

LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
1362 Rutan Court, Suite 100
Livermore, CA 94551

SPECIAL BOARD OF DIRECTORS MEETING

BOARD MEMBERS

KARLA BROWN – CHAIR
GINA BONANNO
KATHY NARUM
BRITTNI KIICK

DAVID HAUBERT– VICE CHAIR
JEAN JOSEY
MELISSA HERNANDEZ

Agenda Questions: Please call the Executive Director at (925) 455-7564 or send an email to frontdesk@lavta.org

Documents received after publication of the Agenda and considered by the Board of Directors in its deliberation will be available for inspection only via electronic document transfer, due to the COVID-19 outbreak. See the COVID-19 provisions outlined below. Please call or email the Executive Director during normal business hours if you require access to any such documents.

TELECONFERENCE

SEPTEMBER 27, 2021 – 3:00 PM

**CORONAVIRUS DISEASE (COVID-19) ADVISORY
AND MEETING PROCEDURE**

On June 5, 2020 (updated June 18, 2020), the Health Officer of Alameda County issued an Order that will continue to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer. The Order directed that all individuals living in the county to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and governmental services.

Under the Governor’s Executive Order N-29-20, this meeting may utilize teleconferencing. As a precaution to protect the health and safety of staff, officials, and the general public. Councilmembers will not be physically in attendance, but will be available via video conference.

The administrative office of Livermore Amador Valley Transit Authority (LAVTA) is currently closed to the public and will remain closed for the duration of the Board of Directors (BOD) meeting. Consequently, there will be no physical location for members of the public to participate in the meeting. We encourage members of the public to shelter in place and access the meeting online using the web-video communication application, Zoom. Zoom participants will have the opportunity to speak during Public Comment.

If you are submitting public comment via email, please do so by 1:00 p.m. on Monday, September 27, 2021 to frontdesk@lavta.org. Please include “Public Comment - Special Board Meeting 9/27/2021” and the agenda item in the subject line. In the body of the email please include your name. Public comments submitted will be read during Public Comment and will be subject to the regular three-minute time restriction.

This Board of Directors meeting will be conducted on the web-video communication platform, Zoom. In order to view and/or participate in this meeting, members of the public will need to download Zoom from its website, www.zoom.us.

It is recommended that anyone wishing to participate in the meeting complete the download process before the start of the meeting.

There will be zero tolerance for any person addressing the Board making profane, offensive and disruptive remarks, or engaging in loud, boisterous, or other disorderly conduct, that disrupts the orderly conduct of the public meeting.

How to listen and view meeting video:

- From a PC, Mac, iPad, iPhone or Android device click the link below:
<https://zoom.us/j/86715841855>
Passcode: BOD1362Mtg
- To supplement a PC, Mac, tablet or device without audio, please also join by phone:
Dial: 1 (669) 900-6833
Webinar ID: 867 1584 1855
Passcode: 761222

To comment by video conference, click the “Raise Your Hand” button to request to speak when Public Comment is being taken on the Agenda item. You will then be unmuted when it is your turn to make your comment for up to 3 minutes. After the allotted time, you will be muted.

- Livestream online at: [Livermore Amador Valley Transit Authority YouTube Channel](#)

No option to make Public Comment on YouTube live stream.

How to listen only to the meeting:

- For audio access to the meeting by telephone, use the dial-in information below:
Dial: 1 (669) 900-6833
Webinar ID: 867 1584 1855
Passcode: 761222

*Please note to submit public comment via telephone dial *9 on your dial pad. The meeting’s host will be informed that you would like to speak. If you are chosen, you will be notified that your request has been approved and you will be allowed to speak. You will then dial *6 to unmuted when it is your turn to make your comment for up to 3 minutes. After the allotted time, you will be muted.*

To submit written comments:

- Provide public written comments prior to the meeting by email, to frontdesk@lavta.org

If you are submitting public comment via email, please do so by 1:00 p.m. on Monday, September 27, 2021 to frontdesk@lavta.org. Please include “Public Comment - Special Board Meeting 9/27/2021” and the agenda item to which your comment applies in the subject line. In the body of the email please include your name. Public comments submitted will be read during Public Comment and will be subject to the regular three-minute time restriction.

