



RECAP OF ACTIONS

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY

REGULAR BOARD MEETING BOARD OF DIRECTORS

**MTA Headquarters
3rd Floor - Board Room
One Gateway Plaza
Los Angeles**

September 25, 1997

Called to order at 9:48 a.m.

Directors/Alternates Present:

Richard Riordan, Chair/Hal Bernson
Yvonne Brathwaite Burke, First Vice Chair/Michael Bohlke
George Nakano
Richard Alatorre/Nate Holden
Michael Antonovich/Nick Patsaouras
John Fasana/Beatrice La Pisto-Kirtley
Don Knabe/Robert Arthur
Jose Legaspi
Vivien Bonzo
Joyce Lawrence
Carol Schatz
Zev Yaroslavsky
Larry Zarian/Jan Heidt
Tony V. Harris, Ex Officio

Interim Chief Executive Officer - Julian Burke
Board Secretary - Georgia Hamilton
Inspector General - Arthur Sinai
General Counsel - County Counsel

1. Consider approval of Consent Calendar Item **Nos. 4 through 14.**

APPROVED ITEMS 5 THROUGH 14

2. Consider approval of **minutes** of Special Board meetings held August 12 and August 22 and Regular Board meeting held August 28, 1997.

APPROVED

3. Chief Executive Officer's Report

NO REPORT WAS MADE

CONSENT CALENDAR ITEMS

4. Consider:
(CC 3)
 - A. issuance of Work Authorization Change Notice (WACN) No. B646-CN-66.01 to Contract No. B646, with Syseca, Inc. for Metro Red (A) Line, North Hollywood Extension covering **design update for Fire Alarm changes**; and B646-CN-70 for an **Economic Price Adjustment (EPA)** to the North Hollywood portion for a total not to exceed \$777,000, for a total contract amount of \$1,835,000;
 - B. execution of a subsequent Change Order if within the amount approved for CN's 66.01 and 70, and:
 - C. an increase to the Authorization For Expenditure (AFE), in the amount of \$777,000 for a total revised AFE of \$1,835,000.

COMMITTEE RECOMMENDATION: APPROVE

APPROVED AS AMENDED: WORK AUTHORIZATION CHANGE NOTICE AND AFE NOT TO EXCEED \$500,000; ALL EXISTING CONTRACTS THAT CONTAIN AN ECONOMIC PRICE ADJUSTMENT PROVISION TO BE REVIEWED BY THE CONSTRUCTION COMMITTEE FOR POSSIBLE COMPETITIVE BID CONSIDERATION; AND THE EXECUTIVE OFFICER OF CONSTRUCTION SUBMIT TO THE BOARD A REVISED WACN POLICY WHICH ALLOWS STAFF TO NEGOTIATE CHANGES IN A TIMELY MANNER AND TO APPROVE THOSE WITHIN THE CONFINES OF THEIR SIGNATURE AUTHORITY.

5. Consider approval of Amendment No. 19 to Contract Work (CC 11) Order No. 3 to Contract No. E0070 with Engineering Management Consultant to incorporate Consultant Change Notice Nos. 530.03, 619 and 620.01 for **additional design services for the Metro Red (A) Line, Wilshire and Vermont/Hollywood Corridors** in the amount of \$508,881, increasing the CWO to \$92,656,930.

COMMITTEE RECOMMENDATION: APPROVE

APPROVED ON CONSENT

6. Consider award of contract to IBM Corporation, Los Angeles, the lowest responsive, responsible proposer, covering **procurement of 5 (five) IBM 3490-E tape transport units**, for a fixed price of \$280,266.

COMMITTEE RECOMMENDATION: APPROVE

APPROVED ON CONSENT

7. Consider amendment of Contract LRA-518-95 with Orduno & Ibarra Relocation Consultants covering **completion of relocation services for the Metro Red (A) Line East Side Extension Project** on or before December 31, 1998, for a total amount of \$293,200, including ratification of previous contract amendments, increasing the total contract amount to \$575,448.

COMMITTEE RECOMMENDATION: APPROVE

APPROVED ON CONSENT

8. Consider Oppose position on **Government Cost Savings and Taxpayer Protection Amendment - PECG Initiative**.

COMMITTEE RECOMMENDATION: APPROVE

APPROVED ON CONSENT

9. Consider **delegating authority to the Operations Committee**, with a 4/5 vote, authority to approve new contracts, contract amendments, options and extensions valued between \$100,000 and \$2 million.

COMMITTEE RECOMMENDATION: APPROVE

APPROVED ON CONSENT

10. Consider award of contract to Tyree Organization, Ltd., Cerritos, the lowest responsive, responsible bidder, for IFB No. OP-3360-1002, covering **underground tank replacement at Division 6**, for a fixed price of \$946,556.

