

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

FINANCE and ADMINISTRATION COMMITTEE MEETING / COMMITTEE OF THE
WHOLE

COMMITTEE MEMBERS

MICHAEL McCORRISTON – CHAIR
JULIE TESTA

BRITTNI KIICK – VICE CHAIR

DATE: Tuesday, September 24, 2024

PLACE: LAVTA Offices, Room 110
1362 Rutan Court, Suite 100, Livermore

TIME: 4:00 p.m.

TELECONFERENCE LOCATIONS

NONE

Agenda Questions: Please call the Front Desk at (925) 455-7555 or send an email to frontdesk@lavta.org

Documents received after publication of the Agenda and considered by the Finance and Administration Committee 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.

MEETING PROCEDURE

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

We encourage members of the public to access the meeting online using the web-video communication application, Zoom. Zoom participants will have the opportunity to speak during Public Comment. It is recommended that anyone wishing to participate in the meeting remotely complete the download process before the start of the meeting.

Public comments will also be accepted via email until 1:00 p.m. on Monday, September 23, 2024 at frontdesk@lavta.org. Please include “Public Comment – 9/24/2024” 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.

There will be zero tolerance for any person addressing the Committee 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/83887904704>
Passcode: FA1362Mtg
- To supplement a PC, Mac, tablet or device without audio, please also join by phone:
Dial: 1 (669) 900-6833
Webinar ID: 838 8790 4704
Passcode: 732133

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.

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: 838 8790 4704
Passcode: 732133

*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 unmute 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 23, 2024 to frontdesk@lavta.org. Please include “Public Comment – 9/24/2024” 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 and Pledge of Allegiance

2. Roll Call of Members

3. Meeting Open to Public

- Members of the audience may address the Committee on any matter within the general subject matter jurisdiction of the LAVTA Board of Directors.
- Members of the audience may address the Committee on items on the Agenda at the time the Chair calls for the particular Agenda item.
- Public comments should not exceed three (3) minutes.
- Agendas are published 72 hours prior to the meeting.
- No action may be taken on matters raised that are not on the Agenda.

4. Minutes of the August 27, 2024 Meeting of the F&A Committee

Recommendation: Approval

5. Treasurer’s Report for August 2024

Recommendation: Staff recommends that the Finance and Administration Committee forward the August 2024 Treasurer’s Report to the Board for approval.

6. DBE Policy Update

Recommendation: Staff requests that the Finance and Administration Committee recommend the Board of Directors approve Resolution 30-2024 and the updated DBE policy.

7. Approval of Resolutions Authorizing LAVTA to Apply for Alameda County Transportation Commission 2026 Comprehensive Investment Program (CIP) Funding for the Atlantis Facility Construction and Rutan Facility Security Gate Replacement Project

Recommendation: Staff recommends the Finance & Administration Committee recommend the Board of Directors approve Resolutions 28-2024 and 29-2024, authorizing LAVTA to apply to for Alameda CTC 2026 CIP funding for the Atlantis Facility Construction Project and the Rutan Facility Security Gate Replacement Project.

8. Contract Award for Rutan Facility Hydrogen Retrofit Project #2024-06

Recommendation: Staff recommends that the Finance & Administration Committee refer Resolution 27-2024 to the Board of Directors for approval to: (1) award a contract to Reliable Monitoring Services dba RMS Construction dba RMS Life Safety, the lowest responsive and responsible bidder for the LAVTA Rutan Facility Hydrogen Retrofit Project #2024-06, for a total contract award of \$673,526.00; (2) authorize the Executive Director to sign the contract and issue an NTP to RMS Construction; and (3) approve a 15% project contingency of \$101,028.90 to be used at the discretion of the Executive Director.

- 9. Preview of Upcoming F&A Committee Agenda Items**
- 10. Matters Initiated by Committee Members**
- 11. Next Meeting Date is Scheduled for: October 22, 2024**
- 12. Adjourn**

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.

In the event that a quorum of the entire Board is present, this Committee shall act as a Committee of the Whole. In either case, any item acted upon by the Committee or the Committee of the Whole will require consideration and action by the full Board of Directors as a prerequisite to its legal enactment.

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

/s/ Jennifer Forsyth
9/19/2024

LAVTA Administrative Services Department
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

MINUTES OF THE AUGUST 27, 2024
LAVTA FINANCE AND ADMINISTRATION COMMITTEE MEETING

1. Call to Order and Pledge of Allegiance

Committee Chair Michael McCorriston called the meeting to order at 4:00pm.

2. Roll Call of Members

Members Present

Julie Testa, City of Pleasanton
Michael McCorriston, City of Dublin

Members Absent

Brittini Kiick, City of Livermore

3. Meeting Open to Public

No public comments received.

4. Minutes of the May 28, 2024 Meeting of the F&A Committee

Motion: Testa/McCorriston
Aye: Testa, McCorriston
No: None
Abstain: None
Absent: Kiick

5. Treasurer's Report for June 2024 (Preliminary) and Treasurer's Report for July 2024

The Finance and Administration Committee recommended forwarding the LAVTA Preliminary Treasurer's Report for June 2024 and the Treasurer's Report for July 2024 to the Board for approval.

Motion: Testa/McCorriston
Aye: Testa, McCorriston
No: None
Abstain: None
Absent: Kiick

6. Legislative Update

Staff provided a legislative update and was joined by Eric Thronson from Townsend Public Affairs to assist with the report. Staff reported that LAVTA received a \$3,000,000 earmark in March in the FY24 Federal Appropriations process for the hydrogen fueling station expansion project. Staff noted that the state budget process wrapped up in June with transportation funding relatively unscathed in the process. Staff gave a brief recap on the fate of SB 1031 which was ultimately pulled at the request of the original author to enable the region's stakeholders to build more consensus around a new bill to be introduced in the next session. Staff updated the Committee on the formation of the Metropolitan

Transportation Commission (MTC) Transportation Measure Select Committee of both Commissioners and stakeholders to develop regional consensus. Alameda County Supervisor Nate Miley serves on the Select Committee and Executive Director Christy Wegener serves on the Committee's Executive Group.

The item was discussed by the Committee Members, staff, and guest speaker.

This was informational only.

7. LAVTA's Remote Work Policy

Staff provided a brief background on remote work at LAVTA and noted occasionally an employee requires to work from home due to various reasons. LAVTA decided to have a policy that solidifies a remote work situation. The policy states that employees can work from home up to one day a week with approval by the manager of that department and that excludes front line workers. LAVTA set core work hours from 9:00am to 3:00pm and employees must be available during that time. Staff noted that employees will be required to use an agency issued laptop and that they have a space to work from home that is ergonomical.

The item was discussed by the Committee Members and staff.

The Finance and Administration recommended forwarding to Board of Directors to approve Resolution 25-2024 and the Remote Work Policy.

Motion: Testa/McCorriston

Aye: Testa, McCorriston

No: None

Abstain: None

Absent: Kiick

8. Preview of Upcoming F&A Committee Agenda Items

9. Matters Initiated by Committee Members

None.

10. Next Meeting Date is Scheduled for: September 24, 2024

11. Adjourn

Meeting adjourned at 4:53pm

LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY

STAFF REPORT

SUBJECT: Treasurer’s Report for August 2024

FROM: Tamara Edwards, Director of Finance

DATE: September 24, 2024

Action Requested

Review and recommend approval of the LAVTA Treasurer’s Report for August 2024.

Discussion

Cash accounts:

Our petty cash account (101) has a balance of \$200, and our ticket sales change account (102) continues with a balance of \$240 (these two accounts should not change).

General checking account activity (105):

Beginning balance August 1, 2024	\$8,085,492.39
Payments made	\$1,767,332.05
Deposits made	\$1,066,055.91
Ending balance August 31, 2024	\$7,384,216.25

Farebox account activity (106):

Beginning balance August 1, 2024	\$364,969.24
Deposits made	\$67,168.88
Ending balance August 31, 2024	\$432,138.12

LAIF investment account activity (135):

Beginning balance August 1, 2024	\$11,765,357.35
Ending balance August 31, 2024	\$11,765,357.35

Operating Expenditures and Revenues Summary:

As this is the second month of the fiscal year, in order to stay on target for the budget this year expenses (at least the ones that occur on a monthly basis) should not be higher than 16.66%. The agency is at 16.72% overall. This is due to some billing that is paid for the full year in July.

Operating Revenues Summary:

While expenses are at 16.72%, revenues are at 2%. However, the agency has a healthy cash flow and reserve balance.

Recommendation

Staff recommends that the Finance and Administration Committee forward the August 2024 Treasurer's Report to the Board for approval.

Attachments:

1. August 2024 Treasurer's Report

**LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
BALANCE SHEET
FOR THE PERIOD ENDING:
August 31, 2024**

ASSETS:

101 PETTY CASH	200	
102 TICKET SALES CHANGE	240	
105 CASH - GENERAL CHECKING	7,384,215	
106 CASH - FIXED ROUTE ACCOUNT	432,138	
107 Clipper Cash	287,338	
108 Rail	0	
109 BOC	46	
120 ACCOUNTS RECEIVABLE	(2,410,614)	
135 INVESTMENTS - LAIF	11,765,357	
13599 INVESTMENTS - LAIF Mark to Market	(171,358)	
150 PREPAID EXPENSES	(4,653)	
160 OPEB ASSET	(300,685)	
165 DEFFERED OUTFLOW-Pension Related	873,906	
166 DEFFERED OUTFLOW-OPEB	711,036	
170 INVESTMENTS HELD AT CALTIP	0	
175 CEPPT RESTRICTED INVESTMENTS	92,358	
111 NET PROPERTY COSTS	67,977,108	
TOTAL ASSETS		86,636,632

LIABILITIES:

205 ACCOUNTS PAYABLE	(518,145)	
211 PRE-PAID REVENUE	1,875,284	
21101 Clipper to be distributed	314,344	
22000 FEDERAL INCOME TAXES PAYABLE	0	
22010 STATE INCOME TAX	20	
22020 FICA MEDICARE	(31)	
22050 PERS HEALTH PAYABLE	0	
22040 PERS RETIREMENT PAYABLE	(98)	
22030 SDI TAXES PAYABLE	10	
22070 AMERICAN FIDELITY INSURANCE PAYABLE	2,750	
22090 WORKERS' COMPENSATION PAYABLE	99,887	
22100 PERS-457	0	
22110 Direct Deposit Clearing	0	
23101 Net Pension Liability	1,658,554	
23105 Deferred Inflow- OPEB Related	197,986	
23104 Deferred Inflow- Pension Related	74,719	
23103 INSURANCE CLAIMS PAYABLE	15,444	
23102 UNEMPLOYMENT RESERVE	8,300	
TOTAL LIABILITIES		3,729,023

FUND BALANCE:

301 FUND RESERVE	42,062,798	
304 GRANTS, DONATIONS, PAID-IN CAPITAL	32,164,157	
30401 SALE OF BUSES & EQUIPMENT	86,871	
FUND BALANCE	8,593,784	
TOTAL FUND BALANCE		82,907,610
TOTAL LIABILITIES & FUND BALANCE		86,636,633

**LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
REVENUE REPORT
FOR THE PERIOD ENDING:
August 31, 2024**

ACCOUNT	DESCRIPTION	BUDGET	CURRENT MONTH	YEAR TO DATE	BALANCE AVAILABLE	PERCENT BUDGET EXPENDED
4010100	Fixed Route Passenger Fares	1,560,675	51,605	250,947	1,309,728	16.1%
4020000	Business Park Revenues	226,476	22,039	22,039	204,437	9.7%
4020500	Special Contract Fares	613,318	0	0	613,318	0.0%
4020500	Special Contract Fares - Paratransit	37,200	0	0	37,200	0.0%
4010200	Paratransit Passenger Fares	162,675	7,226	13,899	148,776	8.5%
4060100	Concessions	23,916	0	0	23,916	0.0%
4060300	Advertising Revenue	190,000	0	190,000	-	100.0%
4070400	Miscellaneous Revenue-Interest	350,000	0	0	350,000	0.0%
4070300	Non transportation revenue	181,956	15,058	30,535	151,421	16.8%
4099100	TDA Article 4.0 - Fixed Route	12,847,398	0	0	12,847,398	0.0%
4099500	TDA Article 4.0-BART	101,010	0	0	101,010	0.0%
4099200	TDA Article 4.5 - Paratransit	253,114	0	0	253,114	0.0%
4099600	Bridge Toll- RM2, RM3	1,364,384	0	0	1,364,384	0.0%
4099900	Other local funds	106,300	0	0	106,300	0.0%
4110100	STA Funds-Paratransit	148,001	0	0	148,001	0.0%
4110500	STA Funds- Fixed Route BART	496,359	0	0	496,359	0.0%
4110100	STA Funds-pop	1,983,778	0	0	1,983,778	0.0%
4110100	STA Funds- rev	694,172	0	0	694,172	0.0%
4110100	STA Funds- Lifeline	56,967	0	0	56,967	0.0%
4130000	FTA Section	-	0	0	-	100.0%
4130000	FTA Section 5307 ADA Paratransit	579,428	0	0	579,428	0.0%
4640500	Measure BB Paratransit Funds-GAP	1	0	0	1	0.0%
4640200	Measure BB Paratransit Funds-Fixed Route	1,948,320	0	0	1,948,320	0.0%
4640200	Measure BB Paratransit Funds-Paratransit	1,171,902	0	0	1,171,902	0.0%
RAIL		0	0	0		
TOTAL REVENUE		25,097,350	95,928	507,420	24,589,930	2.0%

**LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
OPERATING EXPENDITURES
FOR THE PERIOD ENDING:
August 31, 2024**

	BUDGET	CURRENT MONTH	YEAR TO DATE	BALANCE AVAILABLE	PERCENT BUDGET EXPENDED
501 02 Salaries and Wages	\$2,244,059	\$153,012	\$301,156	\$1,942,903	13.42%
502 00 Personnel Benefits	\$1,656,498	\$66,628	\$269,314	\$1,387,184	16.26%
503 00 Professional Services	\$1,596,482	\$82,142	\$96,730	\$1,499,752	6.06%
503 05 Non-Vehicle Maintenance	\$1,170,734	\$73,526	\$429,186	\$741,548	36.66%
503 99 Communications	\$6,402	\$0	\$0	\$6,402	0.00%
504 01 Fuel and Lubricants	\$1,663,500	\$141,058	\$165,988	\$1,497,512	9.98%
504 03 Non contracted vehicle maintenance	\$90,001	\$0	\$0	\$90,001	0.00%
504 99 Office/Operating Supplies	\$60,022	\$299	\$1,290	\$58,732	2.15%
504 99 Printing	\$134,000	\$12,576	\$14,349	\$119,651	10.71%
505 00 Utilities	\$521,285	\$32,339	\$78,207	\$443,078	15.00%
506 00 Insurance	\$648,917	(\$1,113)	\$732,843	(\$83,926)	112.93%
507 99 Taxes and Fees	\$111,868	\$14,218	\$16,475	\$95,393	14.73%
508 01 Purchased Transportation Fixed Route	\$11,986,359	\$1,020,579	\$1,978,643	\$10,007,716	16.51%
2-508 02 Purchased Transportation Paratransit	\$2,564,940	\$187	\$187	\$2,564,753	0.01%
508 03 Purchased Transportation WOD	\$200,000	\$17,091	\$17,091	\$182,909	8.55%
509 00 Miscellaneous	\$155,281	\$4,523	\$53,083	\$102,198	34.18%
509 02 Professional Development	\$112,500	\$30,658	\$34,019	\$78,481	30.24%
509 08 Advertising	\$174,000	\$8,000	\$8,000	\$166,000	4.60%
TOTAL	\$25,096,848	\$1,655,723	\$4,196,559	\$20,900,289	16.72%

LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
CAPITAL REVENUE AND EXPENDITURE REPORT (Page 1 of 2)
FOR THE PERIOD ENDING:
August 31, 2024

ACCOUNT	DESCRIPTON	BUDGET	CURRENT MONTH	YEAR TO DATE	BALANCE AVAILABLE	PERCENT BUDGET EXPENDED
REVENUE DETAILS						
4090594	TDA (office and facility equip)	368,700	0	0	368,700	0.00%
4090194	TDA Shop repairs and replacement	165,000	0	0	165,000	0.00%
4091094	TDA Transit Center Improvements	123,317	0	0	123,317	0.00%
409??94	TDA (Transit Capital)	100,000	0	0	100,000	0.00%
4092094	TDA (Major component rehab)	462,500	0	0	462,500	0.00%
4090094	TDA WiFi	440,000	0	0	440,000	0.00%
4091794	TDA bus stops	863,000	0	0	863,000	0.00%
4090694	TDA TSP	95,000	0	0	95,000	0.00%
4090994	TDA Buses 2025	2,430,697	0	0	2,430,697	0.00%
4090294	TDA Atlantis	14,840,483	0	0	14,840,483	0.00%
4090696	BT TSP	2,695,000	0	0	2,695,000	0.00%
4091796	BT Bus Stops	23,000	0	0	23,000	0.00%
4110900	State (SGR) Buses 2025	131,715	0	0	131,715	0.00%
4110200	State (LCTOP) Atlantis	7,595,544	0	0	7,595,544	0.00%
4110500	State (LCTOP) Rutan retrofit	944,976	0	0	944,976	0.00%
41309	FTA Buses 2025	10,213,047	0	0	10,213,047	0.00%
41317	FTA bus stops	2,000,000	0	0	2,000,000	0.00%
41302	FTA Atlantis	10,651,568	0	0	10,651,568	0.00%
41305	FTA Rutan Retrofit	530,159	0	0	530,159	0.00%
41320	FTA Hybrid battery packs	250,000	0	0	250,000	0.00%
41310	FTA Transit Center	287,739	0	0	287,739	0.00%
46405	Measure BB Atlantis	3,000,000	0	0	3,000,000	0.00%
TOTAL REVENUE		58,211,445	-	-	55,211,445	0.00%

LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
CAPITAL REVENUE AND EXPENDITURE REPORT (Page 2 of 2)
FOR THE PERIOD ENDING:
August 31, 2024

ACCOUNT	DESCRIPTON	BUDGET	CURRENT MONTH	YEAR TO DATE	BALANCE AVAILABLE	PERCENT BUDGET EXPENDED
EXPENDITURE DETAILS						
CAPITAL PROGRAM - COST CENTER 07						
5550207	Atlantis Facility	35,868,995	0	0	35,868,995	0.00%
5550107	Shop Repairs and replacement	15,000	0	0	15,000	0.00%
5550107	Bus Wash	150,000	0	0	150,000	0.00%
5552307	Buses 2025	12,811,559	0	0	12,811,559	0.00%
5550507	Office and Facility Equipment	434,200	3,958	3,958	430,242	0.91%
5551007	Transit Center Upgrades and Improvements	411,056	0	0	411,056	0.00%
5550507	Rutan Retrofit	1,475,135	0	0	1,475,135	0.00%
5550607	TSP	2,790,000	0	0	2,790,000	0.00%
5550007	WIFI routers	440,000	0	0	440,000	0.00%
5551707	Bus Shelters and Stops	3,093,000	0	0	3,093,000	0.00%
5552007	Major component rehab	622,500	0	0	622,500	0.00%
555??07	Transit Capital	100,000	0	0	100,000	0.00%
TOTAL CAPITAL EXPENDITURES		58,211,445	3,958	3,958	58,207,487	0.01%
FUND BALANCE (CAPITAL)		0.00	(3,958)	(3,958)		
FUND BALANCE (CAPITAL & OPERATING)		0.00	(1,567,387)	(3,700,369)		

California State Treasurer *Fiona Ma, CPA*



Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

September 16, 2024

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LIVERMORE/AMADOR VALLEY TRANSIT
AUTHORITY
GENERAL MANAGER
1362 RUTAN COURT, SUITE 100
LIVERMORE, CA 94550

[Tran Type Definitions](#)

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Account Number: 80-01-002

August 2024 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	11,765,357.25
Total Withdrawal:	0.00	Ending Balance:	11,765,357.25

Period	Check Number	Check Date	Vendor # (Name)	Disc. Terms	Gross Amount	Disc Amount	Net Amount	Check Description
08-24	H14704	08/26/24	DIR02 (DIRECT DEPOSIT OF PAYROLL CH		51,607.67	.00	51,607.67	DIR02,20240816,8/3/24-8/1
	H14705	08/26/24	EFT01 (ELECTRONIC FUND TRANFERS)		13,923.50	.00	13,923.50	EFT01,20240816,8/3/24-8/1
	H14706	08/26/24	EMP01 (EMPLOYMENT DEVEL DEPT)		4,740.59	.00	4,740.59	EMP01,20240816,STATE TAX
	H14707	08/26/24	GAR05 (JENNIFER GARCIA)		41.34	.00	41.34	GAR05,0626-0819,6/26/24-8
	H14708	08/26/24	HAN01 (HANSON BRIDGETT MARCUS)		18,916.50	.00	18,916.50	HAN01,1501778,JULY-24 CON
	H14709	08/26/24	HAN01 (HANSON BRIDGETT MARCUS)		2,266.00	.00	2,266.00	HAN01,1501780,JULY-24 LEG
	H14710	08/26/24	LIU02 (JOY LIU)		32.16	.00	32.16	LIU02,08-16-24,8/16/24 MI
	H14711	08/26/24	PAC02 (PACIFIC GAS AND ELECTRIC)		14,593.80	.00	14,593.80	PAC02,580080524,7/1/24-7/
	H14712	08/24/24	PAC02 (PACIFIC GAS AND ELECTRIC)		1,835.42	.00	1,835.42	PAC02,606080124,6/27/24-7
	H14713	08/26/24	PER01 (PERS)		5,432.70	.00	5,432.70	PER01,20240816C,8/3/24-8/
	H14714	08/26/24	PER01 (PERS)		7,322.72	.00	7,322.72	PER01,20240816N,8/3-8/16/
	H14715	08/26/24	PER03 (CAL PUB EMP RETIRE SYSTM)		38,010.38	.00	38,010.38	PER03,SEPT-2024,SEPT-2024
	H14716	08/26/24	PER04 (CALPERS RETIREMENT SYSTEM)		3,232.02	.00	3,232.02	PER04,20240816,8/3-8/16/2
	H14717	08/26/24	ROB06 (ROBERT HALF MANAGEMENT RESOU		1,626.80	.00	1,626.80	ROB06,63977087,FRONT DESK
	H14718	08/26/24	SHE05 (SHELL)		75.67	.00	75.67	SHE05,JULY-2024,JULY-24 C
	H14719	08/26/24	UBE01 (UBER)		8,482.91	.00	8,482.91	UBE01,JULY-2024,JULY-24 G
	H14720	08/28/24	HDE01 (HOME DEPOT-CREDIT SERVICES)		60.11	.00	60.11	HDE01,AUG-2024,AUG-24 MIS
	H14721	08/28/24	MUT01 (MUTUAL OF OMAHA)		1,397.25	.00	1,397.25	MUT01,SEPT-2024,SEPT-24 M
	H14722	08/28/24	RMT01 (RMT LANDSCAPE CONTRACTORS IN		9,845.00	.00	9,845.00	RMT01,20240846,8/10-9/9/2
	H14723	08/28/24	RMT01 (RMT LANDSCAPE CONTRACTORS IN		3,719.77	.00	3,719.77	RMT01,20240856,8/5-8/8/24
	H14724	08/28/24	STA01 (STATE COMPENSATION FUND)		1,091.33	.00	1,091.33	STA01,AUG-2024,AUG-24 WOR
	H14725	08/28/24	CAL15 (CALTRONICS BUSINESS SYS)		235.96	.00	235.96	CAL15,4151359,7/16-8/15/2
	H14726	08/28/24	COR01 (CORBIN WILLITS SYSTEMS)		320.05	.00	320.05	COR01,C408151,SEPTEMBER-2
	H14727	08/28/24	DAY02 (DAY & NITE PEST CONTROL)		218.00	.00	218.00	DAY02,194895,7/24/24 PEST
	H14728	08/28/24	GAN01 (GANNETT FLEMING COMPANIES)		3,482.75	.00	3,482.75	GAN01,40457,PO7869 7/26/2
	H14729	08/28/24	GAN01 (GANNETT FLEMING COMPANIES)		475.00	.00	475.00	GAN01,40458,7/26/24 PO786
	H14730	08/28/24	HAN01 (HANSON BRIDGETT MARCUS)		6,497.00	.00	6,497.00	HAN01,1501779,JULY-24 LAB
	H14731	08/28/24	INT05 (INTERSTATE OIL COMPANY)		21,415.77	.00	21,415.77	INT05,D2559451N,8/15/24 F
	H14732	08/28/24	KKI01 (ALPHA MEDIA LLC)		7,500.00	.00	7,500.00	KKI01,757008-1,MP2084 8/1
	H14733	08/28/24	KKI01 (ALPHA MEDIA LLC)		500.00	.00	500.00	KKI01,757011-1,MP2084 TRY
	H14736	08/28/24	SAN01 (SAN JOAQUIN COUNTY REGIONAL		1,952.76	.00	1,952.76	SAN01,945206241,JUNE-24 T
	H14737	08/28/24	SCF01 (SC FUELS)		23,359.17	.00	23,359.17	SCF01,534744,7/1/24 FUEL
	H14738	08/28/24	SCF01 (SC FUELS)		20,991.24	.00	20,991.24	SCF01,568654,8/22/24 FUEL
	H14739	08/29/24	CIT06 (CITY OF LIVERMORE SEWER)		53.54	.00	53.54	CIT06, 133389-00, 7/9/24-
	H14740	08/30/24	DIR02 (DIRECT DEPOSIT OF PAYROLL CH		487.48	.00	487.48	DIR02, PR DIRECT DEPOSIT
	H14741	08/30/24	EFT01 (ELECTRONIC FUND TRANFERS)		177.76	.00	177.76	EFT01, FEDERAL TAX BOD 8/
	H14742	08/30/24	SHE01 (CYRUS SHEIK)		345.95	.00	345.95	SHE01, 8/18/24-8/20/24 TR
	Total for Bank Account 105 ----->				1,767,058.31	.00	1,767,058.31	
	Grand Total of all Bank Accounts ----->				1,767,058.31	.00	1,767,058.31	

