$ 10,596,000	\$ 11,580,550	109.3%	2,644,673	25.0%	\$ 7,951,327	\$ 8,935,877	\$ 11,580,550	\$ 984,550
80.07	Surveys, Testing, Investigation, Inspection	\$ 1,464,000	\$ 1,463,000	\$ 464,000	31.7%	-	0.0%	\$ 1,463,000	\$ 464,000	\$ 464,000	\$ (999,000)
80.08	Start up	\$ 721,000	\$ 720,000	\$ 721,000	100.1%	-	0.0%	\$ 720,000	\$ 721,000	\$ 721,000	\$ 1,000
	Subtotal (10-80)	\$ 177,675,000	\$ 173,633,000	\$ 159,714,576	92.0%	49,392,676	28.4%	\$ 124,240,324	\$ 134,679,305	\$ 184,071,981	\$ 10,438,981
90	UNALLOCATED CONTINGENCY	\$ 14,031,000	\$ 18,073,000	-	0.0%	-	0.0%	\$ 18,073,000	\$ -	\$ -	\$ (18,073,000)
	Subtotal (10-90)	\$ 191,706,000	\$ 191,706,000	159,714,576	83.3%	49,392,676	25.8%	\$ 142,313,324	\$ 134,679,305	\$ 184,071,981	\$ (7,634,019)
100	FINANCE CHARGES	\$ -	\$ -	-		-		\$ -	\$ -	\$ -	\$ -
	TOTAL PROJECT COST (10-100)	\$ 191,706,000	\$ 191,706,000	159,714,576	83.3%	49,392,676	25.8%	\$ 142,313,324	\$ 134,679,305	\$ 184,071,981	\$ (7,634,019)

IPMO/sbX Project Cost Report
Forecasted through 8/31/12

Description	Spending Authority		Expenditures		Remaining Budget	Estimate to Complete	Estimate at Completion	Budget Forecast Variance
	Current Budget	\$ %	\$ %					
BRT Construction	\$ 84,637,000	\$ 65,075,603 76.9%	\$ 14,519,629 17.2%	\$ 70,117,371	\$ 76,449,659	\$ 90,969,288	\$ 6,332,288	
Vehicle Maintenance Facility (VMF) Construction	\$ 8,131,000	\$ 9,750,099 119.9%	\$ - 0.0%	\$ 8,131,000	\$ 10,944,318	\$ 10,944,318	\$ 2,813,318	
Vehicles - Design & Manufacturing	\$ 16,628,000	\$ 15,830,545 95.2%	\$ - 0.0%	\$ 16,628,000	\$ 15,830,545	\$ 15,830,545	\$ (797,455)	
ROW Acquisition Services	\$ 10,357,000	\$ 10,021,135 96.8%	\$ 9,123,472 88.1%	\$ 1,233,528	\$ 2,614,928	\$ 11,738,400	\$ 1,381,400	
3rd Party Utilities Design & Relocation	\$ 1,003,000	\$ 1,106,117 110.3%	\$ 493,657 49.2%	\$ 509,343	\$ 612,460	\$ 1,106,117	\$ 103,117	
BRT Design	\$ 17,849,400	\$ 16,461,791 92.2%	\$ 16,005,641 89.7%	\$ 1,843,759	\$ 1,456,150	\$ 17,461,791	\$ (387,609)	
VMF Design	\$ 1,007,600	\$ 962,929 95.6%	\$ 703,575 69.8%	\$ 304,025	\$ 642,354	\$ 1,345,929	\$ 338,329	
Other Professional, Technical & Management Services	\$ 34,020,000	\$ 30,755,217 90.4%	\$ 8,546,703 25.1%	\$ 25,473,297	\$ 26,128,890	\$ 34,675,593	\$ 655,593	
Allocated Contingency (Construction Contract)		\$ 9,751,140			\$ -			
Unallocated Contingency	\$ 18,073,000	\$ - 0.0%	\$ - 0.0%	\$ 18,073,000		\$ -	\$ (18,073,000)	
TOTAL	\$ 191,706,000	\$ 159,714,576 83.3%	\$ 49,392,677 25.8%	\$ 142,313,323	\$ 134,679,304	\$ 184,071,981	\$ (7,634,019)	

ITEM # E6

DATE: October 3, 2012

TO: Board Chair Dick Riddell & Members of the Omnitrans Board of Directors

THROUGH: Milo Victoria, CEO/General Manager

FROM: Robert Miller, Chief Financial Officer

**SUBJECT: FORWARD FUEL PURCHASES QUARTERLY REPORT
THROUGH SEPTEMBER 2012**

FORM MOTION

Receive and file Omnitrans Chief Financial Officer's Quarterly Report on Forward Fuel purchases for the period of July through September 2012.

SUMMARY AND BACKGROUND

This report is submitted in order to comply with the requirements of the Omnitrans Forward Fuel Purchase Policy and Procedure, which requires that Omnitrans submit, at a minimum, an update to the Board semi-annually. At the request of a Board Member, Omnitrans is reporting the status of the program on a quarterly basis.

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.

A new hedge was established on January 17, 2012, fixing the price of 150,000 gallons of fuel per month for Omnitrans beginning in February 2012 through June 2014. The Board authorized the Agency to participate in the New York Mercantile Exchange (NYMEX) market through Morgan Stanley in order to lower the cost of the hedging transaction itself. This object has been accomplished. Without the structural change, Omnitrans would have paid \$.08 per gallon or \$12,000 per month to hedge 150,000 gallons of fuel. The total cost for the 29 month period would have been \$348,000. Under the Morgan Stanley structure, the Agency incurred costs of \$4,630 to establish the 29 month hedge position. A similar amount will be incurred over the life of the hedge as each monthly position closes. The total transactional cost has been reduced to \$9,260; a savings of \$338,740 for the Agency.

Over the last year, the price for natural gas has been declining as the supply has been increased due to new recovery technology. The new hedge was established at a price of \$.277 per gallon of LNG. This compares to a price of \$.54 per gallon under the expiring hedge. Because of the

favorable market conditions, Omnitrans will be able to reduce its fuel budget for FY 2013 by \$900,000 year over year.

Under the new hedge program, the hedge cost will be averaged over the entire hedge period thereby fixing the per gallon fuel cost for 29 months. In the past, the prices have been averaged over periods coinciding with the Agency's fiscal years. While this will increase the cost during the close in months, the Agency will be able to reduce the volatility of approximately 5% of its annual expenses. This will permit us to minimize our year-over-year expense growth rate and this will allow us to satisfy the test so we can use STA (State Transit Assistance) funding for both capital and operating expenses.

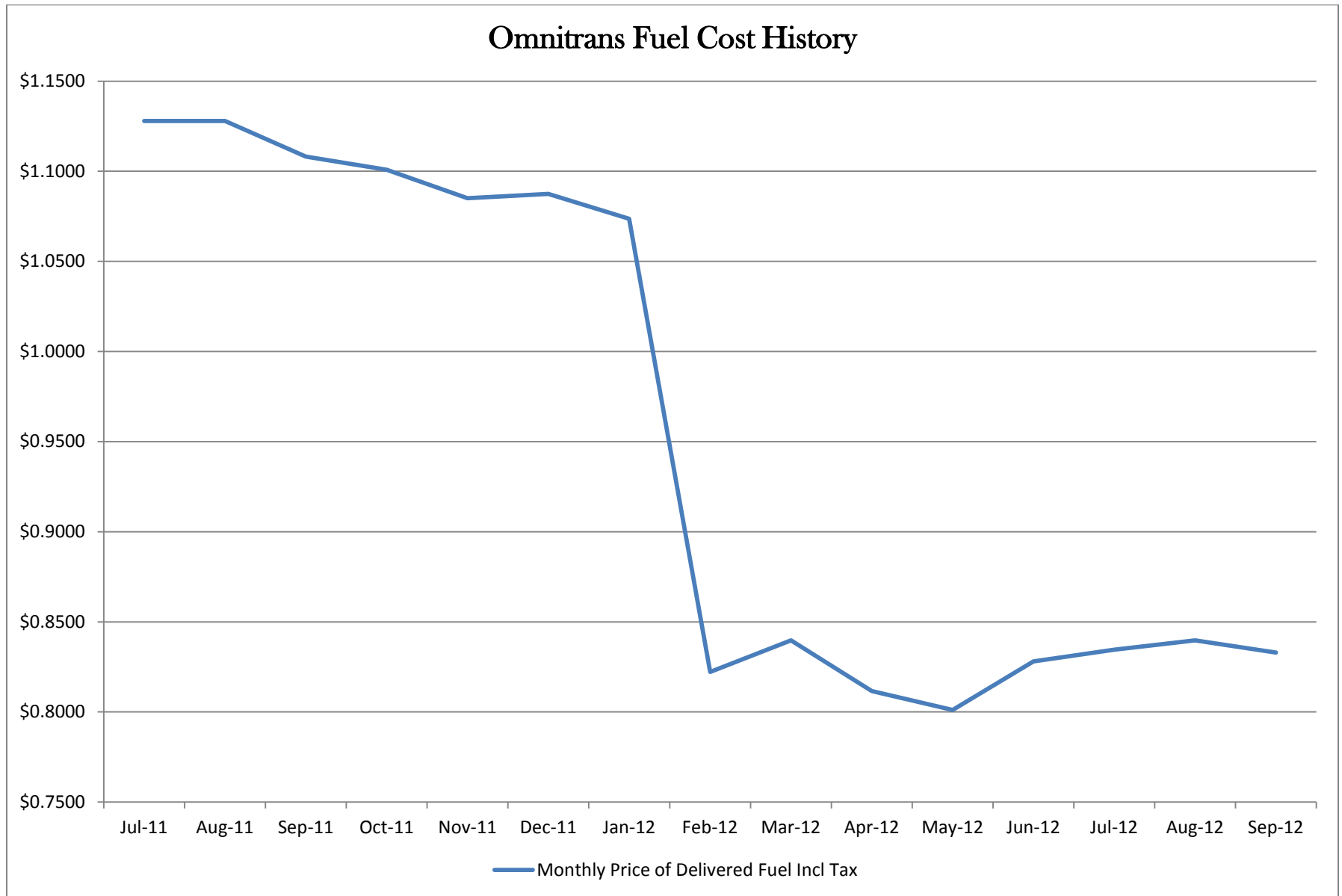
Simple administrative controls have been put in place to make sure the Agency's hedge program is controlled and is consistent with the objectives of the Committee and the Board. An account statement is independently generated nightly by Morgan Stanley. The report is simultaneously distributed to Milo Victoria, Robert Miller and Donald Walker. They are the only individuals authorized to trade the account. Any activity would be highlighted on the statements distributed to the three authorized traders.

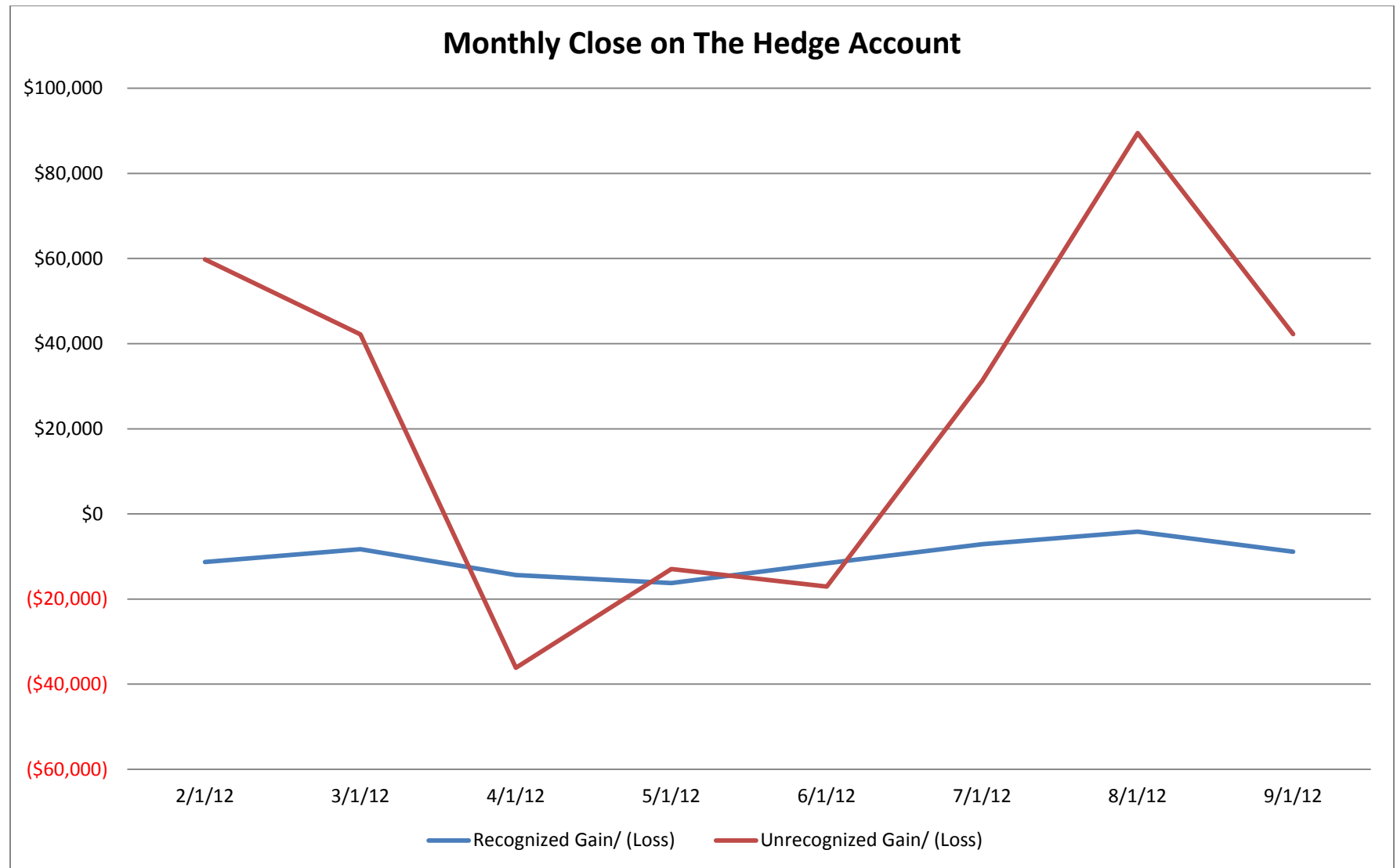
Once each month the Agency will use the Morgan Stanley daily statement to record the financial results from the hedge position. The gain or loss on the current contract will be closed against fuel acquired during the month. The gain or loss on the out month contracts will be recorded on the balance sheet as a deferred item. During the current fiscal 2012 annual audit cycle, the Agency had an independent firm evaluate the Omnitrans hedge transaction. The purpose of the review was to confirm that the transaction meets the tests necessary to be recognized as efficient. An efficient hedge can be recorded through the monthly financial statements in a way that permits the Agency to accurately record the specific cost elements that pertain to each specific monthly hedge position. The Omnitrans program has been confirmed as meeting the tests to be recorded as efficient.

