



707 Randolph Street, Suite 100 • Napa, CA 94559-2912
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Napa County Transportation and Planning Agency (NCTPA)

Board of Directors

AGENDA

Wednesday, March 21, 2012

1:30 p.m.

**NCTPA/NVTA Conference Room
707 Randolph Street, Suite 100
Napa CA 94559**

General Information

All materials relating to an agenda item for an open session of a regular meeting of the NCTPA Board of Directors are posted on our website at www.nctpa.net/m_a.cfm at least 72 hours prior to the meeting and will be available for public inspection, on and after at the time of such distribution, in the office of the Secretary of the NCTPA Board of Directors, 707 Randolph Street, Suite 100, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for NCTPA holidays. Materials distributed to the present members of the Board at the meeting will be available for public inspection at the public meeting if prepared by the members of the NCTPA Board or staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

Members of the public may speak to the Board on any item at the time the Board is considering the item. Please complete a Speaker's Slip, which is located on the table near the entryway, and then present the slip to the Board Secretary. Also, members of the public are invited to address the Board on any issue not on today's agenda under Public Comment. Speakers are limited to three minutes.

This Agenda shall be made available upon request in alternate formats to persons with a disability. Persons requesting a disability-related modification or accommodation should contact Karrie Sanderlin, NCTPA Board Secretary, at (707) 259-8631 during regular business hours, at least 48 hours prior to the time of the meeting.

This Agenda may also be viewed online by visiting the NCTPA website at www.nctpa.net, click on Minutes and Agendas – NCTPA Board or go to www.nctpa.net/bod-c/bod/curr-am.html

ITEMS

- 1. Call to Order – Chair Keith Caldwell
- 2. Pledge of Allegiance
- 3. Roll Call

Members:

Joan Bennett	City of American Canyon
Leon Garcia, Mayor	City of American Canyon
Michael Dunsford	City of Calistoga
Jack Gingles, Mayor	City of Calistoga
Jim Krider	City of Napa
Jill Techel, Mayor	City of Napa
Keith Caldwell	County of Napa
Bill Dodd, BOS Chair	County of Napa
Del Britton, Mayor	City of St. Helena
Peter White	City of St. Helena
Lewis Chilton	Town of Yountville
John F. Dunbar, Mayor	Town of Yountville
JoAnn Busenbark	Paratransit Coordinating Council

- 4. Public Comment
- 5. Chairperson, Board Members' and Metropolitan Transportation Commission (MTC) Update
- 6. Directors Update
- 7. Caltrans Update

8. **CONSENT ITEMS (8.2 – 8.9)**

- 8.1 Approval of Resolution No. 12-07 Authorizing the Submittal of the FY 12/13 Transportation Fund for Clean Air (TFCA) Program Expenditure Plan and Approval of the TFCA Program Manager Selection Criteria (Danielle Schmitz *(Pages 9-32)*)

APPROVE

Board action will (1) approve the FY 12/13 TFCA Expenditure Plan, and (2) Adopt the selection criteria for the purpose of issuing a call for projects consistent with the BAAQMD Board Adopted TFCA County Program Manager Fund Policies for FYE 2013.

- 8.2 Approval of Resolution No. 12-08 Authorizing the Filing of an Application for Federal Transit Administration (FTA) Section 5309 Federal Transit Administration Discretionary State of Good Repair (SGR) Initiative Program for Federal Fiscal Year (FFY) 2012 (Antonio Onorato) *(Pages 33-38)* APPROVE

Board action will authorize the filing of a grant application for a FTA Section 5309 SGR Initiative Program for FFY 2012 in the amount of \$1,120,000 with funds to be used towards maintenance facilities upgrades and conversion to Compressed Natural Gas (CNG).

- 8.3 Approval of Resolution No. 12-09 Amending NCTPA's Budget for Fund 2500-Transportation for Clean Air (TFCA) (Antonio Onorato) *(Pages 39-42)* APPROVE

Board action will authorize a FY 11/12 budget adjustment of \$300,000 for fund 2500 to pay for claims in FY 11/12.

