



BOARD OF DIRECTORS

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AGENDA

MONITORING COMMITTEE

Chairman Chris Orlando, Dave Druker, Rocky Chavez, Bill Horn
Staff Committee Liaison: Richard Hannasch

Thursday, June 5, 2008 - 8:30 AM
311 South Tremont Street, Oceanside, California

1. Open Meeting
2. Changes to the Agenda
3. Support for Bridge Replacement Project Geological Investigation
4. Replacement Upgrade of Three COASTER Road Channel Base Station Radios
5. Signal System and Grade Crossing Equipment Spare Parts for the Escondido Subdivision
6. Workers' Compensation Litigation Legal Service Providers
7. Ticket Vending Machine Maintenance Service Contract
8. FEMA Flood Plain Compliance and Map Revisions for SPRINTER Permitting and Mitigation
9. FY 2009 Annual Disadvantaged Business Enterprise (DBE) Goal
10. Customer Service Relocation
11. Replenish Executive Director's Change Order Authority Pool for SPRINTER Construction Contracts
12. SPRINTER Revenue Service Report (Oral Presentation)
13. Develop Plan/Program for Maintaining Viable Infrastructures (Discussion)
14. Other Matters
15. Public Comment

16. Next Meeting: Thursday, **July 3, 2008**, 8:30 a.m., 311 South Tremont, Oceanside, CA

17. 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.

Persons with hearing impairment please use the California Relay Service (CRS): 800-735-2929 using TTY; 800-735-2922 using voice; 800-735-0373 for CRS Customer Service; 800-855-3000 for Spanish.



**STAFF REPORT TO THE
MONITORING COMMITTEE**

**Agenda Item #
3**

**TITLE: SUPPORT FOR BRIDGE REPLACEMENT PROJECT GEOLOGICAL
INVESTIGATION**

Time Sensitive Consent

**STAFF
RECOMMENDATION:**

That the NCTD Board of Directors authorize the Executive Director to award a purchase order in the amount of \$69,890 under the terms of RFP 05023 to TransitAmerica Services, Inc. for right-of-way maintenance support for the geological investigation for the Bridge Replacement Project – Sorrento Valley.

**BACKGROUND
INFORMATION:**

For the first three weekends in April 2008, SCRRA conducted major track and structure work north of the San Diego County line. As a consequence, on these weekends, there was no Amtrak or Metrolink service and no freight traffic. The last time SCRRA scheduled one of these “weekend blitzes”, we used the opportunity to re-rail the Miramar Hill section of the COASTER corridor.

As part of this outage, the Geological Investigation for the Bridge Replacement Project was conducted in Sorrento Valley. This investigation involved taking many soil samples and numerous on-track borings through bridge decks, often to over 80’ in depth

The work assigned to Transit America to carry out this task included:

- Preparing the bridge decks for the drill rigs used in the investigation;
- Procuring large steel plates to cover the areas affected by the boring of holes through the deck of the bridges and allow access to the holes from the drill rigs; and
- Providing and operating equipment to transport the large drill rig vehicles and support equipment by rail to the various bridge locations which have little or no access by road.

The importance of taking advantage of these track outage windows was paramount as this work would have taken many months to perform under normal rail traffic situations and may have had potential schedule impacts if any mechanical failures had occurred. This work was necessary for the engineering design of the replacement bridges to advance to the 60 percent level, preparing these projects for readiness as funding becomes available.

The initial estimate for this work was \$48,047, below the Board approval threshold. However, several on-site conditions and events caused the final cost to require Board notice and approval.

Because all of the work was performed in environmentally sensitive areas, biological monitors would periodically stop work for monitoring or allow work to only be performed when they felt bird species were not present, due to the noise made by the equipment while working. Cultural monitors were also placed at Bridge 247.4 because evidence of native culture had been found in this area. These items added significant delays and costs that brought the final amount over the threshold requiring Board approval.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this item is \$69,890. A total of \$7,862,500 has been budgeted in various capital projects under the Bridge Replacement Program (JB#'s 506101, 506102, 506103, 506104, 506105, 507101, 507102 and 507103) for the preliminary engineering and environmental work related to replacing these eight bridges, including \$3,100,000 from NCTD's capital project budget for FY 09. Of the total amount budgeted, \$2,836,727 has been expended and an additional \$1,935,537 has been encumbered, leaving an available balance of \$3,090,236.