The following table highlights the information that was presented to the Administrative & Finance Committee for fuel purchases during the first quarter of Fiscal Year 2013 (July through September).

	July 2012	August 2012	September 2012
LNG Spot Market Price from Clean Energy (incl. So Cal Index, Liquefaction, Delivery & Sales Tax)	\$0.8343	\$0.8397	\$0.8330
Monthly Gain/Loss on Hedge Position	(\$7,128)	(\$4,202)	(\$8,864)
Budget Variance	\$15,465	\$13,693	\$15,959

MV:rm





ITEM # E7

DATE: October 3, 2012

TO: Board Chair Dick Riddell and Members of the Omnitrans Board of Directors

THROUGH: Milo Victoria, CEO/General Manager

FROM: William Tsuei, Director of Information Technology

SUBJECT: AUTHORIZE SOLE SOURCE PURCHASE OF SOFTWARE MAINTENANCE SERVICES FOR FINANCIAL & OPERATIONAL REPORTING TO SANBAG

FORM MOTION

Authorize the CEO/General Manager to award a sole source purchase to TransTrack Systems, Inc., Phoenix, AZ, for annual software maintenance services, beginning July 1, 2012, and ending June 30, 2013, for the TransTrack software utilized by the Agency for financial & operational reporting to SANBAG (San Bernardino Associated Governments) in the amount of \$35,000.00.

BACKGROUND & SUMMARY

Maintenance support is only available from TransTrack Systems, Inc. and the fee includes maintenance and support of the TransTrack product, including software upgrades, training, maintenance and support of required third party software, and all applicable taxes.

FUNDING SOURCE

Funding for this contract is budgeted in the operating budget for Fiscal Year 2013.

Department Number 1320
Expenditure Code 505170

_____ Verification of Funding Source and Availability of Funds.
(Verified and initialed by Finance)

This procurement meets the requirements of Omnitrans' current Procurement Policy and Procedures Manuals.

CONCLUSION

For the above reasons, staff recommends that the Board of Directors authorize the CEO/General Manager to award a sole source purchase to TransTrack Systems, Inc., Phoenix, AZ, for annual software maintenance services, beginning July 1, 2012, and ending June 30, 2013, for the TransTrack software utilized by the Agency for financial & operational reporting to SANBAG (San Bernardino Associated Governments) in the amount of \$35,000.00.

MV:wt



265 Belmont Avenue
Long Beach, California 90803
Telephone Number (562) 987-4755
Fax Number (562) 987-4756
Web Address: www.transtrack.net

August 15, 2012

Mr. Milo Victoria
General Manager
Omnitrans
1700 W. 5th Street
San Bernardino, California 92501

Subject: FY 2013 Renewal of End User License Maintenance & Support Agreement – Amendment #008

Dear Mr. Victoria:

Omnitrans has the opportunity to renew the End User License ("License") Agreement with TransTrack Systems[®], Inc. with the payment for fiscal year 2013 Maintenance and Support.

In accordance with Article IV Section 6 of the current End User License, upon notice prior to the expiration of the current term of the License accompanied with payment for a renewal, Omnitrans will be able to continue to use the proprietary software, TransTrack Manager[®].

Exhibit F of the License provides the range of fees which may be charged by TransTrack for a renewal of the Maintenance and Support portion of the License.

The renewal fee is \$35,000 for the level of specified in the License Agreement. Any additional services requested, other than those set forth in the description of Maintenance and Support, will be subject to an additional fee.

Once this letter is fully executed by both TransTrack Systems[®], Inc. and an authorized representative of Omnitrans, and TransTrack has received the \$35,000 payment, it will serve to renew the End User License for the 2013 fiscal year term, subject to all other terms and conditions of the End User License remaining the same.

This letter shall also amend Exhibit F by adding the following sentence:

"Annual Maintenance and Support Fee (July 1, 2012 to June 30, 2013): \$35,000."

All other terms and conditions of the License shall remain in full force and effect.

AGREED AND ACCEPTED

TransTrack Systems[®], Inc.

Mary Sue O'Melia

Mary Sue O'Melia
President

Date: 8/15/12

AGREED AND ACCEPTED

Omnitrans

Milo Victoria
CEO/General Manager

Date: _____



ITEM # E8

DATE: October 3, 2012

TO: Board Chair Dick Riddell & Members of the Omnitrans Board of Directors

THROUGH: Milo Victoria, CEO/General Manager

FROM: Jennifer M. Sims, Director of Procurement

SUBJECT: AUTHORIZE AWARD OF CONTRACT MKT13-28, BUS STOP SIGNS

FORM MOTION

Authorize the CEO/General Manager to award Contract MKT13-28 to Zumar Industries, Inc., of Santa Fe Springs, CA, for the provision of Bus Stop Signs. This is a one-time purchase with a total contract amount not-to-exceed \$37,353.96, plus a cost allocation plan cost of \$1,221, for a total cost not to exceed \$38,574.96.

SUMMARY & BACKGROUND

On July 26, 2012, staff issued the Request for Quotations, and notices were published in the local newspapers and posted on Omnitrans' website. Six bids were received by the bid deadline of August 16, 2012. All bids were found to be responsible and responsive. This contract is being awarded to the lowest bidder. This procurement is part of the Board approved agency rebranding effort. The purchase will provide 2,700 new bus stop signs to replace existing signs, of which most are at least fifteen years old and others are over twenty years old.

ADS Companies	\$182,460.00
Documedia Group	\$ 90,936.00
Lightle Ent of Ohio	\$ 51,985.80
Hall Signs, Inc	\$ 40,365.00
Safeway Sign Co.	\$ 37,850.76
Zumar Industries	\$ 37,353.96

FUNDING SOURCE

YEAR	Project Name	FTA	STA	GRANT
2006	Agency Rebranding	\$6,534		CA-90-Y396
2007	Agency Rebranding	\$5,892		CA-90-Y495
2008	Agency Rebranding	\$9,997		CA-90-Y602
2009	Agency Rebranding	\$8,437		CA-90-Y681
	Total FTA	\$30,860		
<u>2012</u>	Agency Rebranding		\$7,714	12-11-OMN-B
	Total STA		\$7,714	
	Agency Rebranding		Grand Total	\$38,575

_____ Verification of Funding Source and Availability of Funds.
(Verified and initialed by Finance)

CONCLUSION

For the foregoing reasons, staff recommends that the Board of Directors authorize the CEO/General Manager to award Contract MKT13-28 to Zumar Industries, Inc., of Santa Fe Springs, CA, for the provision of Bus Stop Signs. This is a one-time purchase with a total contract amount not-to-exceed \$37,353.90, plus a cost allocation plan cost of \$1,221, for a total cost not to exceed \$38,575.

MV:JS

 OmniTrans Omnitrans STANDARD CONTRACT 1700 West Fifth Street San Bernardino CA 92411	<input checked="" type="checkbox"/>	New					Contract Number RFQ-MKT13-28
	<input type="checkbox"/>	Change					
	<input type="checkbox"/>	Cancel					
	Omnitrans Department Marketing			Dept. No. 1400		Project Bus Stop Signs	
Procurement Manager	Omnitrans Procurement Representative Joanne Cook			Telephone 909-379-7198		Total Contract Amount \$37,353.96	
	Contract Type:						Fixed
Director of Procurement		Contract Start Date October 3, 2012	Contract End Date	Original Amount \$	Amended Amount		

THIS CONTRACT is entered into in the State of California by and between Omnitrans, a Joint Powers Authority; hereinafter called Omnitrans, and

Name

Zumar Industries Inc.

hereinafter called Contractor

Address

9719 S. Santa Fe Springs Rd.

Santa Fe Springs, CA 90670

Telephone

Federal ID No.

800-654-7446

95-2039699

IT IS HEREBY AGREED AS FOLLOWS:

1. **Contract Documents.** The complete Contract Record includes all of the following Contract Documents, either included herewith or incorporated herein by reference, and they are included in their entirety as a part of this Contract, A first, then B, then C:
 - A. This signed Agreement dated _____ and any and all of its Amendments, Appendices, Exhibits and Attachments;
 - B. Omnitrans' Solicitation Number RFQ-MKT13-28 dated July 26, 2012 and any and all of its Amendments, Appendices, Exhibits and Attachments;
 - C. Contractor's Proposal dated August 14, 2012 and any and all of its Amendments, Appendices, Exhibits and Attachments;
2. **Scope of Work.** The Contractor agrees to perform certain work set forth and particularly described in the aforementioned documents, incorporated herein by reference, in consideration of:
3. **Compensation.** Omnitrans agrees to pay, and the Contractor agrees to accept in full, payment for the work outlined in the Contract Documents, the sum of:

BASE BID.....\$37,353.96
4. **Contract Duration.** This is a one-time purchase only.

5. **Omnitrans Contacts.**

Contract Technical Activities: Allen Wild, Stops & Stations Supervisor, (909) 379-7153

Contract Administration: Joanne Cook, Contract Administrator, (909) 379-7198

6. **Required Documents.** As required by the RFP, the final award of this contract is contingent on the receipt of the following remaining documents:

Insurance Certificates

7. **Instructions.** Sign both originals of this document, and return one original with the required documents to Omnitrans' Contracts, Attn: Joanne Cook, within ten (10) business days.

The Notice to Proceed letter and a purchase order will be issued after all of the above-referenced contingencies have been met and this Agreement has been signed by both Parties. **NO WORK SHALL COMMENCE UNTIL THE NOTICE TO PROCEED HAS BEEN ISSUED.**

IN WITNESS WHEREOF, Omnitrans and the Contractor have each caused this Contract to be subscribed by its respective duly authorized officers on its respective behalf.

OMNITRANS

ZUMAR INDUSTRIES, INC.

Milo Victoria, CEO/General Manager

By

(Authorized signature – **sign in blue ink**)

Dated

Name

(Print or type name of person signing contract)

Title

(Print or Type)

Dated

ITEM # E9

DATE: October 3, 2012

TO: Board Chair Dick Riddell & Members of the Omnitrans Board of Directors

THROUGH: Milo Victoria, CEO/General Manager

FROM: Jennifer M. Sims, Director of Procurement

**SUBJECT: AUTHORIZE AWARD OF CONTRACT: PRC13-04
COOLANT SUPPLY**

FORM MOTION

Authorize the CEO/General Manager to award Contract PRC13-04 to Thermo Fluids Corporation of Scottsdale, AZ, for the provision of coolant supply for a two (2) year period beginning November 1, 2012, and ending October 31, 2014, in the amount of 44,800.00, plus a ten percent (10%) contingency of \$4,480.00, for a total not-to-exceed amount of \$49,280.00.

BACKGROUND & SUMMARY

On August 30, 2012, staff issued the Request for Quotations, notices were published in the local newspapers and posted on PlanetBids, the Agency's e-procurement system. Three quotes were received electronically on September 13, 2012. All bids were found to be responsible and responsive. Listed in the chart below are the bid prices that were submitted.

