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San Bernardino, CA 92411
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ITEM # E3

DATE: September 9, 2013

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

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

FROM: Milind Joshi, sbX Program Manager

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

FORM MOTION

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

BACKGROUND

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

CONCLUSION

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

PSG:MJ

Attachment



sbX E Street Corridor Bus Rapid Transit (BRT) Project

Construction Progress Report No. 20

As of August 22, 2013

Submitted By:



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



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I. PROJECT STATUS SUMMARY

A. Project Description – sbX Corridor

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

The Refined LPA includes:

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

B. Summary Status Update – sbX Corridor

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

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

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

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

C. Accomplishments – sbX Corridor

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

D. September Work – sbX Corridor

Work planned for September is as follows:

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

E. Project Description – Vehicle Maintenance Facility (VMF)

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

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

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

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

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

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

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

G. Accomplishments – Vehicle Maintenance Facility (VMF)

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

H. September Work – Vehicle Maintenance Facility (VMF)

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

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

II. PROJECT SCHEDULE

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

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

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

A. Summary of Project Schedule – sbX Corridor

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

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

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

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

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

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

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

A. sbX Corridor

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

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

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

B. Vehicle Maintenance Facility (VMF)

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

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

IV. SAFETY

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

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

V. PROJECT BUDGET AND COST

TOTAL PROGRAM BUDGET BUDGET AS OF JULY 31, 2013

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

SBX CORRIDOR PROJECT COSTS - AS OF JULY 31, 2013

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

VMF CORRIDOR PROJECT COSTS - AS OF JULY 31, 2013

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

SBX CORRIDOR CONTRACT TIME

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

VMF CONTRACT TIME

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

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

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

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

VMF CONTRACT CHANGE ORDERS - As of July 22, 2013

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

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

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

VI. Project Photographs

SBX CORRIDOR PROGRESS PHOTOS



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



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

VMF PROGRESS PHOTOS



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



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

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

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

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

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

ITEM # E4

DATE: September 9, 2013

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

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

FROM: Jennifer M. Sims, Director of Procurement

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

FORM MOTION

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

BACKGROUND

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

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

PSG:js

Attachment



FORMAL PROCUREMENT PROCEDURES Overview

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

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1. OVERVIEW

- 1.1. Procurements requiring a formal procurement process are defined as the following:
1.1.1. Requirements for goods or services to be purchased exceeding \$100,000.00 per acquisition...
1.1.1.1. Rental/lease payments;
1.1.1.2. Maintenance service contracts including option years; and,
1.1.1.3. Construction projects.
1.1.2. NOTE: Purchases in excess of \$25,000.00, but not greater than \$100,000.00 per award...

2. EXCEPTIONS

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

3. DEFINITION OF COMMON TERMS

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



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~~website online bidding system.~~

3.1.2. The threshold requirements, as outlined above, apply to the aggregate purchase amount of the required goods or services. It is not Omnitrans' policy to separate related costs for the express purpose of avoiding the competitive bid process.

3.2. Non-Competitive (Sole Source) Procurement

3.2.1. Under certain conditions, non-competitive or "sole source" procurements may be authorized for the acquisition of goods and/or services. In all cases, all sole source procurements will be supported by a properly prepared Sole Source Justification ~~and Approval Worksheet~~ (Attachment A ~~See Policy 2010 and 2060-1 and 4050-1~~).

~~3.2.1 To allow Omnitrans to expediently and adequately respond to public emergencies. In such cases, the Board of Directors may approve the award of a contract or issuance of a purchase order to a single source. (See Policy 2010 and Procedures 2060-1 and 4050-1 for details on parameters and definitions.) Documents fully explaining the emergency will be filed.~~

~~3.2.1.1 The item is available only from a single source and no other supplies or services can satisfy the requirement~~

~~3.2.1.2 The FTA authorizes non-competitive negotiations.~~

~~3.2.1.3 Lack of adequate competition (see FTA Circular 4220.1F, Section VI.3.i.2.a, page VI-16)~~

3.3. Intergovernmental Procurement Agreements

~~3.3.1. To foster economy and efficiency, Omnitrans may enter into State and local intergovernmental or interagency agreements for procurement or use of common goods and services. FTA recognizes joint purchases to be the only type of intergovernmental agreement suitable for use by its grantees and subgrantees. Omnitrans may also plan procurements in advance with other governmental users, and competitively award contracts in which several governmental entities may draw upon to meet their needs. This approach creates economies of scale, reduces procurement lead times and reduces administrative effort and expense. The requirements and standards of this manual apply to these agreements.~~

~~3.3.2. All FTA and Federal Requirements apply. When obtaining property or services in this manner, Omnitrans must ensure all Federal requirements, required clauses, and certifications (including Buy America) are properly followed and included, whether in the master intergovernmental contract or in~~



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Omnitrans' purchase document.