Although none of the FY 09 funding is immediately available, pre-award authority is applicable, which would allow NCTD to award contracts now and seek reimbursement for costs incurred in the near future. These funds are expected to be available by August 2008.

**COMMITTEE
REVIEW:**
6/5/08

STAFF CONTACT: **Tom Lichterman**
Director of Rail Services
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**STAFF REPORT TO THE
MONITORING COMMITTEE**

**Agenda Item #
4**

**TITLE: REPLACEMENT UPGRADE OF THREE COASTER ROAD CHANNEL
BASE STATION RADIOS**

Time Sensitive Consent

STAFF RECOMMENDATION: That the NCTD Board of Directors authorize the Executive Director to award a purchase order in the amount of \$64,205 under the terms of RFP 05023 to TransitAmerica Services, Inc. for the replacement of COASTER Base Stations radios.

BACKGROUND INFORMATION: In order for the COASTER radio and maintenance-of-way communications to function properly within the San Diego Subdivision, three base radios stations at Scripps and CP Ash in San Diego and the Abbey in Oceanside must be working properly. Recently, these radios have become much more unreliable and maintenance intensive, impacting railroad signal communications reliability.

Further, the Federal Communications Commission (FCC) is requiring a channel spacing conversion from 25 KHz to 12.5KHz by January 1, 2013. This base station replacement is consistent with that requirement and part of the recommendations of the District’s current Signal Communication System Upgrade Project.

Therefore, as part of the overall Communication System Upgrade Project and for the following additional reasons, staff is recommending replacing the existing MSF 5000 radios with new Quantar systems:

1. The MSF5000 does not have narrowband capability therefore, per the FCC, must be replaced by January 1, 2013.
2. The MSF5000 no longer has support, parts, or programming capability.
3. The MSF5000 has no spare components for backup.
4. The Quantar system is narrowband capable.
5. The Quantar system is currently used on the SPRINTER line, thus obtaining spares and support services would be more efficient and cost effective.
6. The Quantar has proven reliability.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this item is \$64,205. A total of \$500,000 has been budgeted under JB#507901 – Signal and Communication System Upgrade, Phase 2, which can be used for this purpose, none of which has been expended or encumbered, leaving an available balance of \$500,000.

COMMITTEE REVIEW:

6/5/08

STAFF CONTACT: Tom Lichterman
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**STAFF REPORT TO THE
MONITORING COMMITTEE**

Agenda Item #

5

TITLE: SIGNAL SYSTEM AND GRADE CROSSING EQUIPMENT SPARE PARTS FOR THE ESCONDIDO SUBDIVISION

Time Sensitive Consent

**STAFF
RECOMMENDATION:**

That the NCTD Board of Directors approve award of a purchase order in the amount of \$88,751.15 to TransitAmerica Services, Inc., for the procurement of signal system and grade crossing equipment spare parts for use on the Escondido Subdivision.

**BACKGROUND
INFORMATION:**

The SPRINTER Mainline construction contract included listed signal system and grade crossing equipment spare parts that are provided by West Coast Rail Constructors. The original base bid list of spare parts was specified by the design team.

However, after several months of pre-revenue and revenue operations experience, and evaluation by the District's signal systems consultants and maintainers, it has been determined additional spare parts are needed to provide for emergency maintenance of the safety-related equipment. Having these spare parts in stock and ready for immediate use significantly improves TransitAmerica's ability to respond to component and system failures and reduces the potential of service delays.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this item is \$88,751.15. A total of \$29,772,671 has been budgeted in the SPRINTER capital project (JB#709501 – TC) for the signal system, train control and grade crossings components of the SPRINTER project, of which \$28,814,922 has been expended and an additional \$504,672 has been encumbered, leaving an available balance of \$453,077.