Company Name	Bid Received (2 years)
Thermo Fluids	\$44,800.00
Toxguard Fluid Technologies	\$71,213.00
Rosemead Oil Products, Inc.	\$110,329.15

Award is being made to the lowest bidder representing a cost savings of \$26,413.00 over the incumbent vendor's bid (Toxguard Fluid Technologies). This procurement meets the requirements of Omnitrans' current Procurement Policies and Procedures.

FUNDING SOURCE

Funding for this contract is budgeted in the current year in the Maintenance Department's Operating Budget, as follows:


Department: 1200
Expenditure Code: 504130

_____ Verification of Funding Source and Availability of Funds.
(Verified and initialed by Finance)

CONCLUSION

For the foregoing reasons, staff recommends that the Board of Directors authorize the CEO/General Manager to award Contract PRC13-04 to Thermo Fluids Corporation of Scottsdale, AZ, for the provision of coolant supply services for a two (2) year period beginning November 1, 2012, and ending October 31, 2014, in the amount of 44,800.00 plus a ten percent (10%) contingency of \$4,480.00, for a total not-to-exceed amount of \$49,280.00.

MV:JS:JC

 Omnitrans 1700 West Fifth Street San Bernardino CA 92411	<input checked="" type="checkbox"/>	New					Contract Number PRC13-04
	<input type="checkbox"/>	Change					
	<input type="checkbox"/>	Cancel					
	Omnitrans Department PROCUREMENT			Dept. No. 1700		Project Coolant Supply	
	Omnitrans Procurement Representative Joanne Cook			Telephone 909-379-7198		Total Contract Amount \$44,800.00	
	Contract Type:						Firm Fixed
Director of Procurement <i>J. M. Smith</i> 9/18/12		Contract Start Date 11/1/12	Contract End Date 10/31/14	Original Amount \$	Amended Amount		

THIS CONTRACT is entered into in the State of California by and between Omnitrans, a Joint Powers Authority; hereinafter called Omnitrans, and

Name

Thermo Fluids

hereinafter called Contractor

Address

910 E. 4th Street

Santa Ana, CA 92701

Telephone

714-731-5995

Federal ID No.

59-3210374

IT IS HEREBY AGREED AS FOLLOWS:

1. **Contract Documents.** The complete Contract Record includes all of the following Contract Documents, either included herewith or incorporated herein by reference, and they are included in their entirety as a part of this Contract, A first, then B, then C:
 - A. This signed Agreement dated _____ and any and all of its Amendments, Appendices, Exhibits and Attachments;
 - B. Omnitrans' Solicitation Number RFQ-PRC13-04 dated _____ and any and all of its Amendments, Appendices, Exhibits and Attachments;
 - C. Contractor's Proposal dated September 13, 2012 and any and all of its Amendments, Appendices, Exhibits and Attachments;
2. **Scope of Work.** The Contractor agrees to perform certain work set forth and particularly described in the aforementioned documents, incorporated herein by reference, in consideration of:
3. **Compensation.** Omnitrans agrees to pay, and the Contractor agrees to accept in full, payment for the work outlined in the Contract Documents, in an amount not-to-exceed:

BASE BID.....\$44,800.00
4. **Contract Duration.** The duration of this contract is two (2) years with a start date of November 1, 2012 and an end date of October 31, 2014.
5. **Omnitrans Contacts.**

Contract Technical Activities: Dan Boyd, Materials Supervisor, (909) 379-7204

Contract Administration: Joanne Cook, Contract Administrator, (909) 379-7198

6. **Required Documents.** As required by the RFQ, the final award of this contract is contingent on the receipt of the following remaining documents:

Insurance Documents as required by Attachment A of the RFQ

7. **Instructions.** Sign and return both originals of this document with the required documents to Omnitrans' Contracts Joanne Cook, Contract Administrator, within ten (10) business days.

The Notice to Proceed letter and a purchase order will be issued after all of the above-referenced contingencies have been met and this Agreement has been signed by both Parties. **NO WORK SHALL COMMENCE UNTIL THE NOTICE TO PROCEED HAS BEEN ISSUED.**

IN WITNESS WHEREOF, Omnitrans and the Contractor have each caused this Contract to be subscribed by its respective duly authorized officers on its respective behalf.

OMNITRANS

THERMO FLUIDS

Milo Victoria, CEO/General Manager

By _____
(Authorized signature – sign in blue ink)

Dated _____

Name Gavin Hensing
(Print or type name of person signing contract)

Title Account Manager
(Print or Type)

Dated _____

Other
Saturday, September 01, 2012

ITEM #E10

CALIFORNIA TRANSIT ASSOCIATION

Transit California September 2012: Member News Library

The following items are excerpted from news releases issued by California Transit Association members. If you are a member of the Association and would like to submit an item to be considered for inclusion in the Member News Library, please e-mail your press releases to Communications Director Jeff Wagner (jeff@caltransit.org) AND to Managing Editor Stephanie Jordan (sjordan@freelancecomm.com). Photos and outline information with your news release submissions, when possible, are encouraged.

INDUSTRY NEWS



Omnitrans CEO/General Manager Milo Victoria unveiled the agency's new brand identity during ceremonies held August 15 in San Bernardino.

Omnitrans Unveils New Look

Omnitrans unveiled its new logo, slogan and fleet graphics August 15 at the transit agency's main transfer center in downtown San Bernardino.

"The colors symbolize our green earth and blue sky, reflecting Omnitrans' commitment to the environment, and air quality in particular, with our 100-percent natural gas-powered fleet," explained CEO/General Manager Milo Victoria."

Two New Flyer Xcelstar 2012 40-foot transit buses on display were decked out with a bold new fleet design in bright green and blue. Twenty of the new buses will be deployed in coming weeks to replace retiring models. The remaining 144 buses in the Omnitrans fleet will get a simplified color refresh.

The agency website, www.omnitrans.org, also got a makeover. Smart phone and tablet users can now instantly access maps and schedule information without cumbersome downloads or continuous scrolling. Important news and updates are prominently featured up front. The easy-to-use trip planner appears on every page. Drop-down menus allow the user to easily search information by service, route or destination. Fare information is available at the touch of a button, and passes can be purchased online.

Buster, the agency mascot was also updated with the new fleet graphics. The new logo and color scheme replace designs developed in 1985 and are the third logo and branding used by the transit agency in its 36-year history.

Visit [Omnitrans' online gallery](#) for more photos.

Other
Saturday, September 01, 2012

SOUTHERN CALIFORNIA REGIONAL TRANSIT TRAINING CONSORTIUM

OMNI Rebrands Image



OmniTrans unveiled a new logo, slogan and fleet graphics to the public on August 15 at the agency's main transfer center in downtown San Bernardino. The new logo and color scheme replace the current design developed in 1985 and will be just the third logo and branding used by OmniTrans in its 36-year history.

New Flyer Xcelstar 2012 40-foot transit buses featuring bold new graphics replace retiring models. The remaining 144 buses in the OmniTrans fleet will get a simplified color refresh. A travel training bus, equipped with video displays and a public address system, will begin hitting the road for live how-to-ride demonstrations this fall.

New buses feature 3-bike racks (upgraded from the 2-bike capacity racks). "Our customers have asked for 3-bike racks to keep up with demand," said CEO/General Manager Milo Victoria.

Present at the launch event were Milo Victoria, Mayor of Yucaipa/OmniTrans Board Chair Dirk Riddell, and Mayor of Upland/OmniTrans Board Member Ray Musser. OmniTrans also will unveil its up-dated agency mascot, Buster, and a re-tooled agency web site. For more information, please visit www.omnitrans.org.

THE SAN BERNARDINO SUN

September 6, 2012

Train extension in SB gathering momentum

By Andrew Edwards
Staff Writer

SAN BERNARDINO — Metrolink trains may rumble to a new station in the city's downtown by mid-decade.

"It will be a miniature of the new ARTIC center in Anaheim, or our great station in downtown L.A.," San Bernardino Mayor Pat Morris said while comparing the planned station to another one planned for Anaheim and historic Union Station in Los Angeles.

Morris is also a board mem-

ber for San Bernardino Associated Governments, the regional transportation planning agency for San Bernardino County.

SanBAG's board on Wednesday certified an environmental impact report for a new station and an extension of Metrolink's Los Angeles-to-San Bernardino line to downtown San Bernardino.

The board's vote helps clear the way for SanBAG officials to make right-of-way acquisitions and put the project to bid.

RAIL A4

RAIL

From A1

The Santa Fe depot, built in 1918, is a Moorish-style building that serves as the eastern terminus for Metrolink's heavily used San Bernardino Line.

The planned extension of that line calls for the construction of about one mile of new track that will carry trains to a new station to be built near Rialto Avenue and E Street.

Pending federal approval of SanBAG's plans, Wednesday's vote lets the agency begin negotiations to buy properties along the planned track extension, said Mitch Alderman, SanBAG's director of transit and rail programs.

Unsuccessful negotiations could lead to eminent-domain proceedings.

Alderman said SanBAG will probably seek bids from construction firms next April, and construction could start during late 2013.

Alderman expects construc-

tion will be completed after about 20 months of work.

The new downtown San Bernardino train station will also serve Omnitrans' planned SBX rapid-transit bus line and other bus routes.

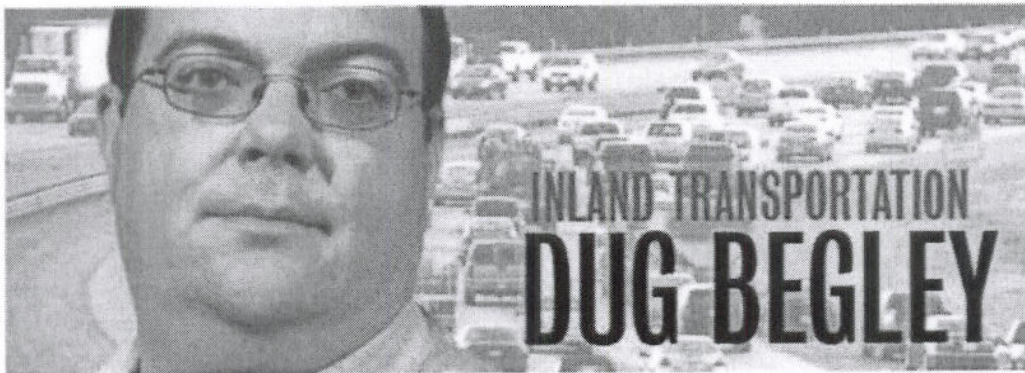
Projected costs for the downtown station are in the \$16 million to \$17 million range, Alderman said.

The track extension and necessary improvements at Santa Fe Depot, such as an improved rail platform, additional parking and a pedestrian overpass, are expected to cost around \$60 million, he said.

The project will be financed with federal, state and local money from such sources as Proposition 1B bonds and Measure 1 tax dollars.

No money from San Bernardino's city treasury is devoted to the project, Morris and Alderman said. San Bernardino declared bankruptcy on Aug. 1, and city leaders are in the process of making painful budget cuts.

andrew.edwards@inlandnewspapers.com
909-386-3872, @InlandBizz



OMNITRANS: First look at sbX buses

Posted on | September 8, 2012 | 1 Comments



Omnitrans - The new sbX buses will start ferrying passengers in 2014, but they're already rolling off the assembly line in Minnesota.

Omnitrans has released photos of its new buses for the sbX bus rapid transit project, coming off the line at the New Flyer America plant in Crookston, Minn.

The buses won't start running until 2014, but work on the project is ongoing. Crews are revamping E Street in downtown San Bernardino, as well as Hospitality Lane. Eventually, the 60-foot buses will operate along a 16-mile route from north of Cal State San Bernardino to the medical area in Loma Linda.

THE SAN BERNARDINO SUN

September 9, 2012

Mayor backed spending

OK, let's get a few facts straight.

First, the sbX bus line is mostly funded by federal tax dollars. It is partially funded by local government agencies. Omnitrans is owned by the state of California; it is funded by our state tax dollars. Another contributor to the sbX bus line is SanBAG, a local government agency. The city of San Bernardino waived over \$4 million in fees and permits. This money would and should have gone into the city funds, but the mayor-backed City Council waived the fees. The city still has to pay the inspectors and city workers that do the work on the sbX bus line. If you go to the Omnitrans website you can see the funds breakdown for it.

Second, the San Bernardino International Airport is funded by the cities around it. It is called the San Bernardino International Airport Authority. The city of San Bernardino gets two votes because the airport is within the city's limits. The mayor of San Bernardino is the chairman of the board. This means that the city of San Bernardino contributes two shares of the money needed to run the airport. There are only four cities left on this board. The airport operations and redevelopment have been funded by the federal government, but again, this is our federal tax dollars.

Third, the CinemaStar building was owned by the redevelopment agency, but is currently owned by the city of San Bernardino. The agency that did the redevelopment of the building was the city of San Bernardino. The cost to the city was over \$4 million.

Mayor Morris has pushed all these projects through with a majority of the City Council's votes. They have all lost money. I blame the mayor because he is the one who has pushed these projects through even though he had Mr. McNeely's report.

