



BOARD OF DIRECTORS

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AGENDA

MONITORING COMMITTEE

Chairman Dave Druker, Bob Campbell, Chris Orlando, Rocky Chavez
Staff Committee Liaison: Brian Graham

Thursday, January 3, 2008 - 8:30 AM
311 South Tremont Street, Oceanside, California

1. Open Meeting
2. Changes to the Agenda
3. Bridge 225.4 Deck Replacement, Adding Soldier Pile Retaining Walls
4. Repair of Automatic Train Stop Indicator on Del Mar Bluffs
5. Reduction of Retainage from SPRINTER Mainline Contract
6. Funds Transfer Agreement for Maintenance Support and Additional Training for Regional Transit Management System
7. FY 2008 1st Quarter Performance Report (Attachments 7A and 7B)
8. Quarterly Financial Report for Three Months Ended September 20, 2007 (Attachment 8A)
9. SPRINTER Ticket Vending Machine Maintenance Service
10. Monthly SPRINTER Update (No staff report)
11. Plan/Program for Maintaining Viable Infrastructures (No Staff Report)
12. Other Matters
13. Public Comment
14. Next Meeting: Thursday, **February 7, 2008**, 8:30 a.m., 311 South Tremont, Oceanside, CA
15. Adjournment

For individuals with disabilities, we will provide assistive services. To obtain such services or copies of documents in an alternate format, please call or write, a minimum of 72 hours prior to the event, to request these needed reasonable modifications. We will make every attempt to accommodate requests that do not give 72 hour notice. Please contact our Customer Service Supervisor at (760) 966-6503.

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**STAFF REPORT TO THE
MONITORING COMMITTEE**

**Agenda Item #
3**

**TITLE: BRIDGE 225.4 DECK REPLACEMENT, ADDING SOLDIER PILE
RETAINING WALLS**

Time Sensitive **Consent**

STAFF RECOMMENDATION: **That the Board approve an amendment to the Herzog Contract for replacement of the deck on Bridge 225.4 to add a bid option for the soldier pile retaining walls, in the amount of \$155,700.**

BACKGROUND INFORMATION: Bridge 225.4 is a 700-foot long steel girder, ballast-deck bridge which crosses the San Luis Rey River in Oceanside with seven (7), 100-foot long bridge spans dating back to 1916 and 1925. The bridge deck is comprised of deck “boards”, 8” thick timber boards which are fastened atop the longitudinal steel girders, perpendicular to the track.

As a result of the deteriorating condition of these deck boards, an IFB (Invitation for Bid) number 08019 was published on October 9, 2007 for deck replacement. Herzog Contracting Corporation was the lowest responsive and responsible bidder and was awarded a contract for the amount of \$2,320,890, pursuant to Board actions in November and December. As part of the bid, an “Add-Alternate” for soldier pile retaining walls was required with Herzog pricing this work at \$155,700. Soldier pile walls consist of drilled shafts (piles) filled with concrete and reinforcing with precast concrete lagging (walls) spanning between the piles to retain soil at the bridge abutments.

At the time of the contract award, the funds to cover this additional work were available; however, other costs such as the busing of Amtrak and Metrolink train passengers had not been finalized. During the bid and award period, a coordination meeting with Metrolink and BNSF was held identifying concurrent work activities on the corridor that will reduce these busing costs and thus allow NCTD to add the additional work to Herzog’s contract. Since this additional work will significantly enhance the completed project, staff recommends award of this “Add-Alternate” to Herzog. Amending Herzog’s contract to include the soldier pile walls will increase Herzog’s total contract amount to \$2,476,590 and leave a budget balance of \$233,119 for contingencies and passenger train busing.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this item is \$155,700. A total of \$2,986,190 has been budgeted in JB# 508018 for replacement of the deck of Bridge 225.4, of which \$92,813 has been expended and an additional \$2,504,558 has been encumbered, leaving an available balance of \$388,819 which will cover the soldier pile walls and leave a balance of \$233,119 for contingencies and passenger train busing.

COMMITTEE

REVIEW:

1/3/08

STAFF CONTACT: **Mitch Alderman**
Chief Rail Engineer
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Phone: 760/967-2852



**STAFF REPORT TO THE
MONITORING COMMITTEE**

**Agenda Item #
4**

**TITLE: REPAIR OF AUTOMATIC TRAIN STOP INDICATOR ON DEL MAR
BLUFFS**

Time Sensitive Consent

STAFF RECOMMENDATION: That the Board authorize the Executive Director to award a purchase order under the terms of RFP 05023 to TransitAmerica, Inc. for repair of the Automatic Train Stop (ATS) indicator on the Del Mar Bluffs.