Period	Vendor # (Name)	Invoice Number	Invoice Date	Due Date	Disc. Terms	Gross Amount	Description
08-24	AIM01 (AIM TO PLEASE JANITORIAL SE	1124H 109JUL-24H	07/31/24 07/31/24	08/30/24 08/30/24	A A	6800.00 5334.00	AIM01,1124,JULY-24 BUS STOP CLEANING SERVICE AIM01,109JUL-24,JUL-24 BUS STOP CLEANING SER
				Vendor's Total ----->		12134.00	
08-24	AIR02 (AIRESPRING)	187093534H	08/01/24	08/31/24	A	3530.19	AIR02,187093534,8/1/24-8/31/24 SERVICE
08-24	AME06 (AMERICAN FIDELITY ASSURANCE	FSA06-24H SUPP07-24H	08/13/24 08/13/24	09/12/24 09/12/24	A A	1369.98 1127.64	AME06,FSA06-24,JUNE-24 FLEXIBLE SPENDING ACC AME06,SUPP07-24,JULY-24 SUPPLEMENTAL INSURAN
				Vendor's Total ----->		2497.62	
08-24	ATT02 (AT&T)	22148937	08/13/24	09/12/24	A	407.55	ATT02,22148937,PAYER #9391035694 7/13/24-8/1
08-24	AVI01 (AMADOR VALLEY INDUSTRIES)	1142595	07/31/24	08/30/24	A	632.71	AVI01,1142595,JULY-24 GARBAGE PICK UP SERVIC
08-24	BAY03 (BAY AREA NEWS GROUP)	6841956	07/31/24	08/30/24	A	789.58	BAY03,6841956,MP2127 HYDROGEN RETROFIT PUBLI
08-24	CAL04 (CALIFORNIA WATER SERVICE)	198072324H 257073124H 361080124H 461080124H 475073124H 575073124H 909072324H	07/23/24 07/31/24 08/01/24 08/01/24 07/31/24 07/31/24 07/23/24	08/22/24 08/30/24 08/31/24 08/31/24 08/30/24 08/30/24 08/22/24	A A A A A A A	989.90 61.41 50.97 1089.55 81.88 81.88 2043.52	CAL04,198072324,BUS WASH 6/19/24-7/19/24 CAL04,257073124,TC FIRE 8/1/24-8/31/24 CAL04,361080124,TC WATER 7/3/24-7/31/24 CAL04,461080124,7/3/24-7/31/24 TC IRRG CAL04,475073124,MOA FIRE 8/1/24-8/31/24 CAL04,575073124,CONTRACTOR FIRE 8/1/24-8/31/ CAL04,909072324,MOA WATER 6/19/24-7/19/24
				Vendor's Total ----->		4399.11	
08-24	CAL10 (CALIFORNIA STATE DISBURSEME	20240802H 20240816H	08/07/24 08/21/24	09/06/24 09/20/24	A A	455.53 455.53	CAL10,20240802,7/20-8/2/24 CA STATE GARNISHM CAL10,20240816,8/3/24-8/16/24 CA STATE GARNI
				Vendor's Total ----->		911.06	
08-24	CAL13 (CALIFORNIA TRANSIT)	312024JUL	08/02/24	09/01/24	A	566.40	CAL13,312024JUL,JULY-24 INSURANCE CLAIMS
08-24	CAL15 (CALTRONICS BUSINESS SYS)	4151359H	08/16/24	09/15/24	A	235.96	CAL15,4151359,7/16-8/15/24 BIZHUB
08-24	CCL01 (CARPI & CLAY INC)	24-05-LAVH 24-06-LAVH 24-07-LAVH	05/01/24 06/03/24 07/01/24	05/31/24 07/03/24 07/31/24	A A A	4500.00 4500.00 4500.00	CCL01,24-05-LAV,PO7867 MAY-24 FEDERAL ADVOCA CCL01,24-06-LAV,PO7867 JUNE-24 FEDERAL ADVOC CCL01,24-07-LAV,PO7867 JULY-24 FEDERAL ADVOC
				Vendor's Total ----->		13500.00	
08-24	CEN04 (CENTRAL CONTRA COSTA TRAN)	OSLV_0424H OSLV_0624H	07/02/24 08/09/24	08/01/24 09/08/24	A A	5438.02 4667.29	CEN04,OSLV_0424,APR-24 MONTHLY ONE-SEAT SERV CEN04,OSLV_0624,JUNE-24 MONTHLY ONE SEAT SER
				Vendor's Total ----->		10105.31	
08-24	CIT06 (CITY OF LIVERMORE SEWER)	BW071624H TC081324H MOA071624H	07/16/24 08/13/24 07/16/24	08/15/24 09/12/24 08/15/24	A A A	107.75 53.54 874.23	CIT06,BW071624,BUS WASH 6/18/24-7/16/24 CIT06, 133389-00, 7/9/24-8/13/24 TRANSIT CEN CIT06,MOA071624,MOA WATER 6/18/24-7/16/24
				Vendor's Total ----->		1035.52	
08-24	CIT07 (CITY OF LIVERMORE - WATER)	361071624H 388080624H 399071624H 430071624H 431080624H 432071624H	07/16/24 08/06/24 07/16/24 07/16/24 08/06/24 07/16/24	08/15/24 09/05/24 08/15/24 08/15/24 09/05/24 08/15/24	A A A A A A	41.19 131.03 41.19 239.28 45.87 12.25	CIT07,361071624,ATLANTIS CT SEWER 6/18/24-7/ CIT07,388080624,7/1/24-8/6/24 BUS WASH CIT07,399071624,6/18/24-7/16/24 ATLANTIS ST CIT07,430071624,6/18/24-7/16/24 ATLANTIS IND CIT07,431080624,7/1/24-8/6/24 ATLANTIS IRRG CIT07,432071624,6/18/24-7/16/24 ATLANTIS FIR
				Vendor's Total ----->		510.81	
08-24	CNO01 (CIRCA NOW LLC)	2098H 2099H	07/31/24 07/31/24	08/30/24 08/30/24	A A	3130.50 19568.00	CNO01,2098,PO7879 7/31/24 WEBSITE HOSTING AN CNO01,2099,PO7880 UPDATING PUBLIC INFO AUG-1
				Vendor's Total ----->		22698.50	
08-24	COR01 (CORBIN WILLITS SYSTEMS)	C408151H	08/15/24	09/14/24	A	320.05	COR01,C408151,SEPTEMBER-24 SERVICE
08-24	CTE01 (CENTER FOR TRANSPORTATION &	388-2HN08	08/02/24	09/01/24	A	30000.00	CTE01,388-2,PO7871 2024 LAVTA TIRCP SUPPORT
08-24	DAY02 (DAY & NITE PEST CONTROL)	194895H	07/24/24	08/23/24	A	218.00	DAY02,194895,7/24/24 PEST SERVICE
08-24	DCE02 (DC ELECTRIC GROUP INC.)	473785	03/01/24	03/31/24	A	1620.00	DCE02,473785,3/1/24 TSP EQUIPMENT TROUBLESHO

Period	Vendor # (Name)	Invoice Number	Invoice Date	Due Date	Disc. Terms	Gross Amount	Description
08-24	DCE03 (DALE CARNEGIE OF EAST BAY)	31509H	06/21/24	07/21/24	A	30238.88	DCE03, 31509, PO7895 DALE CARNEGIE TRAINING
08-24	DEL05 (ALLIED ADMIN/DELTA DENTAL)	AUG-2024H SEPT-2024H	08/13/24 08/13/24	09/12/24 09/12/24	A A	1731.12 2319.76	DEL05,AUG-2024,AUG-24 DELTA DENTAL INSURANCE DEL05,SEPT-2024,SEPT-24 DELTA DENTAL INSURAN
		Vendor's Total ----->				4050.88	
08-24	DIR01 (DIRECT TV)	96X240811	08/11/24	09/10/24	A	30.25	DIR01,96X240811,8/10-9/9/24 SERVICE
08-24	DIR02 (DIRECT DEPOSIT OF PAYROLL C	20240802H 20240816H 20240830BH	08/07/24 08/23/24 08/30/24	09/06/24 09/22/24 09/29/24	A A A	50115.22 51607.67 487.48	DIR02,20240802,7/20/24-8/2/24 PR DIRECT DEPO DIR02,20240816,8/3/24-8/16/24 PR DIRECT DEPO DIR02, PR DIRECT DEPOSIT BOD 8/1/24-8/31/24
		Vendor's Total ----->				102210.37	
08-24	EFT01 (ELECTRONIC FUND TRANFERS)	20240802H 20240816H 20240830BH	08/07/24 08/21/24 08/30/24	09/06/24 09/20/24 09/29/24	A A A	13342.90 13923.50 177.76	EFT01,20240802,7/20/24-8/2/24 FEDERAL TAX EFT01,20240816,8/3/24-8/16/24 FEDERAL TAX EFT01, FEDERAL TAX BOD 8/1/24-8/31/24
		Vendor's Total ----->				27444.16	
08-24	EMP01 (EMPLOYMENT DEVEL DEPT)	20240802H 20240816H	08/07/24 08/21/24	09/06/24 09/20/24	A A	4572.69 4740.59	EMP01,20240802,7/20/24-8/2/24 STATE TAX EMP01,20240816,STATE TAX 8/3/24-8/16/24
		Vendor's Total ----->				9313.28	
08-24	GAN01 (GANNETT FLEMING COMPANIES)	39381H 39382H 39383H 40457H 40458H	08/01/24 08/01/24 08/01/24 08/26/24 08/26/24	08/31/24 08/31/24 08/31/24 09/25/24 09/25/24	A A A A A	8813.00 950.00 13275.00 3482.75 475.00	GAN01,39381,PO7869 6/30/24 RUTAN FACILITY HY GAN01,39382,PO7865 6/30/24 RUTAN FACILITY HY GAN01,39383,RUTAN HYDROGEN RETROFIT THRU 6/3 GAN01,40457,PO7869 7/26/24 TO3 RUTAN HYDROGE GAN01,40458,7/26/24 PO7865 TO2 RUTAN HYDROGE
		Vendor's Total ----->				26995.75	
08-24	GAR05 (JENNIFER GARCIA)	0626-0819H	08/20/24	09/19/24	A	41.34	GAR05,0626-0819,6/26/24-8/19/24 MILEAGE REIM
08-24	HAN01 (HANSON BRIDGETT MARCUS)	1501778H 1501779H 1501780H	08/12/24 08/12/24 08/12/24	09/11/24 09/11/24 09/11/24	A A A	18916.50 6497.00 2266.00	HAN01,1501778,JULY-24 CONTRACT LEGAL FEES HAN01,1501779,JULY-24 LABOR AND PERSONNEL LE HAN01,1501780,JULY-24 LEGAL SERVICE ADMIN
		Vendor's Total ----->				27679.50	
08-24	HDE01 (HOME DEPOT-CREDIT SERVICES)	AUG-2024H	08/13/24	09/12/24	A	60.11	HDE01,AUG-2024,AUG-24 MISC MAINT SUPPLIES CC
08-24	INS01 (INSIGHT STRATEGIES INC)	34408H	07/29/24	08/28/24	A	1500.00	INS01,34408,PO7640 7/29/24 EXECUTIVE COACHIN
08-24	INT05 (INTERSTATE OIL COMPANY)	D245128INH D255307INH D255945INH	07/24/24 08/07/24 08/15/24	08/23/24 09/06/24 09/14/24	A A A	21506.37 20570.67 21415.77	INT05,D245128IN,7/24/24 FUEL DELIVERY INT05,D255307IN,8/7/24 FUEL DELIVERY INT05,D255945IN,8/15/24 FUEL DELIVERY
		Vendor's Total ----->				63492.81	
08-24	KKI01 (ALPHA MEDIA LLC)	757008-1H 757011-1H	08/18/24 08/18/24	09/17/24 09/17/24	A A	7500.00 500.00	KKI01,757008-1,MP2084 8/1-8/18/24 TRY TRANSI KKI01,757011-1,MP2084 TRY TRANSIT BANNER AD
		Vendor's Total ----->				8000.00	
08-24	LIU02 (JOY LIU)	08-16-24H	08/19/24	09/18/24	A	32.16	LIU02,08-16-24,8/16/24 MILEAGE REIMBURSEMENT
08-24	LIV10 (LIVERMORE SANITATION INC)	239199H	08/01/24	08/31/24	A	2828.42	LIV10,239199,7/1/24-7/31/24 GARBAGE SERVICE
08-24	LYF01 (LYFT, INC)	1149046H 1149047H	07/31/24 07/31/24	08/30/24 08/30/24	A A	8475.81 132.32	LYF01,1149046,7/1/24-7/31/24 GO TRI-VALLEY LYF01,1149047,7/1/24-7/31/24 GO SAN RAMON
		Vendor's Total ----->				8608.13	
08-24	MEA01 (MARIA ELENA AMARAL)	09-04-24	08/30/24	09/29/24	A	1450.00	MEA01, 9/6/24 TACOS-EMPLOYEE APPRECIATION EV
08-24	MER01 (MERCHANT SERVICES)	TC073124H MOA073124H	07/31/24 07/31/24	08/30/24 08/30/24	A A	132.78 67.79	MER01,TC073124,JULY-24 TC-CC STATEMENT MER01,MOA073124,JULY-24 MOA CC STATEMENT
		Vendor's Total ----->				200.57	
08-24	MET01 (METROPOLITAN TRANSPORT-)	AR034639 AR035320 AR036137 AR036152	02/16/24 05/02/24 06/30/24 06/30/24	03/17/24 06/01/24 07/30/24 07/30/24	A A A A	19071.89 3533.85 2702.26 1870.75	MET01,AR034639,DECEMBER-23 CLIPPER FEES MET01,AR035320,FEB-24 CLIPPER FEES 2.0 MET01,AR036137,JUN-24 CLIPPER FEES 2.0 MET01,AR036152,APR-JUN 24 QUARTERLY RTC FEES
		Vendor's Total ----->				27178.75	

Period	Vendor # (Name)	Invoice Number	Invoice Date	Due Date	Disc. Terms	Gross Amount	Description
08-24	MUC01 (MULLEN COUGHLIN LLC)	79637H	06/30/24	07/30/24	A	574.50	MUC01,79637,MAY-24 PROFESSIONAL LEGAL SERVIC
		81308H	07/31/24	08/30/24	A	564.50	MUC01,81308,JUNE-24 PROFESSIONAL LEGAL SERVI
		Vendor's Total ----->					1139.00
08-24	MUT01 (MUTUAL OF OMAHA)	AUG-2024H	08/13/24	09/12/24	A	1588.52	MUT01,AUG-2024,AUG-24 MUTUAL LTD AND LIFE IN
		SEPT-2024H	08/26/24	09/25/24	A	1397.25	MUT01,SEPT-2024,SEPT-24 MUTUAL LTD AND LIFE
		Vendor's Total ----->					2985.77
08-24	MVT01 (MV TRANSPORTATION, INC.)	130642H	08/06/24	09/05/24	A	450000.00	MVT01,130642,AUG-24 1ST INSTALL PAYMENT
		130643H	08/06/24	09/05/24	A	450000.00	MVT01,130643,AUG-24 2ND INSTALL PAYMENT
		JUNE-2024H	07/03/24	08/02/24	A	56634.03	MVT01,JUNE-2024,JUNE-24 FIXED ROUTE MONTHLY
		Vendor's Total ----->					956634.03
08-24	OFF01 (ODP BUSINESS SOLUTIONS LLC)	386438001	08/21/24	09/20/24	A	67.38	OFF01,386438001,8/21/24 OFFICE SUPPLIES
		387328001	08/21/24	09/20/24	A	9.91	OFF01,387328001,8/21/24 OFFICE SUPPLIES
		450620001	08/01/24	08/31/24	A	108.86	OFF01,450620001,8/1/24 OFFICE SUPPLIES
		560139001	07/31/24	08/30/24	A	56.34	OFF01,560139001,7/31/24 OFFICE SUPPLIES
		729759001	08/21/24	09/20/24	A	28.68	OFF01,729759001,8/21/24 OFFICE SUPPLIES
		Vendor's Total ----->					271.17
08-24	PAC02 (PACIFIC GAS AND ELECTRIC)	580080524H	08/05/24	09/04/24	A	14593.80	PAC02,580080524,7/1/24-7/29/24 MOA ELECTRIC
		606080124H	08/01/24	08/31/24	A	1835.42	PAC02,606080124,6/27/24-7/25/24 ATLANTIS
		726073024H	07/30/24	08/29/24	A	2251.09	PAC02,726073024,BUS STOPS 6/20-7/18/24
		764071824H	07/18/24	08/17/24	A	223.71	PAC02,764071824,DOOLAN TOWER 6/11/24-7/11/24
		Vendor's Total ----->					18904.02
08-24	PAC11 (PACIFIC ENVIRONMENTAL SERVI	2813H	07/29/24	08/28/24	A	130.00	PAC11,2813,7/10/24 RUTAN MONTHLY SERVICE
		2814H	07/29/24	08/28/24	A	130.00	PAC11,2814,7/10/24 ATLANTIS MONTHLY SERVICE
		Vendor's Total ----->					260.00
08-24	PER01 (PERS)	20240802CH	08/07/24	09/06/24	A	5432.70	PER01,20240802C,7/20/24-8/2/24 PERS CLASSIC
		20240802NH	08/07/24	09/06/24	A	7322.74	PER01,20240802N,7/20-8/2/24 PERS NEW CONTRIB
		20240816CH	08/21/24	09/20/24	A	5432.70	PER01,20240816C,8/3/24-8/16/24 PERS CLASSIC
		20240816NH	08/21/24	09/20/24	A	7322.72	PER01,20240816N,8/3-8/16/24 PERS NEW CONTRIB
		Vendor's Total ----->					25510.86
08-24	PER02 (CALPERS RETIREMENT SYSTEM)	GASB-2024H	08/14/24	09/13/24	A	700.00	PER02,GASB-2024,GASB-68 REPORTING FEES FY25
08-24	PER03 (CAL PUB EMP RETIRE SYSTM)	SEPT-2024H	08/21/24	09/20/24	A	38010.38	PER03,SEPT-2024,SEPT-2024 PERS HEALTH INSURA
08-24	PER04 (CALPERS RETIREMENT SYSTEM)	20240802H	08/07/24	09/06/24	A	3283.83	PER04,20240802,7/20-8/2/24 PERS 457 CONTRIBU
		20240816H	08/21/24	09/20/24	A	3232.02	PER04,20240816,8/3-8/16/24 PERS 457 CONTRIBU
		Vendor's Total ----->					6515.85
08-24	PLE05 (PLEASANTON, CITY OF)	08-19-24	08/19/24	09/18/24	A	375.00	PLE05,08-19-24,TICKET ORDER REFUND 8/19/24 R
08-24	POL01 (POLITICO GROUP INC)	JULY-2024H	08/06/24	09/05/24	A	2500.00	POL01,JULY-2024,JULY-24 STATE ADVOCACY/CONSU
08-24	QUE01 (QUENCH USA,INC.)	07665547	07/01/24	07/31/24	A	926.66	QUE01, 07665547, MP2156 730, 730U, 810 & Q3F
		07898917	08/30/24	09/29/24	A	258.54	QUE01, 07898917, MP2156 PRORATED BILLING 2/2
		Vendor's Total ----->					1185.20
08-24	RMT01 (RMT LANDSCAPE CONTRACTORS I	20240846H	08/23/24	09/22/24	A	9845.00	RMT01,20240846,8/10-9/9/24 LANDSCAPING SERVI
		20240856H	08/13/24	09/12/24	A	3719.77	RMT01,20240856,8/5-8/8/24 EXTRA WORK RUTAN,
		Vendor's Total ----->					13564.77
08-24	ROB06 (ROBERT HALF MANAGEMENT RESO	63924589H	08/06/24	09/05/24	A	650.72	ROB06,63924589,FRONT DESK TEMP HELP WK END 8
		63950926H	08/13/24	09/12/24	A	1626.80	ROB06,63950926,FRONT DESK TEMP HELP END 8/9/
		63977087H	08/20/24	09/19/24	A	1626.80	ROB06,63977087,FRONT DESK TEMP HELP END 8/16
Vendor's Total ----->					3904.32		
08-24	RSE01 (R & S ERECTION)	135828GRH	07/31/24	08/30/24	A	839.00	RSE01,135828GR,RUTAN GATE REPAIR 7/31/24 MP2
08-24	SAN01 (SAN JOAQUIN COUNTY REGIONAL	945206147H	06/30/24	07/30/24	A	4474.88	SAN01,945206147,TRANSIT CENTER SECURITY APR/
		945206241H	06/30/24	07/30/24	A	1952.76	SAN01,945206241,JUNE-24 TRANSIT CENTER SECUR
		Vendor's Total ----->					6427.64

