

**AGENDA**  
**SANTA CRUZ METRO BOARD OF DIRECTORS**  
**REGULAR MEETING OF NOVEMBER 9, 2012**  
**8:30 AM**



*Mission Statement: "To provide a public transportation service that enhances personal mobility and creates a sustainable transportation option in Santa Cruz County through a cost-effective, reliable, accessible, safe, clean and courteous transit service."*

**THE BOARD MEETING AGENDA PACKET CAN BE FOUND ONLINE AT  
[WWW.SCMTD.COM](http://WWW.SCMTD.COM) AND IS AVAILABLE FOR INSPECTION AT SANTA CRUZ METRO'S  
ADMINISTRATIVE OFFICES LOCATED AT 110 VERNON STREET, SANTA CRUZ, CALIFORNIA**

- |                          |  |                              |
|--------------------------|--|------------------------------|
| <input type="checkbox"/> | <i>Director Margarita Alejo</i>          | <i>City of Watsonville</i>   |
| <input type="checkbox"/> | <i>Director Hilary Bryant</i>            | <i>City of Santa Cruz</i>    |
| <input type="checkbox"/> | <i>Director Dene Bustichi</i>            | <i>City of Scotts Valley</i> |
| <input type="checkbox"/> | <i>Director Daniel Dodge, Vice Chair</i> | <i>City of Watsonville</i>   |
| <input type="checkbox"/> | <i>Director Ron Graves</i>               | <i>City of Capitola</i>      |
| <input type="checkbox"/> | <i>Director Michelle Hinkle</i>          | <i>County of Santa Cruz</i>  |
| <input type="checkbox"/> | <i>Director Deborah Lane</i>             | <i>County of Santa Cruz</i>  |
| <input type="checkbox"/> | <i>Director John Leopold</i>             | <i>County of Santa Cruz</i>  |
| <input type="checkbox"/> | <i>Director Ellen Pirie</i>              | <i>County of Santa Cruz</i>  |
| <input type="checkbox"/> | <i>Director Lynn Robinson, Chair</i>     | <i>City of Santa Cruz</i>    |
| <input type="checkbox"/> | <i>Director Mark Stone</i>               | <i>County of Santa Cruz</i>  |
| <input type="checkbox"/> | <i>Ex-Officio Director Donna Blitzer</i> | <i>UC Santa Cruz</i>         |

*Leslie R. White, General Manager / Secretary of the Board*  
*Margaret Gallagher, District Counsel*


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**TITLE 6 - INTERPRETATION SERVICES / TÍTULO 6 - SERVICIOS DE TRADUCCIÓN**

*Spanish language interpretation and Spanish language copies of the agenda packet are available on an as-needed basis. Please make advance arrangements with Tony Tapiz, Administrative Services Coordinator at 831-426-6080. Interpretación en español y traducciones en español del paquete de la agenda están disponibles sobre una base como-necesaria. Por favor, hacer arreglos por adelantado con Tony Tapiz, Coordinador de Servicios Administrativos al numero 831-426-6080.*

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**AMERICANS WITH DISABILITIES ACT**

 *The Board of Directors meets in an accessible facility. Any person who requires an accommodation or an auxiliary aid or service to participate in the meeting, or to access the agenda and the agenda packet (including a Spanish language copy of the agenda packet), should contact Tony Tapiz, Administrative Services Coordinator, at 831-426-6080 as soon as possible in advance of the Board of Directors meeting. Hearing impaired individuals should call 711 for assistance in contacting Santa Cruz METRO regarding special requirements to participate in the Board meeting. For information regarding this agenda or interpretation services, please call Santa Cruz METRO at 831-426-6080.*

**AGENDA**  
**SANTA CRUZ METRO BOARD OF DIRECTORS**  
**REGULAR MEETING OF NOVEMBER 9, 2012**  
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MEETING LOCATION:  
SANTA CRUZ METRO ADMINISTRATIVE OFFICES  
110 VERNON STREET, SANTA CRUZ

8:30 A.M.

NOTE: THE BOARD CHAIR MAY TAKE ITEMS OUT OF ORDER

**SECTION I: OPEN SESSION**

1. CALL TO ORDER & ROLL CALL

2. ORAL AND WRITTEN COMMUNICATIONS

3. COMMUNICATIONS TO THE BOARD OF DIRECTORS

*This time is set aside for Directors and members of the general public to address any item not on the Agenda which is within the subject matter jurisdiction of the Board. No action or discussion shall be taken on any item presented except that any Director may respond to statements made or questions asked, or may ask questions for clarification. All matters of an administrative nature will be referred to staff. All matters relating to Santa Cruz METRO will be noted in the minutes and may be scheduled for discussion at a future meeting or referred to staff for clarification and report. Any Director may place matters brought up under Oral and Written Communications on a future agenda. In accordance with District Resolution 69-2-1, speakers appearing at a Board meeting shall be limited to three minutes in his or her presentation. Any person addressing the Board may submit written statements, petitions or other documents to complement his or her presentation. When addressing the Board, the individual may, but is not required to, provide his/her name and address in an audible tone for the record.*

4. LABOR ORGANIZATION COMMUNICATIONS

5. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

**CONSENT AGENDA**

*All items appearing on the Consent Agenda are recommended actions which are considered to be routine and will be acted upon as one motion. All items removed will be considered later in the agenda. The Board Chair will allow public input prior to the approval of the Consent Agenda items.*

6-1. NOTICE OF ACTION TAKEN IN CLOSED SESSION  
Submitted by Margaret Gallagher, District Counsel

6-2. ACCEPT & FILE THE MINUTES FOR THE BOARD OF DIRECTORS MEETINGS OF  
AUGUST 2012  
Submitted by Tony Tapiz, Administrative Services Coordinator

6-3. ACCEPT & FILE THE MINUTES FOR THE BOARD OF DIRECTORS MEETINGS OF  
SEPTEMBER 2012  
Submitted by Tony Tapiz, Administrative Services Coordinator

**AGENDA**  
**SANTA CRUZ METRO BOARD OF DIRECTORS**  
**REGULAR MEETING OF NOVEMBER 9, 2012**  
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- 6-4. CONSIDERATION OF AWARD OF CONTRACT WITH COASTAL LANDSCAPING, INC. FOR LANDSCAPING AND MAINTENANCE SERVICES IN AN AMOUNT NOT TO EXCEED \$120,000  
Submitted by Erron Alvey, Purchasing Agent
- 6-5. CONSIDERATION OF AWARD OF CONTRACT WITH MIDWEST MOTOR SUPPLY DBA KIMBALL MIDWEST FOR THE PURCHASE OF FASTENERS AND ELECTRICAL TERMINALS IN AN AMOUNT NOT TO EXCEED \$30,000  
Submitted by Erron Alvey, Purchasing Agent
- 6-6. CONSIDERATION OF AWARD OF CONTRACT WITH MANAGED HEALTH NETWORK FOR EMPLOYEE ASSISTANCE PROGRAM SERVICES IN AN AMOUNT NOT TO EXCEED \$20,000  
Submitted by Erron Alvey, Purchasing Agent

**REGULAR AGENDA**

- 7. CONSIDER APPROVAL OF NEW CLASS SPECIFICATION FOR SENIOR FINANCIAL ANALYST, ADJUSTED WAGE SCHEDULE, AND SEIU SIDE AGREEMENTS  
Presented by Pat Aviles, Assistant Human Resources Manager
- 8. CONSIDERATION OF DECLARING WEST BAY BUILDERS, ZOVICH CONSTRUCTION, LEWIS C. NELSON & SONS, F&H CONSTRUCTION, SJ AMOROSO, AND ROEBELLEN CONTRACTING AS UNRESPONSIVE AND/OR NON-RESPONSIBLE, AND REJECTING THE BIDS THEY SUBMITTED FOR THE JUDY K. SOUZA OPERATIONS BUILDING FACILITY  
Presented by Frank Cheng, Project Manager & Information Technology Manager
- 9. CONSIDERATION OF DECLARING C. OVERAA & COMPANY AS THE LOWEST RESPONSIVE / RESPONSIBLE BIDDER FOR THE JUDY K. SOUZA OPERATIONS BUILDING FACILITY CONTINGENT UPON THE SUBMISSION OF MATERIALS REQUESTED BY METRO AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH C. OVERAA & COMPANY IN THE AMOUNT OF \$13,659,000 FOR THE JUDY K. SOUZA OPERATIONS BUILDING FACILITY COMPONENT OF THE METROBASE PROJECT  
Presented by Frank Cheng, Project Manager & Information Technology Manager
- 10. ORAL PROGRESS REPORT OF THE RECRUITMENT TASK FORCE  
Presented by Lynn Robinson, Chair
- 11. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION  
Presented by Margaret Gallagher, District Counsel
- 12. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

**AGENDA**  
**SANTA CRUZ METRO BOARD OF DIRECTORS**  
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**SECTION II: CLOSED SESSION**

1. CONFERENCE WITH LABOR NEGOTIATOR  
(Pursuant to Government Code Section 54957.6)

Agency Negotiators: Leslie R. White, General Manager, Robyn Slater,  
Human Resources, Ciro Aguirre, Operations Manager

Employee Organization: United Transportation Union (UTU), Local 23 Fixed Route

Employee Organization: United Transportation Union (UTU), Local 23 Paracruz

Employee Organization: Service Employees International Union (SEIU), Local 521

**SECTION III: RECONVENE TO OPEN SESSION**

10. REPORT OF CLOSED SESSION

11. ORAL ANNOUNCEMENT

The next regularly scheduled Board meeting will be held Friday, November 30, 2012 at 9:00 a.m. at the Santa Cruz METRO Offices, 110 Vernon Street, Santa Cruz, California.

12. ADJOURNMENT

Adjourn to the next regularly scheduled Board Meeting.

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*Pursuant to Section 54954.2(a)(1) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day. The agenda packet and materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Santa Cruz METRO Administrative Office (110 Vernon Street, Santa Cruz) during normal business hours. Such documents are also available on the Santa Cruz METRO website at [www.scmttd.com](http://www.scmttd.com) subject to staff's ability to post the document before the meeting.*

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

## NOTICE OF ACTION TAKEN IN CLOSED SESSION MEMORANDUM

DATE: November 9, 2012

TO: Board of Directors

FROM: Margaret Gallagher, District Counsel

SUBJECT: Notification Of Actions Taken In Closed Session Regarding The Following Matters:  
*Goodwill Industries of Monterey and San Luis Obispo Counties, et al v. Santa Cruz METRO, et al; Superior Court Case No. CV 170417*

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***Goodwill Industries of Monterey and San Luis Obispo Counties, et al v. Santa Cruz METRO; Santa Cruz County Superior Court Case NO. CV 170417***

On April 27, 2012, in closed session you authorized a settlement in the above-entitled matter. The following Directors authorized the settlement: Alejo, Bryant, Bustichi, Dodge, Graves, Hinkle, Lane, Leopold, Robinson and Stone. Director Pirie was absent. As a result, this matter settled for the sum of \$27,000.00 paid by Santa Cruz METRO to Goodwill Industries. A Release and Settlement Agreement was signed by the Parties on 6/25/12 and a Dismissal with Prejudice was filed with the Court on August 1, 2012.



**Minutes- Board of Directors**

**August 10, 2012**

A Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District was convened on the above date at the Administrative Offices of Santa Cruz METRO, located at 110 Vernon Street, in Santa Cruz, California.

**SECTION 1: OPEN SESSION**

1. CALL TO ORDER / ROLL CALL:

1-1. Vice Chair Dodge called the meeting to order at 8:45 a.m.

1-2. The following Directors were present:

- Director Margarita Alejo
- Director Hilary Bryant
- Director Dene Bustichi
- Director Daniel Dodge
- Director Ron Graves
- Director Michelle Hinkle
- Director Deborah Lane
- Director John Leopold
- Director Ellen Pirie
- Director Lynn Robinson
- Director Mark Stone
- Ex-Officio Director Donna Blitzer

**STAFF PRESENT**

Anthony Tapiz, Administrative Services Coordinator  
Leslie R. White, General Manager  
Margaret Gallagher, District Counsel

**EMPLOYEES AND MEMBERS OF THE PUBLIC WHO VOLUNTARILY INDICATED THEY WERE PRESENT**

Ned van Valkenburg, Carpenters Union

**ORAL AND WRITTEN COMMUNICATIONS**

- 2-1. Vice Chair Dodge asked those in attendance to observe a moment of silence in memory of METRO retiree David Lyle.
- 2-2. Nicole Goering, Associated Builders and Contractors, requested changes to the Project Labor Agreement for the Judy K. Souza Operations Facility.
- 2-3. Richard Marx, Western Electrical Contractors Association and the Plumbing, Heating, Cooling Contractors of California, spoke in opposition to the Project Labor Agreement for the Judy K. Souza Operations Facility.
- 2-4. Pedro Salazar, electrical contractor, spoke in opposition to the Project Labor Agreement for the Judy K. Souza Operations Facility.
- 2-5. Ron Cheshire, CEO of the Monterey-Santa Cruz Building Construction Trades Council, spoke in favor of the Project Labor Agreement for the Judy K. Souza Operations Facility.
- 2-6. Ned van Valkenburg, Carpenter’s Union, spoke in favor of the Project Labor Agreement for the Judy K. Souza Operations Facility.

2. LABOR ORGANIZATION COMMUNICATIONS

None.

3. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

None.

**DIRECTOR PIRIE LEFT THE ROOM**

**CONSENT AGENDA**

- 5-1. ACCEPT AND FILE MONTHLY BUDGET STATUS REPORTS YEAR TO DATE AS OF MAY 31, 2012  
Submitted by Angela Aitken, Finance Manager
- 5-2. ACCEPT AND FILE PRELIMINARILY APPROVED CLAIMS FOR THE MONTH OF MAY 2012  
Submitted by Angela Aitken, Finance Manager
- 5-3. ACCEPT AND FILE MINUTES OF BOARD OF DIRECTORS MEETINGS OF MAY 11 AND MAY 25, 2012  
Submitted by Tony Tapiz, Administrative Services Coordinator
- 5-4. CONSIDERATION OF CONTRACT RENEWAL WITH CATTO’S GRAPHICS, INC. FOR PRINTING OF BUS STOP STICKERS FOR AN AMOUNT NOT TO EXCEED \$17,000  
Submitted by Erron Alvey, Purchasing Agent

- 5-5. CONSIDERATION OF AWARD OF CONTRACT WITH DCH GARDENA HONDA FOR PURCHASE OF TWO EACH CNG FUELED STAFF CARS IN AN AMOUNT NOT TO EXCEED \$59,005.58  
Submitted by Erron Alvey, Purchasing Agent
- 5-6. CONSIDERATION OF TORT CLAIMS: REJECT THE CLAIM OF PHILLIP LAMONICA, CLAIM #12-0012  
Submitted by Margaret Gallagher, District Counsel

**ACTION: MOTION: DIRECTOR BUSTICHI SECOND: DIRECTOR LEOPOLD**

**Approve Consent Agenda as presented.**

**Motion passed unanimously with Directors Pirie and Stone being absent.**

**DIRECTOR PIRIE ENTERED THE ROOM**

## **REGULAR AGENDA**

6. CONSIDERATION OF PROVIDING LIMITED SERVICE TO THE SANTA CRUZ COUNTY FAIRGROUNDS DURING THE 2012 FAIR IN EXCHANGE FOR FAIR VENDOR SPACE  
Presented by Ciro Aguirre, Operations Manager

Leslie R. White presented the staff report. There was a discussion about METRO's presence at the Santa Cruz County Fair.