COMMITTEE RECOMMENDATION: APPROVE

APPROVED ON CONSENT

11. Consider award of contracts covering **Rockwell brake** (OPS 3) **parts** for a 27-month period for a total bid price of \$2,975,217:

- A. Onyx Distribution in the amount of \$13,316;
- B. Coast To Coast Components in the amount of \$32,554;
- C. Truck Trailer Transit Inc. in the amount of \$838,222; and
- D. Baszile Metal Service in the amount of \$2,091,126.

COMMITTEE RECOMMENDATION: APPROVE

APPROVED ON CONSENT

12. Consider **disposal of 33 surplus/obsolete buses by off-site auction** (OPS 5) for an estimated revenue of \$16,500, less towing fees.

COMMITTEE RECOMMENDATION: APPROVE

APPROVED ON CONSENT

13. Consider approval of contract extensions covering (OPS 6) **freeway service patrol** from October 1, 1997 to June 30, 1998 at a total cost of \$800,000:

Beat	Contractor	Amount
7	Coastal Towing	\$325,000
17	Just For You	305,000
24	TG Towing	170,000

COMMITTEE RECOMMENDATION: APPROVE

APPROVED ON CONSENT

14. Consider:
(PP 2)

- A. publication of the Notice of Public Hearing and **setting a Public Hearing** for Monday, November 17, 1997, to receive input on the MTA's Americans with Disabilities Act (ADA) Complementary Paratransit Plan Update; and
- B. authorizing the Chief Executive Officer to appoint a Hearing Officer.

COMMITTEE RECOMMENDATION: APPROVE

APPROVED ON CONSENT

PUBLIC HEARING

15. Hold a Public Hearing on the proposed **condemnation** of that certain property located at 1630 North Edgemont Street, Los Angeles - Owner(s): Irachmil B. Taus Trust. MTA Parcel No. B2-227.

HELD PUBLIC HEARING AND APPROVED CONDEMNATION**NON-CONSENT ITEMS**

16. Consider:
(OPS 7)
- A. rejection of non-responsive bid submitted by Neoplan, USA;
 - B. award a contract to New Flyer of America, Cookston, Minn, the lowest responsive and responsible bidder, covering the **purchase of 223 CNG buses**, including spare parts and test equipment, plus optional spare fuel cylinders and additional special diagnostic equipment, and force account in the amount of \$79,621,302;
 - C. exercise of recommended procurement options; and
 - D. authorize the CEO to issue a Notice to Proceed upon his determination that adequate funding is available to support the procurement.

COMMITTEE RECOMMENDATION: APPROVE AS AMENDED, SUBJECT TO RESOLUTION OF PROTESTS:

AMENDMENT:

- 1. **STAFF TO RETURN TO THE NEXT COMMITTEE MEETING WITH OPTIONS FOR MITIGATING THE SEATING CAPACITY LOSS AND MEETING THE LOAD CAPACITY REQUIREMENTS IN THE CONSENT DECREE, IF THE BOARD EXERCISES THE LOW-FLOOR OPTION;**
- 2. **THE NEXT BUS FLEET PROCUREMENT CYCLE (SPRING 1998) INCORPORATES THE PURCHASE OF AT LEAST 100 ATTB'S, CONTINGENT UPON AVAILABILITY, COMPETITIVE PRICING AND MTA FINANCIAL RESOURCES; and**
- 3. **STAFF IS TO FORWARD A COPY OF THIS MOTION TO THE FTA AND OTHER PARTIES TO GAIN THEIR ASSISTANCE IN MEETING THE SPRING 1998 ATTB PROCUREMENT SCHEDULE, AND TO PROVIDE QUARTERLY PROGRESS REPORTS TO THE COMMITTEE.**

APPROVED AS AMENDED: INCREASED THE BASE ORDER BY 25%, OR 55 BUSES, FOR A TOTAL OF 278 BUSES SUBJECT TO FUNDING AVAILABILITY, RESOLUTION

OF THE SAFETY ISSUES AND FLEXIBILITY WITH REGARD TO TYPE OF BUSES ORDERED.

PRINCIPALS ONLY

Director Riordan asked the CEO to suggest someone in the Construction business to work with General Counsel on better ways to handle change orders.

17. **ANTONOVICH** - Consider approval to contract for the professional services with the same legal firm used in the July Burbank-Chandler Turnkey presentation for a **review and preliminary analysis of all five private sector submittals** at a cost not to exceed \$20,000, for presentation at the October Board Meeting.