1. Call to Order

2. Roll Call of Members

3. Meeting Open to Public

- Members of the audience may address the Board of Directors on any matter within the general subject matter jurisdiction of the LAVTA Board of Directors.
- Unless members of the audience submit speaker forms before the start of the meeting requesting to address the board on specific items on the agenda, all comments must be made during this item of business. Speaker cards are available at the entrance to the meeting room and should be submitted to the Board secretary.
- Public comments should not exceed three (3) minutes.
- Items are placed on the Agenda by the Chairman of the Board of Directors, the Executive Director, or by any three members of the Board of Directors. Agendas are published 72 hours prior to the meeting.
- No action may be taken on matters raised that are not on the Agenda.
- For the sake of brevity, all questions from the public, Board and Staff will be directed through the Chair.

4. Purchase of Sixteen New 40-Foot Diesel-Electric Hybrid Replacement Buses

Recommendation: Staff recommends the Board of Directors approve Resolution 30-2021, authorizing the Executive Director to execute documents in a form approved by Legal Counsel to purchase sixteen (16) new 40-foot diesel-electric hybrid replacement buses in accordance with LAVTA’s 2021 Capital Improvement Program.

5. Matters Initiated by the Board of Directors

- Items may be placed on the agenda at the request of three members of the Board.

6. Next Meeting Date is Scheduled for: October 4, 2021

7. Adjournment

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

I hereby certify that this agenda was posted 72 hours in advance of the noted meeting.

/s/ Jennifer Suda
LAVTA, Executive Assistant

9/23/2021
Date

On request, the Livermore Amador Valley Transit Authority will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. A written request, including name of the person, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service should be sent at least seven (7) days before the meeting. Requests should be sent to:

*Executive Director
Livermore Amador Valley Transit Authority
1362 Rutan Court, Suite 100
Livermore, CA 94551
Fax: 925.443.1375
Email: frontdesk@lavta.org*

AGENDA

ITEM 4



STAFF REPORT

SUBJECT: Purchase of Sixteen New 40-Foot Diesel-Electric Hybrid Replacement Buses
FROM: Jennifer Yeamans, Senior Grants & Management Specialist
DATE: September 27, 2021

Action Requested

Approve Resolution 30-2021, authorizing the Executive Director to execute documents in a form approved by Legal Counsel to purchase sixteen (16) new 40-foot diesel-electric hybrid replacement buses in accordance with LAVTA's 2021 Capital Improvement Program.

Background

In 2007, LAVTA purchased two 29-foot hybrid buses from Gillig LLC, and in 2009, LAVTA purchased two 29-foot hybrid buses and twelve 40-foot hybrid buses from Gillig. All sixteen of these buses are now at the end of their useful life and due to be taken out of service by 2023, according to the agency's Capital Improvement Program (CIP) for Fiscal Years 2021 through 2025, which the Board approved in March 2021. The CIP also identified a need to replace the four 29-foot vehicles with 40-foot vehicles to accommodate ridership increases in recent years, particularly during the morning-peak pull, and the potential need for ongoing social distancing measures.

Based on this replacement schedule, LAVTA applied for FY2021 funding available from the Federal Transit Administration (FTA) Section 5307 Urbanized Area and Section 5339 Bus & Bus Facilities formula programs for sixteen 40-foot replacement buses and related support equipment including fareboxes, automatic vehicle locators (AVLs), and radios. In April 2021, the Metropolitan Transportation Commission (MTC) programmed \$11,574,837 in FTA funds to LAVTA for these purposes, and FTA approved MTC's programming in May. A minimum 20% local match is required to use these funds, and the CIP identified \$2,710,400 in Transportation Development Act (TDA) Article 4.0 funding as local match, while noting that additional local match may be required at the time of purchase due to bus-pricing ceilings established by MTC's Transit Capital Priorities Program, which sets regional policy for the distribution of FTA formula funds to the region's transit operators by urbanized area.