**COMMITTEE
REVIEW:**
06/05/08

STAFF CONTACT: **Tom Lichterman**
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STAFF REPORT TO THE MONITORING COMMITTEE

Agenda Item # 6

TITLE: WORKERS COMPENSATION LITIGATION LEGAL SERVICE PROVIDERS

Time Sensitive [] Consent [X]

STAFF RECOMMENDATION:

That the Board of Directors authorize the Executive Director to award three contracts to legal service providers to handle NCTD's workers' compensation litigation activities.

BACKGROUND INFORMATION:

NCTD self-insures its workers' compensation program for up to \$1 million per occurrence. Excess workers' compensation insurance is purchased for an additional \$15 million per occurrence above these limits. The District's workers' compensation claims are administered through a contract with TRISTAR Risk Management Services. Over the past five years NCTD has received an average of 71 new claims annually. Current caseload of open claims encompasses approximately 133 claims. Of this number, approximately 27% are litigated.

Historically, the District's workers' compensation legal fees have been paid as a pass-through arrangement from the third party administrator. Staff is recommending that the District contract directly with the workers' compensation attorneys in the same manner as currently done for its third party personal injury and property damage litigation and general counsel legal services. Through this method, the District will pay all attorney fees directly and will jointly manage the expenses along with the third party administrator (TRISTAR Risk Management Services.) The District's general counsel firm, BB&K, will have no supervisory or oversight responsibility for the three workers' compensation litigation firms or for the three third party personal injury and property damage litigation firms.

In accordance with the District's procurement policy, an RFP was advertised and six firms submitted proposals. An evaluation committee comprised of three NCTD employees reviewed the proposals against the RFP evaluation criteria and final scores on a one hundred point scale were:

<u>FIRM</u>	<u>TOTAL POINTS</u>
Trovillion, Inveiss & Demakis	100.00
Mark H. Barber	98.36
Floyd, Skeren & Kelly	90.78
Goldman, Magdalin & Krikes	88.11
Dietz, Gilmore & Associates	79.00
Graves, Roberson & Bourassa	78.69

Staff is recommending that the three highest scored firms be awarded five-year contracts. Those firms are: Trovillian, Inveiss & Demakis; Mark H. Barber and Floyd, Skeren & Kelley. In the event any of the three highest scoring firms do not choose to sign the District's standard Professional Services agreement, then the next firm in line will be given the opportunity to enter into a contract with the District. The hourly rates established with each firm will be fixed for the entire five-year contractual period with a not-to-exceed contract value of \$300,000 each. The maximum value of work assigned under all three contracts combined will not exceed \$875,000, but the final individual contract values will vary based upon assignments made.

When lawsuits are served, the Manager of Safety, Risk & Training or her/his designee will assign each lawsuit to one of the three firms based upon her/his assessment of the most qualified firm to handle the specific details of the case. A contributing determination will be the amount of workload each of these firms already has when the assignment is made. An effort will be made to equitably assign the work so that no one or two firms receive the bulk of the assignments.

ATTACHMENT: None

FISCAL IMPACT: Legal services for workers compensation litigation for FY 2009 are estimated at \$165,000 and are included in the total workers' compensation budget of \$1.2 million. RFP 08054 includes a total of \$875,000 over a five-year period for said services.

**COMMITTEE
REVIEW:**
6/5/08

STAFF CONTACT: **Richard Hannasch**
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**STAFF REPORT TO THE
MONITORING COMMITTEE**

**Agenda Item #
7**

TITLE: Ticket Vending Machine Maintenance Service Contract

Time Sensitive **Consent**

**STAFF
RECOMMENDATION:**

That the NCTD Board of Directors authorize the Executive Director to award a five-year contract for Ticket Vending Machines maintenance services contract to Rencom TS, Inc.

**BACKGROUND
INFORMATION:**

The current Ticket Vending Machine (TVM) maintenance service contracts for both the COASTER and SPRINTER will expire on June 30, 2008. In order to continue future maintenance service, RFP 08055 was issued in April 2008.