GARY WALBOURNE
San Bernardino

THE PRESS-ENTERPRISE

SAN BERNARDINO: Omnitrans, SANBAG at odds over rail project



KURT MILLER/STAFF PHOTOGRAPHER

Passengers board a Omnitrans bus on Waterman Ave. near 9th St. in San Bernardino on Friday, September 7, 2012. A concern has been raised to federal officials about the Redlands passenger rail project hurting local bus service. Omnitrans has submitted a letter saying the project could discriminate racially by limiting bus service to more diverse areas.

BY DUG BEGLEY, STAFF WRITER

Published: 10 September 2012 04:35 PM

A proposed rail line from San Bernardino to Redlands that's been touted as a major transit upgrade has drawn opposition from local bus system officials, who fear a greater focus on rail will rob poor and minority bus-dependent riders of vital transportation.

Officials with Omnitrans, the bus system for southwestern San Bernardino County, fear adding the line could cost them one-fifth of their operations money, which would lead to large cuts in bus service, potentially affecting communities where riders are more dependent on the transit system.

Though nothing has been decided, transportation agency staff agree that Omnitrans could stop receiving all of the San Bernardino Valley's sales tax money for transit. It would have to share it with the rail project, but officials said that would not come at the expense of offering bus service to parts of the area.

At issue is how San Bernardino Associated Governments will pay to improve tracks and extend Metrolink service from a transit center at Rialto Avenue and E Street in downtown San Bernardino to a transit village at the University of Redlands. The project is estimated to cost between \$130 million and \$150 million to build and \$8 million a year to operate.

SANBAG officials have said funds would come from various sources, including the local transit funds raised by San Bernardino County's half-cent Measure I sales tax. Ultimately, SANBAG's board will decide whether to proceed with construction, after an environmental analysis expected to take about a year, said Mitch Alderman, SANBAG's director of transit and rail programs.

Though the delay to finalize the project's environmental analysis is not welcome, Redlands Mayor Pete Aguilar said the city remains undeterred and supportive of the rail project.

"This is something that we have built into our economic development plans," Aguilar said. "We're not happy with the delay; clearly we would like to see this project move forward. It is something that's been around for 20 years being discussed."

Part of the additional work studying the project includes the concerns raised by Omnitrans. In a May 10 letter to SANBAG, Omnitrans CEO Milo Victoria asks that the agency provide more specifics about how paying for the Redlands rail extension will affect Omnitrans' funding.

Omnitrans, relying on SANBAG reports, estimates that it would lose \$14 million, about 20 percent of its operations budget of about \$70 million. Transit money from the local sales tax is distributed by SANBAG to various bus and rail providers.

"Thus, a thorough analysis is needed of all projected financial impacts of the Redlands Passenger Rail Project on Omnitrans' operations ..." Victoria wrote in May. "The analysis is needed to determine whether proposed changes to rail and bus service related to this project will have a disproportionate or discriminatory impact."

DISADVANTAGED RIDERS

Omnitrans officials worry that if they lose significant funding, bus service will have to be cut back, spokeswoman Wendy Williams said. Some of those cuts might have to come from routes that serve poorer areas of the San Bernardino Valley.

Cutting service to disadvantaged populations, where residents might not own a car or have fewer options for travel, could create potential problems complying with federal anti-discrimination laws, Victoria said in his letter.

The letter cites Title VI, which forbids transit spending that "encourages, entrenches, subsidizes or results in racial discrimination."

In Redlands, 10.1 percent of residents have incomes below the federal poverty level and the median household income is \$67,651 based on 2006 to 2010 figures from the Census Bureau. That's far better than the average for San Bernardino County, where 14.8 percent of people are poor and the median income is \$55,845. Within San Bernardino city limits, more than one-quarter of residents live below the poverty level.

Studies suggest that train riders normally are wealthier than bus riders. Commuter rail, like that in Southern California, normally connects riders to major job centers, and many rail riders choose to ride although they own cars.

On buses, car ownership is rarer and more riders hop aboard out of necessity, as opposed to choice. Omnitrans is the only option for some residents who for various reasons are economically dependent on bus service.

"I like rail very much. My dad was a railroad man. But I don't want it at the expense of the bus service," Yucaipa Mayor Dick Riddell said. "There is not going to be enough money to pay for this rail to Redlands and operating the bus system as it currently is."

Riddell, chairman of the Omnitrans board of directors and a member of SANBAG, said he would support finding other nonlocal sources of money for the Redlands rail project, or waiting until there is enough local money to keep Omnitrans funding stable and add the rail line.

"Rail service is mentioned in the Measure I itself, but it doesn't say when it should be spent," Riddell said. "If we get outside funding for it, fine, go ahead."

RAIL SUPPORTED

SANBAG officials emphasize that no decisions about funding the Redlands rail project have been made. Bus service is critical to the county, they said.

"The board is not going to agree to move forward with Redlands rail if it is going to adversely impact Omnitrans," SANBAG Executive Director Ray Wolfe said. "We are not interested in seeing Omnitrans dramatically reduce its services. That has no benefit to San Bernardino County residents."

Wolfe noted that SANBAG is working with Omnitrans on a cost analysis of the bus system, in the hopes of finding ways to better use transit money in the region. If savings are found, those could benefit rail projects, Wolfe said.

"Maybe they need to run smaller buses on a particular route," he said. "I don't know. That's what the analysis is for. To say where we are."

Redlands officials remain supportive of rail service. The University of Redlands and Esri, one of the city's largest employers, also back the project.

"We see the rail opening up a whole new avenue for our students and staff and faculty," said Phil Doolittle, the university's chief operations officer. "It runs right down the spine of the town."

The university station, likely to sit on land currently owned by the school, could also lead to development opportunities at the south end of the campus.

Differences in how to spend transit money are nothing new in Southern California, where priorities vary from city to city. But bus agencies rarely challenge rail projects.

Riverside County's transportation and transit board are, as in San Bernardino County, different entities. But the bus system has never challenged a rail project or noted concerns about Title VI and potential discrimination, Riverside Transit Agency spokesman Brad Weaver said in an email.

"We are very supportive of rail projects," Weaver said. "Any Metrolink expansion is an opportunity to draw more people to public transportation, and therefore promote bus usage."

But some disputes regarding bus spending and discrimination have occurred. Los Angeles Metropolitan Transportation Authority was sued by the Bus Riders Union and others in 1994. The suit ended with a decade-long consent decree that required LA Metro to expand and improve bus service as it built out the city's light rail system and widened freeways.

Though he was unfamiliar with Omnitrans' specific concerns, Doolittle said he believed the rail project would increase Omnitrans ridership because scores of rail riders would likely go to and from train stations by bus.

"I believe there will be some positives for busing," he said. "In our planning, we have assumed that."

THE PRESS-ENTERPRISE



Public comments sock it to San Bernardino official

Posted on: September 10, 2012 | 4 Comments

One of the people who addressed the San Bernardino City Council during public comments really has a way with words:

"Let me get this straight," said Page Miller.

"We have an international airport to nowhere, a bus route to nowhere, a mall with no businesses, a theater with no people, and an accounting firm that can't count, all waiting to be rescued by Operation Phoenix."

Oh, ouch!

I don't agree with much of what she said, blaming Mayor Pat Morris and praising the four council members who undermine him every chance they get (Robert Jenkins, John Valdivia, Chas Kelley and Wendy McCammack). But she really zinged her targets, reserving her worst for Morris:

"You simply do not have the skill set needed to lead this city," Miller told the mayor. "You have limited leadership capabilities, no fiscal clue, no business sense, no vision and no game plan."

My quarrel here is: Morris does have a vision, which he implemented with Operation Phoenix to get juveniles on the straight and narrow before they become criminals, and the SBx express bus, which he views as the route to the city's future of dense development along the mass-transit line.

Agree or disagree, he does have a plan.

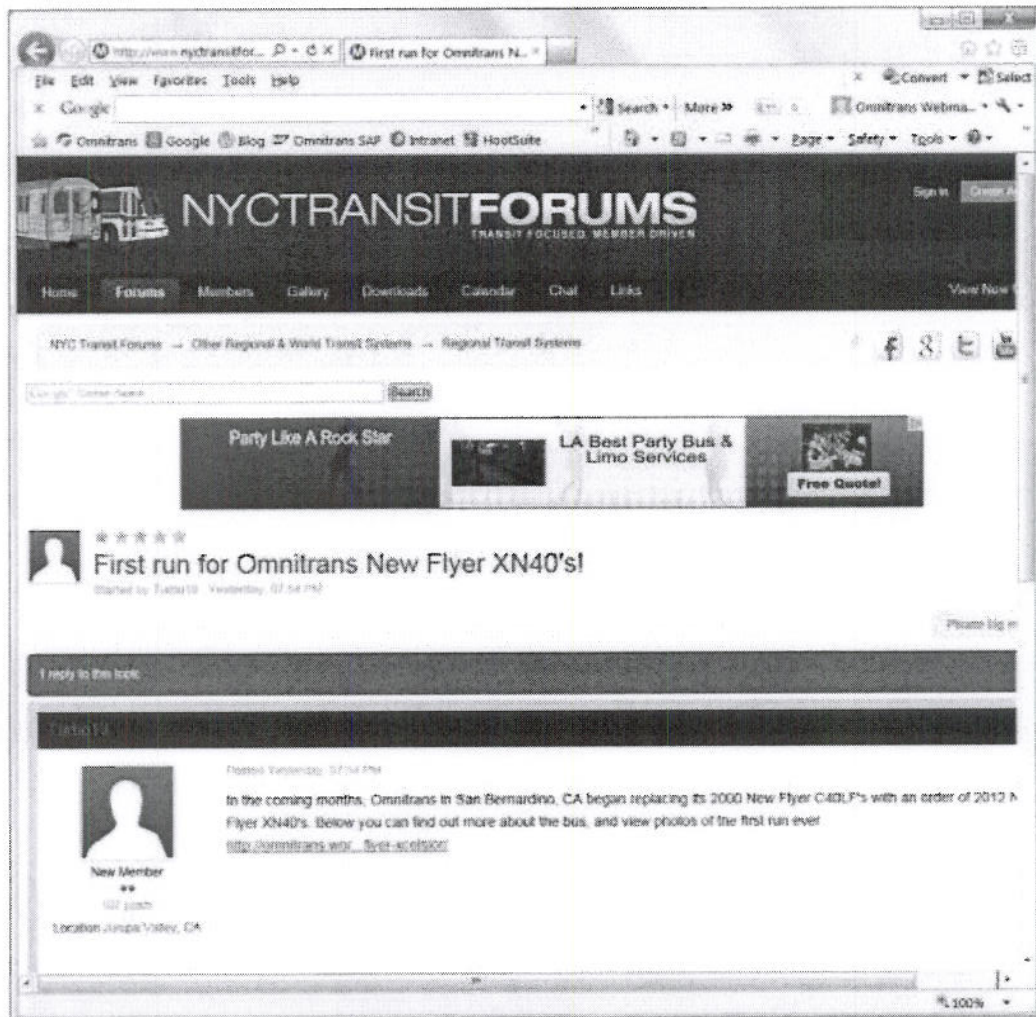
As for having a fiscal clue? Show me one person on the council who does. Otherwise, how did the city get in the shape it's in?

I can't argue about the mall or the airport. But the theater does have patrons. It's one of the few bright spots in a downtown that's mostly government buildings.

I don't blame people for being mad that the city is bankrupt. But Miller is aiming her barbs the wrong direction to pin it all on the mayor and praise the naysayers.

Read more head-snapping statements that came out of recent council meetings on the bankruptcy, in my column online at pe.com tonight or in the newspaper tomorrow.

Other
Tuesday, September 11, 2012





CASSIE MACDUFF

LATECOMER TO RAIL PLANNING

Extending passenger rail service to Redlands has been discussed publicly for, what, about 20 years?

So objections from Omnitrans, the San Bernardino Valley's bus line, seem a day late and a dollar short.

Omnitrans' objections were filed in May during a public-comment window for the rail project's draft environmental report.

A January 2012 financial analysis had alerted Omnitrans that the rail project might reduce funding for Omnitrans by about 12 percent for the next three years.

SANBAG board members weren't quite blindsided by the objections but were surprised by their vehemence, said San Bernardino Associated Governments board President Janice Rutherford.

CEO/General Manager Milo Victoria wrote that Omnitrans "will be highly impacted" by the Redlands rail project and demanded a "thorough analysis ... of all projected financial impacts."

The analysis should determine whether adding rail service and reducing funding for bus service "will have a disproportionate or discriminatory impact" on "transportation-disadvantaged populations," he said.

Victoria also asked for copies of all technical reports, financial plans, station locations and "any other information that has been sent to impacted parties."

And he asked that Omnitrans be added to the notification/mailling list. Huh?

Planning for the rail line has been going full throttle for three or four years. Omnitrans is only just signing up for the mailings now?

In a phone interview Wednesday, Victoria said Omnitrans isn't opposed to the Redlands rail line, but as a recipient of transit funds, the agency is required to comment whenever there is a project that might affect it.