Discussion

Having secured the maximum level of federal grant funding available for the purchase, staff proceeded with procurement activities including verification of specifications desired and identification of qualified vendors based on LAVTA's needs. In doing so, staff learned that certain equipment desired with this purchase would no longer be available from its supplier

after September 30 of this year. Availability of this equipment introduced a time constraint for purchasing buses in the current model year, as staff confirmed independently with the supplier that its successor product was still in testing for unknown duration and not yet available for purchase through qualified vendors and delivery within the timeframe LAVTA desired to be able to retire its oldest buses, one of which has already been taken out of service permanently due to mechanical failure.

Given the time constraint, staff began to look for existing, qualified contracts through which LAVTA could purchase the desired equipment, as an alternative to issuing or participating in a formal Request for Proposals (RFP). A formal RFP process would take considerable staff resources and time to result in a contract and would not guarantee that LAVTA would secure more favorable pricing and/or contract terms than an existing available contract, particularly given the present economic environment.

LAVTA's Procurement Policy encourages the use of appropriate intergovernmental agreements when possible in order to reduce duplicative effort and achieve cost economies. Staff researched both existing state cooperative purchasing agreements as well as joint procurements conducted by other agencies and identified one contract between Gillig LLC and the Unified Government of Athens-Clarke County, Georgia, that could supply the equipment needed within the timeframe required by LAVTA to complete the purchase per its specifications. Consistent with LAVTA's Procurement Policy, FTA third-party contracting guidance permits agencies to utilize existing contract rights held by another agency as a method of acquiring property when the agency finds it advantageous to do so, including existing contracts which, when formed, were intended to be limited to other parties, a process more commonly known as "piggybacking."

LAVTA staff in consultation with Legal Counsel has conducted its due diligence in ensuring the contract between Gillig and Athens-Clarke County, Georgia, was competitively sourced to meet FTA's required fair and reasonableness pricing standards and proper contracting procedures were undertaken during the original contracting process. In particular, the resulting contract has been reviewed to ensure it incorporates the terms, conditions, and certifications necessary to meet all relevant FTA guidelines and requirements.

Two members of the original consortium led by the Unified Government of Athens-Clarke County, Georgia, are willing to assign a total of 16 options to purchase 40-foot diesel-electric hybrid buses off of this contract, which would fulfill LAVTA's purchasing needs for this year. Staff has further determined that the prices established in the original contract are still fair and reasonable, and that the minimum and maximum quantities named in the original procurement by the consortium members were limited to what those agencies could reasonably expect to need, but nevertheless were later found to be in excess of their needs, and that the quantities to be assigned to LAVTA are not in excess of the amounts available under the original contract.

Fiscal Impact

The costs and revenues associated with this purchase are as follows:

Expenditures	Each	Total
16 40-foot hybrid buses and related support equipment, including all taxes, fees, warranties, and delivery	\$939,593	\$15,033,488

Revenues	%	Total
FTA 5307/5339	77%	\$11,574,837
Local Match	23%	\$3,458,651
Total	100%	\$15,033,488

Funds for this purchase are included in the agency’s FY22 budget, although LAVTA does not expect to take delivery of the buses until next fiscal year. MTC’s maximum price allowed (in terms of programmed funding) for a 40-foot diesel-electric bus in FY2021 per regional policy is \$847,000, meaning that is the maximum price at which MTC will program the full 80% in federal funding (\$677,600 per bus), and therefore any additional funding required by agencies must comprise non-federal funds. MTC’s price list is based off a survey of the region’s bus operators and represents varied purchasing circumstances around the region experienced by different transit agencies. The additional TDA funding required to complete the purchase with LAVTA’s desired specifications will be reprogrammed in the Capital Improvement Program and updated accordingly in the FY22-23 agency budget.

Recommendation

Staff recommends the Board of Directors approve Resolution 30-2021, authorizing the Executive Director to execute documents in a form approved by Legal Counsel to purchase sixteen (16) new 40-foot diesel-electric hybrid replacement buses in accordance with LAVTA’s 2021 Capital Improvement Program.