Three firms submitted proposals in response to the RFP – Sectran Security, Inc., Rencom TS, Inc., and Cubic Transportation Systems, Inc. All three proposals were deemed responsive.

In accordance with NCTD procedures, a panel evaluated the proposal against the RFP criteria. The criteria included company background and experience, personnel background and experience, the management plan, and the price proposal.

The highest score was awarded to Rencom TS Inc. In addition, Rencom offered the lowest fixed price for the five-year term of the agreement. The total cost over the five-year contract will be \$2,005,200. Rencom’s proposal is approximately 37% lower than Cubic’s proposal of \$3,178,053 and 45% lower than Sectran’s proposal of \$3,650,232 for the same five-year contract period.

Based on the evaluation and analyses of the proposals, the evaluation panel concluded that Rencom’s proposal was the most advantageous to NCTD. Accordingly, we recommend that the Committee forward this item to the Board with a recommendation for contract award to Rencom TS, Inc.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of the fixed fee five-year contract is \$2,005,200. The fiscal impact for FY 2009 will be \$471,892, \$159,295 to account 300.503314 and \$312,597 to account 300.503316. The combined budget amount for TVM maintenance for FY 2009 is \$475,000.

COMMITTEE

REVIEW:

06/05/08

STAFF CONTACT:

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MONITORING COMMITTEE REPORT

Agenda Item #

8

TITLE: FEMA FLOOD PLAIN COMPLIANCE AND MAP REVISIONS FOR SPRINTER PERMITTING AND MITIGATION

Time Sensitive Consent

**COMMITTEE
RECOMMENDATION:**

That the NCTD Board of Directors authorize issuance of Purchase Orders not-to-exceed \$150,000, under the contract with Rick Engineering of San Diego, for the preparation of Letters of Map Revisions or (LOMR's) and No Rise Certificates for FEMA for the SPRINTER construction project and authorize the execution of a cost sharing agreement with the City of Oceanside for its portion of the Loma Alta Creek LOMR.

**BACKGROUND
INFORMATION:**

The Preparation of Conditional Letters of Map Revision for FEMA for the floodways along the SPRINTER alignment has been an ongoing effort under the DMJM+Harris Final Design and Design Services during Construction Contracts. In February 2008 NCTD contracted directly with Rick Engineering to continue this work under a professional Services Agreement, No #08046.

Now that the Construction work has been completed on the SPRINTER and all the Conditional Letters of Map Revision (CLOMR's) have been submitted to FEMA, NCTD is required to prepare Letters of Map Revision for the floodplains affected by the SPRINTER Project or No Rise Certificates for floodplains we have crossed with no adverse effect. These need to be submitted to FEMA within six months of project completion per NFIP Regulation 44 CFR Ch. 1 Part 65.3.

The City of Oceanside's City Engineer has proposed cost sharing for a portion of this work as it relates to the Loma Alta Creek LOMR. No formal agreement yet exists with the City, nor has an agreed upon amount been determined by the two agencies.

Staff recommends that the Board authorize Purchase Orders of up to \$150,000 under the Rick Engineering professional Services Contract in order to complete the FEMA floodway map revisions and no rise certifications. Staff also requests authority to execute a cost sharing agreement with the City of Oceanside for its portion of the Loma Alta Creek LOMR.

ATTACHMENT: None

FISCAL IMPACT: The gross fiscal impact of this action is \$150,000, before consideration of any potential reimbursement from the City of Oceanside. The City of Oceanside's portion of this cost is estimated to be \$70,600, resulting in an estimated net fiscal impact to NCTD of \$79,400. A total of \$2,396,986 has been budgeted under the SPRINTER capital project (JB#709512) for permitting, of which \$1,949,976 has been expended and an additional \$428,265 has been encumbered, leaving an available balance of \$18,745. The remainder will be funded from the contingency account, which has a sufficient balance to cover this item.