**ACTION: MOTION: DIRECTOR LEOPOLD SECOND: DIRECTOR PIRIE**

**Authorize limited service to the Santa Cruz County Fairgrounds during the 2012 Fair in exchange for Fair vendor space.**

**Motion passed unanimously with Director Stone being absent.**

7. CONSIDERATION OF A REQUEST TO PROVIDE BUS SERVICE TO THE SANTA CRUZ FOLLIES ON SEPTEMBER 14, 2012 AT AN ESTIMATED COST OF APPROXIMATELY \$800

Leslie R. White presented the Staff Report. There was a discussion about providing bus service to the Santa Cruz Follies.

**ACTION: MOTION: DIRECTOR LEOPOLD SECOND: DIRECTOR GRAVES**

**Approve request to provide bus service to the Santa Cruz Follies on September 14, 2012 at an estimated cost of approximately \$800.**

**Motion passed unanimously with Director Stone being absent.**



**8. CONSIDERATION OF 2012 SERVICE CHANGES AND FUTURE SERVICE PLANNING EFFORTS**

Erich Friedrich presented the Staff Report. There was a discussion about the 2012 service changes and future service planning efforts.

**ACTION: MOTION: DIRECTOR LEOPOLD SECOND: DIRECTOR ROBINSON**

**Approve recommended 2012 service changes and future service planning efforts.**

**Motion passed unanimously with Director Stone being absent.**

**14. CONSIDERATION OF IMPLEMENTATION OF A MOBILE MUSE (POETRY ON THE BUSES) PROGRAM ON THE INSIDE OF SANTA CRUZ METRO'S BUSES INCLUDING SELECTING SANTA CRUZ METRO REPRESENTATIVES FOR THE POETRY SELECTION PANEL**

Margaret Gallagher presented the Staff Report. There was a discussion about the Mobile Muse (Poetry On The Buses) Program. Names of the candidates to be METRO's representatives on the Mobile Muse Selection Committee were placed in a container and two were chosen.

**DIRECTOR ALEJO LEFT THE ROOM**

**ACTION: MOTION: DIRECTOR ROBINSON SECOND: DIRECTOR LEOPOLD**

**Approve implementation of the Mobile Muse (Poetry On The Buses) Program; appoint Tove Beatty and Todd Pinsky as METRO's representatives on the Mobile Muse Selection Committee.**

**Motion passed unanimously with Directors Alejo and Stone being absent.**

**DIRECTOR BRYANT LEFT THE ROOM**

**9. CONSIDERATION OF PROVIDING SUPPORT FOR A METRO/UTU23/SEIU521 PICNIC TO BE HELD OCTOBER 20, 2012 AT THE HARVEY WEST PARK**

Leslie R. White presented the Staff Report. There was a discussion about the providing support for a METRO/UTU23/SEIU521 picnic.

**ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR LEOPOLD**

**Approve providing support for a METRO/UTU23/SEIU521 picnic.**

**Motion passed unanimously with Directors Alejo, Bryant, and Stone being absent.**

**DIRECTOR ALEJO ENTERED THE ROOM**

- 10. CONSIDERATION OF CONTRACTING OUT THE REMAINING CONSTRUCTION, IMPROVEMENTS AND REPAIRS OF COUNTY-WIDE BUS STOPS IN ORDER TO COMPLETE THE BUS STOP IMPROVEMENT PROJECT**

Tove Beatty presented the Staff Report. There was a discussion about bus stop maintenance.

**DIRECTOR PIRIE LEFT THE ROOM**

**ACTION: MOTION: DIRECTOR ROBINSON SECOND: DIRECTOR HINKLE**

**Authorize contracting out the remaining construction, improvements and repairs of county-wide bus stops in order to complete the bus stop improvement project.**

**Motion passed unanimously with Directors Bryant and Stone being absent.**

- 11. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A TWO-YEAR IRREVOCABLE LICENSE AGREEMENT IN FAVOR OF SANTA CRUZ METRO WITH ROBERT MARIN AND CELESTE DE SCHULTHESS, TRUSTEES, FOR USAGE OF BUS STOP AND SHELTER ON THE FELTON FAIRE SHOPPING CENTER PROPERTY**

Margaret Gallagher presented the Staff Report. There was a discussion about the Felton Faire Shopping Center Property.

**ACTION: MOTION: DIRECTOR LEOPOLD SECOND: DIRECTOR PIRIE**

**Authorize the General Manager to execute a two-year irrevocable license agreement in favor of Santa Cruz METRO with Robert Marin and Celeste De Schulthess, trustees, for usage of bus stop and shelter on the Felton Faire Shopping Center property.**

**Motion passed unanimously with Directors Bryant and Stone being absent.**

- 12. CONSIDERATION OF REQUEST TO PERMANENTLY REMOVE THE INBOUND/OUTBOUND BUS STOPS AT DELAWARE AND LIBERTY OR CONSIDERATION OF PROPOSAL COMPROMISE**

Ciro Aguirre presented the Staff Report. There was a discussion about the inbound/outbound bus stops at Delaware and Liberty.

**ACTION: MOTION: DIRECTOR LEOPOLD SECOND: DIRECTOR GRAVES**

**Defer item to August 24, 2012 meeting.**

**Motion passed unanimously with Directors Bryant and Stone being absent.**

- 13. CONSIDERATION OF LEGISLATIVE MODIFICATIONS SUSPENDING BROWN ACT OPEN MEETING REQUIREMENTS AND IMPACT ON SANTA CRUZ METRO'S BYLAWS**

Margaret Gallagher presented the Staff Report. There was a discussion about the Brown Act

**ACTION: MOTION: DIRECTOR GRAVES SECOND: DIRECTOR LEOPOLD**

**Approve staff recommendation to continue with compliance to Ralph Brown Act.**

**Motion passed unanimously with Directors Bryant and Stone being absent.**

**15. CONSIDERATION OF BUS STOPS AT DELAWARE AND COLUMBIA**

Ciro Aguirre presented the Staff Report. There was a discussion about the bus stop at Delaware and Columbia.

**ACTION: MOTION: DIRECTOR BUSTICHI SECOND: DIRECTOR GRAVES**

**Direct staff to investigate possibility of relocating the bus stop at Delaware and Columbia; and direct staff to take no action if relocation of stop is determined to be not possible.**

**Motion passed unanimously with Directors Bryant and Stone being absent.**

**16. ORAL ANNOUNCEMENT**

Vice Chair Dodge announced a SPECIAL meeting of the Board of Directors immediately following this regular meeting, and that the next regularly scheduled Board meeting will be held Friday, August 24, 2012 at 9:00 a.m. at the Watsonville City Council Chambers located at 275 Main Street, in Watsonville, California.

**17. ADJOURNMENT TO SPECIAL MEETING**

Vice Chair Dodge adjourned the meeting at 11:25 a.m. to the SPECIAL Board Meeting of August 10, 2012.

**18. CALL TO ORDER**

Vice Chair Dodge reconvened the regular meeting at 11:27 a.m.

**19. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION**

Margaret Gallagher said that the Board of Directors will have a conference regarding the existing litigation of Mario de la Garza v. SCMTD; the existing litigation of Goodwill Industries v. SCMTD; and the existing litigation of Raymond Emme v. SCMTD; a conference with its Labor Negotiators regarding UTU Local 23 - Fixed Route, SEIU, and UTU Local 23 – ParaCruz; a conference with its labor negotiator, Leslie R. White, General Manager, regarding the Unrepresented Management Group; a public employee performance evaluation of the General Manager; and a public employee performance evaluation of the District Counsel.

**20. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION**

Bonnie Morr expressed her favorable opinion of both Leslie R. White and Margaret Gallagher.

**21. REPORT OF CLOSED SESSION**

Margaret Gallagher stated that there were no reportable actions taken in Closed Session.

**22. ADJOURNMENT**

There being no further business, Vice Chair Dodge adjourned the meeting at 1:12 p.m. to the next regularly scheduled Board Meeting.

Respectfully submitted,



ANTHONY TAPIZ  
Administrative Services Coordinator

DRAFT



**Minutes- Board of Directors SPECIAL Meeting**

**August 10, 2012**

A **SPECIAL** Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District was convened on the above date at the Administrative Offices of Santa Cruz METRO, located at 110 Vernon Street, in Santa Cruz, California.

1. CALL TO ORDER / ROLL CALL:

1-1. Vice Chair Dodge called the meeting to order at 11:25 a.m.

1-2. The following Directors were present:

- Director Margarita Alejo
- Director Hilary Bryant
- Director Dene Bustichi
- Director Daniel Dodge
- Director Ron Graves
- Director Michelle Hinkle
- Director Deborah Lane
- Director John Leopold
- Director Ellen Pirie
- Director Lynn Robinson
- Director Mark Stone
- Ex-Officio Director Donna Blitzer

**STAFF PRESENT**

Anthony Tapiz, Administrative Services Coordinator  
Leslie R. White, General Manager  
Margaret Gallagher, District Counsel  
Robyn Slater, Human Resources Manager

## CONSENT AGENDA

*All items appearing on the Consent Agenda are recommended actions which are considered to be routine and will be acted upon as one motion. All items removed will be considered later in the agenda. The Board Chair will allow public input prior to the approval of the Consent Agenda items.*

- 2-1. CONSIDERATION OF FUNDING THE CONTRACT WITH ALLIANT INSURANCE SERVICES, INC., FOR INSURANCE BROKER SERVICES AND PAYMENT OF THE PREMIUM FOR EXCESS WORKERS' COMPENSATION INSURANCE THROUGH THE CALIFORNIA

**ACTION: MOTION: DIRECTOR LEOPOLD SECOND: DIRECTOR PIRIE**

**Approve Consent Agenda as presented.**

**Motion passed unanimously with Directors Bryant and Stone being absent.**

3. ADJOURNMENT

There being no further business, Vice Chair Dodge adjourned the meeting at 11:27 p.m. to the regular Board Meeting.

Respectfully submitted,



ANTHONY TAPIZ  
Administrative Services Coordinator



A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on the above date at the Watsonville City Council Chambers, located at 275 Main Street, in Watsonville, California.

**SECTION 1: OPEN SESSION**

1. CALL TO ORDER / ROLL CALL

1-1. Chair Robinson called the meeting to order at 9:07 a.m.

1-2. The following Directors were present:

**PRESENT**

- Director Margarita Alejo
- Director Hilary Bryant
- Director Dene Bustichi
- Director Daniel Dodge
- Director Ron Graves
- Director Michelle Hinkle
- Director Deborah Lane
- Director John Leopold
- Director Ellen Pirie
- Director Lynn Robinson
- Director Mark Stone
- Ex-Officio Director Donna Blitzer

**STAFF PRESENT**

Anthony Tapiz, Administrative Services Coordinator  
Leslie R. White, General Manager  
Margaret Gallagher, District Counsel

**METRO EMPLOYEES AND MEMBERS OF THE PUBLIC WHO VOLUNTARILY INDICATED THEY WERE PRESENT**

Erron Alvey, Purchasing Agent  
Angela Aitken, Finance Manager  
Amy Weiss, Meeting Interpreter  
April Warnock, Paracruz

Eileen Wagley, SEA  
Anna Gouveia, OPS  
Alicia Griffin, OPS

2. ANNOUNCEMENTS

- 2-1. Amy Weiss announced that she was available for Spanish language interpretation.
- 2-2. Chair Robinson announced that the meeting was being broadcast by Community Television of Santa Cruz County.

3. COMMUNICATIONS TO THE BOARD OF DIRECTORS

- 3-1. CORRESPONDENCE IN PRAISE OF METRO EMPLOYEE ANDRE HARTE  
Submitted by Marjorie Rietz, Freedom, CA

4. LABOR ORGANIZATION COMMUNICATIONS

Eduardo Montesino, UTU, requested a meeting regarding IWC 880.

5. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

None.

**CONSENT AGENDA**

- 5-1. CONSIDERATION OF DECLARING ONE (1) 2003 CHEVROLET VENTURE PARATRANSIT VAN AS EXCESS FOR PURPOSES OF DISPOSAL OR AUCTION  
Submitted by Angela Aitken, Finance Manager
- 5-2. ACCEPT AND FILE STATUS REPORT OF ACTIVE GRANTS AND GRANT APPLICATIONS FOR AUGUST 2012  
Submitted by Tom Hiltner, Legislative and Grants Analyst
- 5-3. ACCEPT & FILE METRO SYSTEM RIDERSHIP REPORT FOR JUNE 2012  
Submitted by Erich Friedrich, Junior Transportation Planner
- 5-4. ACCEPT & FILE METRO PARACRUZ OPERATIONS STATUS REPORT MAY & JUNE 2012  
Submitted by April Warnock, Paratransit Superintendent
- 5-5. ACCEPT AND FILE ACCESSIBLE SERVICES REPORTS FOR MAY AND JUNE 2012  
Submitted by John Daugherty, Accessible Services Coordinator



- 5-6. CONSIDERATION OF TORT CLAIMS: REJECT THE CLAIM OF KUMAR, ASHOK CLAIM #12-0014; REJECT THE CLAIM OF OLIVIA, FRANCESO; CLAIM #12-0016  
Submitted by Margaret Gallagher, District Counsel
- 5-7. CONSIDERATION OF AWARD OF CONTRACT WITH FEENEY WIRELESS, LLC FOR ON-BOARD BUS WI-FI SERVICE AND EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$60,000  
Submitted by Erron Alvey, Purchasing Agent
- 5-8. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH RAYMUNDO ENGINEERING COMPANY, INC. FOR ARCHITECT AND ENGINEERING SERVICES FOR THE SECOND LNG TANK AND EQUIPMENT INSTALLATION AT 1200B RIVER STREET IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$10,000  
Submitted by Erron Alvey, Purchasing Agent
- 5-9. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT RENEWAL WITH FLYERS ENERGY, LLC FOR OFF-SITE FUELING OF NON-REVENUE VEHICLES  
Submitted by Erron Alvey, Purchasing Agent
- 5-10. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH AIRTEC SERVICE FOR HEATING VENTILATION AND AIR CONDITIONING (HVAC) MAINTENANCE SERVICES IN AN AMOUNT NOT TO EXCEED \$15,000  
Submitted by Erron Alvey, Purchasing Agent
- 5-11. CONSIDERATION OF PURCHASE OF GFI GENFARE TICKET VENDING MACHINE (TVM) FOR INSTALLATION AT THE CAVALLARO TRANSIT CENTER IN SCOTTS VALLEY, CALIFORNIA.  
Submitted by Ciro Aguirre, Operations Manager

ACTION: MOTION: DIRECTOR LEOPOLD SECOND: DIRECTOR HINKLE

Item #5-7 was removed to the Consent agenda

Approve the Consent Agenda as amended.