BACKGROUND INFORMATION: On July 19, 2007 the Board authorized the Executive Director the authority to authorize the issuance of work orders for routine repairs to TASI that are not covered under the basic scope of RFP 05023, the Coaster Operating and Maintenance contract.

As explained at that time, although the scope of work is clearly defined, there are often additional, relatively low-dollar items that are required that were left out of the basic scope due to their frequency being difficult to determine or to an unforeseen occurrence.

This particular item falls within this authority and would not require Board approval. However due to the fact that the authority was capped at \$100,000 per fiscal year, and this item would cause the \$100,000 cap to be exceeded, Board authority is now required and will continue to be for all additional change orders for this fiscal year.

By authorizing this action, the Executive Director is authorized to issue a Purchase Order to Transit America in the amount of \$12,513 for the repair of the ATS indicator on the Del Mar Bluffs. This repair was necessitated due to damage caused by the Del Mar Bluff stabilization project contractor. Therefore, these costs will be fully reimbursable.

Towards the end of this fiscal year staff will review the extra-work expenditures and may request that the Board raise the cap for future contract years.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact associated with this item is a total of \$12,513. This entire amount is reimbursable from the Del Mar Bluff stabilization project contractor retainage which SANDAG administers.

COMMITTEE REVIEW:
1/3/08

STAFF CONTACT: Lane Fernandes
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STAFF REPORT TO THE MONITORING COMMITTEE

TITLE: REDUCTION OF RETAINAGE FROM SPRINTER MAINLINE CONTRACT

Time Sensitive [X] Consent []

STAFF RECOMMENDATION: That the Board of Directors find that satisfactory progress is being made on the SPRINTER Mainline Project and authorize the Executive Director to amend the Contract, as necessary, and release any retention withheld from progress payments made after the Board's determination of satisfactory progress.

BACKGROUND INFORMATION: This item is being brought back to the Board in the January 2008 cycle, per the Board's direction at the December 20, 2007 meeting.

The SPRINTER Mainline Construction contract contains provisions for retainage that comply with Public Contract Code 9203. Retainage, or retention, is typically withheld from each construction progress payment for use in disputed or incomplete work which the contractor fails to perform. It also provides an incentive to complete punch list work at the completion of the project in a timely manner. Release of final retention typically can not be made until a certificate of completion is filed after the work has been accepted.

Retention is required by Public Contract Code section 9203, which specifically requires that no less than 5% be withheld from progress payments. Public Contract Code section 9203 also permits a legislative body, such as NCTD's Board of Directors, to make progress payments in full, for actual work completed, upon 50% completion of the project, if the Board finds that satisfactory progress on the project is being made.

At the initiation of this Contract, NCTD withheld 10% retention from each invoice, and placed these funds in an escrow account in accordance with applicable law. West Coast Rail Constructors (WCRC) requested a reduction of this retention to 5% in June of 2006 and this request was approved by the Board. WCRC has now requested a further reduction of retention based on their progress in meeting our completion goals and by reaching an overall contract completion in excess of 93%.

NCTD staff recommends that SPRINTER Mainline Contract be amended, as necessary, and that the necessary actions be taken to reduce retention to the minimum amounts permitted by the Public Contract Code as an incentive to the contractor to continue in the manner in which they have been working thus far and as a show of good faith in meeting our goal of ability to begin revenue service by the end of the year. WCRC has been performing well and making good progress despite numerous changes in the design and field conditions and has expended considerable resources in acceleration and changed work, some of which is pending final pricing agreement.

There are currently no significant issues in dispute and contract change orders are within industry averages. The major factors typically evaluated in the reduction of retention are: (1) work progress and schedule, (2) potential

disputes, and (3) quality of work. WCRC has been performing well on all three of these criteria, and continues to work toward their goal of finishing on schedule with no claims. As stated above, Public Contract Code section 9203 requires that the Board make a finding that "satisfactory progress is being made." It is staff's opinion that WCRC is making satisfactory progress, and that this satisfactory progress has been made since the project was 50% complete

Further, it should be noted that if there is an issue of disputed work on the Project, NCTD has legal authority, pursuant to Public Contract Code section 7107 and the Contract, to segregate from retention, 150% of the amount of the disputed work, while the issue is being resolved.

The current contract value of the Mainline contract, including approved change orders, is \$221.6 million. If this item is approved, the District would release to WCRC any retention withheld from progress payments made after the Board's June 2006 action to reduce retention to 5%. If approved, the District would reduce the amount held in retention from approximately \$9.7 million to approximately \$5 Million.

ATTACHMENT: None

FISCAL IMPACT: None. The amounts withheld for retention are for work already performed, and are deposited by NCTD into an escrow account. A portion of these retained funds would simply be released to the contractor in accordance with this recommendation.