**COMMITTEE
REVIEW:**
6/5/08

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**STAFF REPORT TO THE
MONITORING COMMITTEE**

**Agenda Item #
9**

**TITLE: FY 2009 ANNUAL DISADVANTAGED BUSINESS ENTERPRISE (DBE)
GOAL**

Time Sensitive **Consent**

STAFF RECOMMENDATION: That the NCTD Board of Directors approve the advertising and submittal of NCTD's FY 2009 Disadvantage Business Enterprise (DBE) Goal to the Federal Transit Administration (FTA).

BACKGROUND INFORMATION: As a recipient of funding from the U.S. Department of Transportation (DOT), NCTD is required to set an annual overall goal for DBE participation with respect to its DOT-assisted contracts pursuant to 49 CFR (Code of Federal Regulations) Part 26. The budget estimate is \$9.6 million for FTA-assisted projects for contract awards in FY 2009; therefore, an overall DBE goal has been developed. For FY 2009, the staff's analysis identified the following annual categorical goals, and a total overall goal of 3.6% is recommended.

- 1.9% Construction
- 1.4% Services
- .3% Goods
- 3.6% Total DBE Goal

The FY 2009 DBE goal was prepared pursuant to 49 CFR 26.45. A copy of the methodology used to calculate NCTD's DBE goal is available upon request.

The District's DBE goal is due to the Federal Transit Administration (FTA) by August 1, 2008. In order to allow for a 45-day comment period, with Committee concurrence, public notices announcing the proposed 3.6% DBE goal will be published on June 7, 2008. The goal will be brought back to the full Board on July 17, 2008 for a status update regarding public comments and to receive authorization to submit the goal to FTA.

For the past four years, NCTD has achieved an average DBE participation of 9.9%, with a DBE goal averaging 7.6%. The proposed goal is less for FY 2009 due to an anticipated decrease in FTA-funded projects following the completion of the SPRINTER project.

ATTACHMENT: None

FISCAL IMPACT: None

**COMMITTEE
REVIEW:**
6/5/08

STAFF CONTACT: Richard Hannasch
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STAFF REPORT TO THE MONITORING COMMITTEE

Agenda Item # 10

TITLE: CUSTOMER SERVICE RELOCATION

Time Sensitive [X] Consent [X]

STAFF RECOMMENDATION:

That the NCTD Board of Directors authorize the Executive Director to award a construction contract to Benold Construction Co., in the amount of \$312,775, for the construction and relocation of Customer Service facilities.

BACKGROUND INFORMATION:

The NCTD main customer service function is located in the lobby of 810 Mission Avenue. It consists of three customer service windows where customers can purchase all types of NCTD service fares and passes, obtain reduced fare I.D. cards, and obtain other information. It is in the best interest of the customer to move these services to the Oceanside Transit Center, our most frequented transit facility where the BREEZE, COASTER, and SPRINTER services converge. Putting these services at a central point within the customers' commute would relieve many from having to take an extra bus to the present location on Mission Avenue.

The proposed site for the new customer service center would be located across the concourse from the Amtrak building, central to train and bus terminals. The center will be comprised of two 12' X 24' prefabricated ticket booth buildings. One building will be equipped with customer service windows that can accommodate up to four customer service attendants simultaneously. The second building will contain an office, employee restroom, and lost and found storage that could be outfitted with additional service windows if needed at a later date.

On April 1, 2008, IFB 08039 was opened to potential bidders for this work. A bid opening was held on May 13, 2008 and seven bids were received:

- 1. Benold Construction Co \$312,775
- 2. Atlas-Allied Inc \$318,980
- 3. Blair Rasmussen Construction \$343,845
- 4. Collins Builders, Inc \$438,700
- 5. GEM Industrial Inc \$376,800
- 6. Kimmel Construction Enterprises Inc \$398,000
- 7. Prava Construction Services, Inc \$317,747

Benold Construction Company has been determined to be the lowest responsive and responsible firm for this procurement.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this action is \$312,775. A total of \$700,000 has been budgeted in JB# 107100 and 108101 for the OTC Customer Service Relocation/Station "O" Upgrade project, of which \$212,709 has been expended and an additional \$65,859 has been encumbered, leaving an available balance of \$421,432 for completion of this combined project.