Motion passed unanimously with Directors Bryant and Stone being absent.

## REGULAR AGENDA

### 6. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS

Lynn Robinson presented a Certificate of Appreciation for 15 years of service to Byron Watson; and Certificates of Appreciation for 25 years of service to Anna Gouveia and Eduardo Biddlecome.

7. CONSIDERATION OF ADOPTION OF A MANAGEMENT COMPENSATION PROGRAM FOR THE UNREPRESENTED EMPLOYEES FOR THE TIME PERIOD JULY 2012-JUNE 2015 CONTAINING 2% WAGE INCREASES FOR EACH OF THE THREE YEARS

Leslie R. White presented the staff report. There was a discussion about the Management Compensation Plan.

ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR HINKLE

Adopt Management Compensation Program for the unrepresented employees for the time period July 2012-June 2015 containing 2% wage increases for each of the three years.

Motion passed with Director Dodge voting “no” and Directors Bryant and Stone being absent.

8. ACCEPT AND FILE STATUS REPORTS OF PROPOSED FEDERAL AND STATE LEGISLATION AND CURRENT LEGISLATIVE ISSUES

Leslie R. White presented the staff report. There was a discussion about legislative issues.

ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR LEOPOLD

Accept and file status reports of proposed Federal and State legislation and current legislative issues.

Motion passed unanimously with Directors Bryant and Stone being absent.

9. CONSIDERATION OF IMPEMENTING A REGULATION ENTITLED HEALTHY FOOD AND BEVERAGE OPTIONS AT SANTA CRUZ METRO FACILITIES

Margaret Gallagher presented the staff report and noted a correction on attachment A, paragraph 2. There was a discussion about the Health Food and Beverage Options policy. The Board expressed its thanks.

ACTION: MOTION: DIRECTOR DODGE SECOND: DIRECTOR PIRIE

Adopt and implement a Healthy Food and Beverage Options regulation, with corrections noted, and revisit policy within three to six months.

Motion passed unanimously with Directors Bryant and Stone being absent.

10. ORAL ANNOUNCEMENT

The next regularly scheduled Board meeting will be held Friday, September 14, 2012 at 8:30 a.m. at the METRO Administrative Offices located at 110 Vernon Street, in Santa Cruz, California.

11. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

Margaret Gallagher said that the Board of Directors would have a conference with legal counsel regarding the existing litigation of Sylvia Jimenez v. SCMTD; and conduct a public employee performance evaluation of the District Counsel.

12. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

None.

13. ADJOURNMENT

There being no further business, Chair Robinson adjourned the meeting at 10:10 a.m. to the next regularly scheduled Board Meeting.

Respectfully submitted,



ANTHONY TAPIZ  
Administrative Services Coordinator

DRAFT



A Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District was convened on the above date at the Administrative Offices of Santa Cruz METRO, located at 110 Vernon Street, in Santa Cruz, California.

**SECTION 1: OPEN SESSION**

1. CALL TO ORDER / ROLL CALL:

1-1. Chair Robinson called the meeting to order at 8:36 a.m.

1-2. The following Directors were present:

Director Margarita Alejo



Director Hilary Bryant



Director Dene Bustichi



Director Daniel Dodge



**ARRIVED AFTER ROLL CALL**

Director Ron Graves



Director Michelle Hinkle



Director Deborah Lane



Director John Leopold



Director Ellen Pirie



Director Lynn Robinson



Director Mark Stone



Ex-Officio Director Donna Blitzer



**STAFF PRESENT**

Anthony Tapiz, Administrative Services Coordinator

Leslie R. White, General Manager

Margaret Gallagher, District Counsel

2. **ORAL AND WRITTEN COMMUNICATIONS**

None.

3. **LABOR ORGANIZATION COMMUNICATIONS**

None.

4. **ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS**

Leslie R. White indicated there was a letter from the Carpenter’s Union with regard to bids, and two replacements pages for Item #7.

**DIRECTOR PIRIE LEFT THE ROOM**

**CONSENT AGENDA**

- 5-1. RENEWAL OF PROPERTY INSURANCE COVERAGE FOR FY13 WITH TRAVELERS PROPERTY CASUALTY CO. OF AMERICA AND QBE INSURANCE CORPORATION  
Submitted by Angela Aitken, Finance Manager
- 5-2. ACCEPT AND FILE MINUTES OF BOARD OF DIRECTORS MEETINGS OF JUNE 8 AND JUNE 22, 2012, AND SPECIAL MEETING OF JULY 6, 2012.  
Submitted by Tony Tapiz, Administrative Services Coordinator
- 5-3. CONSIDERATION OF TORT CLAIMS: REJECT THE CLAIM OF INOSENICIO GUAJARDO, CLAIM #12-0015; REJECT THE CLAIM OF THEODORE MCLEAN, CLAIM #12-0017  
Submitted by Margaret Gallagher, District Counsel
- 5-4. NOTICE OF ACTIONS TAKEN IN CLOSED SESSION  
Submitted by Margaret Gallagher, District Counsel

**ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR LEOPOLD**

**Approve Consent Agenda as presented.**

**Motion passed unanimously with Directors Dodge and Stone being absent.**

**REGULAR AGENDA**

- 6. CONSIDERATION OF APPOINTMENT OF CHARLOTTE WALKER TO THE METRO ADVISORY COMMITTEE (MAC)  
Presented by Ciro Aguirre, Operations Manager

Leslie R. White presented the staff report.

**ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR LEOPOLD**

**Appoint Charlotte Walker to the Metro Advisory Committee for a two-year term.**

**Motion passed unanimously with Directors Dodge and Stone being absent.**

**7. CONSIDERATION OF ADOPTION OF REVISED EQUAL OPPORTUNITY PLAN (EOP) FOR 2012 – 2014**

Robyn Slater presented the Staff Report. There was a discussion about the Revised Equal Opportunity Plan.

**DIRECTOR DODGE ARRIVED**

**ACTION: MOTION: DIRECTOR BRYANT SECOND: DIRECTOR PIRIE**

**Adopt Revised Equal Opportunity Plan (EOP) for 2012-2014.**

**Motion passed unanimously with Director Stone being absent.**

**8. CONSIDERATION OF APPOINTING A RECRUITMENT TASK FORCE FROM THE MEMBERS OF THE BOARD FOR THE PURPOSE OF COMMENCING RECRUITMENT ACTIVITIES FOR THE POSITIONS OF DISTRICT COUNSEL AND GENERAL MANAGER**

Lynn Robinson presented the Staff Report. There was a discussion about recruitment efforts, the establishment of a recruitment task force committee of five directors, and changes to CalPERS. Eileen Wagley, SEIU Local 521, thanked Margaret Gallagher for her years of service, and stated that SEIU was in favor of retaining the District Counsel in-house.

**ACTION: MOTION: DIRECTOR GRAVES SECOND: DIRECTOR PIRIE**

**Appoint Recruitment Task Force with the added direction to work with District Counsel and General Manager on recruitment efforts.**

**Motion passed unanimously with Director Stone being absent.**

**9. CONSIDERATION OF AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH NORTH STAR, INC. FOR AN INCREASED AMOUNT NOT TO EXCEED \$155,000**

Robert Cotter presented the Staff Report. There was a discussion about the contract with North Star.

**ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR LEOPOLD**

**Authorize the General Manager to execute a contract amendment with North Star, Inc. for an increased amount not to exceed \$155,000.**

**Motion passed unanimously with Director Stone being absent.**

- 10. CONSIDERATION OF AWARD OF CONTRACT WITH TRC SOLUTIONS, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE JUDY K. SOUZA OPERATIONS BUILDING COMPONENT OF THE METROBASE PROJECT IN AN AMOUNT NOT TO EXCEED \$1,495,440**

Erron Alvey Gallagher presented the Staff Report. There was a discussion about the contract for Construction Management.

**ACTION: MOTION: DIRECTOR BUSTICHI SECOND: DIRECTOR ROBINSON**

**Authorize the award of a contract with TRC Solutions, inc. for construction management services for the Judy K. Souza Operations Facility component of the Metrobase Project in an amount not to exceed \$1,495,440.**

**Motion passed unanimously with Director Stone being absent.**

- 15. ORAL ANNOUNCEMENT**

Leslie R. White announced the Groundbreaking Ceremony for the Judy K. Souza Operations Facility on October 26, at noon, at 1200 River Street, in Santa Cruz. Vice Chair Dodge announced that the next regularly scheduled Board meeting will be held Friday, September 28, 2012 at 9:00 a.m. at the Scotts Valley City Council Chambers located at 1 Civic Center Drive, in Scotts Valley, California.

- 16. ADJOURNMENT**

There being no further business, Vice Chair Dodge adjourned the meeting at 9:24 a.m. to the next regularly scheduled Board Meeting.

Respectfully submitted,



ANTHONY TAPIZ  
Administrative Services Coordinator



A Regular Meeting of the Board of Directors of the Santa Cruz Metropolitan Transit District met on the above date at the Scotts Valley City Council Chambers, located at 1 Civic Center Drive, in Scotts Valley, California.

**SECTION 1: OPEN SESSION**

1. CALL TO ORDER / ROLL CALL

1-1. Chair Robinson called the meeting to order at 9:02 a.m.

1-2. The following Directors were present:

**PRESENT**

Director Margarita Alejo



Director Hilary Bryant



Director Dene Bustichi



Director Daniel Dodge



Director Ron Graves



Director Michelle Hinkle



Director Deborah Lane



Director John Leopold



Director Ellen Pirie



Director Lynn Robinson



Director Mark Stone



Ex-Officio Director Donna Blitzer



**STAFF PRESENT**

Anthony Tapiz, Administrative Services Coordinator

Leslie R. White, General Manager

Margaret Gallagher, District Counsel



**METRO EMPLOYEES AND MEMBERS OF THE PUBLIC WHO VOLUNTARILY INDICATED THEY WERE PRESENT**

Eileen Wagley, SEA  
Adela Bates, SC METRO  
Sheldon Njaa, SC METRO  
Jose Perez, Moore & Associates  
Tom Hiltner, SC METRO  
Claire Fliesler, SC METRO  
Ciro Aguirre, SC METRO

Robyn Slater, SC METRO  
Erich Friedrich, SC METRO  
Erron Alvey, SC METRO  
April Warnock, Paracruz  
Mary Ferrick, SC METRO

2. ANNOUNCEMENTS

- 2-1. Amy Weiss announced that she was available for Spanish language interpretation.
- 2-2. Chair Robinson announced that the meeting was being broadcast by Community Television of Santa Cruz County.
- 2-3. Chair Robinson thanked Café Amigo for providing the refreshments for today's meeting.

3. COMMUNICATIONS TO THE BOARD OF DIRECTORS

None.

4. LABOR ORGANIZATION COMMUNICATIONS

None.

5. ADDITIONAL DOCUMENTATION TO SUPPORT EXISTING AGENDA ITEMS

Leslie R. White announced that for lack of projector equipment at the Scotts Valley City Chambers, there would be no Powerpoint presentation, but only a discussion about Pacific Station. Margaret Gallagher asked for Closed Session item #3 to be removed.

**CONSENT AGENDA**

- 6-1. CONSIDERATION OF A RESOLUTION REVISING THE FY13 FINAL CAPITAL BUDGET
- 6-2. ACCEPT AND FILE STATUS REPORT OF ACTIVE GRANTS AND SUBMITTED GRANT PROPOSALS FOR SEPTEMBER 2012
- 6-3. ACCEPT AND FILE RIDERSHIP REPORT FOR JULY 2012
- 6-4. ACCEPT AND FILE STATUS REPORTS OF FEDERAL AND STATE LEGISLATION AND CURRENT LEGISLATIVE ISSUES
- 6-5. ACCEPT AND FILE ACCESSIBLE SERVICES REPORT FOR JULY 2012

- 6-6. ACCEPT AND FILE METRO PARACRUZ OPERATIONS STATUS REPORT for JULY 2012
  
- 6-7. CONSIDERATION OF AWARD OF CONTRACT WITH FEENEY WIRELESS, LLC FOR ON-BOARD BUS WI-FI SERVICE AND EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$100,000
  
- 6-8. CONSIDERATION OF AWARD OF CONTRACT WITH STATE ELECTRIC GENERATOR FOR ANNUAL EMERGENCY GENERATOR LOAD BANK TESTING AND REPAIR SERVICES IN AN AMOUNT NOT TO EXCEED \$32,000
  
- 6-9. NOTICE OF ACTION TAKEN IN CLOSED SESSION

Item #6-7 was removed from the Agenda and deferred to October.

ACTION: MOTION: DIRECTOR PIRIE SECOND: DIRECTOR DODGE

Approve the Consent Agenda as amended.

Motion passed unanimously with Director Bustichi being absent.

### REGULAR AGENDA

- 7. PRESENTATION OF EMPLOYEE LONGEVITY AWARDS

Lynn Robinson presented a Certificate of Appreciation for 30 years of service to Adela Bates.

- 8. CONSIDERATION OF WATSONVILLE TRANSIT CENTER AND PACIFIC STATION RENOVATIONS; CONSIDERATION OF GRANT FUNDING FOR TRANSIT CENTERS RENOVATION

Tom Hiltner presented the staff report. There was a discussion about renovations to both the Pacific Station and Watsonville Transit Centers.

ACTION: MOTION: DIRECTOR BRYANT SECOND: DIRECTOR PIRIE

Approve staff recommendation to issue Request for proposal for design consultant for Watsonville Transit Center renovations.

Motion passed unanimously with Director Bustichi being absent.

- 9. ACCEPT AND FILE 2012 ON-BOARD TRANSIT RIDERSHIP SURVEY

Jose Perez, Moore & Associates, presented the survey. There was a discussion about the survey.

ACTION: MOTION: DIRECTOR BRYANT SECOND: DIRECTOR PIRIE

Accept and file 2012 On-Board Transit Ridership Survey.

Motion passed unanimously with Director Bustichi being absent.