Period	Vendor # (Name)	Invoice Number	Invoice Date	Due Date	Disc. Terms	Gross Amount	Description
08-24	SCF01 (SC FUELS)	534744H	08/01/24	08/31/24	A	23359.17	SCF01,534744,7/1/24 FUEL DELIVERY
		547958H	07/15/24	08/14/24	A	22431.98	SCF01,547958,7/15/24 FUEL DELIVERY
		556128H	08/01/24	08/31/24	A	21907.33	SCF01,556128,8/1/24 FUEL DELIVERY
		568654H	08/22/24	09/21/24	A	20991.24	SCF01,568654,8/22/24 FUEL DELIVERY
		Vendor's Total ----->				88689.72	
08-24	SFS01 (SPECIALTY FIELD SERVICE INC	2848	08/01/24	08/31/24	A	58328.91	SFS01,2848,1609 ESS-BATTERY REPLACEMENT PO78
08-24	SHA02 (SHAMROCK OFFICE SOLUTIONS)	4134540H	07/29/24	08/28/24	A	20.31	SHA02,4134540,7/30-8/29/24 FRONT DESK PRINTE
08-24	SHE01 (CYRUS SHEIK)	0818-0820H	08/30/24	09/29/24	A	345.95	SHE01, 8/18/24-8/20/24 TRAVEL REIMBURSEMENT
08-24	SHE05 (SHELL)	JULY-2024H	08/07/24	09/06/24	A	75.67	SHE05,JULY-2024,JULY-24 CC STATEMENT-GAS CAR
08-24	SHI02 (SHI INTERNATIONAL CORP)	B18732140	08/23/24	09/22/24	A	2254.22	SHI02,B18732140,PO7894 8/23/24 ADOBE CREATIV
		B18732855	08/23/24	09/22/24	A	2254.22	SHI02,B18732855,PO7894 8/23/24 ADOBE CREATIV
		B18737064	08/26/24	09/25/24	A	21170.00	SHI02,B18737064,PO7894 8/23/24 ADOBE CREATIV
		B18739296	08/26/24	09/25/24	A	12452.91	SHI02,B18739296,PO7890 8/26/24 FY25 CROWDSTR
		Vendor's Total ----->				38131.35	
08-24	SIN01 (SINGLEPOINT COMMUNICATIONS	13654H	08/01/24	08/31/24	A	7068.00	SIN01,13654,SINGLECARE ANNUAL SUBSCRIPTION F
08-24	SOL01 (SOLUTIONS FOR TRANSIT)	24-0805LAH	08/05/24	09/04/24	A	2083.33	SOL01,24-0805LA,JULY-24 CLIPPER ANALYSIS
08-24	STA01 (STATE COMPENSATION FUND)	AUG-2024H	08/21/24	09/20/24	A	1091.33	STA01,AUG-2024,AUG-24 WORKERS COMP PREMIUM
		JULY-2024H	07/21/24	08/20/24	A	1091.33	STA01,JULY-2024,JULY-24 WORKERS COMP PREMIUM
		Vendor's Total ----->				2182.66	
08-24	TEL01 (TPx COMMUNICATIONS)	180748475H	07/31/24	08/30/24	A	1404.66	TEL01,180748475,8/1/24-8/31/24 SERVICE
08-24	TIC01 (ELYSE EISNER)	08-14-24H	08/14/24	09/13/24	A	9.92	TIC01,08-14-24,8/10/24 FARE REFUND
08-24	TPA01 (TOWNSEND PUBLIC AFFAIRS INC	22092H	06/01/24	07/01/24	A	6000.00	TPA01,22092,RFI #2024-04 AUG-24 CONSULTING S
08-24	TPG01 (VILLAGE INSTANT PRINTING)	78239H	07/24/24	08/23/24	A	294.40	TPG01,78239,MP2104 BUS STOP FLAG ROUTE 201 S
		78405H	08/08/24	09/07/24	A	9946.52	TPG01,78405,MP2121 SCHEDULE PRINTING (15 LOT
		Vendor's Total ----->				10240.92	
08-24	TX212 (LINDA WAHLE)	0502-0726	08/12/24	09/11/24	A	286.54	TX212,0502-0726,5/2/24-7/26/24 PARATAXI REIM
08-24	TX252 (DOMINIC HELD)	0724-0821	08/23/24	09/22/24	A	150.00	TX252,0724-0821,7/24-8/21/24 PARATAXI REIMBU
08-24	UBE01 (UBER)	JULY-2024H	08/01/24	08/31/24	A	8482.91	UBE01,JULY-2024,JULY-24 GO DUBLIN BILLING
08-24	VER01 (VERIZON WIRELESS)	969734421H	07/22/24	08/21/24	A	2548.86	VER01,969734421,6/23-7/22/24 CELL,WIFI,& EQU
08-24	VSP01 (VSP)	AUG-2024H	08/13/24	09/12/24	A	583.86	VSP01,AUG-2024,AUG-24 VSP VISION INSURANCE
08-24	WSI01 (WAY SINE LLC)	10220H	06/26/24	07/26/24	A	13230.00	WSI01,10220,6/26/24 POLE/SHELTER MOUNT DISPL
		Total of Purchases ->				1767058.31	=====

STAFF REPORT

SUBJECT: DBE Policy Update
FROM: Tamara Edwards, Director of Finance
DATE: September 24, 2024

Action Requested

Recommend that the Board of Directors approve changes to LAVTA’s DBE Policy and authorize submittal of the revised document to the Federal Transit Administration (FTA) by October 9, 2024.

Background

The Department of Transportation has revised Title 49 of the Code of Federal Regulations (CFR) Part 26, *Participation by Disadvantaged Business Enterprise in Department of Transportation Financial Assistance Program*, that significantly impacts the Authority’s Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) program and includes:

- Tiered program requirements for recipients that receive planning, capital, or operating assistance that exceeds or is less than \$670,000;
- Additional bidder’s list information to capture race and gender, zip code, and applicable North American Industry Classification System (NAICS) code(s) to each scope of work items;
- Monitoring and oversight requirements;
- Prompt Payment and Return of Retainage;
- Transit Vehicle Manufacturer (TVM) definition and process for establishing DBE Project Goals to meet TVM requirement;
- Procedures to Good Faith Efforts (GFE) on design-build contracts with goals to require a DBE Open Ended Performance Plan;
- New “Distributor” definition for counting DBE credit;
- Business Size Determination to \$30.72 million;
- Increase in the Personal Net Worth (PNW) cap to \$2.047 million; and
- Counting DBE Participation after Decertification.

Discussion

On July 21, 2022, the Biden-Harris Administration and U.S. DOT issued a Notice of Proposed Rulemaking (NPRM) to modernize the Disadvantaged Business Enterprise (DBE) and Airport Concession DBE (ACDBE) program regulations. The intent of the NPRM is to improve the DBE/ACDBE Program by optimizing performance, growing capacity and owner wealth, reducing burdens on firms and recipients, improving operational cohesiveness, strengthening monitoring and oversight requirements, updating certification provisions, and making technical corrections to provide clarification of the rules to recipients, program applicants, and participants.

On April 9, 2024, U.S. DOT announced the Final Rule with instructions for recipients to implement the changes, effective May 9, 2024. In addition, U.S. DOT issued Part 26 Implementation Guidance, a List of New Rule Timelines, and have offered training sessions in all revised areas of 49 C.F.R. Part 26 in an effort to assist recipients in updating their DBE Program.

LAVTA is a member of the Bay Area Business Outreach Committee (BOC) made up of Civil Rights officers from FTA, FHWA, and FAA-funded agencies within the Bay Area. The BOC met on four occasions to go over how the new regulations affected the various agencies and what needed to be added to programs to meet the new requirements.

Staff has updated the DBE Program to reflect these changes in the following areas:

Tiered Program (§ 26.21)

The new tiered approach is to expand the DBE program requirements to all FTA recipients, reduce administrative burden on smaller recipients, and improve the understanding of the program's impact to include data that may be used to inform future policymaking. Recipients that receive planning, capital, or operating assistance that exceeds \$670,000 in prime contract awards (excluding transit vehicle purchases) per federal fiscal year must develop a Tier I program that complies with all Part 26 requirements.

Tier II recipients that reasonably anticipates awarding prime contracts that are less than \$670,000 in a federal fiscal year must develop a Tier II program that complies with the following requirements: reporting and recordkeeping (§26.11), contract assurance (§26.13), policy statement and dissemination (§26.23), SBE program element (§26.39), and TVM procurements (§26.49).

Each federal fiscal year, staff will assess whether LAVTA is a Tier I or Tier II recipient. For federal fiscal year 2024/2025, the Authority is considered a Tier I and will enforce all requirements applicable to Tier I outlined in the DBE policy.

Bidders List (§ 26.11)

Prior to the Final Rule, bidders list information required is 1) firm name; 2) firm address; 3) firm's status as a DBE or non-DBE; 4) age of the firm; and 5) annual gross receipts of the firm.

Recipients are now required to capture additional data fields in its procurements to compile as accurate data as possible about the universe of all DBE and non-DBE contractors and subcontractors who seek to work on federally-assisted contracts. Additional reporting requirements include race and gender information for majority owner, firm address including zip code, and applicable North American Industry Classification System (NAICS) codes to each scope of work proposed on the bid/proposal from all owners. The required bidders list information must be submitted with bids or initial responses to negotiated procurements.

Recipients must enter bidders list data in a centralized, comprehensive, and searchable database developed by U.S. DOT no later than December 1 following the fiscal year in which the relevant contract was awarded. For design-build contracts where subcontracts will be solicited throughout the contract period as defined in a contractor's Open-Ended DBE Performance Plan, the data must be entered no later than December 1 following the fiscal year in which the design-build contractor awards the relevant subcontract(s).

The Authority has updated its *Prime Contractor and Subcontractor/Subconsultant/Supplier Report* and *Prime Consultant and Subcontractor/Subconsultant/Supplier Report* used to collect bidders list data specific to each solicitation.

Monitoring and Oversight Requirement (§ 26.37)

DBE participation in contracts falls on the responsibility of all staff involved in the contract process, including the DBE officer who will effectively monitor DBE participation throughout the contract's lifecycle, from contract initiation to completion. Monitoring and oversight mechanisms will ensure DBEs awarded contracts are actually utilized on the contract, are promptly paid, and perform a commercially useful function to count towards contract goals or annual goals.

Additional language was added to this section of the regulations to effectively implement running tally mechanisms. With respect to achieving overall goals, a running tally must be used that provides for a frequent comparison of cumulative DBE awards/commitments to DOT-assisted prime contract awards to determine whether current implementation of contract goals is projected to be sufficient to meet the DBE annual goal.

In addition, with respect to each DBE commitment, a running tally must be used that provides for a frequent comparison of payments made to each listed DBE relative to the progress of work, including payments for such work to the prime contractor to determine whether the contractor is on track with meeting its DBE commitment and whether any projected shortfall exists that requires the prime contractor's good faith efforts to address to meet the contract goal pursuant to § 26.53(g).

The new language is added to the DBE Program.

Prompt Payment and Return of Retainage (§ 26.29)

Prompt payment and the return of retainage for satisfactory work under federal regulations is 30 days. Recipients in states that require a shorter time frame will prevail over the 30-day requirement.

Language has been added to the DBE Program and will be incorporated in solicitation documents to require contractors to include language in their subcontracts that stipulates Contractor and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. Contractor will not be reimbursed for work performed by subcontractors unless and until Contractor ensures that subcontractors are promptly paid for the work they have performed.

Transit Vehicle Manufacturer Requirement (§§ 26.5 & 26.49)

Prior to the new regulations, the definition of a Transit Vehicle Manufacturer (TVM) was written as a “one-size-fits-all” definition that meant any manufacturer whose primary business purpose is to manufacture vehicles specifically built for public mass transportation. Such vehicles include, but are not limited to: buses, rail cars, trolleys, ferries, and vehicles manufactured specifically for paratransit purposes. TVMs that are listed on FTA’s list of eligible TVMs or that have submitted annual DBE goal methodology to FTA for approval which has not been denied at the time of solicitation, are only eligible to bid. This requirement poses a challenge for recipients that procure ferry vessels as no shipyards are listed on FTA’s eligible TVM list.