**COMMITTEE
REVIEW:**

12/6/07 The mainline construction contract provides for a minimum 5% retainage as per Public Contract Code 9203. The initial retainage for this contract was 10% which the Board reduced to 5% in June 2006 at WCRC's request. WCRC has reached an overall contract completion of over 90% and is requesting further reduction. Staff noted that WCRC is performing well and recommends approval. Total contract cost is approximately \$220 million and the retainage is currently \$9.7M. This action would reduce it to approx \$5M. Additionally, a performance bond is in place as further protection for the District.

STAFF CONTACT: **Don Bullock**
Manager of Capital Project Construction
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**STAFF REPORT TO THE
MONITORING COMMITTEE**

**Agenda Item #
6**

**TITLE: FUNDS TRANSFER AGREEMENT FOR MAINTENANCE SUPPORT
AND ADDITIONAL TRAINING FOR REGIONAL TRANSIT
MANAGEMENT SYSTEM**

Time Sensitive Consent

STAFF RECOMMENDATION: That the NCTD Board authorize the Executive Director to execute a change to the Funds Transfer Agreement with SANDAG for a six-month extension to the maintenance warranty on the RTMS and additional Dispatch training class in the amount of \$122,857.50.

BACKGROUND INFORMATION: The Regional Transit Management System (RTMS), which provides voice/data communication and Automated Vehicle Location (AVL) with NCTD Breeze buses, was accepted in December, 2006. This system is shared with San Diego Transit Corporation (SDTC) and has been under vendor warranty since January, 2007. This warranty expired on December 31, 2007. The requested warranty extension would align the warranty service with SDTC's and NCTD's fiscal years, and provide additional time to evaluate the potential of bidding future warranty service contracts. The total cost of the six (6) month extension is \$351,355.50, with NCTD's share \$119,461.50.

During system installation, NCTD requested an additional training class for Dispatchers. This training has been provided, but was never billed to NCTD. The cost of the training was \$3,396.00.

SANDAG serves as the contract manager for the RTMS contract. The Funding Transfer Agreement is required to reimburse SANDAG for the warranty extension and additional Dispatch training class, for a total of \$122,857.50.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this item is not-to-exceed \$122,857.50. The maintenance warranty extension is included in the FY 2008 budget in account 190.503311.218 for the amount of \$210,000. The Dispatch training class would be absorbed through project funding.

COMMITTEE REVIEW:
1/3/08

STAFF CONTACT: **Brian Graham**
Director, Bus Operations and Maintenance
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**STAFF REPORT TO THE
MONITORING COMMITTEE**

**Agenda Item #
7**

TITLE: FY 2008 1ST QUARTER PERFORMANCE REPORT

Time Sensitive **Consent**

STAFF RECOMMENDATION: **That the Board receives and reviews the FY 2008 first quarter performance report.**

BACKGROUND INFORMATION: The Quarterly Performance Report (Attachments 7A and 7B) is provided to the Board and is utilized to track trends in ridership, operating costs and revenues, and other indicators including service quality.

Overall, the operating financial trend for the beginning of FY 2008 has started with some encouraging news. Total fare revenues have increased 2.2%; the increase is attributed to COASTER fare revenue which has increased over 12% from FY 2007. Total operating expenses have increased only 1.2%, resulting in a slight increase in the system-wide farebox recovery ratio from 26.3% to 26.5%. An increase in farebox recovery is significant, especially since there were no fare increases implemented for FY 2008. Operating costs for LIFT and COASTER have decreased 6.9% and 7.8% respectively when compared to FY 2007 due to the cessation of mobilization costs associated with the start of new operating service contracts in FY 2007. Fuel expenses for the first quarter of FY 2008 were at the same level as FY 2007 but are expected to increase significantly in the next quarter.

System ridership dropped slightly for the quarter with a 1.1% decrease when compared to FY 2007. BREEZE ridership decreased 3.0%, FAST ridership dropped 17.8%, but LIFT and COASTER ridership increased over 5% and 10% respectively.

Service quality indicators have also improved significantly this quarter. BREEZE mechanical failures decreased 18.0% and FAST failures decreased by 1 failure. LIFT mechanical failures decreased 71.4%, a result of the recent investment in new sedans to replace old vans. COASTER mechanical failures decreased by 15 failures and ran 11,560 miles between road calls.