10. ORAL ANNOUNCEMENT

The next regularly scheduled Board meeting will be held Friday, October 12, 2012 at 8:30 a.m. at the Santa Cruz Metro Administration Offices at 110 Vernon Street, Santa Cruz, California.

11. REVIEW OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

Margaret Gallagher said the Board of Directors would have a conference with Legal Counsel regarding the Real Property Negotiations with Luis Barrientos and the Lease price and terms of payment under negotiation; a conference with Legal Counsel regarding the existing litigation Raymond Emme v. SCMTD, et al., currently before the Superior Court of Santa Cruz County; and a conference with its labor negotiators Leslie R. White, General Manager, Robyn Slater, Human Resources Manager, and Ciro Aguirre, Operations Manager regarding the following employee Organizations: United Transportation Union (UTU), Local 23 Fixed Route; United Transportation Union (UTU), Local 23 Paracruz and Service Employees International Union (SEIU), Local 521.

12. ORAL AND WRITTEN COMMUNICATIONS REGARDING CLOSED SESSION

None.

9. REPORT OF CLOSED SESSION

Margaret Gallagher stated that there were no reportable actions taken in Closed Session.

10. ADJOURNMENT

There being no further business, Chair Robinson adjourned the meeting at 11:10 a.m. to the next regularly scheduled Board Meeting.

Respectfully submitted,



ANTHONY TAPIZ  
Administrative Services Coordinator

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** November 9, 2012

**TO:** Board of Directors

**FROM:** Erron Alvey, Purchasing Agent

**SUBJECT: CONSIDERATION OF AWARD OF CONTRACT WITH COASTAL LANDSCAPING, INC. FOR LANDSCAPING AND MAINTENANCE SERVICES IN AN AMOUNT NOT TO EXCEED \$120,000**

## I. RECOMMENDED ACTION

**That the Board of Directors authorize the General Manager to execute a contract with Coastal Landscaping, Inc. for landscaping and maintenance services in an amount not to exceed \$120,000, and designate Robert Cotter, Maintenance Manager as Contract Administrator.**

## II. SUMMARY OF ISSUES

- Santa Cruz METRO requires the services of a licensed and insured landscape maintenance company to perform landscape maintenance services at seven Santa Cruz METRO sites.
- The current poor state of landscaping at several sites needs to be remedied in order for Santa Cruz METRO to provide a healthy, communal environment for its neighbors, employees and the general public.
- A formal request for proposals was conducted to solicit proposals from fully licensed and insured landscaping firms.
- Ten firms submitted proposals for Santa Cruz METRO's review.
- A two-member evaluation committee comprised of Santa Cruz METRO staff reviewed and evaluated the proposals.

## III. DISCUSSION

Santa Cruz METRO requires the services of a licensed and insured landscape maintenance company to perform landscaping maintenance services at seven Santa Cruz METRO sites.

Currently, landscaping at several of Santa Cruz METRO properties are in poor condition due to irrigation problems and poor performance of previous landscaping companies. The irrigation has recently been repaired at the Administration building, and there is a plan to continue irrigation repairs at all Santa Cruz METRO sites. New plantings at the Maintenance Building are failing in

several areas. Basic needs like weed control, shrub and tree trimming, grass cutting and annual clean-up are not being maintained at a professional level. This procurement was performed as a Request for Proposals so that Santa Cruz METRO staff could also consider experience and qualifications when recommending an award to obtain professional services able to not only maintain the landscaping, but to revive it and promote a more visibly healthy environment for our employees and the public.

On September 17, 2012, Santa Cruz METRO Request for Proposal No. 13-09 was mailed to twenty-five (25) landscaping firms, was legally advertised, and a notice was posted on Santa Cruz METRO's web site. On October 18, 2012, proposals were received and opened from ten (10) firms. A list of these firms is provided in Attachment A. A two-member evaluation committee comprised of Robert Cotter, Maintenance Manager and Sheldon Njaa, Supervisor of Facilities Maintenance, have reviewed and evaluated the proposals.

The evaluation committee used the following criteria as contained in the Request for Proposals:

<b>CRITERIA</b>	<b>POINTS POSSIBLE</b>
1. Qualifications and Experience including geographic location	20
2. Understanding of Scope of Work and Approach	20
3. Cost Proposal	40
4. References	10
5. Overall quality and responsiveness/completeness of submittal	10
Total Points Possible	100

The evaluation committee is recommending that a contract be established with Coastal Landscaping, Inc. of Aptos, California for Landscaping and Maintenance Services in an amount not to exceed \$120,000 for an initial three years, with options to extend for two (2) additional one-year terms. The owner of Coastal Landscaping, Inc. is a member of the American Society of Landscape Architects and if awarded the contract, ensures that our landscaping can be revived to its planted intent, and groomed into pedestrian-oriented gardens that are colorful and enjoyable for the Santa Cruz METRO community.

The Contractor will provide all services meeting all Santa Cruz METRO specifications and requirements of the contract, and the Contract Administrator will ensure contract compliance.

#### **IV. FINANCIAL CONSIDERATIONS**

Funds to support contract are included in the Maintenance Department FY13 Operating budget.

**V. ATTACHMENTS**

**Attachment A:** List of firms that submitted a proposal

**Attachment B:** Contract with Coastal Landscaping, Inc.

**Note: The RFP along with its Exhibits and any Addendum(s) are available for review at the Administration Office of Santa Cruz METRO.**

# Attachment A

## Proposals Received for RFP No. 13-09 For Landscaping Maintenance and Services

### Responding Firm

### City (all California)

Andres Landscaping	Santa Cruz
Bella Vista Landscape Services, Inc.	Scotts Valley
Coastal Landscaping, Inc.	Aptos
Commercial Environment Landscape	Gilroy
Deva Gardens	Santa Cruz
Echo Landscape	San Lorenzo
New Image Landscape Company	Fremont
Paradise Landscape & Professional Tree Care, Inc.	Santa Cruz
Rodriguez Landscape Service	Santa Cruz
The Landscape Company	Santa Cruz

# Attachment B

## PROFESSIONAL SERVICES CONTRACT FOR LANDSCAPING MAINTENANCE AND SERVICES (13-09)

THIS CONTRACT is made effective on November 19, 2012 between the SANTA CRUZ METROPOLITAN TRANSIT DISTRICT, a political subdivision of the State of California ("Santa Cruz METRO"), and Coastal Landscaping, Inc. ("Contractor").

### 1. RECITALS

#### 1.01 Santa Cruz METRO's Primary Objective

Santa Cruz METRO is a public entity whose primary objective is providing public transportation and which has its principal office at 110 Vernon Street, Santa Cruz, California 95060.

#### 1.02 Santa Cruz METRO's Need for Landscaping Maintenance and Services

Santa Cruz METRO has the need for Landscaping Maintenance and Services. In order to obtain these services, Santa Cruz METRO issued a Request for Proposals, dated September 17, 2012, setting forth specifications for such services. The Request for Proposals is attached hereto and incorporated herein by reference as Exhibit A.

#### 1.03 Contractor's Proposal

Contractor is a firm/individual qualified to provide Landscaping Maintenance and Services and whose principal place of business is 189 Via Novella, Aptos, CA 95001. Pursuant to the Request for Proposals by Santa Cruz METRO, Contractor submitted a proposal for Landscaping Maintenance and Services, which is attached hereto and incorporated herein by reference as Exhibit B

#### 1.04 Selection of Contractor and Intent of Contract

On October 31, 2012, Santa Cruz METRO selected Contractor as the offeror whose proposal was most advantageous to Santa Cruz METRO to provide the Landscaping Maintenance and Services described herein. This Contract is intended to fix the provisions of these services.

Santa Cruz METRO and Contractor agree as follows:

### 2. INCORPORATED DOCUMENTS AND APPLICABLE LAW

#### 2.01 Documents Incorporated in this Contract

The documents listed below are attached to this Contract and by reference made a part hereof. This is an integrated Contract. This writing constitutes the final expression of the parties' contract, and it is a complete and exclusive statement of the provisions of that Contract, except for written amendments, if any, made after the date of this Contract in accordance with Section 13.14 of the General Conditions to the Contract.

##### A. Exhibit A

Santa Cruz Metropolitan Transit District's "Request for Proposals" dated September 17, 2012.



B. Exhibit B (Contractor's Proposal)

Contractor's Proposal to Santa Cruz METRO for Landscaping Maintenance and Services, signed by Contractor and dated October 18, 2012.

2.02 Conflicts

Where in conflict, the provisions of this writing supersede those of the above-referenced documents, Exhibits A and B. Where in conflict, the provisions of Exhibit A supersede Exhibit B.

2.03 Recitals

The Recitals set forth in Article 1 are part of this Contract.

**3. DEFINITIONS**

3.01 General

The terms below (or pronouns in place of them) have the following meaning in the contract:

3.01.01 CONTRACT - The Contract consists of this document, the attachments incorporated herein in accordance with Article 2, and any written amendments made in accordance with Section 13.14 of the General Conditions to the Contract.

3.01.02 CONTRACTOR - The Contractor selected by Santa Cruz METRO for this project in accordance with the Request for Proposals issued September 17, 2012.

3.01.03 CONTRACTOR'S STAFF - Employees of Contractor.

3.01.04 DAYS - Calendar days.

3.01.05 OFFEROR - Contractor whose proposal was accepted under the terms and conditions of the Request for Proposals issued September 17, 2012.

3.01.06 PROVISION - Any term, agreement, covenant, condition, clause, qualification, restriction, reservation, or other stipulation in the contract that defines or otherwise controls, establishes, or limits the performance required or permitted by either party.

3.01.07 SCOPE OF WORK (OR "WORK") - The entire obligation under the Contract, including, without limitation, all labor, equipment, materials, supplies, transportation, services, and other work products and expenses, express or implied, in the Contract.

**4. TIME OF PERFORMANCE**

4.01 Term

The term of this Contract will be for a period not to exceed three (3) years and shall commence upon the execution of the contract by Santa Cruz METRO.

At the option of Santa Cruz METRO, this contract agreement may be renewed for two (2) additional one (1) year terms upon mutual written consent.

**5. COMPENSATION**

5.01 Terms of Payment

Santa Cruz METRO shall compensate Contractor the amount of \$2,890.00 per month for regular maintenance, and will provide separate estimates and obtain written authorization to proceed for additional work. Additional work not to exceed the agreed upon rates of \$27.00-\$39.00 per hour for unskilled labor and \$43.00-\$79.00 for skilled labor, or an agreed upon lump sum price, depending on the nature of work. Santa Cruz METRO shall reasonably determine whether work has been successfully performed for purposes of payment. Compensation shall be made within thirty (30) days of Santa Cruz METRO's written approval of Contractor's written invoice for said work. Contractor understands and agrees that if he/she exceeds the \$120,000 maximum amount payable under this contract, that it does so at its own risk.

5.02 Invoices

Contractor shall submit invoices with a purchase order number provided by Santa Cruz METRO on a monthly basis. Contractor's invoices shall include detailed records showing actual time devoted, work accomplished, date work accomplished, personnel used, and amount billed per hour. Expenses shall only be billed if allowed under the Contract. Said invoice records shall be kept up-to-date at all times and shall be available for inspection by Santa Cruz METRO (or any grantor of Santa Cruz METRO, including, without limitation, any State or Federal agency providing project funding or reimbursement) at any time for any reason upon demand for not less than four (4) years after the date of expiration or termination of the Contract. Under penalty of law, Contractor represents that all amounts billed to Santa Cruz METRO are (1) actually incurred; (2) reasonable in amount; (3) related to this Contract; and (4) necessary for performance of the project.

**6. NOTICES**

All notices under this Contract shall be deemed duly given upon delivery, if delivered by hand; or three (3) days after posting, if sent by registered mail, receipt requested, to a party hereto at the address hereinunder set forth or to such other address as a party may designate by notice pursuant hereto.

Santa Cruz METRO

Santa Cruz Metropolitan Transit District  
110 Vernon Street  
Santa Cruz, CA 95060  
Attention: General Manager

CONTRACTOR

Coastal Landscaping, Inc.  
Post Office Box 176  
Aptos, CA 95001  
Attention: Jeffery Powers

7. **AUTHORITY**

Each party has full power and authority to enter into and perform this Contract and the person signing this Contract on behalf of each has been properly authorized and empowered to enter into this Contract. Each party further acknowledges that it has read this Contract, understands it, and agrees to be bound by it.

Signed on \_\_\_\_\_

SANTA CRUZ METRO – SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

\_\_\_\_\_  
Leslie R. White  
General Manager

CONTRACTOR – COASTAL LANDSCAPING, INC.

By \_\_\_\_\_  
Jefferey D. Powers,  
President

Approved as to Form:

\_\_\_\_\_  
Margaret R. Gallagher  
Santa Cruz METRO Counsel

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** November 9, 2012

**TO:** Board of Directors

**FROM:** Erron Alvey, Purchasing Agent

**SUBJECT: CONSIDERATION OF AWARD OF CONTRACT WITH MIDWEST MOTOR SUPPLY DBA KIMBALL MIDWEST FOR THE PURCHASE OF FASTENERS AND ELECTRICAL TERMINALS IN AN AMOUNT NOT TO EXCEED \$30,000**

## I. RECOMMENDED ACTION

**Authorize the General Manager to execute a contract with Kimball Midwest for the purchase of fasteners and electrical terminals, in an amount not to exceed \$30,000 and designate Robert Cotter, Maintenance Manager, as Contract Administrator.**

## II. SUMMARY OF ISSUES

- Santa Cruz METRO's Maintenance department uses a wide variety of fasteners and electric terminals in repairing revenue and non-revenue fleets, as well as repair of facilities.
- At the August 15, 1997 board meeting, the Board of Directors authorized Santa Cruz METRO's participation in the Regional Transit Coordinating Council (RTCC) cooperative purchase agreements.
- The RTCC Procurement Committee released an invitation for bid for fasteners and electrical terminals on August 12, 2012. Santa Cruz METRO is a participating transit agency in this procurement.
- Bids were opened from four bidders on September 18, 2012.
- RTCC Contract No. 2013-MD-1-RTCC was awarded to Midwest Motor Supply, DBA Kimball Midwest for the purchase of fasteners and electrical terminals.
- Santa Cruz METRO staff recommends that the Board authorize the General Manager to enter into a contract with Kimball Midwest for the purchase of fasteners and electrical terminals in reference to the RTCC contract.

## III. DISCUSSION

In order to obtain the best prices by combining annual quantities from several participating transit agencies, the RTCC Procurement Committee actively participates in joint procurements for commodities that are commonly used by RTCC member agencies.