APPROVED AS AMENDED: RECEIVED AND FILED THE VENTURA FREEWAY PROPOSAL AND HAVE THE REMAINDER OF THE PROPOSALS EVALUATED IN-HOUSE.

18. **BERNSON** - Consider approval for staff to meet with representatives of the Southern California Regional Rail Authority and the Los Angeles City Department of Transportation to determine the feasibility of operating a **Metrolink service in the San Fernando Valley**, from Union Station to the Cities of Glendale and Burbank to the Warner Center, to help meet the mobility needs of the residents.

(Carried over from August Board Meeting)

CARRIED OVER

19. **ANTONOVICH** - Request MTA staff to immediately begin discussion with the Los Angeles Sheriff Department regarding the feasibility of **merging the MTA Transit Police Department with the Los Angeles Sheriff Department** in order to provide transit security throughout Los Angeles County.

(Carried over from August Board Meeting)

CARRIED OVER TO OCTOBER BOARD MEETING

20. **BURKE** - Receive and file analysis of the Building Efficient Surface Transportation and Equity Act of 1997 (**BESTE**A).

RECEIVED AND FILED

21. Consider **path forward for the Audit Task Force**.
(ATF 8)

COMMITTEE RECOMMENDATION: APPROVE continuing the Audit Task Force meetings at least quarterly beginning in January 1998 to monitor and review the performance of the following:

- a. agency-wide tracking system;
- b. certification and compliance with AB 1869;
- c. audit backlog;
- d. collections procedures and report on funds collected;
- e. construction variance reporting;

and preparation of recommendations for the quarterly meeting relating to:

- a. implementation of internal controls assessment (committee of sponsoring internal controls system - COSO);
- b. update on Management Audit Services APTA Peer review;
- c. review of audit close-out procedures;
- d. reliability program;
- e. agency general audit plan; and
- f. reallocation of resources sustained through the audit process.

CARRIED OVER TO JANUARY, 1998

22. **PATSAOURAS** - Request by Director Patsaouras to consider (CC 4) Dispute Review Board recommendations adverse to the MTA position **APPROVED UNDER CONSTRUCTION COMMITTEE AUTHORITY September 10, 1997:**

- A. Claim 23, Extension of Conduits into Cable Trays, for an amount not to exceed \$42,958;
- B. Claim 29, Additional Concrete Masonry Unit Wall Ties, for an amount not to exceed \$103,792.

APPROVED

23. **PATSAOURAS** - Consider motion regarding Disputes Review Board to:

- 1. Require that all DRB decisions, \$100,000 and above, without regard to scope or merit finding be brought back to the Committee and Board for approval;
- 2. Report to the Construction Committee on a review of the DRB process. This report should include, but not be limited to, the following:
 - a. an accounting of all DRB decisions on the MRL Wilshire/Vermont corridor over the past year, including a report as to the number of items

resolved at the DRB level, and the number of items which either the MTA or the contractor further pursued through litigation;

- b. an analysis of the impact of the DRB decision when litigation is pursued;
- c. a review of any requirements assigned DRB members and an analysis as to whether such requirements are being fulfilled;
- d. a review of the qualification requirements for DRB membership to ensure members are not under current contract with either the contractor or the MTA.

CONSTRUCTION COMMITTEE RECOMMENDATION: APPROVE

APPROVED

24. Consider:

- A. rejection of all bids submitted under IFB. No. OP-3360-1015 for **yard lighting upgrade at Division 9**; and
- B. reissuance of solicitations for the procurement.

COMMITTEE RECOMMENDATION: APPROVE

(Carried over from August Board Meeting)

APPROVED

25. Consider:
(CC 8)

- A. second year funding for Gannett Fleming, Inc., **the Project Management Oversight consultant**, to perform **work on the Pasadena Blue (B) Line, LA Car and Systemwide Tasks** in the amount of \$1,547,000; and
- B. approval of Statement of Responsibility for MTA Project Management Oversight.

COMMITTEE RECOMMENDATION: FORWARD TO FULL BOARD

APPROVED CEO'S RECOMMENDATION TO BRING THIS WORK IN-HOUSE AND AUTHORIZE NO FUNDING AT THIS TIME.

26. Consider an 'Oppose' position on **AB 1141**.
(EMC
ADDED) **COMMITTEE RECOMMENDATION: APPROVE**

APPROVED

27. Consider award of contracts under IFB No. OP35600906 (OPS 4) covering **sweeping and cleaning MTA properties and/or facilities**, for a three-year period, with two one-year options at the election of the MTA, to the lowest responsible, responsive bidders:

- A. Nationwide Environmental Services, Norwalk, for bus transit facilities and street running sections of the Blue (B) Line right-of-way, for a three-year amount not to exceed \$1,266,335; and
- B. A-1 Power Sweeping Company, Baldwin Park, for rail transit facilities, for a three-year amount not to exceed \$292,408.