Attachments:

- 1. Resolution 30-2021

Approved: _____

RESOLUTION NO. 30-2021

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
AUTHORIZING THE PURCHASE OF SIXTEEN 40-FOOT HYBRID
REPLACEMENT BUSES**

WHEREAS, LAVTA purchased two heavy-duty buses in 2007 and fourteen heavy-duty buses in 2009, all with a useful life of twelve years; and

WHEREAS, the two 2007 vehicles described above were due for retirement in 2019 and the fourteen 2009 vehicles are due for retirement in 2021, and staff has identified a need to replace all sixteen vehicles, one of which has already been taken out of service due to mechanical failure; and

WHEREAS, in March 2021, LAVTA adopted Resolution 07-2021 establishing the agency's Capital Improvement Program for Federal Fiscal Years (FY) 2021-2025 including replacement of the sixteen fixed-route vehicles and additional related components in the FY2021 funding cycle, and subsequently applied to the Metropolitan Transportation Commission (MTC) for Federal Transit Administration (FTA) formula funding apportioned to LAVTA's service area and programmed to support the region's Transit Capital Priorities Policy; and

WHEREAS, in May 2021, FTA approved MTC's programming of \$11,574,837 in FTA formula funds for LAVTA's purchase of 16 replacement vehicles and related support equipment including fareboxes, automatic vehicle locators, and radios, making these funds available for these purchases; and

WHEREAS, the FTA funding requires a minimum 20 percent local match, which is included in LAVTA's approved FY2021-2022 budget; and

WHEREAS, LAVTA's existing fleet of buses uses certain equipment that requires specialized training to maintain and which achieves greater service reliability than comparable alternatives, and buses will not be manufactured with such equipment after 2021; and

WHEREAS, if LAVTA were to acquire replacement buses that use different equipment, it could reasonably expect increased and/or more frequent down times, resulting in significant potential impacts on service reliability; and

WHEREAS, LAVTA does not have sufficient time to release a formal Request for Proposals from qualified bus manufacturers to acquire replacement buses that use the desired equipment before such equipment is no longer available, and as a result, staff has identified an existing, qualified contract between the Unified Government of Athens-Clarke County, Georgia and Gillig LLC (Gillig) with sufficient unused options that may be assigned to LAVTA to procure vehicles with the desired equipment as specified; and

WHEREAS, said contract permits parties to the contract (Consortium members) to assign contract rights for purchases under the terms and conditions of the contract to others; and

WHEREAS, FTA permits the post-award assignment of contractual rights to others who did not participate in the original procurement if certain requirements are met, and there are sufficient unused options under the contract for the purchase of sixteen buses and such options may be reassigned by a Consortium member if the option is no longer necessary to support the Consortium member's needs; and

WHEREAS, two Consortium members, the Unified Government of Athens–Clarke County, Georgia, and Gwinnett County Transit, are willing to assign a total of sixteen options to purchases Gillig buses under the contract to LAVTA because such options are no longer needed to support their respective agencies; and

WHEREAS, LAVTA staff and Legal Counsel have analyzed the contract between the Unified Government of Athens–Clarke County, Georgia and Gillig and found it to be cost-effective, consistent with LAVTA's Procurement Policy, and procured in accordance with FTA's piggybacking requirements set forth in FTA's Third-Party Contracting Guidance (Circular 4220.1F);

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Livermore Amador Valley Transit Authority that the Executive Director is authorized to execute documents, in forms approved by Legal Counsel, to procure sixteen new 40-foot diesel-electric hybrid replacement buses for a total amount not to exceed \$15,033,488, via assignment of existing, unused options from Athens–Clark County Transit and Gwinnett County Transit pursuant to the contract between the Unified Government of Athens–Clarke County, Georgia and Gillig LLC; and

BE IT FURTHER RESOLVED that the Board of Directors authorizes the Executive Director to expend a 5% contingency amount not to exceed \$751,674.40.

PASSED AND ADOPTED this 27th day of September 2021.

Karla Brown, Chair

ATTEST:

Michael Tree, Executive Director

APPROVED AS TO FORM:

Michael Conneran, Legal Counsel