- 8.4 Approval of First Amendment to NCTPA Agreement No. 10-23 with Mark Thomas & Company, Inc. for Work Associated with On-Call Engineering and Project Delivery Services (Lawrence E. Gawell) *(Pages 43-46)* APPROVE

Board action will authorize an amendment to the contract with Mark Thomas & Company, Inc. which extends the period of performance to December 31, 2012.

- 8.5 Approval of First Amendment to NCTPA Agreement No. 10-20 with CH2MHILL, Inc. for Work Associated with On-Call Engineering and Project Delivery Services (Lawrence E. Gawell) *(Pages 47-50)* APPROVE

Board action will approve an amendment to the contract with CH2MHILL, Inc. which extends the period of performance to December 31, 2012.

- 8.6 Second Reading and Adoption of Ordinance No. 1 of the Governing Board of the Napa County Transportation and Planning Agency to Provide Informal Bidding Procedures under the Uniform Public Construction Cost Accounting Act (UPCCAA) (Antonio Onorato) *(Pages 51-56)* APPROVE

Board action will adopt an ordinance to provide informal bidding procedures under the UPCCAA (Section 22000, et seq. of the Public Contract Code).

- 8.7 Approval of Amendment #5 to NCTPA Agreement No. 10-01 for the Provision of Transit Services between NCTPA and Veolia Transportation Inc. (Tom Roberts) *(Pages 57-61)* APPROVE

Board action will approve a contract amendment establishing a transportation service rate for non-profit organizations and a rate for special driver training classes.

- 8.8 Authorization to Negotiate Used Bus Purchase (Tom Roberts) *(Pages 62-63)* APPROVE

Board action will authorize negotiations for the purchase of two (2) used buses from Sonoma County Transit for use on the VINE Route 29 service.

- 8.9 Transit Performance Dashboard and Project List (Tom Roberts) *(Pages 64-67)* INFORMATION

Transit performance data will be provided for Board review.

9. **PUBLIC HEARING ITEMS**

TIME CERTAIN 1:40 PM
RECOMMENDATION

- 9.1 Public Hearing on the Draft NCTPA FY 12/13 Budget (Antonio Onorato) *(Pages 68-71)* INFORMATION/
ACTION

Board action will hold a public hearing and provide comment on the Draft NCTPA FY 12/13 budget which is proposed at \$21,600,000 and a depreciation budget of \$1,163,000.

- 9.2 Public Hearing On Subcontractor Protest to Request for Sub-Contractor Substitution on Soscol Gateway Transit Center Project (Lawrence E. Gawell) *(Pages 72-92)* APPROVE

Board action will hold a public hearing on the request from F&H Construction to substitute Dream Ride Elevator as a subcontractor on the Soscol Gateway Transit Center project.

10. **REGULAR AGENDA ITEMS**

RECOMMENDATION

- 10.1 Transportation Sales Tax Consideration (Paul W. Price) *(Pages 93-109)* INFORMATION/
ACTION

Board action will give direction to circulate the Transportation Infrastructure Sales Tax Ballot language to member jurisdictions for approval and return to the NCTPA Board for action at its May 16, 2012 or June 20, 2012 NCTPA Board meeting.

- 10.2 Real Estate Purchase Contract with the Town of Yountville (Antonio Onorato) *(Pages 110-112)* APPROVE

Board action will authorize the execution of a real estate purchase contract with the Town of Yountville for the purchase of an approximate 6,000 square foot parcel of property located at the southeast corner of Solano Avenue and California Drive in the Town of Yountville.

- 10.3 Advanced Farebox System Consultant Services (Antonio Onorato) *(Pages 113-116)* APPROVE

Board action will authorize a contract with Auriga Corporation in an amount not to exceed \$65,550 to perform a needs assessment and develop functional requirements for the replacement of VINE Transit's bus fare collection system.

- 10.4 Proposed Improvements to Transit Service in Calistoga (Tom Roberts) *(Pages 117-120)* APPROVE

Board action will review and approve the proposed modification of the transit service in Calistoga.