RTCC bid documents were prepared and mailed on August 14, 2012 to prospective bidders. On September 18, 2012, five bids were opened. Bids were evaluated and a recommendation was approved by the lead agency, Golden Gate Bridge, Highway and Transportation District, that the contract be awarded to Kimball Midwest. Santa Cruz METRO Purchasing Staff has reviewed the procurement and has verified that it met federal and state purchasing requirements which Santa Cruz METRO is mandated to comply with.

Santa Cruz METRO staff is recommending that a one-year contract with three, one-year options to renew be established with Kimball Midwest for purchase of fasteners and electrical terminals, in an amount not to exceed \$30,000, and that Robert Cotter, Maintenance Manager, be designated as the Contract Administrator. Contractor will provide products and services meeting all Santa Cruz METRO specifications and requirements of the contract, and the Contract Administrator will ensure contract compliance

#### **IV. FINANCIAL CONSIDERATIONS**

Funds to support contract are included in the Fleet and Facilities Maintenance FY13 operating budgets.

#### **V. ATTACHMENTS**

- Attachment A:** Golden Gate Bridge, Highway and Transportation District Memorandum and List of Bidders
- Attachment B:** Contract with Kimball Midwest

# Attachment A



## MEMORANDUM

**TO:** Teri Mantony, Deputy General Manager/Bus Transit Division  
**FROM:** Janet S. Tarantino, Secretary of the District  
**DATE:** September 19, 2012  
**SUBJECT:** CONTRACT NO. 2013-MD-1-RTCC, FASTENERS, ELECTRICAL TERMINALS AND MISCELLANEOUS ITEMS

Bids for the above-referenced Contract were received in the District Secretary's Office (DSO) and publicly opened in the Board Room, Administration Building, Golden Gate Bridge Toll Plaza, San Francisco, CA, on Tuesday, September 18, 2012, at 2:00 p.m. The Bids are listed in alphabetical order, as follows:

<u>COMPANY</u>	<u>CATEGORY A GRAND TOTAL</u>	<u>CATEGORY B GRAND TOTAL</u>	<u>CATEGORY C GRAND TOTAL</u>
1. Barnes Distribution – North America A business of Barnes Group, Inc. Cleveland, OH	\$22,396.56*	\$73,967.84*	No Bid
2. Midwest Motor Supply dba Kimball Midwest Columbus, OH	\$10,345.99*	\$15,229.05*	\$22,687.01*
3. Partsmaster A division of NCH Corporation Irving, TX	\$17,040.97*	No Bid	No Bid
4. Tifco Industries, Inc. Cypress, TX	\$12,355.34*	\$55,662.77*	\$30,689.31*

\* At this time, Nicole Gilardi is reviewing the bid prices and will inform all appropriate parties if there are any mathematical errors.

Staff budgeted \$60,000.00 for this procurement.

After review, please furnish the completed and fully executed staff report, "Form DS-17B," to the DSO. The DSO will then notify the Bidders of staff's recommendation by electronic mail or facsimile during the week of October 1, 2012. In accordance with the bid protest procedures, if no formal bid protest is received within the forty-eight hour time period, the contract will be sent to the successful Bidder for execution.

JST:EIE:plw

Enclosures: List of Bidders and Bidders' Bid Documents

c: D Mulligan, J Wire, S Miller/Bus, L Murray, A Caputo, G Jackson, N Gilardi, M Chun and J Sherman (by electronic mail with enclosures)

Note: N Gilardi will be forwarded, via interoffice mail, the following original documents received from the Proposers: (1) CD from Barnes; (2) Two Pricing Publications from Kimball Midwest; and, (3) Book and Confidential Price List from Partsmaster

# Attachment B

## CONTRACT FOR FASTENERS, ELECTRICAL TERMINALS AND MISCELLANEOUS ITEMS

THIS CONTRACT is made effective on November 10, 2012, between the SANTA CRUZ METROPOLITAN TRANSIT DISTRICT, a political subdivision of the State of California ("Santa Cruz METRO"), and MIDWEST MOTOR SUPPLY dba KIMBALL MIDWEST ("Contractor").

### 1. RECITALS

#### 1.01 Santa Cruz METRO's Primary Objective

Santa Cruz METRO is a public entity whose primary objective is providing public transportation and which has its principal office at 110 Vernon Street, Santa Cruz, California 95060.

#### 1.02 Santa Cruz METRO's Need for Fasteners

Santa Cruz METRO requires the purchase of fasteners, electrical terminals and miscellaneous items to be used for standard purposes. In order to obtain said goods, Santa Cruz METRO entered into a covenant with the Regional Transit Coordinating Council (RTCC), on October 16, 2012 to obtain said goods for a period of one (1) year with an option to extend the Contract for three successive one-year periods, exercisable by Santa Cruz METRO. This agreement, 2013-MD-1-RTCC, is attached hereto and incorporated herein by reference as Exhibit A.

#### 1.03 Contractor's Bid Form

Contractor is a supplier of goods desired by Santa Cruz METRO and whose principal place of business is 4800 Roberts Road, Columbus, Ohio 43228. Contractor was chosen as the lowest responsive, responsible bidder by Golden Gate Bridge, Highway and Transportation District in a fair and open bid. The results of said Bid are attached hereto and incorporated herein by reference as Exhibit B. A copy of Contractor's Bid Form is attached hereto and incorporated herein by reference as Exhibit C.

#### 1.04 Selection of Contractor and Intent of Contract

On September 19, 2012, Golden Gate Bridge, Highway and Transportation District, the procuring agency for this Bid, selected Contractor as the lowest responsive, responsible bidder to provide said goods. The purpose of this Contract is to set forth the provisions of this procurement.

#### 1.05 Contractor and Supplier Synonymous

For the purposes of this Contract, the terms "contractor" and "supplier" are synonymous.

Santa Cruz METRO and Contractor agree as follows:

### 2. INCORPORATED DOCUMENTS AND APPLICABLE LAW

#### 2.01 Documents Incorporated in This Contract

The documents below are attached to this Contract and by reference made a part hereof. This is an integrated Contract. This writing constitutes the final expression of the parties' Contract, and it is a complete and exclusive statement of the provisions of that Contract.

- a) Exhibit A – RTCC's Governing Contract.

- b) Exhibit B – Bid Abstract
- c) Exhibit C – Contractor’s Bid Form
- d) Exhibit D – Invitation for Bid, Contract No. 2013-MD-1-RTCC.

2.02 Conflicts

Where in conflict, the provisions of this writing supersede those of the above-referenced documents, Exhibits A, B, and C. Where in conflict, the provisions of Exhibit A supersede Exhibits B and C.

2.03 Recitals

The Recitals set forth in Article 1 are part of this Contract.

3. TIME OF PERFORMANCE

3.01 General

Contractor shall provide materials under this Contract at such times as deemed necessary by Santa Cruz METRO.

3.02 Term

The term of this Contract will be for a period not to exceed one (1) year and shall commence upon the execution of the contract by Santa Cruz METRO.

At the option of Santa Cruz METRO, this contract agreement may be renewed for three (3) additional one (1) year terms upon mutual written consent.

4. COMPENSATION

4.01 Terms of Payment

Upon written acceptance, Santa Cruz METRO agrees to pay Contractor rates as identified in the Bid Form, Exhibit C. Upon satisfactory delivery of materials under the terms and provisions of this Contract, Santa Cruz METRO agrees to pay Contractor within thirty (30) days thereof. Contractor understands and agrees that if he/she exceeds the scheduled amounts payable under this contract, that it does so at its own risk.

4.02 Invoices

Contractor shall submit invoices referencing Santa Cruz METRO supplied Purchase Order number. Invoice records shall be kept up-to-date at all times and shall be available for inspection by Santa Cruz METRO (or any grantor of Santa Cruz METRO, including, without limitation, any State or Federal agency providing project funding or reimbursement) at any time for any reason upon demand for not less than four (4) years after the date of expiration or termination of the contract. Under penalty of law, Contractor represents that all amounts billed to Santa Cruz METRO are (1) actually incurred; (2) reasonable in amount; (3) related to this contract; and (4) necessary for performance of the services. Santa Cruz METRO shall pay no expenses unless specifically allowed by this contract.



5. NOTICES

All notices under this Contract shall be deemed duly given upon delivery, if delivered by hand; or three (3) days after posting, if sent by registered mail, receipt requested; to a party hereto at the address hereinunder set forth or to such other address as a party may designate by notice pursuant hereto.

Santa Cruz METRO

Santa Cruz Metropolitan Transit District  
110 Vernon Street  
Santa Cruz, California 95060

Attention: Robert Cotter, Maintenance Manager

CONTRACTOR

Kimball Midwest  
4800 Roberts Road  
Columbus, Ohio 43228

Attention: Gregg Johnsen, Marketing Manager

6. AUTHORITY

Each party has full power and authority to enter into and perform this Contract and the person signing this Contract on behalf of each has been properly authorized and empowered to enter into it. Each party further acknowledges that it has read this Contract, understands it, and agrees to be bound by it.

Signed on \_\_\_\_\_

Santa Cruz METRO – SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

\_\_\_\_\_  
Leslie White  
General Manager

Contractor – MIDWEST MOTOR SUPPLY dba KIMBALL MIDWEST

By \_\_\_\_\_  
Pat McCurdy  
President

Approved as to Form:

\_\_\_\_\_  
Margaret R Gallagher  
District Counsel

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** November 9, 2012

**TO:** Board of Directors

**FROM:** Erron Alvey, Purchasing Agent

**SUBJECT: CONSIDERATION OF AWARD OF CONTRACT WITH MANAGED HEALTH NETWORK FOR EMPLOYEE ASSISTANCE PROGRAM SERVICES IN AN AMOUNT NOT TO EXCEED \$20,000**

## I. RECOMMENDED ACTION

**Authorize the General Manager to execute a contract with Managed Health Network for Employee Assistance Program Services in an amount not to exceed \$20,000 and designate Robyn Slater, Human Resources Manager, as Contract Administrator.**

## II. SUMMARY OF ISSUES

- Santa Cruz METRO maintains an Employee Assistance Program which allows employees and their dependents to obtain confidential assistance in problem resolution.
- A formal request for proposals was conducted to solicit proposals from qualified firms.
- Four firms submitted proposals for Santa Cruz METRO's review.
- A five-member evaluation committee comprised of Santa Cruz METRO staff and Union representatives reviewed and evaluated the proposals.

## III. DISCUSSION

The Employee Assistance Program provides an opportunity for all Santa Cruz METRO employees and their dependents to obtain confidential assistance in resolving personal or work-related problems. The Employee Assistance Program provides confidential professional counseling, assessment and referral for Santa Cruz METRO's employees and their dependents in an effort to address such problems relating to, but not limited to, marriage and family, psychological health, substance abuse, or financial difficulties.

On August 24, 2012, Santa Cruz METRO Request for Proposal No. 13-10 was mailed to twenty-seven (27) firms, was legally advertised, and a notice was posted on Santa Cruz METRO's web site. On September 25, 2012, proposals were received and opened from four firms. A list of these firms is provided in Attachment A. A five-member evaluation committee comprised of

Santa Cruz METRO staff and representatives from UTU and SEIU (SEA & VMU) have reviewed and evaluated the proposals.

The evaluation committee used the following criteria as contained in the Request for Proposals:

Criteria	Priority
1. Approach to the Scope of Required Services and ability to meet the requirements presented in the Scope (which include answers to the questions in Part III, Article 4, Content of Proposal)	30
2. Qualifications and Experience	25
3. References	20
4. Cost Proposal	20
Total Points Possible	95

The evaluation committee is recommending that a two-year contract with three, one-year options to renew be established with Managed Health Network for Employee Assistance Program Services, in an amount not to exceed \$20,000, and that Robyn Slater, Human Resources Manager, be designated to serve as the Contract Administrator. Contractor will provide all services meeting all Santa Cruz METRO specifications and requirements of the contract, and the Contract Administrator will ensure contract compliance.

#### **IV. FINANCIAL CONSIDERATIONS**

Funds to support contract are included in the Human Resources FY13 Other Fringe Benefits budget.

#### **V. ATTACHMENTS**

**Attachment A:** List of responding firms

**Attachment B:** Contract with Managed Health Network

**Note: The RFP along with its Exhibits and any Addendum(s) are available for review at the Administration Office of Santa Cruz METRO.**

# Attachment A

## Proposals Received for RFP No. 13-10 For Employee Assistance Program Services

### Responding Firm

### Place of Business

Responding Firm	Place of Business
Cascade Centers, Inc.	Portland, OR
Ceridian Corporation	Minneapolis, MN
Claremont Behavioral Services	Alameda, CA
Managed Health Network	San Rafael, CA

# Attachment B

## PROFESSIONAL SERVICES CONTRACT FOR EMPLOYEE ASSISTANCE PROGRAM SERVICES (13-10)

THIS CONTRACT is made effective on December 1, 2012 between the SANTA CRUZ METROPOLITAN TRANSIT DISTRICT, a political subdivision of the State of California ("Santa Cruz METRO"), and Managed Health Network ("Contractor").

### 1. RECITALS

#### 1.01 Santa Cruz METRO's Primary Objective

Santa Cruz METRO is a public entity whose primary objective is providing public transportation and which has its principal office at 110 Vernon Street, Santa Cruz, California 95060.

#### 1.02 Santa Cruz METRO's Need for Employee Assistance Program Services

Santa Cruz METRO has the need for Employee Assistance Program Services. In order to obtain these services, Santa Cruz METRO issued a Request for Proposals, dated August 24, 2012, setting forth specifications for such services. The Request for Proposals is attached hereto and incorporated herein by reference as Exhibit A.

#### 1.03 Contractor's Proposal

Contractor is a firm/individual qualified to provide Employee Assistance Program Services and whose principal place of business is 2370 Kerner Boulevard, San Rafael, CA 94901. Pursuant to the Request for Proposals by Santa Cruz METRO, Contractor submitted a proposal for Employee Assistance Program Services, which is attached hereto and incorporated herein by reference as Exhibit B

#### 1.04 Selection of Contractor and Intent of Contract

On October 31, 2012, Santa Cruz METRO selected Contractor as the offeror whose proposal was most advantageous to Santa Cruz METRO to provide the Employee Assistance Program Services described herein. This Contract is intended to fix the provisions of these services.

Santa Cruz METRO and Contractor agree as follows:

### 2. INCORPORATED DOCUMENTS AND APPLICABLE LAW

#### 2.01 Documents Incorporated in this Contract

The documents listed below are attached to this Contract and by reference made a part hereof. This is an integrated Contract. This writing constitutes the final expression of the parties' contract, and it is a complete and exclusive statement of the provisions of that Contract, except for written amendments, if any, made after the date of this Contract in accordance with Section 13.14 of the General Conditions to the Contract.

##### A. Exhibit A

Santa Cruz Metropolitan Transit District's "Request for Proposals" dated August 24, 2012.