The revised regulation updates the definition of TVMs, clarifies TVM award reporting requirements and codifies current FTA practice for project goal exception.

DBE Open Ended Performance Plan (§ 26.53)

Design-build solicitations with minimal-project details at the time of advertisement with a contract goal will require primes to submit a DBE Open-Ended DBE Performance Plan (OEPP). To be considered responsive, primes will be required to make a commitment to meet the goal by continuous Good Faith Efforts (GFEs), soliciting DBEs, including the types of subcontracting work/services, projected dollar amount, and an estimated timeframe in which the DBE subcontract will be executed. Upon mutual agreement with the Authority’s, primes may make revisions to the OEPP throughout the life of the project as long as the prime continues to use sufficient and adequate GFE. This will require ongoing monitoring and oversight to evaluate proposer’s efforts.

New Distributor Definition (§ 26.55)

A new “distributor” definition has been added to limit 40 percent in credit that can be counted for many drop-shipped goods, provided the DBE bears the risk for loss or damages. A DBE distributor is an established business that engages in the regular sale or lease of the items specified by the contract. A DBE distributor assumes responsibility for the items it purchases once they leave the point of origin (e.g., a manufacturer's facility), making it liable for any loss or damage not covered by the carrier's insurance. A *DBE Regular Dealer/Distributor Affirmation Form* was created to accurately count eligible 60% credit for DBE regular dealer or 40% credit for DBE distributor participation. Primes are required to complete and submit the form with its bid.

Business Size Determination (§ 26.65)

A firm must qualify as a small business as defined by the Small Business Administration (SBA). Firms exceeding the SBA's size standards, specified in the North American Industry Classification System (NAICS) codes, are ineligible. Specifically, if a firm's average annual receipts over the preceding five fiscal years, calculated on a cash basis per 13 CFR 121.104(a), exceed the applicable SBA size cap, it does not qualify. The current size cap is \$30.72 million. The U.S. Department of Transportation (DOT) adjusts this amount annually and posts the updates on its website. District staff must revise the standard contract language each year to incorporate these changes.

Increase in Personal Net Worth (§ 26.68)

Personal Net Worth (PNW) is the net value of an individuals' reportable assets and liability, per the calculation rules in § 26.68. In 2011, the PNW was adjusted to \$1.32 million. U.S. DOT will adjust the PNW cap every 3 years on the anniversary of the adjustment date of May 9, 2024. The current PNW has increased to \$2.047 million. District staff will update its standard solicitation language where PNW is mentioned with each adjustment.

Counting DBE Participation After Decertification (§ 26.68)

If an agreement has been executed between a prime contractor and a DBE subcontractor, before the certifying agency has notified the DBE subcontractor of its decertification, the prime contractor may continue to use the decertified DBE subcontractor. The prime contractor may also continue to receive DBE credit for the full payment made to the decertified DBE subcontractor, but the Authority cannot count the continued performance by the decertified DBE subcontractor towards the Authority's overall DBE program goal.

If the decertified DBE subcontractor merges or is purchased by a non-DBE, the prime contractor will not receive DBE credit for utilizing that subcontractor and the Authority may not count the decertified DBE subcontractor's participation towards the Authority's overall DBE program goal. The prime contractor may not add work to the decertified DBE subcontractor's scope of work after notification of decertification without the consent of LAVTA.

Fiscal Impact

There is no direct fiscal impact associated with the recent changes to the DBE Program. However, these changes have increased the workload for staff due to enhanced monitoring and accountability functions. Staff have developed new forms and processes to ensure compliance in all required areas as mentioned in the report.

Next Steps

Once the updated policy is approved by the Board of Directors Staff will submit to the FTA for approval.

Recommendation

Staff requests that the Finance and Administration Committee recommend the Board of Directors approve Resolution 30-2024 and the updated DBE policy.

Attachments:

1. Resolution 30-2024
2. Updated DBE Policy

RESOLUTION NO. 30-2024

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
ADOPTING CHANGES TO THE LAVTA DISADVANTAGED BUSINESS
ENTERPRISE PROGRAM**

WHEREAS, The U.S. Department of Transportation and the Federal Transit Administration have periodically changed and updated rules and regulations with regard to Participation by Disadvantaged Business Enterprises (DBE) in Department of Transportation Programs; and

WHEREAS, the Livermore Amador Valley Transit Authority has prepared a Disadvantaged Business Program in compliance with 49 CFR Part 26, the Department of Transportation Disadvantaged Enterprise Rule; and

WHEREAS, the Livermore Amador Valley Transit Authority has added clarification to 49 CFR part 26 to update the program to coincide with the changes made by the Department of Transportation in April 2024

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors that the Disadvantaged Business enterprise program for the Livermore Amador Valley Transit Authority is hereby adopted.

PASSED AND ADOPTED this 7th day of October 2024.

Evan Branning, Chair

ATTEST:

Christy Wegener, Executive Director

Approved as to form:

Michael Conneran, Legal Counsel

**LIVERMORE/AMADOR VALLEY TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

*(Adopted September 1999; Revised January 2000;
Updated February 2001; Updated February 2006; Updated June 2009, Updated February 2012,
Updated March 2014, Updated September 2021, Updated October 2024)*

Section 26.1, 26.23 Objectives/Policy Statement

The Livermore/Amador Valley Transit Authority (LAVTA) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26 revised as of April 9, 2024. LAVTA has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, LAVTA has signed an assurance that it will comply with 49 CFR Part 26

In order to achieve DBE participation, the Authority has developed procedures to remove barriers to DBE participation in the bidding and award process.

The Board of Directors is responsible for establishing the DBE policy of the Authority. The Executive Director is responsible for ensuring adherence to this policy. The DBE Liaison, in coordination with all Authority Officers, Department Heads, and Purchasing and Buying staff, is responsible for the development, implementation, and monitoring of the Program for Contracts in accordance with the Authority’s nondiscrimination policy. It is the expectation of the Board of Directors and the Executive Director that all Authority personnel shall adhere to the spirit, as well as the provisions and procedures, of this Program.

This policy will be circulated to all Authority personnel and to members of the community that perform or are interested in performing work on Authority contracts. Analysis regarding the overall DBE goal(s) and/or project goal(s) established every three years are available to review at www.wheelsbus.com or by visiting the Authority’s administrative office at 1362 Rutan Court Suite 100 Livermore, Ca 94551

The Executive Director has assigned the role of DBE Liaison Officer (DBELO) to Tamara Edwards, Director of Finance, tedwards@lavta.org, 925-455-7566. In that capacity, the DBELO is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by LAVTA in its financial assistance agreements with the Department of Transportation.

LAVTA has disseminated this policy statement to its Board of Directors and all the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts by including it in all relevant bid and proposal solicitations.

Christy Wegener
Executive Director

Date

SUBPART A – GENERAL REQUIREMENTS

Applicability (Sections 26.3 and 26.21)

The Authority, a recipient of federal financial assistance from the Federal Transit Administration (“FTA”) of the U.S. Department of Transportation (U.S. DOT), is required to implement a DBE Program in accordance with 49 C.F.R. Part 26, which is incorporated herein by this reference. The Program outlined herein applies to all Authority contracts that are funded, in whole or in part, by U.S. DOT federal financial assistance. In the event of any conflicts or inconsistencies between the Regulations and this DBE Program with respect to U.S. DOT-assisted contracts, the Regulations shall prevail.

Section 26.1 Objectives

It is the policy of LAVTA to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program; and
7. To adhere to the adopted LAVTA purchasing policy principles throughout all aspects of the DBE program.

Section 26.3 Applicability

LAVTA is the recipient of federal transit funds authorized by Congress and administered through the Federal Transit Administration (FTA).

Section 26.5 Definitions

Any terms used in this Program that are defined in 49 C.F.R. § 26.5 or elsewhere in the Regulations shall have the meaning set forth in the Regulations. Some of the most common and new terms, as amended on April 9, 2024, are defined below:

A. Contract

A legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

B. Contractor

One who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program.

C. Department or DOT

The U.S. Department of Transportation, including the Office of the Secretary, the Departmental Office of Civil Rights, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

D. Disadvantaged Business Enterprise (DBE)

A for-profit, small business concern: 1) that is at least fifty-one percent (51%) owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which fifty-one percent (51%) of the stock is owned by one or more socially and economically disadvantaged individuals; and 2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

E. FTA Tier I Recipient

An FTA recipient to whom this part applies will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$670,000 in FTA funds in a Federal fiscal year.

F. FTA Tier II Recipient

An FTA recipient to whom this part applies will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which does not exceed \$670,000 in FTA funds in a Federal fiscal year.

G. Personal Net Worth (PNW) (Sections 26.5 and 26.68)

The net value of an individual's reportable assets and liabilities, per the calculation rules in §26.68.

H. Race-Conscious

A measure or program that is specifically focused on assisting only DBEs, including women-owned DBEs.

I. Race-Neutral (Section 26.5)

A procedure or program that is used, or can be used, to assist all small businesses. For the purposes of this Program, race-neutral includes ethnic and gender neutrality.

J. Small Business Concern

With respect to firms seeking to participate as DBEs in U.S. DOT-assisted contracts, a small business concern as defined pursuant to Section 3 of the Small Business Act and the U.S. Small Business Administration regulations implementing it (13 C.F.R. Part 121), whose average annual gross receipts for the previous three (3) years does not exceed \$30.72 million (or as adjusted for inflation by the Secretary of U.S. DOT annually) pursuant to 49 C.F.R. § 26.65(b).

K. Socially and Economically Disadvantaged Individuals

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a members of groups and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's control.

(1) Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. An individual must demonstrate that he or she has held himself or herself out, as a member of a designated group if required.

(2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

1. "Black American" (including persons having origins in any of the Black racial groups of Africa);
2. "Hispanic American" (including persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race);
3. "Native American" (including persons who are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians);
4. "Asian-Pacific American" (including persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), Republic of the Northern Marianas Islands, Samoa, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, the Federated States of Micronesia, or Hong Kong);
5. "Subcontinent Asian American" (including persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal, or Sri Lanka);
6. Women; or
7. Any additional groups whose members are designated as socially and economically disadvantaged by the Small Business Administration, at such time as the Small Business Administration designation becomes effective.

L. Transit Vehicle Manufacturer (TVM)

Any manufacturer whose primary business purpose is to manufacture vehicles built for mass transportation. Such vehicles include, but are not limited to buses, rail cars, trolleys, ferries, and vehicles manufactured specifically for paratransit purposes. Businesses that perform

retrofitting or post-production alterations to vehicles so that such vehicles may be used for public transportation purposes are also considered TVMs. Businesses that manufacture, mass-produce, or distribute vehicles primarily for personal use are not considered TVMs

Section 26.7 Nondiscrimination Requirements

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

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

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

LAVTA will report DBE participation on a semi-annual basis. These reports will reflect payments actually made to DBEs on DOT assisted contracts.

Bidders List: 26.11 (c)

LAVTA will create and maintain a bidder's list consisting of all firms bidding on prime contracts and bidding or quoting on subcontracts on U.S. DOT-assisted projects. For every firm, the following information will be included: firm name, firm address (including zip code), firm status as a DBE or non-DBE, race and gender information for the majority owner, NAICS code applicable to each scope of work the firm sought to perform in its bid, the age of the firm, and the annual gross receipts of the firm. Data gathering will be conducted on a form entitled *Prime Contractor and Subcontractor/Subconsultant/Supplier Report* for construction contracts and *Prime Consultant and Subcontractor/Subconsultant/Supplier Report* for professional service contracts. Subsequently, most of a firm's general information is collected on the Authority's procurement portal powered by Bonfire Interactive Ltd., during vendor registration. The DBELO will maintain the confidentiality of any proprietary information in accordance with applicable California law and the Regulations. This information will be requested of all bidders.

The Authority will require all prime contractors bidding on U.S. DOT-assisted contracts to return, at a time specified in the solicitation documents, the following information about the prime contractor and all subcontractors who provide a bid/quote:

- Firm name
- Firm address, including zip code
- Firm's status as a DBE or non-DBE
- Race and gender information for the majority owner
- NAICS code applicable to each scope of work expected to perform
- Age of the firm

Annual gross receipts

Authority staff will submit bidders list data information found in § 26.11, paragraph (c)(2) in the Department's designated system no later than December 1 following the fiscal year in which the relevant contract was awarded. For “design-build” contracts where subcontracts will be solicited throughout the contract period as defined in a contractor’s Open-Ended DBE Performance Plan, the data will be entered no later than December 1 following the federal fiscal year in which the design-build contractor awards the relevant subcontract(s).

Section 26.13 Federal Financial Assistance Agreement Assurance

LAVTA has signed the following assurance, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13 (a)

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

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13 (b)

We will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

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

SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

We will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

The Executive Director will designate a staff member to be our DBE Liaison Officer:

The DBELO is responsible for implementing all aspects of the DBE program and ensuring that LAVTA complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the LAVTA Executive Director concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment) and identifies ways to improve progress.
6. Analyzes LAVTA's progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director/Board of Directors on DBE matters and achievement.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Participates in DBE training seminars.
11. Acts as liaison to the Uniform Certification Process in California.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

It is the policy of LAVTA to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. We have made the following efforts to identify and use such institutions:

Reviewed all vendors certified under the Federal Reserve Board of Governors Statistical Release entitled "Minority-Owned Banks" dated May 6, 2021 by using their website www.federalreserve.gov/releases/mob/ To date we have not identified any financial institutions

owned and controlled by socially and economically disadvantaged individuals in our community. Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

Section 26.29 Prompt Payment

LAVTA will include the following clause in each DOT-assisted prime contract:

- A Prompt Payment clause that requires a) the prime contractor or subcontractor (i.e. construction contractors) to pay any subcontractor(s) not later than seven (7) days after receipt of each progress payment the Authority makes to the prime contractor, unless otherwise agreed to in writing, and b) the prime professional to pay any subconsultant(s) not later than fifteen (15) days after receipt of each progress payment or final retention payment. The payment cannot be delayed because of disagreements on other contracts. Any delay or postponement of payment may take place only for good cause and with the Authority's prior written approval.

A contract clause that states any violation of the prompt payment provisions shall subject the violating Contractor to the penalties, sanctions and other remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to Contractor or subcontractor in the event of a dispute involving late payment, or nonpayment by Contractor, or deficient subcontractor's performance, or noncompliance by a subcontractor. Contractors shall include language in their subcontracts that stipulates Contractor and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. Contractor will not be reimbursed for work performed by subcontractors unless and until Contractor ensures that subcontractors are promptly paid for the work they have performed.

A contract clause that states in the event Contractor does not make progress payments or release retentions to the subcontractors in accordance with the time periods in this Section, Contractor will be subject to a charge of two percent (2%) per month on the untimely or improperly withheld payment.