Omnitrans favors modes of transportation that will enhance mobility in the region, Victoria said, adding that Omnitrans and SANBAG aren't adversaries; they work together on projects, including a San Bernardino transit center.

The agencies may vie for the same funds, but they're also joined at the hip. Many elected officials serve on both boards: Rutherford and the other San Bernardino County supervisors serve on both, as do representatives of several cities.

Yucaipa Mayor Dick Riddell, chairman of the Omnitrans board and a member of SANBAG's, said he doesn't think anyone opposes Redlands rail service, but in a time of scarce funds, SANBAG must prioritize.

I would feel more sympathetic about Omnitrans' money worries if it hadn't just spent \$500,000 "rebranding" its logo on 144 buses, bus shelters, uniforms patches and headquarters signage.

Rutherford said the new logo was presented during a board meeting as a fait accompli. The board wasn't consulted beforehand. (The spending was buried as a line item in the annual budget.)

Whether to revamp a public agency's image in a time of economic hardship strikes me as a decision a board of directors should make.

But it could've been worse. Omnitrans budgeted \$1.9 million for the rebranding. It saved money by repainting existing buses and adding decals with the new logo.

Cassie MacDuff can be reached at 951-368-9470 or cmacduff@PE.com or facebook.com/PE.CassieMacDuff

ITEM # F1

DATE: October 3, 2012

TO: Board Chair Dick Riddell & Members of the Omnitrans Board of Directors

FROM: Milo Victoria, CEO/General Manager

SUBJECT: CEO/GENERAL MANAGER'S REPORT

Ridership for August 2012 was 1,453,602 compared to 1,412,409 in August 2011. This is a 2.9 percent increase from August of last year.

Year-to-date system-wide ridership through August 2012 was 2,649,838 which is an increase of 3.04 percent from last year-to-date. Fixed route ridership increased by 73,991 passengers year-to-date. Ridership on Access increased by 4,365 passengers, and OmniLink decreased by 77 passengers. OmniGo ridership was 11,911, which is a 7.3 percent increase over August 2011.

Year-to-date pass outlet sales through August 2012 increased by 2,028 units, with 18,990 units sold compared to 16,962 units sold last year. This represents an increase of 12 percent year-to-date. Revenue from pass outlet and ticket sales decreased 39.9 percent from last year (\$736,729.70 vs. \$1,225,739 last year, a decrease of \$489,009.30). Note: Large variance due to timing of payment for U-Pass Program; prior year paid by cities and current year paid by colleges enrolled in the program.

Year-to-date fixed route revenue through August 2012 was \$2,110,849 compared to \$2,158,867 last year, which is a decrease of 2.22 percent.

On-time performance for August 2012 was 86.05 percent.

During the month of August, there were three vandalism incidents – two in Ontario and one in Fontana.

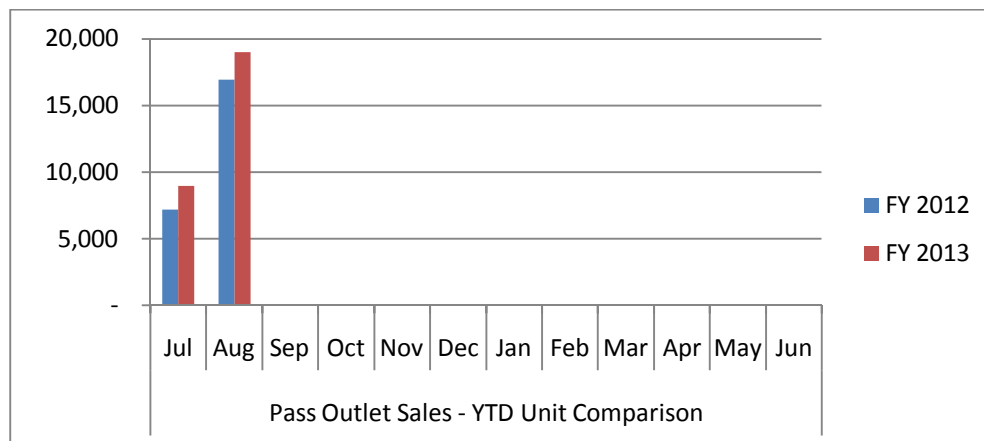
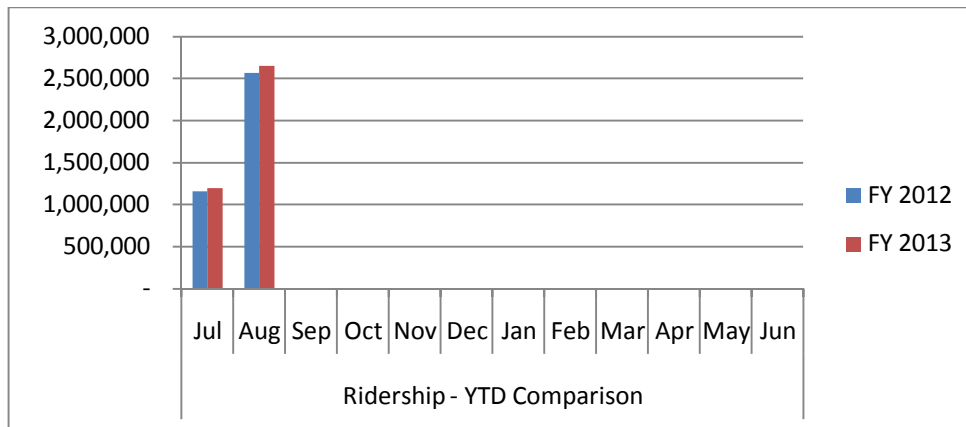
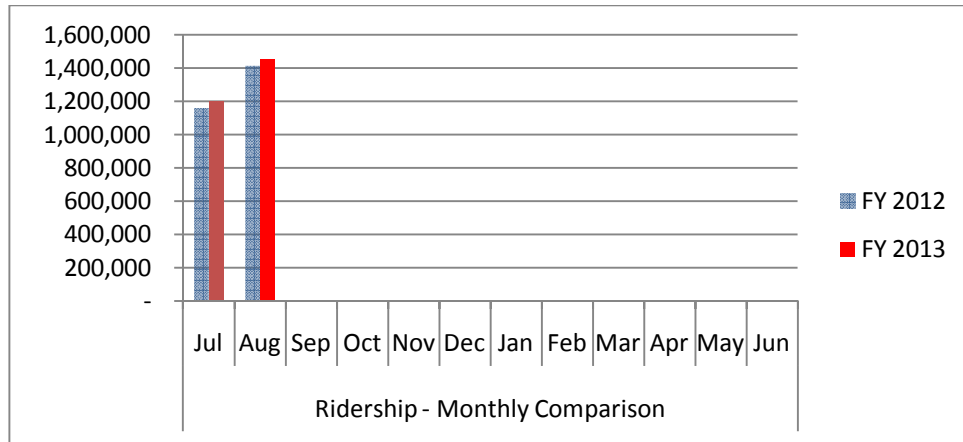
Omnitrans participated in five outreach events in August – National Night Out in Rialto, August 7; National Night Out in San Bernardino, August 7; Rebranding Unveiling, August 15; IE 66ers Game, August 18; and RC Quakes Game, August 25.

CEO/General Manager Victoria attended the American Bus Benchmarking Annual Meeting in Vancouver, Washington on September 27 and 28, and will attend the American Public Transportation Association Annual Meeting in Seattle, Washington, from September 29 through October 3.

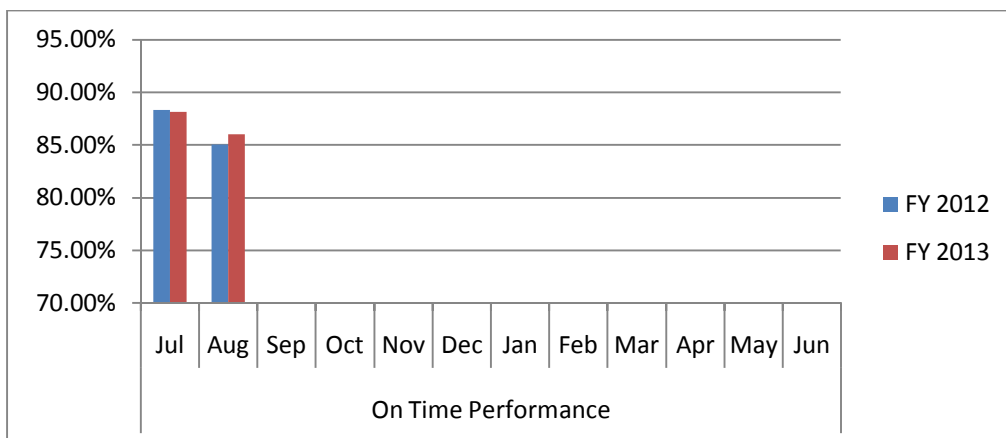
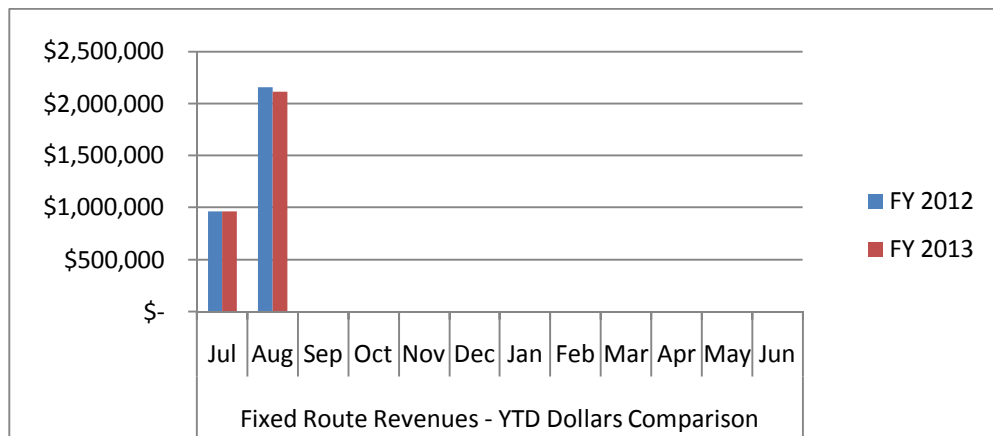
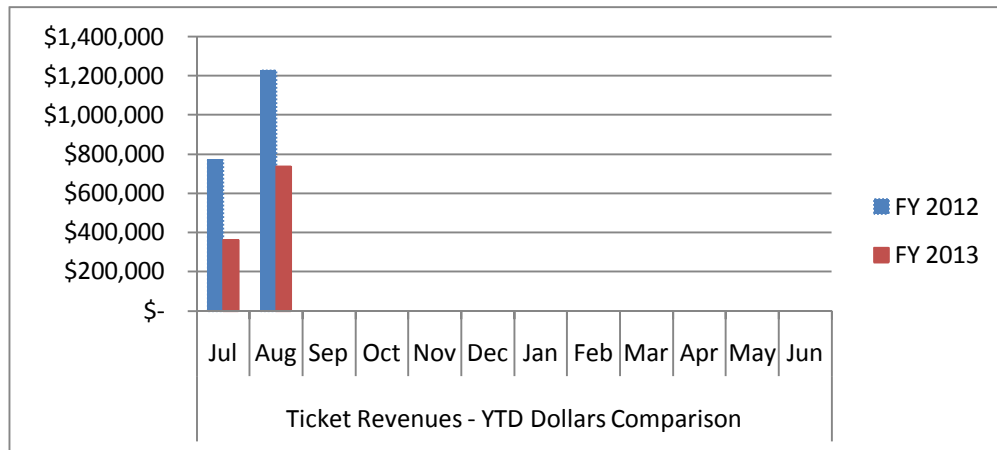
Omnitrans is hosting its Fall Health Fair on site today, and Board Members are invited to attend. A brief presentation on the purpose and benefits of the health fairs at Omnitrans will be given by Director of Human Resources Marge Ewing.

MV

CEO/General Manager Report – October 2012



CEO/General Manager Report – October 2012



ITEM # F2

DATE: October 3, 2012

TO: Board Chair Dick Riddell & Members of the Omnitrans Board of Directors

THROUGH: Milo Victoria, CEO/General Manager

FROM: Jennifer M. Sims, Director of Procurement

SUBJECT: PROPOSED REVISIONS TO DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR FEDERAL TRANSIT ADMINISTRATION (FTA) ASSISTED CONTRACTS TO INCLUDE A SMALL BUSINESS ENTERPRISE (SBE) COMPONENT

FORM MOTION

Review and approve the proposed expanded Disadvantaged Business Enterprise Program (DBE) to include a Small Business Enterprise (SBE) facilitation provision in accordance with 49 CFR §26.39.

BACKGROUND & SUMMARY

On January 2011, the U.S. Department of Transportation (DOT) issued several DBE Program regulatory changes applicable to all recipients of DOT financial assistance. These changes are contained in 49 CFR Part 26 and further explained in a DOT guidance document issued in December 2011. Among the changes is a requirement for all DOT financial assistance recipients to implement, as part of their DBE Program, contracting requirements to facilitate small business participation on DOT-assisted contracts and procurement.