ATTACHMENT: 7A - Performance Summary Report
7B - System Performance Summary 1st Quarter FY2008

FISCAL IMPACT: None

COMMITTEE REVIEW:
1/3/08

STAFF CONTACT: **Cathy Sweet**
Manager of Budgeting and Financial Analysis
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**STAFF REPORT TO THE
MONITORING COMMITTEE**

**Agenda Item #
8**

**TITLE: QUARTERLY FINANCIAL REPORT FOR THREE MONTHS ENDED
SEPTEMBER 30, 2007**

Time Sensitive **Consent**

STAFF RECOMMENDATION: **That the NCTD Board of Directors receive and review the Quarterly Financial Report for the quarter ended September 30, 2007.**

**BACKGROUND
INFORMATION:**

The Quarterly Financial Report (Attachment 8A) provides information on the District's financial position, as well as an overview of budgeted and actual revenues and expenses through the first quarter of the fiscal year. It should be noted that only year-end financial reports are independently audited and receive all necessary adjustments for compliance with GAAP (generally accepted accounting principles). Quarterly financial reports are un-audited and are for internal use only.

Subsequent to the preparation of the attached report, NCTD received revised TDA and TransNet estimates from SANDAG on December 19, 2007. Transportation Development Act (TDA) funding is NCTD's largest single source of operating revenues. TDA and TransNet revenues are based on sales tax collections in San Diego County. Together, TDA and TransNet comprise over 43% of NCTD's total operating revenues.

In February 2007, SANDAG issued its estimate of TDA and TransNet revenues for FY 2008. Each year, NCTD and MTS use the February estimates to develop the annual operating budget.

In May 2007, SANDAG notified NCTD and MTS that the estimates for TDA and TransNet would be revised downward significantly for FY 2008. For NCTD, the impact was a reduction in funding of over \$4 million.

On December 19, 2007, SANDAG notified NCTD and MTS that estimated sales tax collections for the current year would be significantly lower than the May 2007 estimates. Based on these new estimates, NCTD will face a \$3.6M to \$4.0M decrease in TDA and TransNet revenues for the current fiscal year. This new adjustment results in a total decrease in funding of over \$8 million since the original estimates of February 2007.

ATTACHMENT: 8A - Q1 FY 2008 Financial Report

FISCAL IMPACT: None

**COMMITTEE
REVIEW:**
1/3/08

STAFF CONTACT: **Richard Hannasch**
Director of Fiscal and Support Services
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**STAFF REPORT TO THE
MONITORING COMMITTEE**

**Agenda Item #
9**

TITLE: SPRINTER TICKET VENDING MACHINE MAINTENANCE SERVICE

Time Sensitive Consent

STAFF RECOMMENDATION: **That the Board authorize the issuance of a Supplemental Agreement to IFB 0104 to add SPRINTER TVM maintenance services to the scope of work for Sectran.**

BACKGROUND INFORMATION: As part of the Regional Automated Fare Collection Project, SANDAG has installed 18 Cubic Ticket Vending Machines (TVMs) for the COASTER stations, and 32 TVMs for the SPRINTER stations.

NCTD executed a COASTER TVM maintenance contract with Ed Burger in 2002, when the original manufacturer discontinued supporting the COASTER TVMs. The current contract with Mr. Burger expires June 30, 2008. Mr. Burger has been trained on the repair and maintenance of the new machines, and has been maintaining the COASTER TVMs.

NCTD proposes that a Supplemental Agreement be issued to Sectran to provide maintenance service for the 32 SPRINTER TVMs. NCTD currently has a revenue servicing contract with Sectran under IFB 0104 to count currency from the BREEZE farebox bins, the COASTER and SPRINTER TVMs, and the Customer Service sites at the four Transit Centers. Sectran has previously performed maintenance service on more than 100 Ascom TVMs for Metrolink, as well as automated teller machines and other specialized cash machines. Under the regional project, SANDAG will arrange for additional TVM training for Sectran’s maintenance staff.

Sectran’s proposal would provide maintenance services for the 32 SPRINTER TVMs for \$80,000, based on a monthly rate of \$16,000 per month for the five-month period of February through June 2008. The proposal is comparable to the service to be provided for the COASTER TVMs. During early 2008, with the advantage of a few months of actual experience with SPRINTER TVM operations, NCTD staff plan a formal procurement to determine cost-effective options for the ongoing servicing of SPRINTER and COASTER TVMs.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this action is \$80,000. A total of \$170,000 in account 300.503316 has been included in the FY 2008 operating budget.

COMMITTEE REVIEW:
1/3/08

STAFF CONTACT: **Bruce Foltz**
Manager of Financial Services
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January 3, 2008

TO: North County Transit District Board Members
FROM: Clerk of the Board
SUBJECT: POSTING OF BOARD AGENDA

In Compliance with the Ralph M. Brown Act, As Amended, the following information is provided.

The Agenda for this meeting of the Monitoring Committee was posted as follows:

Meeting Date and Time:	January 3, 2008; 8:30 a.m.
Posted At:	810 Mission Avenue, Oceanside, CA and 311 So. Tremont, Oceanside, CA
Date & Time of Posting:	December 28, 2007; 5:00 p.m.
Posted By:	Clerk of the Board