A contract clause that requires the prime contractors to pay all retainage owed to construction subcontractors for satisfactory completion of accepted work within seven (7) days after the date the prime contractor receives a payment from the Authority. For consultant contracts, retainage must be paid not later than fifteen (15) days after receipt of final retention received after the subconsultant's work is satisfactorily completed.

U.S. DOT requires recipients to use one of the following methods to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor:

1. Decline to hold retainage from prime contractors and prohibit prime contractors and subcontractors from holding retainage from subcontractors.

Decline to hold retainage from prime contractors and include a contract clause obligating the prime contractor and subcontractors to make prompt and full payment of any retainage kept by the prime contractor or subcontractor to all subcontractors within the following timeframes:

- a. For construction subcontracts, retainage must be paid within seven (7) days of receipt unless otherwise agreed to in writing for construction work completed (Section 7108.5 of the CBPC and Section 10262 of the CPCC), and
- b. For consultant contracts, retainage must be paid not later than fifteen (15) days after receipt of final retention received after the subconsultant's work is satisfactorily completed (Section 3321 of the CCC).to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed.

Hold retainage from the prime contractor and provide for prompt and regular incremental acceptances of portions of the contract, pay retainage to prime contractors based on the acceptances and include a contract clause obligating the prime contractor and subcontractors to pay all retainage owed to all subcontractors within the following timeframes:

- a. For construction subcontracts, retainage must be paid within seven (7) days of receipt unless otherwise agreed to in writing for construction work completed (Section 7108.5 of the CBPC and Section 10262 of the CPCC), and
- b. For consultant contracts, retainage must be paid not later than fifteen (15) days after receipt of final retention received after the subconsultant's work is satisfactorily completed (Section 3321 of the CCC).

The Authority will use Method No. 3 above to comply with the Prompt Payment requirement, subject to state prompt payment requirements that do not conflict with federal regulations.

Prompt payment and return of retainage requirements apply to both DBE and non-DBE subcontractors at all tiers.

Section 26.31 DBE Database

The DBE Database is a consolidated and automated directory that identifies firms that have been certified as DBEs by the California Unified Certification Program. The DBE Database is jointly maintained and updated by the CUCP certifying member agencies in coordination with Caltrans, the CUCP DBE Database Manager. The DBE Database is available at Caltrans' website at, <https://californiaucp.dbesystem.com>, and is made available to contractors and to the public. The Authority will use the DBE Database as a primary resource in developing overall goals, project goals, contract-specific goals and conducting outreach and other activities to promote DBE participation in U.S. DOT contracts.

The DBE Database shall include the firm's name, address, telephone number, website(s), and types of work ,utilizing the North American Industry Classification System (NAICS) codes for which the firm is certified as a DBE. Additionally, the DBE Database may include, whenever

possible, the date the firm was established, the legal structure of the firm, State licenses held, the percentage owned by disadvantaged individuals, capacity, previous work experience and a contact person. The DBE Database shall not in any way prequalify the identified DBE firms with respect to licensing, bondability, competence or financial responsibility.

Section 26.33 Overconcentration

LAVTA has not identified an overconcentration of DBE firms in any type of work.

Section 26.35 Business Development Programs

LAVTA has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

LAVTA will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

All prime contractors shall submit monthly progress reports on DBE utilization to LAVTA. Specifically, this report must provide a running tally of actual payments made to DBE firms. (DBE participation is credited toward overall or contract goals only when payments are actually made to DBE firms.) Failure to submit these reports in a timely manner shall result in a penalty of \$10 per day, per report.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. In the event of non-compliance with the DBE regulation by a participant in our procurement activities any of the following administrative remedies may be used:
 - a. Liquidated damage;
 - b. Suspension of payment to the contractor of any monies held by LAVTA as retained on the contract;
 - c. The denial to the contractor of right to participate in future LAVTA contracts for a specified time;
 - d. Contract termination.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award will actually be performed by DBEs. This will be accomplished by a review of invoices submitted from contractors that stipulate the DBE portion of the contract actually paid out during the invoice cycle. If DBE sub-contractors are used, a specific citation on the invoice detailing the amount and date of payment to the sub-contractor will be required from the Prime contractor.
4. With respect to each DBE commitment, the Authority will keep a running tally that will provide frequent comparison of payments made to each listed DBE relative to the progress of work, including payments for such work to the prime contractor to determine whether the contractor is on track with meeting its DBE commitment and whether any

projected shortfall exists that requires the prime contractor's good faith efforts to address to meet the contract goal pursuant to § 26.53(g). Notifications will be sent to Contractors that fall short of meeting their DBE/SBE commitments or contract goals.

5.

Section 26.39 Fostering Small Business Participation

The small business element is intended to facilitate compliance with the two objectives in 49 CFR 26.51: 1) To meet the maximum feasible portion of the goal by using race-neutral means of obtaining DBE participation and 2) to establish DBE contract goals to meet any portion of the goal that LAVTA is unable to meet using race-neutral methods alone.

An important part of LAVTA's small business element is its outreach activities. These outreach efforts include active, effective steps to increase small business participation, such as soliciting bids/proposals from DBE's and SBE's, responding to requests for information, participating in prebid and preproposal meetings, and participating at outreach and training events for DBE's and small businesses. As time and resources allow LAVTA will participate in outreach and informational events for DBE's and small businesses that may be coordinate with other U.S. DOT recipients, federal agencies, or local organizations. Discussed during these outreach events will be procedures on how to do business with LAVTA, how to become certified as a DBE or SBE, LAVTA's DEBE Program requirements and other topics of interest to DBE's and small businesses.

Other strategies that LAVTA will consider as part of its small business element include unbundling contracts and setting SBE contract specific goals when subcontracting opportunities are available.

Any firm that wishes to participate in the LAVTA Small Business Program must be an existing, for-profit, small business as defined by the SBA standards and 49 CFR Part 26. To avoid fraud a firm's small business status will be verified when LAVTA utilizes SBE contract goals on a project. A currently certified DBE is presumed eligible to participate in the small business element of LAVTA's DBE program. LAVTA will require that all SBE's and any DBE's not certified by the CUCP provide documentation to verify their certification status. LAVTA may require SBE's to submit additional documents, as necessary, to verify their eligibility.

1. To participate as an eligible small business in projects **administered by the Authority**, a firm must meet both of the following requirements:

a. A firm (including affiliates) must be an existing small business as defined by Small Business Administration (SBA) regulations, 13 C.F.R. Part 121, for the appropriate type(s) of work that a firm performs. The firm must hold one of the acceptable certifications listed in Section B below.

b. Even if a firm meets the above requirement, the firm's (including affiliates') average annual gross receipts over the previous three federal fiscal years cannot exceed a maximum cap of \$30.72 million. The Department will adjust the amount annually and will post on its website at <https://www.transportation.gov/DBEsizestandards>. SBA size standards vary by industry, and for certain industries may be higher than the \$30.72 million cap. For example, the SBA size standard for a general construction contractor is \$45 million. If a general construction contractor's average annual gross receipts over the previous three years is \$31 million, while it is below \$45 million and meets the SBA size standard, it would be ineligible to participate as a small business for Authority purposes as it exceeds \$30.72 million.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

LAVTA does not use quotas in any way in the administration of the DBE program.

Section 26.45 Overall Goals

In accordance with Section 26.45(f) LAVTA will submit its overall goal to DOT on August 1 of each year, except in cases where we submit a project goal. Project goals will be submitted at a time determined by the FTA Administrator. Before establishing the overall goal each year, LAVTA will consult with appropriate constituent groups representing minority, women and general contractors' groups, community organizations and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and LAVTA's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at LAVTA's administrative offices for 30 days following the date of the notice, and informing the public that we and DOT will accept comments on the goals for 45 days from the date of the notice. At a minimum this notice will be issued in newspapers and trade publications. Normally, we will issue this notice by June 1 of each year. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed. Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

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

Amount of Goal

Pursuant to 49 CFR 26.45, LAVTA will establish overall goal (either annual or project specific) for DBE participation in DOT-assisted contracts.

Methodology used to Calculate Overall Goal

The following is a summary of the method we used to calculate these goals:

Determining a Base Figure

LAVTA will determine a base figure for the relative availability of DBEs on any project by using one of the following methods (method may vary by project):

1. *DBE Directories and Census Bureau Data.* Determine the number of ready willing and able DBEs in our market from the regional directory. Using the Census Bureau's County

Business Pattern data base, determine the number of all ready, willing and able businesses in our market that perform work in the same SIC codes. Divide the number of DBEs by the number of all businesses to derive a base figure for the relative availability of DBEs in our market.

2. *A bidders list.* Determine the number of DBEs that have bid or quoted on our DOT-assisted prime contracts or subcontracts in the previous year. Determine the number of all businesses that have bid or quoted on prime or subcontracts in the same time period. Divide the number of DBE bidders and quoters by the number for all businesses to derive a base figure for the relative availability of DBEs in the market.
3. *Use of a goal of another DOT recipient.* If another DOT recipient in the same or substantially similar market has set an overall goal in compliance with this rule, we may use that goal as a base figure for our goal.
4. *Alternative methods.* A methodology not stated in the rule that provides a goal that is rationally related to the relative availability of DBEs in our market.

Adjusting a Base Figure

As required in the rule, LAVTA will adjust the base figure so that it reflects as accurately as possible the DBE participation we can expect in the absence of discrimination. Possible information used to adjust the based figure is:

1. Demonstrated evidence of DBE capacity to perform work on LAVTA's project;
2. Real market conditions;
3. Disparity studies conducted within the jurisdiction;_and

Section 26.47 Goal Shortfall Analysis

If LAVTA's awards and commitments, as shown on its Uniform Report of Awards or Commitments and Payments at the end of the three-year goal period are less than the overall goal applicable to that period, LAVTA shall Analyze in detail the reasons for the difference between the overall goa and LAVTA's awards and commitments in that period. Additionally, LAVTA will establish specific steps and milestones to correct the problems identified. The authority will retain the analysis and corrective action in its records, in the FTA, DBE file on the shared drive for seven years and make it available to the FTA upon request.

Section 26.49 Transit Vehicle Manufacturers Goals

The Authority shall require any transit vehicle manufacturers to certify that they have established an overall DBE goal that has been approved or not disapproved, at the time of solicitation, by FTA as a condition to bid on any Authority contracts. Before awarding to a TVM, the Authority shall verify that the bidder is listed on FTA's eligible TVM list at, <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eligible-transit-vehicle-manufacturers>. The Authority shall complete the Vehicle Award Report to notify FTA of the TVM procurement award within 30 days of making such award. This reporting requirement is extended to subrecipients.

Expenditures for FTA-assisted transit vehicle procurements are not included in the funding base to which the overall goal and/or project goal for other FTA-assisted contract expenditures applies.

Project-specific goals for DBE participation are established for procurements of transit vehicles from specialized manufacturers when a TVM cannot be identified, such as in the case of new ferry vessel procurements. The Authority will seek FTA's approval for the decision to use a DBE project-specific goal before the issuance of a public solicitation for such vehicles TVMs are not available to produce. The Authority will follow the procedures for goal-setting in 26.45.

Regional Outreach (Section 26.51)

The DBELO is designated by the Executive Director to represent the Authority as a member of appropriate regional outreach consortia. The Authority will participate in such group programs, activities and efforts in the San Francisco Bay Area to create a level playing field on which DBEs can compete fairly; to enhance outreach and communication efforts with these firms; to provide appropriate assistance and information for participation in U.S. DOT-assisted contracts and other contracts; and to develop joint resources among recipients. To this end, the DBELO and/or designated staff will attend scheduled meetings of such groups and will contribute to the achievement of their projects approved by the Executive Director

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

LAVTA will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. LAVTA uses the following race-neutral means to increase DBE participation:

1. Ensuring the inclusion of DBEs, and other small businesses on recipient mailing lists for bidders;
2. Ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors;
3. Ensuring distribution of our DBE directory through electronic means to the widest feasible audience of potential prime contractors; and
4. Providing assistance in overcoming limitations such as inability to obtain bonding or finances (e.g. by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids).

In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51 (f)) and we will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does

not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Section 26.51(d-g) Contract Goals

LAVTA will use contract goals to meet any portion of the overall goal LAVTA does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

We express our contract goals as a percentage of the total amount of a DOT-assisted contract or the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. See Attachment 4 for Good Faith Effort forms. Examples of good faith efforts are found in Appendix A to Part 26. Good Faith Effort forms are to be included with the bid.

The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive or responsible.

We will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

LAVTA treats bidder/offeror's compliance with good faith efforts' requirements as a matter of responsiveness or responsibility.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

For design-build contracts with minimal-project details at the time of advertisement with a contract goal will require Contractors to submit a DBE “Open-Ended DBE Performance Plan (OEPP).” An OEPP must include:

- (i) a commitment to meet the DBE goal for the entire project;
- (ii) provide details on the types of subcontracting work or services the proposer will solicit to DBEs to perform; and
- (iii) estimated time frame when the DBE subcontracts will be executed.

An OEPP may be modified by mutual agreement between the Authority and Contractor throughout the life of the project. Authority staff will conduct ongoing monitoring and oversight to determine whether the Contractor is using good faith efforts to comply with the OEPP.

Administrative reconsideration (26.53(d))

Within 10 days of being informed by LAVTA that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Legal Counsel, 1362 Rutan Court #100, Livermore, CA 94550, (925) 455-7555. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

We will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE’s inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of LAVTA to practice nondiscrimination based on race, color sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of ____ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

Only the work actually performed by a DBE will be counted towards the DBE goal. The cost of supplies and materials obtained by the DBE or equipment leased (except from the prime contractor or its affiliate) may also be counted.

Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals. Expenditures may only be counted if the DBE is performing a commercially useful function. A DBE should perform at least thirty percent (30%) of the total cost of its contract with its own work force.

If materials or supplies are obtained from a DBE manufacturer, 100 percent (100%) of the cost will be counted. If the materials and supplies are purchased from a DBE regular dealer, 60 percent (60%) of the cost will be counted.

If the materials or supplies are purchased from a DBE distributor that neither maintains sufficient inventory nor uses its own distribution equipment for the products in question, count 40 percent of the cost of materials or supplies (including transportation costs). A DBE distributor is an established business that engages in the regular sale or lease of the items specified by the contract. A DBE distributor assumes responsibility for the items it purchases once they leave the point of origin (e.g., a manufacturer's facility), making it liable for any loss or damage not covered by the carrier's insurance. A DBE distributor performs a CUF when it demonstrates ownership of the items in question and assumes all risk for loss or damage during transportation, evidenced by the terms of the purchase order or a bill of lading (BOL) from a third party, indicating Free on Board (FOB) at the point of origin or similar terms that transfer responsibility of the items in question to the DBE distributor. If these conditions are met, DBE distributors may receive 40 percent for drop-shipped items. Terms that transfer liability to the distributor at the delivery destination (e.g., FOB destination), or deliveries made or arranged by the manufacturer or another

seller do not satisfy this requirement. Primes are required to submit with their bid the *DBE Regular Dealer/Distributor Affirmation Form*, a form designated by the Authority.