Omnitrans was required to submit these provisions to the Federal Transit Administration (FTA) no later than February 28, 2012, and implement the provisions according to the implementation timeline which will be established by the FTA. FTA has notified Omnitrans that all grant applications for DOT assistance will be rejected until the DBE Program is expanded to foster small business participation. The objective of the required SBE provisions is to increase race-neutral DBE participation on DOT-assisted contracts and procurements. The CFR and DOT guidance list several options for facilitating small business participation, including establishing SBE participation goals, implementing a SBE preference program and/or implementing a SBE set-aside program. Staff evaluated these options relative to feasibility, benefit, cost to Omnitrans, and impact on current contracting process.

To define a SBE, staff will utilize the eligibility criteria of small business concerns defined in 49 CFR §26.5 and recommended by DOT. 49 CFR §26.5 defines a small business concern as one

that meets small business size standards established by the U.S. Small Business Administration (SBA). The SBA's definition of a small business is based on the type(s) of products and services, represented by North American Industrial Classification System (NAICS) codes, provided by the small business. Each NAICS code has a maximum annual gross sales average or maximum number of employees to qualify the firm as a small business. 49 CFR §26.5 further defines a small business concern as a firm whose annual average gross sales do not exceed \$22.41 million, regardless of the NAICS code. This is consistent with the threshold for DBEs.

To ensure that these unique SBE eligibility criteria are met, Omnitrans will conduct its own SBE certification utilizing an online certification module provided by our e-procurement system provider, PlanetBids. To augment this system, Omnitrans will conduct random desk audits and require signed affidavits to verify a firm's eligibility to participate as a SBE on an Omnitrans' contract or procurement. Omnitrans will also accept certifications conducted by California Unified Certification Program (CUCP) certifying agencies and L.A. Metro (LACMTA), as these agencies also utilize small business eligibility criteria as defined in 49 CFR §26.5.

Although overall and project specific SBE goals and set-aside programs would facilitate SBE participation, there would be an increased cost associated with them. Omnitrans is virtually unknown in the SBE/DBE community. Instead of proposing SBE goals and set-aside programs, staff recommends that Omnitrans enhance SBE participation through participating in and hosting SBE and DBE outreach activities, potential Prime/Subcontractor networking events, and workshops.

FUNDING SOURCE

Approval of the SBE provisions to comply with 49 CFR §26.5 has no budget impact.

CONCLUSION

For the foregoing reasons, staff recommends that the Board of Directors approve the proposed expanded Disadvantaged Business Enterprise Program (DBE) to include a Small Business Enterprise (SBE) facilitation provision in accordance with 49 CFR §26.39.

MV:JS

OMNITRANS



DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

September 2012

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

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I. POLICY STATEMENT AND PROGRAM OBJECTIVES

Policy Statement/Objectives (§26.3, §26.7, §26.21, §26.23)

OMNITRANS has established and adopted a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation, Title 49, Code of Federal Regulations (CFR), Part 26 “Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.” OMNITRANS receives Federal financial assistance from the Department of Transportation (DOT), and as a condition of receiving this assistance, OMNITRANS has signed an assurance that it will comply with Title 49 CFR Part 26. The DBE Program applies to all OMNITRANS DOT-assisted projects.

It is the policy of OMNITRANS to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to compete for and participate in the performance of all OMNITRANS DOT-assisted contracts and subcontracts.

Pursuant to the intent of these Regulations, the OMNITRANS policy objectives are to:

1. Ensure non-discrimination in the award and administration of all OMNITRANS DOT-assisted contracts and subcontracts;
2. Create a level playing field by which DBEs can fairly compete for and perform in OMNITRANS DOT-assisted contracts;
3. Ensure that the OMNITRANS DBE Program is narrowly tailored in accordance with applicable law and current legal standards, including the Ninth Circuit Ruling in *Western States Paving vs. Washington State Department of Transportation*;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove procurement and contracting barriers, which impede DBE participation in OMNITRANS DOT-assisted contracts;
6. Monitor and enforce contractor compliance in meeting established goal objectives and program requirements;
7. Assist in the development of DBEs and Small Businesses to increase their ability to compete successfully in the market place outside the DBE Program; and
8. Ensure OMNITRANS contractors and subcontractors take all necessary and reasonable steps to comply with these policy objectives.

As evidence of OMNITRANS commitment to pursue these policy objectives, the Board of Directors has designated Jennifer Sims, Director of Procurement, as the DBE Liaison Officer (DBELO). In this capacity Ms. Sims is responsible for implementing all aspects of the DBE program. The DBELO has direct access to the Chief Executive Officer for DBE-related matters.

Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by OMNITRANS in its financial assistance agreements with DOT. It is the expectation of the CEO/General Manager that all OMNITRANS personnel shall adhere to the full spirit and intent of the DBE program and carry out all DBE requirements accordingly.



OMNITRANS will disseminate this policy statement to all of the departments of our organization. Additionally, OMNITRANS will distribute this policy to DBE and non-DBE business communities that perform or are interested in performing work on OMNITRANS projects.

Through such efforts, OMNITRANS will ensure DOT-assisted contracting and procurement related processes promote equity in access, consideration and opportunity for DBEs and other small businesses in response to requirements set forth under 49 CFR Part 26; "Participation of Disadvantaged Business Enterprises in U.S. Department of Transportation Programs," effective March 4, 1999, and subsequently issued DOT Directives and Final Rules.

Milo Victoria, CEO/General Manager

(Signature of Chief Executive Officer)

Date

II. APPLICABILITY (§26.3, §26.21)

OMNITRANS, as a direct recipient of federal funds from DOT, and as a condition of Federal financial assistance, is required to submit for approval to the DOT Operating Administration from which it receives the majority of its funding, a DBE Program developed in accordance with federal regulations published under 49 CFR Part 26 and subsequent guidance. This DBE Program sets forth the policies and procedures to be implemented by OMNITRANS to ensure that DBEs have an equitable opportunity to participate in OMNITRANS DOT-assisted contracting opportunities.

In direct response to these regulatory requirements, OMNITRANS hereby establishes a DBE Program, which will:

1. Comply with federal regulations and financial assistance agreements;
2. Meet legal standards for narrow-tailoring requirements;
3. Ensure non-discrimination in the award of DOT-assisted contracts; and
4. Reaffirm the OMNITRANS commitment to fairness and the principles of equal opportunity.

In conformance with 49 CFR Part 26, OMNITRANS will continue to carry out its DBE Program until all DOT funds have been expended.

OMNITRANS additionally complies with the California Department of Transportation's (Caltrans') DBE Program on projects on which it is a sub-recipient of federal funds through Caltrans.

OMNITRANS will advise all applicable DOT Operating Administrations of any significant updates and/or changes to this DBE Program.

In the event of any conflicts or inconsistencies between the Regulations and the OMNITRANS DBE Program with respect to DOT-assisted contracts, the Regulations shall prevail.

III. DEFINITION OF TERMS (§26.5)

Race-Conscious Measure or Program: A program or portion thereof that focuses specifically on assisting only DBEs, including minority and women-owned DBEs, by the development and inclusion of participation goals or Good Faith Effort activities.

Race-Neutral Measure or Program: A program or portion thereof that assists all small businesses, including DBEs, regardless of ownership status, in successfully participating in the OMNITRANS procurement program. For the purposes of the DBE Program, "race-neutral" includes gender-neutrality.

Any other term used in this DBE Program shall have the meaning set forth in 49 CFR Part 26, (See DBE Program Regulations, 49 CFR Part 26 in Exhibit A, § 26.5).

IV. RESPONSIBILITIES FOR DBE PROGRAM IMPLEMENTATION

A. DBE Liaison Officer (\$26.25)

OMNITRANS has designated the following individual as the Disadvantaged Business Enterprise Liaison Officer (DBELO):

Ms. Jennifer Sims
Director of Procurement
OMNITRANS
1700 West Fifth Street
San Bernardino, CA 92411
Telephone: (909) 379-7203
Email: jennifer.sims@omnitrans.org

In this capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring that OMNITRANS complies with all provisions of 49 CFR Part 26 and subsequent DOT-issued directives and final rules. The DBELO has direct, independent access to the OMNITRANS Chief Executive Officer/General Manager concerning DBE Program matters (Refer to Exhibit B, "DBE Program Organizational Chart"). The DBELO has sufficient support personnel who devote a portion of their time to implement and administer the Program. The DBELO is responsible for developing, implementing and monitoring the DBE Program, in coordination with other appropriate officials.

The DBELO's and/or designee's duties include, but are not limited to, the following activities:

1. Gathers and reports statistical data and other information as required by the DBE Program, including preparation of semi-annual DBE reports (Exhibit D) and overall Project DBE goals and related analysis for submission to the applicable DOT Operating Administration and management ad hoc reporting.
2. Reviews applicable contracts, purchase requisitions, advertisements, boilerplate language specifications and other related documentation specific to implementing applicable DBE requirements.
3. Consults with all affected departments in developing overall DBE goals and project goals.
4. Ensures that bid notices and requests for proposals are made available to DBEs in a timely manner.
5. Reviews DOT-assisted contracts and procurements for purposes of applying contract-specific DBE goals, when appropriate, and/or applicable race-neutral methods.
6. Analyzes OMNITRANS progress towards meeting overall DBE goal commitments by monitoring individual contract DBE attainments ("Monthly Subcontractor Paid Report"- Exhibit E).
7. Participates in pre-bid meetings for purposes of reviewing DBE solicitation and contract requirements with potential bidders and/or offerors.
8. Advises the CEO/General Manager and/or the OMNITRANS Board on DBE matters and achievements.

9. Determines contractor compliance with race-conscious DBE Good Faith Effort provisions, as applicable, in a race-conscious environment and conducts contract DBE responsiveness reviews, including assessing DBE participation eligibility towards the OMNITRANS overall DBE goal, as applicable, to both race-conscious and race-neutral methods.

Additionally, the DBELO and/or designee is charged with implementing the race-neutral measures defined in Section VI of this DBE Program document.

B. Reconsideration Official (§26.53)

Should OMNITRANS implement a race-conscious component to this DBE Program, the DBE Program will be amended to provide the procedures for the administrative reconsideration process and to specify the OMNITRANS Reconsideration Official.

V. ADMINISTRATIVE REQUIREMENTS

A. Non-Discrimination Requirements (§26.7)

OMNITRANS will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, OMNITRANS will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

B. Federal Financial Assistance Agreement Assurance (§26.13 {a})

OMNITRANS will sign the following assurance as a condition of financial assistance agreements with the DOT, and which is hereby made applicable to all OMNITRANS DOT-assisted contracts:

“OMNITRANS shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. OMNITRANS shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of U.S. DOT-assisted contracts. OMNITRANS DBE Program, as required by 49 CFR Part 26 and as approved by U.S. DOT, is incorporated by reference in this agreement. Implementation of this Program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to OMNITRANS of its failure to carry out its approved program, the Department may impose sanctions as provided under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).”

C. DBE Financial Institutions (§26.27)

It is the policy of OMNITRANS to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to utilize these institutions, as available, and to encourage prime contractors on OMNITRANS DOT-assisted contracts to make use of these institutions.

At this time, OMNITRANS has not identified DBE-Owned financial institutions. However, OMNITRANS encourages contractors to use the services of minority and women-owned financial institutions identified from listings posted at the Website of the Financial Management Service, US Department of the Treasury, Minority Bank Deposit Program. The Internet address of this website is <http://www.fms.treas.gov/mbdp>.

D. DBE Directory (§26.31)

OMNITRANS refers interested parties to the California Unified Certification Program (CUCP) Database of Certified DBE Firms (DBE Directory) to assist in identifying certified DBEs. The DBE Directory is published at www.CaliforniaUCP.com.

E. Overconcentration (§26.33)

OMNITRANS has not identified any types of work that have a burdensome overconcentration of DBE participation. However, should OMNITRANS determine that overconcentration exists in a work classification, OMNITRANS will obtain the approval of the concerned DOT Operating Administration of its determination and the measures devised to address it. Once these measures are approved, they will become part of the OMNITRANS DBE Program.

F. Business Development Programs (§26.35)

OMNITRANS has not established a business development program. The DBELO will continually evaluate the need and assess whether OMNITRANS should establish a Business Development Program and/or a Mentor Protégé Program. If OMNITRANS establishes either program, the program will be guided by the applicable Appendix of 49 CFR Part 26 and approved by the cognizant DOT Operating Administration before being implemented.

G. Fostering Small Business Participation (§26.39)

OMNITRANS will structure contracting requirements to facilitate competition by small businesses by requiring prime contractors to specify elements of work that small businesses can perform and to provide subcontract opportunities for those elements to DBEs and other small businesses.

In addition, OMNITRANS commits to the following:

- Configuring large contracts into smaller contracts when feasible, which would make contracts more accessible to small business, and would not impose significant additional cost, delay or risk to OMNITRANS;
- Assisting in overcoming limitations in bonding and financing;

- Providing technical assistance in orienting small businesses to public contracting procedures, use of the Internet, and facilitating introductions to OMNITRANS and other U.S. DOT recipients' contracting activities;
- Providing outreach and communications programs on contract procedures and contract opportunities to ensure the inclusion of small businesses;
- Providing business development assistance.