- 10.5 Sharing of Agency Vehicles with Non-profit Social Service Agencies (Tom Roberts) *(Pages 121-124)* APPROVE

Board action with authorize staff to share, when practicable, FTA 5310 funded vehicles with local 501(c)(3) non-profit agencies serving older adults and people with disabilities.

- 10.6 iPad Policy (Janice Killion) *(Pages 125-130)* INFORMATION/
APPROVE

Board discussion and possible action related to approval of an iPad policy.

11. **INTERJURISDICTIONAL ISSUES FORUM** **RECOMMENDATION**

- 11.1 Napa County Commission for the Arts and Culture (NCCAC) (Paul W. Price)) *(Pages 131-132)* INFORMATION/
ACTION

Discussion and possible action related to discontinuing the Napa County Commission for the Arts and Culture (NCCAC) as a standing committee of NCTPA.

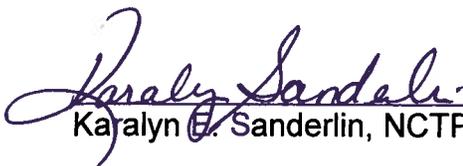
- 11.2 Interjurisdictional Issues Discussion Forum and Information Exchange INFORMATION/
ACTION

Board Members are encouraged to share specific new projects with interjurisdictional impacts.

12. **ADJOURNMENT** **RECOMMENDATION**

- 12.1 Approval of Meeting Date of April 18, 2012 and Adjournment APPROVE

I hereby certify that the agenda for the above stated meeting was posted at a location freely accessible to members of the public at the NCTPA offices, 707 Randolph Street Suite 100 Napa CA, by 5:00 p.m., Friday March 16, 2012.



Karalyn E. Sanderlin, NCTPA Board Secretary

Glossary of Acronyms

AB 32	Global Warming Solutions Act	MTS	Metropolitan Transportation System
ABAG	Association of Bay Area Governments	NCTPA	Napa County Transportation and Planning Agency
ADA	American with Disabilities Act	NEPA	National Environmental Policy Act
BAAQMD	Bay Area Air Quality Management District	NOC	Notice of Completion
AVAA	Abandoned Vehicle Abatement Authority	NOD	Notice of Determination
BART	Bay Area Rapid Transit District	NOP	Notice of Preparation
BATA	Bay Area Toll Authority	NVTA	Napa Valley Transportation Authority
BRT	Bus Rapid Transit	OBAG	One Bay Area Grant
Caltrans	California Department of Transportation	PCI	Pavement Condition Index
CEQA	California Environmental Quality Act	PDA	Priority Development Areas
CIP	Capital Investment Program	PMS	Pavement Management System
CMA's	Congestion Management Agencies	Prop. 42	Statewide Initiative that requires a portion of gasoline sales tax revenues be designated to transportation purposes
CMAQ	Congestion Mitigation and Air Quality Improvement Program	PSR	Project Study Report
CMP	Congestion Management Program	PTA	Public Transportation Account
CTC	California Transportation Commission	RACC	Regional Agency Coordinating Committee
EIR	Environmental Impact Report	RFP	Request for Proposal
FAS	Federal Aid Secondary	RFQ	Request for Qualifications
FHWA	Federal Highway Administration	RHNA	Regional Housing Needs Allocation
FTA	Federal Transit Administration	RM2	Regional Measure 2 (Bridge Toll)
FY	Fiscal Year	RTEP	Regional Transit Expansion Program
GHG	Greenhouse Gas	RTIP	Regional Transportation Improvement Program
HBP	Highway Bridge Program	RTP	Regional Transportation Plan
HBRR	Highway Bridge Replacement and Rehabilitation Program	SAFE	Service Authority for Freeways and Expressways
HIP	Housing Incentive Program	SAFETEA-LU	Safe, Accountable, Flexible, and Efficient Transportation Equity Act-A Legacy for Users
HOT	High Occupancy Toll	SCS	Sustainable Community Strategy
HOV	High Occupancy Vehicle	SHOPP	State Highway Operation and Protection Program
HR3	High Risk Rural Roads	SR	State Route
HSIP	Highway Safety Improvement Program	SRTS	Safe Routes to School
HTF	Highway Trust Fund	SOV	Single-Occupant Vehicle
IFB	Invitation for Bid	STA	State Transit Assistance
ITIP	State Interregional Transportation Improvement Program	STIP	State Transportation Improvement Program
JARC	Job Access and Reverse Commute	STP	Surface Transportation Program
LIFT	Low-Income Flexible Transportation	TMC	Transportation Control measure
LOS	Level of Service		
MPO	Metropolitan Planning Organization		
MTC	Metropolitan Transportation Commission		