A DBE may be a regular dealer in such bulk items as petroleum products, steel, concrete or concrete products, gravel, stone, or asphalt without owning, and operating, or maintaining a place of business as provided in paragraph § 26.55 (e)(2)(ii) of this section if the firm both owns and operates distribution equipment used to deliver the products. Any supplementing of regular dealers' own distribution equipment must be by a long-term operating lease and not on an ad hoc or contract-by-contract basis

DBE achievement will not be counted toward the goal until the DBE has been paid. The DBELO will track the participation of DBEs in contract-specific goal contracts separately from the participation of DBEs that is considered race-neutral. Additionally, the DBELO will not count that portion of a DBE's participation that is achieved after the certification of the DBE has been removed during the performance of a contract, with the exception of 49 C.F.R. 26.87(j)(3).

If an agreement has been executed between a prime contractor and a DBE subcontractor, before the certifying agency has notified the DBE subcontractor of its decertification, the prime contractor may continue to use the decertified DBE subcontractor. The prime contractor may also continue to receive DBE credit for the full payment made to the decertified DBE subcontractor, but the Authority cannot count the continued performance by the decertified DBE subcontractor towards the Authority's overall DBE program goal.

If the decertified DBE subcontractor merges or is purchased by a non-DBE, the prime contractor will not receive DBE credit for utilizing that subcontractor and the Authority may not count the decertified DBE subcontractor's participation towards the Authority's overall DBE program goal. The prime contractor may not add work to the decertified DBE subcontractor's scope of work after notification of decertification without the consent of the Authority.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

LAVTA will use the certification standards of Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards.

LAVTA uses DBE vendors certified by the Unified California Certification Process of the state of California. Their certification application form and documentation requirements can be found at the following World Wide Web address: <https://californiaucp.dbesystem.com>

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

LAVTA uses the statewide Unified Certification Program. As such, LAVTA does not provide certification procedures itself. Interested parties are encouraged to use the World Wide Web to obtain contact information on the most recent roster of certifying agencies.

<https://dot.ca.gov/-/media/dot-media/programs/civil-rights/documents/certification/cucp-roster-of-certifying-agencies-revised-4-23-24-a11y.pdf> (ca.gov)

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

LAVTA relies on the state-wide CUCP DBE certification program, and currently does not recertify or make certification decisions.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state and local law.

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request of any authorized representative of LAVTA or DOT. This reporting requirement also extends to any certified DBE subcontractor. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

ATTACHMENTS

Attachment 1 Organizational Chart

Attachment 4 Form 1 & 2 for Demonstration of Good Faith Efforts

Attachment 1
Organizational Chart

Attachment 4

Forms 1 & 2 for Demonstration of Good Faith Efforts

*Forms 1 and 2 will be placed in solicitations where a DBE goal has been set for the project.
Forms 1 and 2 will not be incorporated into projects that carry no DBE participation requirement.*

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

_____ the bidder/offeror is committed to a minimum of _____% DBE utilization on this contract.

_____ the bidder/offeror (if unable to meet the DBE goal of ___%) is committed to a minimum of _____% DBE utilization on this contract and submits documentation demonstrating good faith efforts (Documentation must be attached to Form 1).

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
(Signature) Title

FORM 2: LETTER OF INTENT

Name of bidder/offer's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
(Signature) (Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE subcontractor.)

STAFF REPORT

SUBJECT: Approval of Resolutions Authorizing LAVTA to Apply for Alameda County Transportation Commission 2026 Comprehensive Investment Program (CIP) Funding for the Atlantis Facility Construction and Rutan Facility Security Gate Replacement Project

FROM: Jennifer Yeamans, Senior Grants & Management Specialist

DATE: September 24, 2024

Action Requested

Approval of Resolutions 28-2024 and 29-2024, authorizing LAVTA to apply for 2026 Comprehensive Investment Program (CIP) funding for the Atlantis Facility Construction Project and the Rutan Facility Security Gate Replacement Project. These resolutions are required to submit with the funding applications to the Alameda County Transportation Commission (Alameda CTC).

Background

The Alameda County Transportation Commission’s Comprehensive Investment Program (CIP) is a multi-year capital improvement program of multi-modal transportation projects funded with revenues from Measure BB and other countywide funding sources administered by Alameda CTC. In May, the Alameda CTC approved its programming guidelines and schedule for the 2026 CIP. Alameda CTC’s fund estimate anticipates approximately \$100 million of new programming capacity for Alameda County for projects in the five-year horizon of FY2026 through FY2030, of which \$20 million in new programming is available countywide for discretionary transit projects. The minimum capital grant request size is \$500,000, the maximum is \$2 million. A minimum 25 percent local match is required for capital requests.

Eligible projects must be identified in Alameda CTC’s 2020 Countywide Transportation Plan, which Alameda CTC intends to prioritize in the 2026 CIP based on the following weighted criteria:

- 40% Project Readiness
- 50% Need and Benefits (including general benefits, access improvements, and safety benefits)
- 10% Matching Funds

Discussion

LAVTA staff have identified two transit infrastructure priorities to apply for:

1. Atlantis Facility Construction (\$2,000,000)
2. Rutan Facility Security Gate Replacement (\$671,250)

LAVTA’s Atlantis Facility project is included in ACTC’s 2020 Countywide Transportation Plan on its 10-Year Priority Project List (Project #59) and received \$3 million in new Discretionary Transit Program funding in the 2024 CIP programmed in 2022. Consistent with and continuing recent focused efforts, LAVTA staff intends to continue advancing the high-priority Atlantis Facility Construction project by increasing the amount and share of local funding commitments to leverage toward highly competitive large state and federal programming opportunities that remain unsecured but which will be needed to complete the project scope, as detailed further below.

Additionally, LAVTA staff has identified an emergent need to replace the bus entry/exit security gate at the Rutan facility. The automatic gate is currently failing and requires a full replacement including reconstruction of part of the reinforced-concrete driveway to ensure continued safety, security, and efficient operations and service delivery out of LAVTA’s existing Rutan facility.

Of the \$20 million Alameda CTC estimates will be available for countywide programming to transit projects, LAVTA is requesting a total of \$2,671,250 to advance the two funding plans shown below, including the provision of the required local match.

Fiscal Impact

The funding requests for the two projects including required local match are as follows:

Atlantis Facility Construction

Status	Source	Funding (\$000s)	
		\$	%
Committed Funding	TDA 4.0 (LAVTA FY25 budget)	\$12,873	15%
	ACTC 2024 CIP	\$3,000	6%
	2024 State Transportation Improvement Program (STIP)	\$5,180	4%
	<i>Subtotal Committed</i>	<i>\$20,933</i>	<i>25%</i>
Under Consideration	FY23-24 Low Carbon Transportation Operations Program (LCTOP)	\$670	1%
	Cycle 7 State Transit and Intercity Rail Capital Program (TIRCP)	\$43,140	52%
	ACTC 2026 CIP (Current request)	\$2,000	2%
	<i>Subtotal Under Consideration</i>	<i>\$45,810</i>	<i>55%</i>
Future/Unsecured	All sources (federal, state, local discretionary)	\$16,383	20%
	<i>Subtotal Future/Unsecured</i>	<i>\$16,383</i>	<i>20%</i>
All Sources	Total	\$83,126	100%

Rutan Facility Security Gate Replacement

Fund Source	Amount	%
Alameda CTC 2026 CIP	\$671,250	75%
TDA	\$223,750	25%
Total	\$895,000	100%

Recommendation

Staff recommends the Finance & Administration Committee recommend the Board of Directors approve Resolutions 28-2024 and 29-2024, authorizing LAVTA to apply to for Alameda CTC 2026 CIP funding for the Atlantis Facility Construction Project and the Rutan Facility Security Gate Replacement Project.

Attachments:

1. Resolution 28-2024 Authorizing the Filing of an Application for Alameda County Transportation Commission Administered Funding for the Atlantis Facility Construction Project and Committing Any Necessary Matching Funds and Stating Assurances to Complete the Project
2. Resolution 29-2024 Authorizing the Filing of an Application for Alameda County Transportation Commission Administered Funding for the Rutan Facility Security Gate Replacement Project and Committing Any Necessary Matching Funds and Stating Assurances to Complete the Project

RESOLUTION NO. 28-2024

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
AUTHORIZING THE FILING OF AN APPLICATION FOR ALAMEDA
COUNTY TRANSPORTATION COMMISSION ADMINISTERED FUNDING
FOR THE ATLANTIS FACILITY CONSTRUCTION PROJECT AND
COMMITTING ANY NECESSARY MATCHING FUNDS AND STATING
ASSURANCES TO COMPLETE THE PROJECT**

WHEREAS, the Alameda County Transportation Commission (“Alameda CTC”) administers funding programs for projects and programs that benefit the Alameda County transportation system, consisting of 2000 Measure B, 2010 Vehicle Registration Fee (“VRF”), 2014 Measure BB, Congestion Management Agency Transportation Improvement Program (CMA-TIP), and Transportation Fund for Clean Air Programs, and such funding is collectively defined as and shall be referenced herein as the “Alameda CTC Administered Funds”; and

WHEREAS, the Alameda CTC adopted 2026 Comprehensive Investment Plan (“CIP”) Guidelines at its Commission meeting on May 23, 2024 which includes procedures governing the 2026 CIP application process, programming guidelines, and eligible uses of Alameda CTC Administered Funds; and

WHEREAS, the Livermore Amador Valley Transit Authority (LAVTA or (“Applicant”) is the project sponsor for the Atlantis Facility Construction Project (“Project”)]; and

WHEREAS, the Project will construct necessary facility improvements at 875 Atlantis Court, known as LAVTA’s Atlantis Maintenance Facility, to replace existing aging, insufficient facilities at the end of their useful life and accommodate its transition to and future expansion of a 100% Fuel Cell Electric Bus (FCEB) fleet, which will include a 34,000-square-foot maintenance building, a 22,000-square-foot administration and operations building, related sitework and electrical improvements, and landscaping; and

WHEREAS, as the Project Sponsor, Applicant has the legal authority to apply for funding for Project and plans to submit a 2026 CIP application (“Application”) to Alameda CTC for \$2,000,000; and

WHEREAS, there are no legal impediments to Applicant applying for funding and there is no active, pending or threatened litigation that may adversely affect the proposed Project or the ability of Applicant to deliver such Project; and

WHEREAS, Applicant authorizes its Executive Director or designee to execute and file an application with Alameda CTC for discretionary Alameda CTC Administered Funds for the Project as referenced in this Resolution; and

WHEREAS, as part of the requirements to apply and receive Alameda CTC Administered Funds, Alameda CTC requires a resolution adopted by the responsible implementing agency stating the following:

1. Applicant will implement the Project as described in the Application; and
2. Applicant will have adequate staffing resources to deliver and complete the Project within the time period identified in the Application; and
3. Applicant understands it will enter into a Project Funding Agreement (“Agreement”) with Alameda CTC, and will comply with the Agreement’s requirements, including adherence to the agreed upon project scope, project delivery milestones, funding deadlines, project reporting and deliverable deadlines; and
4. Applicant is committed to deliver the Project consistently with the Commission approved CIP Programming Guidelines and CIP policies, as they may change, for the funds awarded by the Commission to the Project; and
5. Applicant is committed to secure matching funds as proposed in the Application required for awarded Alameda CTC Administered Funds, by phase; and
6. Applicant is committed to provide any additional funding that may be required beyond the original proposed Application match amount to deliver the phase of the Project that is awarded with Alameda CTC Administered Funds; and
7. Applicant understands that Alameda CTC Administered Funds awarded to the Project is limited to the Commission approved programmed amount by phase, and therefore any cost increases or unexpected funding shortfalls cannot be expected to be funded by shifting funds between phases, or by requesting additional Alameda CTC Administered Funds; and
8. Applicant understands that any cost savings in the Alameda CTC-funded phase(s) will be shared proportionally between Applicant and Alameda CTC; and
9. Applicant is committed to comply with the applicable requirements set forth in Alameda CTC’s Local Business Contract Equity (“LBCE”) Program and related exhibits, as applicable, for professional services and construction contracts funded with Measure B, Measure BB, and/or VRF funds, such as including LBCE Program goal(s) and provisions in applicable solicitations and resulting contracts, providing timely notification to Alameda CTC of applicable solicitations prior to advertisement, and adhering to reporting requirements.

NOW, THEREFORE, BE IT RESOLVED that Applicant is authorized to file an Application to Alameda CTC for funding for the Project; and be it further

RESOLVED that Applicant hereby confirms that there is no pending or threatened litigation that might in any way adversely affect Applicant’s ability to implement and deliver the proposed Project; and be it further

RESOLVED that Applicant authorizes its Executive Director or designee to execute the funding Agreement with Alameda CTC; and be it further

RESOLVED that Applicant shall provide Alameda CTC with a fully-executed copy of this Resolution concurrently with submittal of the Application; and be it further

RESOLVED that the Board of Directors of Applicant, by adopting this resolution, hereby confirms that:

1. Applicant will commit to implementing the Project as described in the Application; and
2. Applicant will have adequate staffing resources to deliver and complete the Project within the time period identified in the application; and
3. Applicant understands it will enter into an Agreement with Alameda CTC, and will comply with the Agreement 's requirements, including adherence to the completion of the agreed upon project scope, project delivery milestones, funding deadlines, project reporting and deliverable deadlines; and
4. Applicant commits to delivering the Project consistently with the Commission approved CIP Programming Guidelines and CIP policies, as they may change, for the funds awarded by the Commission to the Project; and
5. Applicant will commit matching funds as proposed in the Application against the awarded Alameda CTC Administered Funds by phase in the amount(s) of \$666,667, anticipated to be from federal, state and/or local source(s); and
6. Applicant will provide any additional funding that may be required beyond the original proposed Application match amount to deliver the phase of the Project that is awarded with Alameda CTC Administered Funds; and
7. Applicant understands that Alameda CTC Administered Funds awarded to the Project are limited to the Commission approved programmed amount by phase, and therefore any cost increases or unexpected funding shortfalls cannot be expected to be funded by shifting funds between phases, or by requesting additional Alameda CTC Administered Funds; and
8. Applicant understands that any cost savings in the Alameda CTC-funded phase(s) will be shared proportionally between Applicant and Alameda CTC; and
9. Applicant will comply with the applicable requirements set forth in Alameda CTC's Local Business Contract Equity ("LBCE") Program and related exhibits, as applicable, for professional services and construction contracts funded with Measure B, Measure BB, and/or VRF funds, such as including LBCE Program goal(s) and provisions in applicable solicitations and resulting contracts, providing timely notification to Alameda CTC of applicable solicitations prior to advertisement, and adhering to reporting requirements.