VI. DETERMINING, MEETING AND COUNTING DBE PARTICIPATION TOWARDS THE OVERALL DBE GOAL (§26.45; §26.51; §26.55)

OMNITRANS is currently operating a strictly race-neutral DBE Program in accordance with DOT guidance following the Western States Paving decision of the 9th Circuit Court of Appeals. Should OMNITRANS incorporate a race-conscious DBE Program in the future, the breakout of estimated race-neutral and race-conscious participation to this program will be updated. This section of the program will be updated triennially when the goal calculation is updated.

As OMNITRANS is currently operating a strictly race-neutral DBE Program, contract goals are not applicable to OMNITRANS procurements. Should OMNITRANS, at a future date, incorporate a race-conscious component to its DBE Program, it will then use contract goals to meet any portion of the overall goal OMNITRANS does not project being able to meet using race-neutral means.

A. Methodology for Setting Overall DBE Goals (§26.45; §26.49)

In accordance with §26.45(e)(3), and with FTA approval, OMNITRANS will establish an overall program goal on a triennial basis beginning with Federal fiscal year 2012. The overall program goal will represent the amount of DOT-assisted funds OMNITRANS anticipates expending on DBE firms over three years, and will be presented as a percentage of the total DOT-assistance received.

The overall program goal will be developed in accordance with the 2-step process specified in §26.45 (c) & (d). The first step is to determine the goal "base figure" based on the relative availability of DBEs in the OMNITRANS market area. The second step is to adjust the goal "base figure" from Step 1 so that it reflects as accurately as possible the DBE participation OMNITRANS would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to DBE participation. Annual projections on DBE participation during each fiscal year will be developed as specified by §26.45 (e)(3)(iii). Additionally, OMNITRANS will provide for public participation in establishing an overall program goal. OMNITRANS will publish a notice of the proposed overall program goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at OMNITRANS for 30 days following the date of the notice, and informing the public that OMNITRANS and DOT will accept comments on the goals for 45 days from the date of the notice. Notice will be issued in general circulation media and available minority-focus media, minority-focused trade publications.

Additionally, OMNITRANS will issue the notice to minority, women's and general contractor groups, community organizations, and other officials or organizations to solicit

information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and OMNITRANS efforts to establish a level playing field for the participation of DBEs.

OMNITRANS will submit the overall program goal to DOT in accordance with §26.45 (f)(2). The overall goal submission to DOT will include a summary of information and comments received during this public comment/participation process and any OMNITRANS responses.

OMNITRANS will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

B. Transit Vehicle Manufacturers (TVM) Certifications (§26.49)

OMNITRANS will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on DOT-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, OMNITRANS may, at its discretion and with DOT approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

C. Race-Neutral Measures (§26.51)

OMNITRANS will implement the following race-neutral measures which are aimed at increasing DBE and other small business participation:

- Arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation. OMNITRANS will also hold conferences, which include a networking component to promote teaming opportunities between prospective prime contractors and the DBE and Small Business contracting community.
- Configure large contracts into smaller contracts when feasible, which would make contracts more accessible to small business, and would not impose significant additional cost, delay or risk to OMNITRANS.
- Identify components of the work which represents subcontracting opportunities and identifying the availability of DBE subcontractors to participate in proportion to total available subcontractors. Contractors will be encouraged to consider subcontractors for components of the work for which there is a known supply of ready, willing, and able subcontractors, including DBE subcontractors, in preparing their bids.
- Provide technical assistance in orienting small businesses to public contracting procedures, use of the Internet, and facilitating introductions to OMNITRANS and other U.S. DOT recipients' contracting activities. OMNITRANS will also provide business development assistance and provide DBEs with information and assistance in preparing bids.
- Plan and participate in DBE training seminars.

- Provide assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing). OMNITRANS will refer the DBE and Small Business contracting community to the SBA Bonding Assistance Program.
- Solicit DBEs and other small businesses participation by carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate).
- Actively promote the Small Business conferences, programs, and support services offered by other agencies that have established DBE and Small Business Programs as a supportive service to help develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses.
- Advise its contracting community of the online directory of certified DBEs, found at the California Unified Certification Program website: www.CaliforniaUCP.com.
- Advise the contracting community of the available small businesses certified by the California Department of General Services (DGS) and found at the following url: www.bidsync.com/DPXBisCASB.

D. Use of Set-Asides or Quotas (§26.43)

OMNITRANS shall not permit the use of quotas for DBEs on DOT-assisted contracts in accordance with 49 CFR Part 26. Further, OMNITRANS shall not set aside contracts for DBEs on DOT-assisted contracts subject to the regulatory provisions, except in limited and extreme circumstances where no other method could be reasonably expected to redress egregious instances of discrimination.

E. Counting DBE Participation and Commercially Useful Function (§26.55)

OMNITRANS will count DBE participation toward overall and contract specific goals as provided in the solicitation and contract specifications for the prime contractor, subcontractor, and joint venture partner with prime or subcontractor, vendor of material or supplies. OMNITRANS will not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

The following guidelines apply in calculating DBE participation toward meeting established goals in accordance with Title 49CFR, Part 26.55:

- Only work proposed to be performed by a DBE's own work forces (including cost of supplies, materials and equipment leases) obtained by the DBE for the work of the contract, except supplies and equipment the subcontractor purchases and/or leases from the prime contractor or its affiliate.

- When a DBE subcontracts part of its work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the DBE subcontractor is itself a certified DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals. A DBE should perform at least thirty percent (30%) of the total cost of its contract with its own workforce.
- In instances of joint venture, a Bidder/Proposer may only count toward its DBE goal the portion of the bid which meets certification, ownership and control standards.
- A Bidder/Proposer may count toward its DBE goal, only expenditures to firms that are proposed to perform a commercially useful function on that contract. A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing and supervising the work involved.
- A Bidder/Proposer may count toward its DBE goal, sixty percent (60%) of its expenditures for materials and supplies required under the contract and obtained from a DBE regular dealer, and one hundred (100%) percent of such expenditures to a DBE manufacturer. For purposes of this section, a manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials and supplies obtained by the contractor. A regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business.
- A Bidder/Proposer may count towards its DBE goal, fees and commissions paid to DBE firms that are not manufacturers or regular dealers, provided that the fees or commissions are determined to be reasonable and not excessive, as compared with fees customarily allowed for similar services.
- Special Provisions for Trucking – A Bidder/Proposer may count towards its goal, all transportation services provided by DBE trucking firms, who can demonstrate control of trucking operations for which it seeks credit and it owns, insures, and operates, using drivers it employs in the performance of the contract. The DBE must itself own and operate at least one fully licensed, insured, and operation truck used on the contract. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract. The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE.

- In cases where DBE certification has ceased during the performance period of the contract, although the prime contractor will continue to report the dollar value of the work performed to OMNITRANS on the monthly DBE Paid Report (Form 103), OMNITRANS will not count the participation towards its overall goal.

VII. REQUIRED CONTRACT PROVISIONS AND ENFORCEMENT

A. Contractor's Assurance Clause Regarding Non-Discrimination (§26.13)

OMNITRANS will ensure that the following clause is placed in all DOT-assisted contracts and subcontracts:

"The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of Title 49, CFR, Part 26 in the award and administration of OMNITRANS U.S. DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as OMNITRANS deems appropriate."

B. Prompt Payment Provisions (§26.29)

The DBE Program found at Title 49 CFR Part 26 requires that any delay or postponement of payment over 30 days may take place only for good cause and with OMNITRANS prior written approval. Any violation of this provision shall subject the violating prime contractor or subcontractor to the penalties, sanctions and other remedies specified in Section 7108.5 of the Business and Professions Code. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the prime contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the prime contractor, deficient subcontract performance, or noncompliance by a subcontractor.

OMNITRANS has, by a contract clause pursuant to 49 CFR Part 26, 26.29, "Prompt Payment Mechanisms for Recipients", adopted a prompt payment provision on all DOT-assisted contracts, to facilitate timely payment to all subcontractors. This provision, governing the payment to subcontractors (DBEs and non-DBEs), requires a prime contractor to issue payment to all subcontractors for satisfactory work performed, no later than ten (10) days from the prime contractor's receipt of payment from OMNITRANS. A provision shall also apply to the disbursement of retention proceeds withheld by the prime, requiring the prompt return of retainage payments from the prime contractor to the subcontractor within 30 days of subcontractor's satisfactory completion of the accepted work. These prompt payment provisions are required to be incorporated in all subcontract agreements issued by the prime contractor.

The prime contractor shall also incorporate in all subcontract agreements a contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

Failure to comply with this provision or delay in payment without prior written approval from OMNITRANS will constitute noncompliance, which will result in appropriate administrative sanctions, including, but not limited to a penalty of 2% of the amount due per month for every month that payment is not made.

Prior OMNITRANS' issuance of progress payments, commencing with the second invoice, the prime Contractor shall provide OMNITRANS with evidence that the Prime Contractor has paid all Subcontractors all amounts due for work that the subcontractor has performed.

C. Contractor Reporting Requirements and OMNITRANS Compliance Monitoring and Enforcement (§26.55)

1. Notification of Reporting Responsibilities

Prior to execution of all contracts containing DBE goals, the prime contractor shall be directed to the contract specification for OMNITRANS' specific DBE reporting and record keeping requirements.

2. DBE Activity Reporting Forms

All prime contractors shall submit monthly progress reports on DBE utilization to OMNITRANS on Form 103 ("Monthly DBE Subcontractors Paid Report Summary and Payment Verification"). Failure to submit these reports in a timely manner may result in a penalty of \$10 per day, per report. The last Form 103 report shall be clearly marked "Final."

3. Contractor Good Faith Efforts and Reporting Obligations

During the term of the contract, the contractor shall continue to make good faith efforts to ensure that DBEs have an opportunity to successfully perform in the contract, and that the contractor meets its DBE goal.

VIII. DBE CERTIFICATION STANDARDS (§26.61-§26.73; §26.81; §26.83a)

As a non-certifying member of the CUCP, OMNITRANS will accept DBE certifications from certifying member agencies of the CUCP. The CUCP DBE Certification application is presented in Exhibit C.

For more information about the certification process or to apply for certification, firms should visit the CUCP website at www.californiaucp.com.

IX. CERTIFICATION PROCEDURES (SUBPART E)

A. Unified Certification Program (UCP) (§26.81) & Procedures for Certification Decisions (§26.81)

OMNITRANS is a member of the CUCP administered by the state of California Certifying Members. The CUCP will meet all of the requirements of Subpart E of 49 CFR Part 26.

X. RECORD KEEPING AND MONITORING (§26.11, §26.37)

OMNITRANS has developed a detailed record keeping system as a mechanism for monitoring and tracking DBE commitments/attainments. The system includes procedures adopted by OMNITRANS to comply with DOT regulations and maintenance of support documentation including subcontractor commitments, contract documents for all subcontractors, and Monthly DBE Subcontractors Paid Report Summary and Payment Verification (Exhibit E) from prime contractors.

OMNITRANS will also develop and maintain a hard-copy of the contract-specific project management file which thoroughly includes all DBE Program related compliance monitoring and enforcement activities.

A. Bidders List (§26.11)

OMNITRANS has developed and maintains a Bidders List consisting of all firms bidding on prime contracts, and bidding or quoting subcontracts on OMNITRANS DOT-assisted projects/contracts. The following information will be included in the bidders list:

1. Firm Name;
2. Address;
3. Years in Business;
4. Status as a DBE or non-DBE;
5. Type of Work; and
6. Annual Range of Gross Receipts.

B. Reporting to DOT (§26.11)

OMNITRANS will submit to the applicable DOT Operating Administration the “Uniform Report of DBE Awards or Commitments and Payments” (Refer to Exhibit D) semiannually on June 1 and December 1 of each year, as required. The June 1 report will include DBE activity from October 1 through March 31. The December 1 report will include DBE activity from April 1 through September 30. This report presents a summary of U.S. DOT-assisted prime contracts and subcontracts awarded or committed to as well as actual payments for contracts completed and the associated dollar value during this reporting period.

Upon request, OMNITRANS will compile and submit ad-hoc DBE contract award and progress reports for U.S. DOT-assisted projects. Furthermore, OMNITRANS will continue to provide reports relative to the OMNITRANS DBE Program, as directed. These reports will provide DBE participation information on OMNITRANS race-neutral and gender-neutral contracts on all U.S. DOT-assisted procurement activities.

C. Information, Confidentiality, Cooperation (§26.109)

OMNITRANS will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a), California Public Records Act (Government Code §6250) state, and local law. Notwithstanding the

preceding provision, OMNITRANS will not release any information that may reasonably be construed as confidential business information to any third party (other than DOT) without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting information.