B. Exhibit B (Contractor's Proposal)

Contractor's Proposal to Santa Cruz METRO for Employee Assistance Program Services, signed by Contractor and dated September 25, 2012.

2.02 Conflicts

Where in conflict, the provisions of this writing supersede those of the above-referenced documents, Exhibits A and B. Where in conflict, the provisions of Exhibit A supersede Exhibit B.

2.03 Recitals

The Recitals set forth in Article 1 are part of this Contract.

**3. DEFINITIONS**

3.01 General

The terms below (or pronouns in place of them) have the following meaning in the contract:

3.01.01 CONTRACT - The Contract consists of this document, the attachments incorporated herein in accordance with Article 2, and any written amendments made in accordance with Section 13.14 of the General Conditions to the Contract.

3.01.02 CONTRACTOR - The Contractor selected by Santa Cruz METRO for this project in accordance with the Request for Proposals issued August 24, 2012.

3.01.03 CONTRACTOR'S STAFF - Employees of Contractor.

3.01.04 DAYS - Calendar days.

3.01.05 OFFEROR - Contractor whose proposal was accepted under the terms and conditions of the Request for Proposals issued August 24, 2012.

3.01.06 PROVISION - Any term, agreement, covenant, condition, clause, qualification, restriction, reservation, or other stipulation in the contract that defines or otherwise controls, establishes, or limits the performance required or permitted by either party.

3.01.07 SCOPE OF WORK (OR "WORK") - The entire obligation under the Contract, including, without limitation, all labor, equipment, materials, supplies, transportation, services, and other work products and expenses, express or implied, in the Contract.

**4. TIME OF PERFORMANCE**

4.01 Term

The term of this Contract will be for a period not to exceed two (2) years and shall commence upon the execution of the contract by Santa Cruz METRO.

At the option of Santa Cruz METRO, this contract agreement may be renewed for three (3) additional one (1) year terms upon mutual written consent.

**5. COMPENSATION**

5.01 Terms of Payment

Santa Cruz METRO shall compensate Contractor in an amount not to exceed the amounts/rates agreed upon by Santa Cruz METRO, as outlined in the Cost Proposal. Santa Cruz METRO shall reasonably determine whether work has been successfully performed for purposes of payment. Compensation shall be made within thirty (30) days of Santa Cruz METRO's written approval of Contractor's written invoice for said work. Contractor understands and agrees that if he/she exceeds the \$20,000 maximum amount payable under this contract, that it does so at its own risk.

5.02 Invoices

Contractor shall submit invoices with a purchase order number provided by Santa Cruz METRO on a monthly basis. Contractor's invoices shall include detailed records showing actual time devoted, work accomplished, date work accomplished, personnel used, and amount billed per hour. Expenses shall only be billed if allowed under the Contract. Telephone call expenses shall show the nature of the call and identify location and individual called. Said invoice records shall be kept up-to-date at all times and shall be available for inspection by Santa Cruz METRO (or any grantor of Santa Cruz METRO, including, without limitation, any State or Federal agency providing project funding or reimbursement) at any time for any reason upon demand for not less than four (4) years after the date of expiration or termination of the Contract. Under penalty of law, Contractor represents that all amounts billed to Santa Cruz METRO are (1) actually incurred; (2) reasonable in amount; (3) related to this Contract; and (4) necessary for performance of the project.

**6. NOTICES**

All notices under this Contract shall be deemed duly given upon delivery, if delivered by hand; or three (3) days after posting, if sent by registered mail, receipt requested, to a party hereto at the address hereinunder set forth or to such other address as a party may designate by notice pursuant hereto.

Santa Cruz METRO

Santa Cruz Metropolitan Transit District  
110 Vernon Street  
Santa Cruz, CA 95060  
Attention: General Manager

CONTRACTOR

Managed Health Network

2370 Kerner Boulevard  
San Rafael, CA 94901

Attention: Jaclyn Kuwada

7. **AUTHORITY**

Each party has full power and authority to enter into and perform this Contract and the person signing this Contract on behalf of each has been properly authorized and empowered to enter into this Contract. Each party further acknowledges that it has read this Contract, understands it, and agrees to be bound by it.

Signed on \_\_\_\_\_

SANTA CRUZ METRO – SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

\_\_\_\_\_  
Leslie R. White  
General Manager

CONTRACTOR – MANAGED HEALTH NETWORK

By \_\_\_\_\_  
Julius Schillinger  
Vice President of Sales and Strategic Partnerships

Approved as to Form:

\_\_\_\_\_  
Margaret R. Gallagher  
Santa Cruz METRO Counsel



# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** November 9, 2012

**TO:** Board of Directors

**FROM:** Patricia Aviles, Assistant Human Resources Manager

**SUBJECT: CONSIDER APPROVAL OF NEW CLASS SPECIFICATION FOR SENIOR FINANCIAL ANALYST, ADJUSTED WAGE SCHEDULE, AND SEIU SIDE AGREEMENTS**

## I. RECOMMENDED ACTION

**That the Board of Directors approve the new class specification (job description) for Senior Financial Analyst, Wage Schedule, and SEIU Side Agreements Article 8.5.1 and 17.13.4.**

## II. SUMMARY OF ISSUES

- The Memorandum of Understanding between METRO and SEIU Local 521 states that twice per year (December and June) an employee can request a reclassification of his/her position. The incumbent Financial Analyst requested a Reclassification Review in June of 2012.
- The current Financial Analyst class specification was developed in April of 2007.
- Following the Reclassification Review, a new class specification of Senior Financial Analyst was created to reflect the current duties of the position.
- A wage survey was conducted using the new Senior Financial Analyst class specification. Information was requested from local governmental bodies and California Transit Districts.
- The results of the wage survey showed the current wage range for the Financial Analyst position is lower than comparative organizations that have a position similar to the new Senior Financial Analyst.
- Two meetings were held with SEIU representatives to review the revised class specification, and recommended Wage Schedule. SEIU is in agreement with the recommendations.
- SEIU requested the new Senior Financial Analyst position be included in two sections of the SEIU contract as Side Agreements. Management was in agreement.
- The General Manager is in agreement with the recommended Senior Financial Analyst classification, proposed salary range, and SEIU Side Agreements.
- The SEIU Local 521 contract states that any wage increase resulting from a reclassification study requested in June shall be effective no later than the first pay period of January.

### **III. DISCUSSION**

The Memorandum of Understanding with SEIU 521 states that twice per year, in December and June, an employee can request a review of the classification of his/her position. In June of 2012 the incumbent in the Financial Analyst position requested a reclassification review.

The reclassification process involves reviewing the Job Description/Classification duties of the position and the required prerequisites, reviewing a questionnaire prepared by the incumbent, meeting with the incumbent's Supervisor and Department Head, determining if the job classification should be updated, and determining the appropriate salary range for the new Classification. The current classification description for the Financial Analyst, developed in April of 2007, was reviewed in detail, and work requirements were updated and added to reflect the current responsibilities of the position. The recommended new classification of Senior Financial Analyst more clearly reflects the duties and responsibilities of the current position. The recommended new classification is included as Attachment A.

Human Resources staff, Finance Manager, and Assistant Finance Manager met with SEIU representatives to review the recommended new classification and obtained their concurrence. After reaching agreement on the job classification, METRO staff conducted a wage survey of other transit agencies, as well as the Santa Cruz County and City. The survey showed the wage range for current Financial Analyst classification was lower than comparative organizations with a classification similar to the new Senior Financial Analyst classification.

SEIU requested the new Senior Financial Analyst position be included in two sections of the SEIU contract, 8.5.1 Promotions, and 17.13.4, Classification Series. Side Agreements for the two contract changes were signed, and are included as Attachments C and D.

The General Manager has reviewed the new Senior Financial Analyst Class Specification, the new wage scale to place the Senior Financial Analyst classification at a competitive rate, and the SEIU Side Agreements. The General Manager is in agreement with these changes.

Following the meeting with the General Manager, Human Resources staff, Finance Manager, and Assistant Finance Manager met with SEIU Local 521 representatives to review and discuss the proposed salary range, and obtained concurrence. The recommended salary range for the Senior Financial Analyst is included as Attachment B.

The SEIU contract requires that salary adjustments resulting from reclassifications requested by an employee in June be effective no later than the first day of the first pay period in January.

#### **IV. FINANCIAL CONSIDERATIONS**

The annual cost increase of implementing the staff recommendation will be approximately \$ 2,200 for 2012-2013. This cost can be incorporated into the current budget.

#### **V. ATTACHMENTS**

- Attachment A:** Senior Financial Analyst Class Specification
- Attachment B:** Revised Salary Range
- Attachment C:** SEIU Side Agreement, Section 8.5.1
- Attachment D:** SEIU Side Agreement, Section 17.13.4

Prepared by: Patricia Aviles, Assistant Human Resources Manager

Date: October 29, 2012

# Attachment A



## SR. FINANCIAL ANALYST

### DEFINITION

Under minimal supervision perform complex and detailed analytical work as required for the Finance Department. Provide research, analysis, and projections on trends relating to budget, project, financial, and accounting issues. Responsible for the Santa Cruz Metropolitan Transit District's (Santa Cruz METRO) timekeeping system and related system administrative activities.

### DISTINGUISHING CHARACTERISTICS

The Sr. Financial Analyst is the expert level professional class in the Financial Analyst classification. An incumbent in this class performs highly complex and technical analytical and financial analyses to provide accurate and timely financial reports to management, other governmental agencies, and the public, to support sound decision-making and ensure appropriate public disclosure and accountability. Work requires the exercise of a high degree of independent judgment based on thorough knowledge of business activities and financial management practices and procedures.

The Sr. Financial Analyst position is distinguished from the Financial Analyst position in that the Sr. Financial Analyst serves as a subject expert in a particular area, and performs more difficult, complex, and sensitive work of greater systemwide impact. Assignments at this level require the use of considerable knowledge, expertise, discretion, judgment and interpersonal skills. Unlike the Financial Analyst, the Senior Financial Analyst is expected to initiate and recommend studies and projects that would assist Management in decisions that have organizational impact.

### EXAMPLES OF DUTIES

Review, analyze, report, and make recommendations on budget issues.

Prepare statistical, analytical reports and summaries relating to budget and financial issues.

Review, revise, develop, and document work procedures and processes.

Develop and conduct research projects related to costs, expenditures, revenues, taxes and conduct special projects.

Retrieve, review, develop and analyze information for management reports from various sources, including multiple software systems.

# Attachment A

Interpret and apply contract provisions for labor contracts, management compensation plans, local, state and federal regulations as required.

Develop, implement and maintain record keeping systems for financial, payroll and tax related information.

Coordinate the collection of financial and payroll information from all Santa Cruz METRO departments.

Prepare invoices and trust warrants for Union related payments and charges.

Maintains accurate records, files, reports and databases.

Provide information to management and employees on a variety of financial and accounting topics, and resolve discrepancies.

Review accuracy and audit electronic timekeeping system and download information to ensure timely and accurate transmittals to the County.

Establish and maintain effective work relationships with all Santa Cruz METRO staff, and designated County staff.

Other duties as assigned to meet Finance Department needs.

## EMPLOYMENT STANDARDS

Sufficient training and experience to demonstrate the ability to perform the above tasks and possession of the knowledge and abilities listed.

### Knowledge of:

- Financial and accounting practices, methods, records, forms, techniques and software systems.
- Budget preparation, analysis, practices, and reporting.
- Financial analysis, troubleshooting, and report writing.
- Financial and statistical reporting and financial statement preparation.
- Payroll practices, laws, employment related taxes, record keeping and reporting.
- Automated payroll and time keeping systems.
- Computer systems and programs, including advanced Excel, Word, and PowerPoint.
- Relational databases, Access preferred.
- Standard office procedures and practices.

# Attachment A

## Ability to:

- Recognize, resolve and reconcile financial discrepancies.
- Perform a wide variety of accounting and financial analysis with minimal supervision.
- Prepare statistical reports, summaries, and make recommendations as needed.
- Understand and apply payroll rules and regulations according to FLSA rules, and employment contracts.
- Organize and determine priorities, and exercise good time management.
- Work independently with excellent attention to detail.
- Communicate clearly and effectively, both orally and in writing.
- Work effectively as a team member, and demonstrate excellent interpersonal skills.
- Exercise tact and discretion in handling confidential or sensitive information.
- Operate a computer, 10-key calculator by touch and use standard office equipment.

## Training and Experience:

Graduation from an accredited four-year college or university with a major in Accounting, Business Administration or directly related degree program

AND

A minimum of five (5) years of work experience performing complex professional financial analytical work.

November 9, 2012

**7.a3**

# Attachment B

## SEA SALARY SCHEDULE

Effective June 21, 2012						
Class Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
FINANCIAL ANALYST	\$ 27.99	\$ 29.41	\$ 30.88	\$ 32.42	\$ 34.03	\$ 35.73

Effective per BOD meeting - November 9, 2012						
Class Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
SENIOR FINANCIAL ANALYST	\$ 31.07	\$ 32.64	\$ 34.27	\$ 35.99	\$ 37.77	\$ 39.66

Effective June 20, 2013						
Class Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
FINANCIAL ANALYST	\$ 28.55	\$ 30.00	\$ 31.50	\$ 33.07	\$ 34.71	\$ 36.44
SENIOR FINANCIAL ANALYST	\$ 31.69	\$ 33.29	\$ 34.96	\$ 36.71	\$ 38.53	\$ 40.45

Effective June 19, 2014						
Class Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
FINANCIAL ANALYST	\$ 29.12	\$ 30.60	\$ 32.13	\$ 33.73	\$ 35.40	\$ 37.17
SENIOR FINANCIAL ANALYST	\$ 32.32	\$ 33.96	\$ 35.66	\$ 37.44	\$ 39.30	\$ 41.26

## Side Agreement

### Article 8.5.1 of the SEIU Local 521 Memorandum of Understanding

Service Employees International Union, Local 521 Salaried Employees Association (hereinafter SEIU) and the Santa Cruz Metropolitan Transit District (hereinafter METRO) agree as follows:

Article 8.5.1 provides information regarding the positions that will be considered as part of a career ladder for promotional opportunities.

1. Both parties agree that the Senior Financial Analyst positions will be added to the list.

The article will read:

“Promotion is a non-temporary appointment, other than by reclassification, from one classification to another classification having a higher salary range.