PASSED AND ADOPTED THIS 7th DAY OF OCTOBER 2024.

Evan Branning, Vice Chair

APPROVE AS TO FORM

ATTEST

Michael Conneran, Legal Counsel

Christy Wegener, Executive Director

RESOLUTION NO. 29-2024

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
AUTHORIZING THE FILING OF AN APPLICATION FOR ALAMEDA
COUNTY TRANSPORTATION COMMISSION ADMINISTERED FUNDING
FOR THE RUTAN FACILITY SECURITY GATE REPLACEMENT PROJECT
AND COMMITTING ANY NECESSARY MATCHING FUNDS AND STATING
ASSURANCES TO COMPLETE THE PROJECT**

WHEREAS, the Alameda County Transportation Commission (“Alameda CTC”) administers funding programs for projects and programs that benefit the Alameda County transportation system, consisting of 2000 Measure B, 2010 Vehicle Registration Fee (“VRF”), 2014 Measure BB, Congestion Management Agency Transportation Improvement Program (CMA-TIP), and Transportation Fund for Clean Air Programs, and such funding is collectively defined as and shall be referenced herein as the “Alameda CTC Administered Funds”; and

WHEREAS, the Alameda CTC adopted 2026 Comprehensive Investment Plan (“CIP”) Guidelines at its Commission meeting on May 23, 2024 which includes procedures governing the 2026 CIP application process, programming guidelines, and eligible uses of Alameda CTC Administered Funds; and

WHEREAS, the Livermore Amador Valley Transit Authority (LAVTA or (“Applicant”) is the project sponsor for the Atlantis Facility Construction Project (“Project”)]; and

WHEREAS, the Project will replace the failing security gate at LAVTA’s Rutan maintenance facility; and

WHEREAS, as the Project Sponsor, Applicant has the legal authority to apply for funding for Project and plans to submit a 2026 CIP application (“Application”) to Alameda CTC for \$671,250; and

WHEREAS, there are no legal impediments to Applicant applying for funding and there is no active, pending or threatened litigation that may adversely affect the proposed Project or the ability of Applicant to deliver such Project; and

WHEREAS, Applicant authorizes its Executive Director or designee to execute and file an application with Alameda CTC for discretionary Alameda CTC Administered Funds for the Project as referenced in this Resolution; and

WHEREAS, as part of the requirements to apply and receive Alameda CTC Administered Funds, Alameda CTC requires a resolution adopted by the responsible implementing agency stating the following:

1. Applicant will implement the Project as described in the Application; and
2. Applicant will have adequate staffing resources to deliver and complete the Project within the time period identified in the Application; and
3. Applicant understands it will enter into a Project Funding Agreement (“Agreement”) with Alameda CTC, and will comply with the Agreement’s requirements, including adherence to the agreed upon project scope, project delivery milestones, funding deadlines, project reporting and deliverable deadlines; and
4. Applicant is committed to deliver the Project consistently with the Commission approved CIP Programming Guidelines and CIP policies, as they may change, for the funds awarded by the Commission to the Project; and
5. Applicant is committed to secure matching funds as proposed in the Application required for awarded Alameda CTC Administered Funds, by phase; and
6. Applicant is committed to provide any additional funding that may be required beyond the original proposed Application match amount to deliver the phase of the Project that is awarded with Alameda CTC Administered Funds; and
7. Applicant understands that Alameda CTC Administered Funds awarded to the Project is limited to the Commission approved programmed amount by phase, and therefore any cost increases or unexpected funding shortfalls cannot be expected to be funded by shifting funds between phases, or by requesting additional Alameda CTC Administered Funds; and
8. Applicant understands that any cost savings in the Alameda CTC-funded phase(s) will be shared proportionally between Applicant and Alameda CTC; and
9. Applicant is committed to comply with the applicable requirements set forth in Alameda CTC’s Local Business Contract Equity (“LBCE”) Program and related exhibits, as applicable, for professional services and construction contracts funded with Measure B, Measure BB, and/or VRF funds, such as including LBCE Program goal(s) and provisions in applicable solicitations and resulting contracts, providing timely notification to Alameda CTC of applicable solicitations prior to advertisement, and adhering to reporting requirements.

NOW, THEREFORE, BE IT RESOLVED that Applicant is authorized to file an Application to Alameda CTC for funding for the Project; and be it further

RESOLVED that Applicant hereby confirms that there is no pending or threatened litigation that might in any way adversely affect Applicant’s ability to implement and deliver the proposed Project; and be it further

RESOLVED that Applicant authorizes its Executive Director or designee to execute the funding Agreement with Alameda CTC; and be it further

RESOLVED that Applicant shall provide Alameda CTC with a fully-executed copy of this Resolution concurrently with submittal of the Application; and be it further

RESOLVED that the Board of Directors of Applicant, by adopting this resolution, hereby confirms that:

1. Applicant will commit to implementing the Project as described in the Application; and
2. Applicant will have adequate staffing resources to deliver and complete the Project within the time period identified in the application; and
3. Applicant understands it will enter into an Agreement with Alameda CTC, and will comply with the Agreement 's requirements, including adherence to the completion of the agreed upon project scope, project delivery milestones, funding deadlines, project reporting and deliverable deadlines; and
4. Applicant commits to delivering the Project consistently with the Commission approved CIP Programming Guidelines and CIP policies, as they may change, for the funds awarded by the Commission to the Project; and
5. Applicant will commit matching funds as proposed in the Application against the awarded Alameda CTC Administered Funds by phase in the amount(s) of \$223,750, anticipated to be from local sources; and
6. Applicant will provide any additional funding that may be required beyond the original proposed Application match amount to deliver the phase of the Project that is awarded with Alameda CTC Administered Funds; and
7. Applicant understands that Alameda CTC Administered Funds awarded to the Project are limited to the Commission approved programmed amount by phase, and therefore any cost increases or unexpected funding shortfalls cannot be expected to be funded by shifting funds between phases, or by requesting additional Alameda CTC Administered Funds; and
8. Applicant understands that any cost savings in the Alameda CTC-funded phase(s) will be shared proportionally between Applicant and Alameda CTC; and
9. Applicant will comply with the applicable requirements set forth in Alameda CTC's Local Business Contract Equity ("LBCE") Program and related exhibits, as applicable, for professional services and construction contracts funded with Measure B, Measure BB, and/or VRF funds, such as including LBCE Program goal(s) and provisions in applicable solicitations and resulting contracts, providing timely notification to Alameda CTC of applicable solicitations prior to advertisement, and adhering to reporting requirements.

PASSED AND ADOPTED THIS 7th DAY OF OCTOBER 2024.

Evan Branning, Vice Chair

APPROVE AS TO FORM

ATTEST

Michael Conneran, Legal Counsel

Christy Wegener, Executive Director

STAFF REPORT

SUBJECT: Contract Award for Rutan Facility Hydrogen Retrofit Project #2024-06

FROM: Jennifer Yeamans, Senior Grants & Management Specialist

DATE: September 24, 2024

Action Requested

Staff requests that the Finance & Administration Committee recommend that the Board of Directors approve Resolution 27-2024, authorizing the award of an Agreement between LAVTA and Reliable Monitoring Services (dba RMS Construction dba RMS Life Safety), to perform the installation of equipment and related work necessary to carry out the Rutan Facility Hydrogen Retrofit Project, and that the Board authorize the LAVTA Executive Director to finalize all details and execute said Agreement between LAVTA and Reliable Monitoring Services.

Background

In April 2022, the Board of Directors adopted LAVTA’s Zero Emission Bus Rollout Plan, which identified specific fleet and facility projects necessary to support the agency’s transition to a 100% hydrogen fuel-cell electric bus (FCEB) fleet by 2040, in accordance with California Air Resources Board (CARB) regulations adopted in 2018. While the Plan identified LAVTA’s partially-completed Atlantis operations and maintenance facility as the long-term fueling and maintenance home of LAVTA’s future FCEB fleet, the Plan also identified contingent need to retrofit two bus bays the Rutan facility to support maintenance of LAVTA’s initial FCEB deliveries (currently scheduled for 2026), should the Atlantis maintenance building not yet be completed by that time. Necessary modifications to the Rutan facility identified in the Plan include new hydrogen gas detection, alarms and ventilation/exhaust equipment aimed at accommodating the safety needs presented when working with hydrogen in an enclosed space.

The project is included in LAVTA’s FY2025 Capital Budget, funded by a combination of state and federal funding sources to support zero-emission transit transition goals. State funding from the Low Carbon Transportation Operations Program (LCTOP) originally programmed in 2019 to support LAVTA’s initial zero-emission bus purchase is set to expire at the end of this calendar year unless LAVTA begins to spend the funds before then. In 2023, the Metropolitan Transportation Commission programmed additional Federal Transit Administration (FTA) formula funds for the project, which FTA obligated in July.

Discussion

LAVTA’s Procurement Policy including applicable requirements for Federally funded projects, mandates the Authority follow a competitive procurement process for award of significant construction contracts, and award such contracts to the lowest responsive and responsible bidder.

On July 16, LAVTA released an Invitation for Bids (IFB) for the Rutan Facility Hydrogen Retrofit Project #2024-06, for qualified contractors to bid on the project plans and specifications developed by LAVTA’s project engineer, Gannett Fleming. The project was posted on LAVTA’s Bonfire online procurement portal, emailed directly to Bay Area and Northern California plan rooms as well as a list of vendors including Disadvantaged Business Enterprise (DBE) firms understood to engage in work related to LAVTA’s project, and publicly advertised in both *Transit Talent* and the *East Bay Times*. An optional pre-bid conference and job walk was held at the Authority’s Rutan maintenance shop on August 8 at 10:00 a.m, which was attended by three firms. Written Questions or Requests for Clarification were due on August 15 at 4:00 p.m., and one Addendum was issued on August 22, with answers to questions received. Sealed bids in response to the IFB were due via Bonfire on September 6 at 2:00 p.m.

Following 52 days of advertisement, three bids were received prior to the deadline established in the IFB. The responding firms were:

Company Name	Location	Grand Total Amount
Reliable Monitoring Services	Signal Hill, CA	\$673,526.00
Blocka Construction	Pleasanton, CA	\$714,900.00
Saboo Inc.	Brentwood, CA	\$837,000.00

The lowest bid was submitted by Reliable Monitoring Services (dba RMS Construction dba RMS Life Safety) and was found to be responsive and responsible by LAVTA’s Legal Counsel and staff. The firm represented proper qualifications to do the work and their references for similar specialized work recently completed for other California transit agencies adapting facilities for hydrogen fuel-cell bus operations were highly satisfied. The low bidder is a certified Disadvantaged Business Enterprise (DBE) and certifies that 91% of the bid amount will count toward LAVTA’s established DBE goal in accordance with LAVTA’s adopted DBE Program. Furthermore, approximately a quarter of the work is slated to be subcontracted to local firms located in Livermore.

Fiscal Impact

Staff conducted a price analysis and determined that the low bid is both reasonable and fair. The engineer’s estimate for the project including contingency was \$933,567. The project budget is \$774,555 and consists of the contract award of \$673,526 plus a 15% project contingency of \$101,028.90. Funding for this project is included in LAVTA’s FY24-25 capital budget.

Next Steps

Upon execution of the Agreement with Reliable Monitoring Services, LAVTA will issue the Notice to Proceed (NTP). The project is due to be completed within 180 calendar days from LAVTA’s issuance of the NTP. The project’s specifications require the contractor to coordinate work around the active operations taking place at the facility, ensuring bus operations are not impeded or delayed in any way.

Recommendation

Staff recommends that the Finance & Administration Committee refer Resolution 27-2024 to the Board of Directors for approval to: (1) award a contract to Reliable Monitoring Services dba RMS Construction dba RMS Life Safety, the lowest responsive and responsible bidder for the LAVTA Rutan Facility Hydrogen Retrofit Project #2024-06, for a total contract award of \$673,526.00; (2) authorize the Executive Director to sign the contract and issue an NTP to RMS Construction; and (3) approve a 15% project contingency of \$101,028.90 to be used at the discretion of the Executive Director.

Attachments:

1. Resolution 27-2024

RESOLUTION NO. 27-2024

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
AWARDING THE CONTRACT FOR THE RUTAN FACILITY HYDROGEN
RETROFIT PROJECT TO RELIABLE MONITORING SERVICES DBA RMS
CONSTRUCTION DBA RMS LIFE SAFETY**

WHEREAS, the Livermore Amador Valley Transit Authority (LAVTA) requires the services of a third-party contractor to perform the installation of equipment and related work necessary to carry out the Rutan Facility Hydrogen Retrofit Project as described in LAVTA Invitation for Bids (IFB) #2024-06; and

WHEREAS, staff released IFB #2024-06 to solicit bids for the project; and

WHEREAS, three bids were received, all of which were deemed responsive to the requirements set forth in the IFB, and Reliable Monitoring Services dba RMS Construction dba RMS Life Safety was determined to be the lowest responsive and responsible bidder based on their submitted bid in the amount of \$673,526.00; and

WHEREAS, staff recommends that the Board of Directors award the contract for the installation of equipment and related work necessary to carry out the Rutan Facility Hydrogen Retrofit Project to Reliable Monitoring Services dba RMS Construction dba RMS Life Safety in the not-to-exceed amount of \$673,526.00;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby awards the contract for the installation of equipment and related work necessary to carry out the Rutan Facility Hydrogen Retrofit Project to Reliable Monitoring Services dba RMS Construction dba RMS Life Safety in the not-to-exceed amount of \$673,526.00; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to execute a contract with Reliable Monitoring Services dba RMS Construction dba RMS Life Safety, in a form approved by LAVTA's Legal Counsel; and

BE IT FURTHER RESOLVED that the Board of Directors authorizes the Executive Director to expend a 15% contingency amount not to exceed \$101,028.90.

PASSED AND ADOPTED this 7th day of October 2024.

Evan Branning, Chair

ATTEST:

Christy Wegener, Executive Director

APPROVED AS TO FORM:

Michael Conneran, Legal Counsel

LAVTA COMMITTEE ITEMS - October 2024 - February 2025

Finance & Administration Committee

October

	Action	Info
Minutes	X	
Treasurers Report	X	
Annual Comprehensive Financial Report (ACFR)	X	

November

	Action	Info
Minutes	X	
Treasurers Report	X	
Wheels Access Contract Award	X	
FY25 Bus Purchase		X

*Typically November committee meetings are cancelled

December

	Action	Info
Minutes	X	
Treasurers Report	X	

*Typically December committee meetings are cancelled

January

	Action	Info
Minutes	X	
Treasurers Report	X	
2025 Legislative Program	X	
State/Federal Lobbyist Contract Award	X	

February

	Action	Info
Minutes	X	
Treasurers Report	X	
Fare Product Changes	X	