~~3.3.1.3.3.3.~~ When buying from these schedules, Omnitrans should obtain Buy America certification before entering into the purchase order.

3.4. Options

3.4.1. Option items may be included in contracts entered into by Omnitrans. An option is a unilateral right in a contract by which, for a specified time, Omnitrans may elect to purchase additional equipment, supplies, or services called for in the contract, or may elect to extend the term of the contract. If Omnitrans chooses to use options, the requirements below apply:

3.4.1.1. Evaluation of options

3.4.1.1.1. To all extent possible, Project Managers or owning departments will test how the exercise of contract options contribute to the fulfillment of Omnitrans' strategic plan. Further instructions are found in Procedure 6021 (see Attachment B).

3.4.1.1.2. Option quantities or periods in a vendor's offer will be evaluated as part of the entire offer. When options are not reviewed as part of the original evaluation process, the exercise of such options will be considered a sole source procurement.

3.4.1.2. Exercise of Options

3.4.1.2.1. Options are to be included in the terms and conditions of the initial contract award document.

3.4.1.2.2. Omnitrans must ensure that the exercise of an option is in accordance with the terms and conditions of the option provisions stated in the initial contract awarded.

3.4.1.2.3. Options will not be exercised without the determination that the option price is better than current market offerings or without the determination that exercising the option is the most advantageous for the Agency at the time of its exercise.

3.4.1.2.4. As of May 2002, the FTA has rescinded its five-year contract term limitation for some FTA-funded contracts, including "revenue contracts". Good procurement practice requires that Omnitrans enter into contract terms no longer than is minimally necessary to accomplish the



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

3.5. Federal General Service Administration (GSA) Schedules

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

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

3.6. Procurement Department Files

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

3.7. Geographic Restrictions

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

3.8. Progress Payment

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



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3.9. Solicitation Mailing List

3.9.1. In addition to the general requirement for full and open competition (publicly advertised solicitations), the Agency maintains a bidders list of eligible and qualified vendors who have expressed an interest in receiving solicitations. The bidders list contains the names, addresses and point of contact for entities that will receive the solicitation. Firms responding to the publicly advertised notice for a specific solicitation are added to the mailing list.

3.10. Pre-Bid and Pre-Proposal Conferences

3.10.1. Pre-bid and pre-proposal conferences are generally used in complex acquisitions as a means of briefing prospective bidders and explaining complicated specifications and requirements. The conference is chaired by the responsible Procurement Department staff member and is an open forum where potential respondents may address ambiguities in the solicitation documents. Notice of the conference is included in the solicitation at the time of issuance.

3.11. Cost and Price Analysis

3.11.1. Some form of cost or price analysis shall be made and documented for every procurement action, including contract modifications, except as indicated in the procedure. The method and degree of analysis is dependent on the facts surrounding the particular procurement. At a minimum, Omnitrans shall develop independent cost estimates for each procurement before receiving bids or proposals. The intent of performing a cost or price analysis is to ensure Omnitrans receives a fair and equitable price consistent with the required quality, delivery, and overall terms of the transaction.

3.12. Pre-Award and Post Delivery Requirements for Rolling Stock

3.12.1. When purchasing revenue service rolling stock with FTA funds, a pre-award audit must be completed prior to entering into a formal contract for the purchase of the rolling stock in compliance with 49 CFR § 663.21. The pre-award audit shall include:

- A Buy America certification
• A purchaser's requirements certification; and
• Where appropriate, a manufacture's Federal Motor Vehicle Safety certification information.

3.12.2. A post delivery audit must be completed before title to the rolling stock is transferred and shall include:



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- A post delivery Buy America certification;
- A post-delivery purchasers certification;
- Where appropriate a manufacturer’s Federal Motor Vehicle Safety Standard self certification information.
- Review actual component to ensure that the vehicle meets 60 percent Buy America domestic content requirement;
- Check that the final assembly location is in the United States and the manufacturer’s final assembly activities meet the requirements outlined in regulations; and
- Have an on-site inspector for rail car procurements and bus procurements of greater than 10 vehicles.

3.13 Bonding and Sureties

3.13.1 Bonds are required for all construction contracts valued at over \$100,000.00 (see FTA Circular 4220.1F, Section IV.2.h for FTA requirements, and the California Contracts Code Section for State requirements). Bond or surety requirements will not be waived without the permission of the Board of Directors. The following minimum criteria apply:

- A bid guarantee equivalent to 5% of a proposers’ bid price, consisting of a firm commitment such as a bid bond, certified check or other negotiable instrument submitted with a bid to ensure the bidder will honor its bid upon acceptance by Omnitrans.
- Performance bond equal to 100% of the contract price to ensure contractor completes its obligations under a contract.
- Payment bonds equal to 100% of the contract price to ensure a contractor will pay all who provide labor and materials for the completion of a contract.