The following career ladders generally define the upward promotional paths in METRO’s classification plan

Custodial Service Worker I/II  
Facilities Maintenance Worker I/II/ Sr. Facilities Maintenance Worker/Supervisor  
Vehicle Service Worker I/II/Detailer/Technician  
Upholsterer I/II-Body Repair Mechanic/Lead  
Mechanic I/II/III/Lead/Fleet Maintenance Supervisor  
Receiving Parts Clerk-Parts Clerk/Lead/Supervisor of Parts & Materials  
Customer Service Representative/Senior/Coordinator  
Administrative Clerk/Admin Assistant/Supvr/Admin Services Coordinator  
Accounting Tech/Senior/Accounting Specialist  
Payroll Specialist/Payroll & Benefits Coordinator  
Accountant I/II/ **Supervising** Accountant  
Transit Supervisor/Safety & Training Coordinator  
IT Technician/Senior  
Systems Administrator/Senior  
**Transportation Planning Aide/Jr Transportation Planner/Transportation Planner/Sr  
Transportation Planner/Transportation Planning Supervisor**  
Claims Investigator I/II  
**Purchasing Assistant/Purchasing Agent**  
**Financial Analyst/Sr. Financial Analyst**



2. The undersigned have reviewed this side agreement and agree that this is the full and final agreement of the parties regarding these articles. The parties agree that further modifications to the current MOU must be approved in writing by Santa Cruz METRO and SEIU.
3. This side agreement remains in effect through June 30, 2015.

\_\_\_\_\_  
Robyn Slater, Human Resources Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Leslie R. White, General Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gary Klemz, SEIU Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Carolyn Derwing, SEIU Representative

\_\_\_\_\_  
Date

## Side Agreement

### Article 17.13.4 of the SEIU Local 521 Memorandum of Understanding

Service Employees International Union, Local 521 Salaried Employees Association (hereinafter SEIU) and the Santa Cruz Metropolitan Transit District (hereinafter METRO) agree as follows:

Article 17.13.4 identifies positions with bumping rights for the purpose of determining which employee would be affected during a lay off.

1. Both parties agree that the Senior Financial Analyst position will be added to the list.

The article will read:

“ Classification series as used in this Article for all chapters (PSA, SEA, and VMU) are those listed below:

Custodial Service Worker I/II  
Facilities Maintenance Worker I/II/Sr. Facilities Maintenance Worker/Supervisor  
Vehicle Service Worker I/II/Detailer/Technician  
Upholsterer I/II/Body Repair Mechanic/Lead  
Mechanic Trainee/Mechanic I/II/III/Lead/FM Supervisor  
Receiving Parts Clerk-Parts Clerk/Lead/Supervisor of Parts & Materials  
Customer Service Trainee/Representative/Senior/Coordinator/  
Administrative Clerk I/Admin Assistant-Sup/Payroll Specialist  
**Transportation Planning Aide/Jr Transportation Planner/Transportation Planner/Sr  
Transportation Planner/Transportation Planning Supervisor**  
Administrative Clerk I/II/Admin Assistant/Admin Assistant-Sup/ Administrative Services  
Coordinator  
Accounting Tech/Senior/Accounting Specialist/Payroll & Benefits Coordinator  
Accountant I/II/**Supervising** Accountant  
Transit Supervisor/Safety & Training Coordinator  
Systems Administrator/Senior  
IT Technician/Senior  
**Purchasing Assistant/Purchasing Agent**  
**Financial Analyst/Sr. Financial Analyst**

2. The undersigned have reviewed this side agreement and agree that this is the full and final agreement of the parties regarding these articles. The parties agree that further modifications to the current MOU must be approved in writing by Santa Cruz METRO and SEIU.
3. This side agreement remains in effect through June 30, 2015.

\_\_\_\_\_  
Robyn Slater, Human Resources Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Leslie R. White, General Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gary Klemz, SEIU Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Carolyn Derwing, SEIU Representative

\_\_\_\_\_  
Date

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** November 9, 2012

**TO:** Board of Directors

**FROM:** Frank Cheng, Project Manager & Information Technology Manager

**SUBJECT: CONSIDERATION OF DECLARING WEST BAY BUILDERS, ZOVICH CONSTRUCTION, LEWIS C. NELSON & SONS, F&H CONSTRUCTION, SJ AMOROSO, AND ROEBELLEN CONTRACTING AS UNRESPONSIVE AND/OR NON-RESPONSIBLE, AND REJECTING THE BIDS THEY SUBMITTED FOR THE JUDY K. SOUZA OPERATIONS BUILDING FACILITY**

## I. RECOMMENDED ACTION

**That the Board of Directors declare West Bay Builders, Zovich Construction, Lewis C. Nelson & Sons, F&H Construction, SJ Amoroso, and Roebellen Contracting as unresponsive and/or non-responsible, and rejecting the bids they submitted for the Judy K. Souza Operations Building Facility.**

## II. SUMMARY OF ISSUES

- On June 29, 2012, a Notice of Invitation for Bids (IFB 12-23) was issued and sent to interested bidders and Builders Exchanges.
- On August 8, 2012, IFB 12-23 Addendum #1 was issued which included:
  - Minutes of the Pre-Bid Conference conducted on July 17, 2012.
  - List of Attendees for Pre-Bid Conference.
  - Partially-Executed PLA Agreement
  - Web link for Plan Check Addendum from Architect-Engineer
  - Web link for Geotechnical Documents
  - Answers to questions for the General and Technical Questions.
- On August 17, 2012, IFB 12-23 Addendum #2 was issued which included:
  - Bid Due Date was changed to September 12, 2012 @ 2:00 PM, PST.
  - Light Fixture Schedule
  - Amended Faithful Performance Bond
  - Web link to Changes to Specifications and Drawings from Architect-Engineer
  - Answers to questions for the General and Technical Questions.
- On September 12, 2012, METRO received eight (8) bids.

- METRO staff has been researching and reviewing bids for presentation to Board of Directors.
- METRO staff recommends that the Board of Directors declare West Bay Builders, Zovich Construction, Lewis C. Nelson & Sons, F&H Construction, SJ Amoroso, and Roebellen Contracting as unresponsive/non-responsible, and rejecting the bids they submitted for the Judy K. Souza Operations Building Facility.

### III. DISCUSSION

On June 29, 2012, a Notice of Invitation for Bids (IFB 12-23) was issued and sent to interested bidders and Builders Exchanges.

On August 8, 2012, IFB 12-23 Addendum #1 was issued which included:

- Minutes of the Pre-Bid Conference conducted on July 17, 2012.
- List of Attendees for Pre-Bid Conference.
- Partially-Executed PLA Agreement
- Web link for Plan Check Addendum from Architect-Engineer
- Web link for Geotechnical Documents
- Answers to questions for the General and Technical Questions.

On August 17, 2012, IFB 12-23 Addendum #2 was issued which included:

- Bid Due Date was changed to September 12, 2012 @ 2:00 PM, PST.
- Light Fixture Schedule
- Amended Faithful Performance Bond
- Web link to Changes to Specifications and Drawings from Architect-Engineer
- Answers to questions for the General and Technical Questions.

On September 12, 2012, METRO received eight (8) bids, all bids below engineer's estimate.

West Bay Builders, Inc.	\$ 13,494,000
Zovich Construction	\$ 13,500,000
Lewis C. Nelson & Sons, Inc.	\$ 13,572,000
C. Overaa & Co.	\$ 13,659,000
F & H Construction	\$ 13,787,000
Otto Construction	\$ 13,936,000
SJ Amoroso	\$ 13,997,000
Roebellen Contracting, Inc.	\$ 14,178,000

The above eight bids are ordered from lowest to highest bid. West Bay Builders, Inc. submitted the lowest bid. An analysis of all the bids was performed by METRO staff to evaluate all deficiencies of the bids and if the deficiency is “correctable” or “not correctable”. The deficiency evaluation will show if the bidder(s) are responsive and responsible. For details, see attachment A (IFB 12-23 Bid Analysis Spreadsheet). Award procedures are included in IFB 12-23, Part I-20, 1.34. METRO will select the lowest responsive, responsible bidder based on a determination of (1) which bidder is the lowest monetary bidder on the Base Bid; (2) whether or not the lowest monetary bidder submitted a responsive bid; and (3) whether or not the lowest monetary bidder is responsible. Responsive factors and responsibility factors were taken into account. METRO staff determined criteria for deficiencies found to be evaluated as “correctable” or “not correctable.”

<b>Correctable</b>	<b>Not Correctable</b>
If majority of documents were provided and only a few had discrepancies	Omission of major items
For each item listed by the bidder, part of information is missing	Misrepresentation of facts

The following are all the bidders and review of any discrepancies.

- West Bay Builders, Inc.(WBB):
  - Document 2, item 4 asks the bidder if they have ever been determined by a public agency to not be a responsible bidder, WBB answered “n/a,” and METRO has documentation stating otherwise.
  - Document 2, item 5 asks to lists all lawsuits or mediation between bidder and owner of construction project in past seven years, WBB listed 5 items, and METRO found additional lawsuits/mediations.
  - Document 2, item 6 asks within the past seven years, has bidder paid liquidated damages, WBB answered “No,” and METRO found a recent judgment for liquidated damages.
  - Document 2, item 7 asks if bidder has any surety of bidder ever paid any claim against bidder, WBB answered “No,” and METRO found a few judgments stating that the surety of bidder paid claims.
  - The above evaluation determined the items as “not correctable” and finds WBB’s bid as unresponsive and non-responsible.
  
- Zovich Construction:
  - Document 2, item 13A asks to provide projects in the State of California involving construction of a building, each with an original contract price of no less than \$20,000,000, Zovich did not meet the necessary project list requirements.

- Document 2, item 13B asks to provide at least two public works projects in the State of California involving construction of a building, Zovich did not meet the necessary project list requirements.
- The above evaluation determined the items as “not correctable” and finds Zovich’s bid as unresponsive, no further reference check was performed.
- Lewis C. Nelson & Sons, Inc.:
  - Did not provide any documents to meet the requirements noted in Document 6 (Certification of Proposed SubContractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion – for subcontracts totaling OVER \$100,000.)
  - Did not provide any documents to meet the requirements noted in Document 7 (Certification of Proposed SubContractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion – for subcontracts totaling \$100,000 or LESS.)
  - Did not provide any documents to meet the requirements noted in Document 8(Disclosure of Governmental Positions).
  - The above evaluation determined the items as “not correctable” and finds Lewis C. Nelson & Sons’s bid as unresponsive, no further reference check was performed.
- C. Overaa & Company (Overaa):
  - Although in Document 8(Disclosure of Governmental Positions), most items were supplied, and two deficiencies (one missing subcontract form, and one missing subcontractor signature).
  - Document 2, Item 5 asks to list all lawsuits or mediation between bidder and owner of construction project in past seven years, Overaa provided one litigation, but did not provide tribunal or case number.
  - Document 2, item 11 asks for current financial statement, Overaa provided their previous fiscal year financial statement, but did not include interim financial statement due to confidentiality.
  - The above evaluation determined the items as “correctable” and finds Overaa’s bid as responsive and responsible pending clarification on items mentioned.
- F&H Construction:
  - Did not provide any documents to meet the requirements noted in Document 6 (Certification of Proposed SubContractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion – for subcontracts totaling OVER \$100,000.)
  - Did not provide any documents to meet the requirements noted in Document 7 (Certification of Proposed SubContractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion – for subcontracts totaling \$100,000 or LESS.)

- Did not provide any documents to meet the requirements noted in Document 8(Disclosure of Governmental Positions).
- The above evaluation determined the items as “not correctable” and finds F&H Construction’s bid as unresponsive, no further reference check was performed.
  
- Otto Construction:
  - Otto’s bid met all the requirements
  - Otto’s bid is determined as responsive and responsible.
  
- SJ Amoroso:
  - Did not provide any documents to meet the requirements noted in Document 6 (Certification of Proposed SubContractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion – for subcontracts totaling OVER \$100,000.)
  - Did not provide any documents to meet the requirements noted in Document 7 (Certification of Proposed SubContractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion – for subcontracts totaling \$100,000 or LESS.)
  - Did not provide any documents to meet the requirements noted in Document 8(Disclosure of Governmental Positions).
  - The above evaluation determined the items as “not correctable” and finds SJ Amoroso’s bid as unresponsive, no further reference check was performed.
  
- Roebellen Contracting, Inc.:
  - Did not provide any documents to meet the requirements noted in Document 6 (Certification of Proposed SubContractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion – for subcontracts totaling OVER \$100,000.)
  - Did not provide any documents to meet the requirements noted in Document 7 (Certification of Proposed SubContractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion – for subcontracts totaling \$100,000 or LESS.)
  - Did not provide any documents to meet the requirements noted in Document 8(Disclosure of Governmental Positions).
  - The above evaluation determined the items as “not correctable” and finds Roebellen Contracting’s bid as unresponsive, no further reference check was performed.

From the above analysis, METRO has determined the following bidders as responsive and responsible:

- C. Overaa & Company



➤ Otto Construction

A “cure letter” will be sent to the lowest responsive and responsible bid to clarify any correctable deficiencies. After consideration of the responses of the bidders to the “cure letter” and in consultation with METRO staff and Construction Management firm, METRO will present a formal Staff Report awarding a construction contract to the lowest responsive and responsible bidder for consideration by the Board of Directors.

METRO staff has researched, reviewed, and recommends that the Board of Directors declare West Bay Builders, Zovich Construction, Lewis C. Nelson & Sons, F&H Construction, SJ Amoroso, and Roebellen Contracting as unresponsive and/or non-responsible, and rejecting the bids they submitted for the Judy K. Souza Operations Building Facility.

#### **IV. FINANCIAL CONSIDERATIONS**

Funds for the construction of the Judy K. Souza Operations Building Facility Component of the MetroBase Project are available within the funds the METRO has secured for the Project.