COMMITTEE RECOMMENDATION: APPROVE SUBJECT TO MANAGEMENT EVALUATION OF PROTESTS

APPROVED

28. Consider:
(PP 5)

- A. adoption of a **soundwall funding policy** for the MTA to fund all soundwalls required by federal and state regulations as a component of the MTA programmed High Occupancy Vehicle lane project;
- B. programming \$21.3 million in FY 1998-99 to construct soundwalls that meet the requirements of the recommended soundwall funding policy that are part of HOV projects either completed or that do not have sufficient funds for construction of all necessary soundwall segments;
- C. working with CalTrans to fund previously programmed HOV projects with the \$21.3 million in Traffic Systems Management funds anticipated to be available in Los Angeles County in FY 1998-99; and
- D. funding the remaining \$10.4 million financial impact of the recommended policy in future Calls for Projects.

COMMITTEE RECOMMENDATION: APPROVE -- UPDATE ON SB 45 AND ITS POTENTIAL IMPACT ON FUNDING TO BE RECEIVED AT THE BOARD MEETING

APPROVED 'A' ONLY. STAFF TO RETURN IDENTIFYING PROJECTS AND FUNDING PLAN

Director Yaroslavsky requested a report showing the entire soundwall picture.

29. Consider:
(PP 6)

- A. reallocation of \$9,555,000 from Segment 2 of the

Route 10 High Occupancy Vehicle (HOV) lane project (Route 605 to Route 57) to Segments 1 and 3 of the project (Baldwin Avenue to Route 605 and Route 57 to the San Bernardino County line) to complete funding for the design, right-of-way acquisition and construction of Segments 1 and 3; Segment 1 design, \$3,155,000; Segment 3 design, \$2,400,000 & right-of-way, \$4,000,000;

- B. amend existing contracts with CH2M Hill covering Segment 1 in the amount of \$3,400,000; and MK Centennial covering Segment 3 in the amount of \$2,520,000 to complete **design work and for scope of work and design changes required by CalTrans.**

COMMITTEE RECOMMENDATION: APPROVE 'A' AND CARRY OVER 'B' FOR 30 DAYS TO ALLOW STAFF TO RETURN WITH THE FINAL NEGOTIATED AMOUNTS

APPROVED AS AMENDED: ITEM 'B' CARRIED OVER 60 DAYS

30. Consider **indemnifying CalTrans against any Section 13(c) (PP 7) labor protection claims** that may be filed against them pursuant to the award of any FTA Section 5310 grant to ASI.

COMMITTEE RECOMMENDATION: APPROVE AS AMENDED TO INCLUDE: MTA SHALL INDEMNIFY AND HOLD ASI HARMLESS FOR ANY CLAIMS PROPERLY BROUGHT BY PROTECTED MTA EMPLOYEES PURSUANT TO ANY SECTION 5333(B) (FORMERLY SECTION 13(C)) AGREEMENT OR ARRANGEMENT ENTERED INTO BY MTA; STAFF SHALL RETURN TO THE BOARD IF ANY CHANGES ARE WARRANTED.

APPROVED

CLOSED SESSION

31. Conference with Labor Negotiator - G.C. 54957.6

Agency Negotiator - Raman Raj

Employee Organization: Amalgamated Transit Union
Teamsters
Non-Represented Employees
Transit Police Officers Association

NO REPORT WAS MADE

32. Conference with legal counsel on existing litigation pursuant to Government Code Section 54956.9(a):

A. MTA v. Sumitomo, Superior Court, Case No. BC136375

B. Labor/Community Strategy Center V. MTA, U.S. District

Court, Case No. CV945936 TJH

NO REPORT WAS MADE

Consideration of items not on the posted agenda, including:
items to be presented and (if requested) referred to staff;
items to be placed on the agenda for action at a future
meeting of the Board; and/or items requiring immediate action
because of an emergency situation or where the need to take
immediate action came to the attention of the Board subsequent
to the posting of the agenda.

33. **MOLINA** - Consider authorizing the Human Resources Department to work with the Los Angeles County Department of Public Social Services (DPSS) to **include appropriately qualified GAIN (Greater Avenues to Independence) participants in significant MTA recruitment and hiring efforts** for open positions at the MTA.

APPROVED

COMMENTS FROM THE PUBLIC ON ITEMS OF PUBLIC INTEREST WITHIN THE BOARD'S SUBJECT MATTER JURISDICTION

RECEIVED

Director Fasana requested a copy of the report on 'safety'.

ADJOURNMENT