D. Monitoring and Enforcement Mechanisms (§26.37)

OMNITRANS will implement appropriate mechanisms to ensure compliance with 49 CFR Part 26 requirements by all program participants (e.g., applying legal and contract remedies available under Federal, state and local law). The OMNITRANS DBE Program will include a monitoring and enforcement mechanism to ensure that work committed to DBEs is actually performed by DBEs. Such mechanism will provide a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments.

OMNITRANS may perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts committed.

OMNITRANS will bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps provided in 26.107 (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules). Additionally, OMNITRANS will consider similar action under its own legal authorities, including responsibility determinations in future contracts.

XI. LIST OF EXHIBITS

Exhibits Available Upon Request

Exhibit A: DBE Program Regulations

Exhibit B: DBE Program Organizational Chart

Exhibit C: CUCP DBE Certification Application

**Exhibit D: Uniform Report of DBE Awards or Commitments
and Payments**

**Exhibit E: Form 103- Monthly DBE Subcontractors Paid Report
Summary and Payment Verification**

ITEM # F3

DATE: October 3, 2012

TO: Board Chair Dick Riddell and Members of the Omnitrans Board of Directors

THROUGH: Milo Victoria, CEO/General Manager

FROM: Jennifer M. Sims, Director of Procurement

SUBJECT: AUTHORIZE AWARD - SIXTEEN AMERICANS WITH DISABILITIES ACT (ADA) CERTIFIED PARATRANSIT VEHICLES

FORM MOTION

Authorize the CEO/General Manager to accept the Federal Transit Administration (FTA) 5310 program Elderly and Individual with Disabilities Grant, administered through CALTRANS, in an amount not to exceed \$70,000 per vehicle, for a total not to exceed amount of \$1,050,000, for the provision of ADA-certified Paratransit Vehicles; and

Authorize the CEO/General Manager to award a contract to CALTRANS for the provision of 15 ADA-certified Paratransit Vehicles in an amount not to exceed \$1,050,000. The FTA 5310 funds will go directly to CALTRANS and in lieu of transferring the funds to Omnitrans, CALTRANS will procure the vehicles on Omnitrans' behalf; and

Authorize the CEO/General Manager to accept the Federal Transit Administration (FTA) 5310 program Elderly and Individual with Disabilities Grant, administered through CALTRANS, in an amount not to exceed \$61,971, for one ADA-certified Paratransit Vehicle; and

Authorize the CEO/General Manager to award a contract to CALTRANS for the provision of one ADA-certified Paratransit Vehicle in an amount not to exceed \$70,000 (Omnitrans is responsible for paying the local share of \$8,029). The FTA 5310 funds will go directly to CALTRANS and in lieu of transferring the funds to Omnitrans, CALTRANS will procure the vehicles on Omnitrans' behalf upon receipt of the local share of \$8,029.

SUMMARY AND BACKGROUND

In May 2011, Omnitrans submitted a grant application to CALTRANS to secure funding for sixteen ADA-certified Paratransit Vehicles. Omnitrans was notified in September 2011 that it will be awarded the grant for fifteen of the requested vehicles upon CALTRANS' receipt of funds through the Federal Transit Administration (FTA) 5310 program. CALTRANS coordinated

the federal grant process, issued an IFB, and awarded contracts to vendors for the various configurations needed throughout the state.

Creative Bus was awarded the contract for the configuration that Omnitrans specified in its grant application. CALTRANS' authorized Omnitrans in July 2012 to participate in the state's competitively bid contract for ADA-certified Paratransit Vehicles. If Omnitrans participates in the state's contract, the funds will remain with the state and CALTRANS will procure the vehicles and send them directly to Omnitrans.

CALTRANS is awarding Omnitrans up to \$70,000 per vehicle for the the first fifteen vehicles in the procurement. Omnitrans is required to pay for any additions or upgrades to the vehicles in excess of this amount. CALTRANS only requires that Omnitrans pay the 11.47% local match for the sixteenth vehicle totalling \$8,029.

FUNDING SOURCES

<u>Projects</u>	FTA	<u>Prop 1B</u>		<u>Grant Number</u>
Fifteen ADA- certified Paratransit Vehicles	\$1,050,000			CALTRANS
One ADA- certified Paratransit Vehicle	\$61,971			CALTRANS
One ADA- certified Paratransit Vehicle		\$8,029		
TOTAL COST TO OMNITRANS		\$8,029		

_____ Verification of Funding Source and Availability of Funds
(Verified and initialed by Finance)

CONCLUSION

Authorize the CEO/General Manager to enter into a contract with CALTRANS to procure sixteen ADA-certified Paratransit Vehicles.

MV:js

ITEM # F4

DATE: October 3, 2012

TO: Board Chair Dick Riddell & Members of the Omnitrans Board of Directors

THROUGH: Milo Victoria, CEO/General Manager

FROM: Jennifer M. Sims, Director of Procurement

**SUBJECT: AUTHORIZE RELEASE – IFB-MNT13-17,
BUS PAINTING AND WRAPPING SERVICES**

FORM MOTION

Authorize the CEO/General Manager to release Invitation for Bids IFB-MNT13-17 for the provision of Bus Painting and Wrapping Services for fixed route fleet.

BACKGROUND & SUMMARY

In Fiscal Year 2012, Omnitrans began implementation of the Board approved agency rebranding effort, including the introduction of a new agency logo, color scheme, and fleet graphics. The rebranding launch was timed to coincide with the agency's delivery of twenty (20) New Flyer buses that included full bus vinyl wraps that utilized new fleet graphics. Included in the rebranding plan is a refresh of the existing fixed route bus fleet to provide brand consistency and enhance the overall awareness of the agency.

Omnitrans currently has one hundred forty-six (146) buses with the old blue and coral colors and logos. Two options have been developed to rebrand the existing fleet. One is to do a simple modification to substitute only the old coral paint color with the new green color and replace logos on all coaches. The other is to consider applying full vinyl wraps to match the new fleet graphics on some of our late model coaches which may potentially remain in the fleet for ten or more years. Therefore, Omnitrans will also request bids on an option to apply a full vinyl wrap using industry standard bus wrap techniques on up to forty-four (44) model year 2005 through 2011 buses.

In accordance with Procurement Policy 2000, Section 2.3.5.1.3 and FTA Circular 4220.1F, Board authorization is required to release Invitation for Bids for procurements for goods/services exceeding \$100,000. The Independent Cost Estimate for this project is \$608,400. The agency rebranding project and all associated costs are included in the Fiscal Year 2013 Strategic Plan and Capital Budget approved by the Omnitrans Board of Directors in May 2012.

FUNDING SOURCE

Funding for this procurement is as follows:

FUNDING	GRANT	FISCAL YEAR	PROJECT NAME
FTA	CA-90-Z009	2013	Agency Rebranding
STA	13-04-OMN-B	2013	Agency Rebranding

This procurement meets the requirements of Omnitrans' current Procurement Policies and Procedures.

_____ Verification of Funding Source and Availability of Funds.'
(Verified and initialed by Finance)

PROPOSED TIMELINE

October 3, 2012	Invitation for Bid (IFB) available
October 17, 2012	Pre-Bid Meeting and Job Walk
October 24, 2012	Requests for Information (RFI), Clarification and Approved Equal Deadline
November 6, 2012	Bid Deadline
December 5, 2012	Target Contract Award Date
December 19, 2012	Notice to Proceed issued (NTP)
January 1, 2013	Anticipated Contract Start Date

CONCLUSION

For the foregoing reasons, staff recommends that the Board of Directors authorize the CEO/General Manager to release Invitation for Bids IFB-MNT13-17 for the provision of Bus Painting and Wrapping Services for fixed route fleet.

ITEM # F5

DATE: October 3, 2012

TO: Board Chair Dick Riddell and Members of the Omnitrans Board of Directors

THROUGH: Milo Victoria, CEO/General Manager

FROM: William Tsuei, Director of Information Technology

**SUBJECT: AUTHORIZE SOLE SOURCE PURCHASE OF ADDITIONAL MICROSOFT
LICENSES AND ANNUAL MAINTENANCE SERVICES**

FORM MOTION

Authorize the CEO/General Manager to increase the three year sole source agreement with En Pointe Technologies, Inc. of Gardena, CA, for the provision of additional Microsoft software licensing by \$90,788.04 annually for the period beginning October 1, 2012 and ending August 31, 2014 for new total agreement amount of 506,337.12.

BACKGROUND & SUMMARY

The Board of Directors approved establishment of a three-year agreement with En Pointe, Inc, for Microsoft software licensing in September 2011. The annual payment, based on the initial assessment in August 2011, was \$108,253.68. Based on the agreement approved, Microsoft conducted an annual license audit in August and September 2012. As a result, the audit identified that additional software licenses must be purchased to be in compliance with the software license agreement, as follows:

Software Description	License Quantity
Windows Server Data Center Version	3
Windows Server Single Version	21
SQL Server	4

The total annual cost to acquire these additional licenses is \$90,788.04. To be in compliance with the Microsoft software license requirement, staff recommends the purchase of additional licenses as outlined above, and add the amount to the remainder of the three-year enterprise software agreement.

This is a sole source purchase to Microsoft Corporation, through Microsoft's large account distribution channel En Pointe Technologies, Inc. of Gardena, CA. As the current technologies contractor for Omnitrans' network, security, server and desktop applications, En Pointe

Technologies, Inc. is also responsible for software asset management, utilization management and license compliance. Thus, it is to Omnitrans' advantage to choose En Pointe Technologies, Inc., as the large account distributor to service this purchase agreement.

FUNDING SOURCE

Funding for this procurement is budgeted in the Information Technology Department's operating budget.

Department Number	1320
Expenditure Code	505170

_____ Verification of Funding Source and Availability of Funds.
(Verified and initialed by Finance)

This procurement meets the requirements of Omnitrans' current Procurement Policy and Procedures Manuals.

CONCLUSION

Authorize the CEO/General Manager to increase the three year sole source agreement with En Pointe Technologies, Inc. of Gardena, CA, for the provision of additional Microsoft software licensing by \$90,788.04 annually for the period beginning October 1, 2012 and ending August 31, 2014 for new total agreement amount of 506,337.12.

MV:wt

ITEM # G1

DATE: October 3, 2012

TO: Board Chair Dick Riddell and Members of the Omnitrans Board of Directors

THROUGH: Milo Victoria, CEO/General Manager

FROM: Maurice A. Mansion, Treasury Manager

**SUBJECT: CALL FOR PUBLIC HEARING - FEDERAL TRANSIT ADMINISTRATION
SECTION 5307 AND SECTION 5309**

FORM MOTION

Call for a public hearing concerning the Federal Transit Administration (FTA) §5307 and §5309 for Fiscal Year 2013, to be held at 8:00 a.m., Wednesday, November 7, 2012, at the Omnitrans Metro Facility, 1700 West Fifth Street, San Bernardino, CA 92411.

SUMMARY

The date and time for the federally required public hearing to receive comments on projects involving Federal assistance will be set for November 7, 2012, at 8:00 a.m. at the Omnitrans Metro Facility.

A public hearing affords the opportunity to obtain views of officials and citizens regarding the proposed use of Federal assistance and community support for the amended program of projects.

BACKGROUND

To qualify for Federal assistance through the FTA, Omnitrans is required to hold a public hearing on the proposed use of Federal funds. FTA also requires that Omnitrans give the public sufficient notice, that any comments be incorporated into the grant application, and that the notice include language which indicates that in the absence of substantive comments, Federal assistance will be sought.

The projects shown in the Public Hearing Notice are included in the Fiscal Year 2013 budget and were approved by the Board of Directors on June 6, 2012.

FINANCIAL IMPACT

All projects described are fiscally constrained and are contained in past-approved Omnitrans' budgets.

MV:mm

NOTICE OF PUBLIC HEARING

Fiscal Year 2013 Capital Projects

Using §5307 and §5309

CAPITAL PROJECTS – FY 2013

SECTION 5307

Project Description	Total Cost	Federal Share
Management Information Systems	\$ 2,684,343	\$ 2, 147,474
Facility Improvement	\$ 1,728,208	\$ 1, 382,566
Replacement of Heavy Duty Coaches	\$ 5,098,500	\$ 5,098,500
Replacement/Lease of Service Vehicles	\$ 470,000	\$ 376,000
Ontario Mills Transit Center	\$ 300,000	\$ 240,000
1% Transit Enhancements	\$ 275,000	\$ 220,000
Stops & Zones	\$ 297,000	\$ 237,600
Agency Rebranding	\$ 1,800,000	\$ 1,440,000
Capitalization of Tires	\$ 499,015	\$ 399,212
Capitalization of Leases	\$ 177,967	\$ 194,396
Capitalization of Security	\$ 192,440	\$ 153,952
Capitalization of Access Service	\$ 3,200,000	\$ 1,600,000
Capitalization of Preventive Maint	\$10,800,000	\$ 8,640,000
Total	\$32,620,973	\$ 22,039,700

SECTION 5309

San Bernardino Transit Center	\$ 6,050,000	\$ 5,300,000
TOTAL FEDERAL SHARE		\$ 27,339,700