**COMMITTEE
REVIEW:**
6/5/08

STAFF CONTACT: **Tom Lichterman**
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STAFF REPORT TO THE MONITORING COMMITTEE

Agenda Item # 11

TITLE: REPLENISH EXECUTIVE DIRECTOR'S CHANGE ORDER AUTHORITY POOL FOR SPRINTER CONSTRUCTION CONTRACTS

Time Sensitive [X] Consent [X]

STAFF RECOMMENDATION:

That the NCTD Board of Directors reauthorize \$3 million in delegated contractual change order signature authority to the Executive Director solely for the construction contracts on the SPRINTER projects.

BACKGROUND INFORMATION:

Over the past three years, the Board has awarded approximately \$234 million in construction contracts on the SPRINTER project. Due to the nature of large construction projects such as the SPRINTER, the potential exists for unforeseen field conditions to arise which may require an immediate response by the Contractor based on a Field Work Directive issued by the District. In order to ensure the District is able to respond quickly and efficiently to SPRINTER construction issues as they develop, the Board previously delegated a special procurement authority change order pool to the Executive Director solely for change orders on construction contracts on the SPRINTER project. To date, the Board has authorized additions to the pool as follows:

- December 2004 -\$2 million
November 2005 - \$2 million
July 2006 - \$3 million
September 2006 - \$3 million
November 2006 - \$5 million
February 2007 - \$5 million
June 2007 - \$5 million
September 2007 - \$5 million
November 2007 - \$5 Million
February 2008 - \$3 Million

At this time, the current balance remaining in the change order pool after processing recent change orders is approximately \$1.3 million, and a number of significant change orders are anticipated in the next two or three months. In order to keep the contractor moving and avoid processing-related delays, staff recommends a \$3 million reauthorization of the Executive Director's change order pool authority.

The special change order pool is established and funded from the project contingency and other related SPRINTER project accounts that fund construction activities. The Executive Director, by delegated special authority, is authorized to approve any change orders on the project from that pool. When

the pool nears exhaustion, it is proposed to be replenished with additional amounts pursuant to subsequent Board agenda reports. The Board is notified by email of any changes exceeding \$100,000, and receives periodic updates on the status of the change order activity via these agenda items and SPRINTER Project Reporting.

ATTACHMENT: None

FISCAL IMPACT: This action has no direct fiscal impact in itself, but creates an administrative procedure for the approval of SPRINTER change orders in a manner that helps prevent project delays and potential delay claims. Based on the current SPRINTER budget, staff estimates that there will be sufficient budget available in the various SPRINTER project accounts to process the change orders contemplated under this item. It should be noted that not all change orders will be charged against the SPRINTER project budget; rather, some will be charged to reimbursable projects, while others will be charged against contract allowances in the existing construction contract.

**COMMITTEE
REVIEW:**
06/05/08

STAFF CONTACT: **Tom Lichterman**
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**EXTENDED
BACKGROUND:** The following examples are some of the significant project close out change order issues anticipated to require funding in the next two to three months:

Coast Highway Underground Electrical Service Upgrade - The Coast Highway Station placement required an existing SDG&E overhead electrical service to be relocated and constructed underground. The complete scope of work was unknown at bid time resulting in added cost.

Citracado Parkway Grade Crossing Improvement – Roadway surface profile changes and drainage improvements were constructed to accommodate a future City of Escondido roadway widening project.

Communication Systems Upgrades – Miscellaneous communication system upgrades were performed to improve the radio systems reliability including installation of a stand alone redundant radio and relocation of antennas.

Miscellaneous Drainage Improvements - Site drainage improvements including additional drainage ditches, headwalls and energy dissipaters were constructed in various areas throughout the project footprint.

Item Work Adjustment of Compensation – Original base bid item quantities of work that are exceeded by more than 125 percent may require an adjustment to the unit price for the portion exceeding 125 percent the of the quantity shown on the bid price form.

The anticipated change orders described above and other known items will exceed \$3.0 million and there will be on-going unknowns which will need to be addressed through the pool. Therefore, staff is recommending that the Board authorize augmenting the pool by a total of \$3 million.

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