#### **V. ATTACHMENTS**

**Attachment A:** IFB 12-23 Bid Analysis Spreadsheet

**CORRECTABLE**  **NOT CORRECTABLE**

DEFICIENT ITEMS	WEST BAY BUILDERS, INC.	ZOVICH CONSTRUCTION
BID AMOUNT	\$ 13,494,000	\$ 13,500,000
<b>Document 6</b> - Certification of Proposed Subcontractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion (for Subcontracts totaling OVER \$100,000)	Missing one subcontractor form	
<b>Document 7</b> - Certification of Proposed Subcontractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion (for Subcontracts totaling \$100,000 or LESS)		
<b>Document 8</b> - Disclosure of Governmental Positions	Missing one subcontractor form	
<b>Document 2 - Item 4</b> - Has any person or legal entity holding a legal or equitable ownership of 10% or more of the bidder, ever been determined by a public agency to not be a responsible bidder? If so, state the name, address and telephone number of the public agency, including the name of the agency's contact person.	Bidder answer was "N/A" METRO has documentation stating otherwise.	
<b>Document 2 - Item 5</b> - For every lawsuit or mediation between bidder and the owner of construction project, limited to such lawsuits or mediations initiated or completed within the past seven years, state the name and address of the tribunal, the matter number, the parties, a general description of the nature of the dispute, and the outcome, if any.	Bidder listed 5 items. METRO has documentation on additional lawsuits/mediations between Bidder and owners of constructions projects that were not listed by Bidder.	
<b>Document 2 - Item 6</b> - Within the past seven years, has bidder paid liquidated damages, ever failed to complete a construction project, within the time allowed by the contract, including any agreed upon contract extensions? If so, state the name, address and telephone number of the owner of such construction project including the name of the agencies contact person, and further, describe in detail the nature of the work of improvement.	Bidder answer was "No" METRO has found a judgment for liquidated damages in a case with a sub which was filed in Alameda County Superior Court on August 29, 2012.	
<b>Document 2 - Item 7</b> - Within the last seven years has any surety of bidder ever paid or satisfied any claim against bidder? If so, state all facts and circumstances, including the name, address, and telephone number of surety and all claimants.	Bidder answered "No" METRO has found a judgment in a case with a sub against First National for enforcement of a stop notice release bond, filed in San Francisco County Superior Court on September 12, 2012 (same day bid was due) METRO found a judgment against Safeco Insurance Company (and WBB) for attorney's fees in a case with a sub, and against Safeco and First National Insurance Company of America (and WBB) for prejudgment interest, filed in Santa Clara County Superior Court on September 4, 2009. In same case, WBB, Safeco and First National tendered a check to the sub as a result of a settlement, filed in Santa Clara County Superior Court on April 8, 2009.	
<b>Document 2 - Item 11</b> - Financial statement (current financial statement)		
<b>Document 2 - Item 11</b> - Financial statement (interim)		
<b>Document 2 - Item 13.A</b> - Have completed to the public owner's satisfaction, no less than three public works projects in the State of CA involving the construction of a building, each with an original contract price of no less than \$20,000,000 within the last seven years.		Did not list three qualifying projects.
<b>Document 2 - Item 13.B</b> - The General Contractor or subcontractor thereof shall have completed to the public owner's satisfaction, at least two PUBLIC WORKS projects in the State of CA of similar scope, size and complexity of this project.		Did not list two public works projects.
<b>Document 2 - Item 13.C</b> - Proposed Project Manager shall have experience in management of construction, including at least five years experience with significant responsibility on at least two construction projects of similar scope, size, and complexity of this project.	Bidder provided resume for propose Project Manager, but projects listed on the resume did not include sufficient info.	No individual resume for Project Manager.

**CORRECTABLE**  **NOT CORRECTABLE**

DEFICIENT ITEMS	LEWIS C. NELSON & SONS, INC.	C. OVERAA & CO.
BID AMOUNT	\$ 13,572,000	\$ 13,659,000
<b>Document 6</b> - Certification of Proposed Subcontractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion (for Subcontracts totaling OVER \$100,000)	Missing for ALL subcontractors	
<b>Document 7</b> - Certification of Proposed Subcontractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion (for Subcontracts totaling \$100,000 or LESS)	Missing for ALL subcontractors	
<b>Document 8</b> - Disclosure of Governmental Positions	Missing for ALL subcontractors	Missing one subcontractor form Submitted a blank form
<b>Document 2 - Item 4</b> - Has any person or legal entity holding a legal or equitable ownership of 10% or more of the bidder, ever been determined by a public agency to not be a responsible bidder? If so, state the name, address and telephone number of the public agency, including the name of the agency's contact person.		
<b>Document 2 - Item 5</b> - For every lawsuit or mediation between bidder and the owner of construction project, limited to such lawsuits or mediations initiated or completed within the past seven years, state the name and address of the tribunal, the matter number, the parties, a general description of the nature of the dispute, and the outcome, if any.		Provided a litigation(missing tribunal or case number)
<b>Document 2 - Item 6</b> - Within the past seven years, has bidder paid liquidated damages, ever failed to complete a construction project, within the time allowed by the contract, including any agreed upon contract extensions? If so, state the name, address and telephone number of the owner of such construction project including the name of the agencies contact person, and further, describe in detail the nature of the work of improvement.		
<b>Document 2 - Item 7</b> - Within the last seven years has any surety of bidder ever paid or satisfied any claim against bidder? If so, state all facts and circumstances, including the name, address, and telephone number of surety and all claimants.		
<b>Document 2 - Item 11</b> - Financial statement (current financial statement)		
<b>Document 2 - Item 11</b> - Financial statement (interim)		Did not provide interim financial statement.
<b>Document 2 - Item 13.A</b> - Have completed to the public owner's satisfaction, no less than three public works projects in the State of CA involving the construction of a building, each with an original contract price of no less than \$20,000,000 within the last seven years.		
<b>Document 2 - Item 13.B</b> - The General Contractor or subcontractor thereof shall have completed to the public owner's satisfaction, at least two PUBLIC WORKS projects in the State of CA of similar scope, size and complexity of this project.		
<b>Document 2 - Item 13.C</b> - Proposed Project Manager shall have experience in management of construction, including at least five years experience with significant responsibility on at least two construction projects of similar scope, size, and complexity of this project.	No individual resume for Project Manager.	Bidder provided resume for propose Project Manager, but projects listed on the resume did not include sufficient info.

**CORRECTABLE**  **NOT CORRECTABLE**

DEFICIENT ITEMS	F&H CONSTRUCTION	OTTO CONSTRUCTION
BID AMOUNT	\$ 13,787,000	\$ 13,936,000
<b>Document 6</b> - Certification of Proposed Subcontractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion (for Subcontracts totaling OVER \$100,000)	<b>Missing for ALL subcontractors</b>	
<b>Document 7</b> - Certification of Proposed Subcontractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion (for Subcontracts totaling \$100,000 or LESS)	<b>Missing for ALL subcontractors</b>	
<b>Document 8</b> - Disclosure of Governmental Positions	<b>Missing for ALL subcontractors</b>	
<b>Document 2 - Item 4</b> - Has any person or legal entity holding a legal or equitable ownership of 10% or more of the bidder, ever been determined by a public agency to not be a responsible bidder? If so, state the name, address and telephone number of the public agency, including the name of the agency's contact person.		
<b>Document 2 - Item 5</b> - For every lawsuit or mediation between bidder and the owner of construction project, limited to such lawsuits or mediations initiated or completed within the past seven years, state the name and address of the tribunal, the matter number, the parties, a general description of the nature of the dispute, and the outcome, if any.		
<b>Document 2 - Item 6</b> - Within the past seven years, has bidder paid liquidated damages, ever failed to complete a construction project, within the time allowed by the contract, including any agreed upon contract extensions? If so, state the name, address and telephone number of the owner of such construction project including the name of the agencies contact person, and further, describe in detail the nature of the work of improvement.		
<b>Document 2 - Item 7</b> - Within the last seven years has any surety of bidder ever paid or satisfied any claim against bidder? If so, state all facts and circumstances, including the name, address, and telephone number of surety and all claimants.		
<b>Document 2 - Item 11</b> - Financial statement (current financial statement)		
<b>Document 2 - Item 11</b> - Financial statement (interim)		
<b>Document 2 - Item 13.A</b> - Have completed to the public owner's satisfaction, no less than three public works projects in the State of CA involving the construction of a building, each with an original contract price of no less than \$20,000,000 within the last seven years.	<b>Did not provide contract amounts on projects.</b>	
<b>Document 2 - Item 13.B</b> - The General Contractor or subcontractor thereof shall have completed to the public owner's satisfaction, at least two PUBLIC WORKS projects in the State of CA of similar scope, size and complexity of this project.	<b>Not possible to determine which projects would qualify.</b>	
<b>Document 2 - Item 13.C</b> - Proposed Project Manager shall have experience in management of construction, including at least five years experience with significant responsibility on at least two construction projects of similar scope, size, and complexity of this project.	<b>Bidder provided resume for propose Project Manager, but projects listed on the resume did not include sufficient info.</b>	

**CORRECTABLE**       **NOT CORRECTABLE**

DEFICIENT ITEMS	SJ AMOROSO	ROEBBELEN CONTRACTING, INC.
BID AMOUNT	\$ 13,997,000	\$ 14,178,000
<b>Document 6</b> - Certification of Proposed Subcontractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion (for Subcontracts totaling OVER \$100,000)	<b>Missing for ALL subcontractors</b>	<b>Missing for ALL subcontractors</b>
<b>Document 7</b> - Certification of Proposed Subcontractor Regarding Debarment, Suspension and Other Ineligibility And Voluntary Exclusion (for Subcontracts totaling \$100,000 or LESS)	<b>Missing for ALL subcontractors</b>	<b>Missing for ALL subcontractors</b>
<b>Document 8</b> - Disclosure of Governmental Positions	<b>Missing for ALL subcontractors</b>	<b>Missing for ALL subcontractors</b>
<b>Document 2 - Item 4</b> - Has any person or legal entity holding a legal or equitable ownership of 10% or more of the bidder, ever been determined by a public agency to not be a responsible bidder? If so, state the name, address and telephone number of the public agency, including the name of the agency's contact person.		
<b>Document 2 - Item 5</b> - For every lawsuit or mediation between bidder and the owner of construction project, limited to such lawsuits or mediations initiated or completed within the past seven years, state the name and address of the tribunal, the matter number, the parties, a general description of the nature of the dispute, and the outcome, if any.		
<b>Document 2 - Item 6</b> - Within the past seven years, has bidder paid liquidated damages, ever failed to complete a construction project, within the time allowed by the contract, including any agreed upon contract extensions? If so, state the name, address and telephone number of the owner of such construction project including the name of the agencies contact person, and further, describe in detail the nature of the work of improvement.		
<b>Document 2 - Item 7</b> - Within the last seven years has any surety of bidder ever paid or satisfied any claim against bidder? If so, state all facts and circumstances, including the name, address, and telephone number of surety and all claimants.		
<b>Document 2 - Item 11</b> - Financial statement (current financial statement)		
<b>Document 2 - Item 11</b> - Financial statement (interim)		
<b>Document 2 - Item 13.A</b> - Have completed to the public owner's satisfaction, no less than three public works projects in the State of CA involving the construction of a building, each with an original contract price of no less than \$20,000,000 within the last seven years.		
<b>Document 2 - Item 13.B</b> - The General Contractor or subcontractor thereof shall have completed to the public owner's satisfaction, at least two PUBLIC WORKS projects in the State of CA of similar scope, size and complexity of this project.		
<b>Document 2 - Item 13.C</b> - Proposed Project Manager shall have experience in management of construction, including at least five years experience with significant responsibility on at least two construction projects of similar scope, size, and complexity of this project.		<b>Bidder provided resume for propose Project Manager, but projects listed on the resume did not include sufficient info.</b>

# SANTA CRUZ METROPOLITAN TRANSIT DISTRICT

**DATE:** November 9, 2012

**TO:** Board of Directors

**FROM:** Frank Cheng, Project Manager & Information Technology Manager

**SUBJECT: CONSIDERATION OF DECLARING C. OVERAA & COMPANY AS THE LOWEST RESPONSIVE / RESPONSIBLE BIDDER FOR THE JUDY K. SOUZA OPERATIONS BUILDING FACILITY CONTINGENT UPON THE SUBMISSION OF MATERIALS REQUESTED BY METRO AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH C. OVERAA & COMPANY IN THE AMOUNT OF \$13,659,000 FOR THE JUDY K. SOUZA OPERATIONS BUILDING FACILITY COMPONENT OF THE METROBASE PROJECT**

## I. RECOMMENDED ACTION

**That the Board of Directors declare C. Overaa & Company as the lowest responsive / responsible bidder for the Judy K. Souza Operations Building Facility contingent upon the submission of materials requested by METRO and authorizing the General Manager to execute a contract with C. Overaa & Company in the amount of \$13,659,000 for the Judy K. Souza Operations Building Facility component of the MetroBase Project.**

## II. SUMMARY OF ISSUES

- On June 29, 2012, a Notice of Invitation for Bids (IFB 12-23) was issued and sent to interested bidders and Builders Exchanges.
- On August 8, 2012, IFB 12-23 Addendum #1 was issued.
- On August 17, 2012, IFB 12-23 Addendum #2 was issued and Bid Due Date was changed to September 12, 2012 @ 2:00 PM, PST.
- On September 12, 2012, METRO received eight (8) bids.
- On November 9, 2012, the Board of Directors declared West Bay Builders, Zovich Construction, Lewis C. Nelson & Sons, F&H Construction, SJ Amoroso, and Roebellen Contracting as unresponsive/non-responsible, and rejected the bids they submitted for the Judy K. Souza Operations Building Facility.
- METRO staff recommend that the Board of Directors declare C. Overaa & Company as the lowest responsive / responsible bidder for the Judy K. Souza Operations Building Facility contingent upon the submission of materials requested by METRO, and authorize the General Manager to execute a contract with C. Overaa & Company for the Judy K. Souza Operations Building Facility Component of the MetroBase Project.

### III. DISCUSSION

On June 29, 2012, a Notice of Invitation for Bids (IFB 12-23) was issued and sent to interested bidders and Builders Exchanges. On August 8, 2012, IFB 12-23 Addendum #1 was issued. On August 17, 2012, IFB 12-23 Addendum #2 was issued and Bid Due Date was changed to September 12, 2012 @ 2:00 PM, PST.

On September 12, 2012, METRO received eight (8) bids. After research and review, two (2) bids were found to be responsive / responsible:

C. Overaa & Company	\$ 13,659,000
Otto Construction	\$ 13,936,000

A “cure letter” will be sent to the lowest responsive / responsible bid, C. Overaa & Company, to clarify any correctable deficiencies. The following are the correctable deficiencies for C. Overaa & Company:

1. Document 8(Disclosure of Governmental Positions), most items were supplied, one sub-contractor form was missing and one form had a missing signature.
2. Document 2, Item 5 asks to list all lawsuits or mediation between bidder and owner of construction project in past seven years, Overaa provided one litigation, but did not provide tribunal or case number.
3. Document 2, item 11 asks for current financial statement, Overaa provided their previous fiscal year financial statement, but did not include interim financial statement due to confidentiality.

C. Overaa & Company will have two (2) business days to submit any correctable deficiencies. METRO staff and Construction Management firm, TRC, Inc., will review the submission of materials from C. Overaa & Company in response to METRO’s clarification request.

METRO staff recommend that the Board of Directors declare C. Overaa & Company as the lowest responsive / responsible bidder for the Judy K. Souza Operations Building Facility contingent upon the submission of materials requested by METRO, and authorize the General Manager to execute a contract with C. Overaa & Company in the amount of \$13,659,000 for the Judy K. Souza Operations Building Facility Component of the MetroBase Project.

### IV. FINANCIAL CONSIDERATIONS

Funds for the construction of the Judy K. Souza Operations Building Facility Component of the MetroBase Project are available within the funds the METRO has secured for the Project.

### V. ATTACHMENTS

**Attachment A:** NONE