Glossary of Acronyms

TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TDM	Transportation Demand Management Transportation Demand Model
TE	Transportation Enhancement
TEA	Transportation Enhancement Activities
TEA 21	Transportation Equity Act for the 21 st Century
TFCA	Transportation Fund for Clean Air
TIP	Transportation Improvement Program
TLC	Transportation for Livable Communities
TMP	Traffic Management Plan
TMS	Transportation Management System
TOD	Transit-Oriented Development
TOS	Transportation Operations Systems
VHD	Vehicle hours of Delay
VMT	Vehicle Miles Traveled



March 21, 2012
NCTPA Agenda Item 8.1
Continued From: New
Action Requested: APPROVE

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Danielle Schmitz, Associate Program Planner/Administrator
(707) 259-5968 / Email: dschmitz@ncpta.net
SUBJECT: Approval of Resolution No. 12-07 Authorizing the Submittal of the FY 12/13 Transportation Fund for Clean Air (TFCA) Program Expenditure Plan and Approval of the TFCA Program Manager Selection Criteria

RECOMMENDATION

That the NCTPA Board (1) approve Resolution No. 12-07 (Attachment 1) accepting the FY 12/13 TFCA Expenditure Plan and (2) adopt the criteria (Attachment 2) for the purpose of issuing a call for projects consistent with the Air District's Board Adopted TFCA County Program Manager Fund Policies for FYE 2013.

COMMITTEE RECOMMENDATION

The Technical Advisory Committee (TAC) recommended at their March 1st meeting that the NCTPA Board approve the TFCA Expenditure Plan for the FY 12/13 and open a call for TFCA Projects for the 12/13 cycle using the project selection criteria in Attachment 2.

EXECUTIVE SUMMARY

The NCTPA annually allocates funds generated under AB 434. The monies come from a four-dollar vehicle license fee imposed by the Bay Area Air Quality Management District (BAAQMD) and are known as Transportation Fund for Clean Air (TFCA). Forty percent of these funds are returned to the NCTPA for distribution to local projects. Projects must be beneficial to air quality and be cost effective. The remaining sixty percent is allocated by the BAAQMD on an area wide competitive basis. The Program Manager Expenditure Plan application is due by April 2, 2012 to the BAAQMD.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comments
3. Motion, Second, Discussion and Vote

FISCAL IMPACT

Is there a Fiscal Impact? Yes, approximately \$191,788.49 dollars of FY 12/13 TFCA Program Manager Revenues.

CEQA REQUIREMENTS

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time. In the event a specific project requires further analysis, that analysis will be undertaken by the jurisdiction proposing the project.

BACKGROUND AND DISCUSSION

Annually the NCTPA adopts a list of projects for the TFCA Program Manager funds. NCTPA receives about \$180,000 each year from AB 434 funds. Up to 5% of the program funds can be allocated to NCTPA for administrative costs. NCTPA is planning on conducting a workshop on Friday, March 23, 2012 after issuing a call for projects. The final date for project applicants to submit a project is April 27, 2012. The list of projects will be brought back to the Technical Advisory Committee (TAC) for prioritization at its June meeting. The list of projects will then be submitted to the NCTPA Board for final approval.

Applications for FY 12/13 are due by **April 27th by 5:00 pm** to the NCTPA front office. The application may be in the form of a letter which must contain:

1. The name of the project
2. A contact person in the agency
3. A description of the project of no more than one page
4. Cost of the project in both TFCA funds and all other dollars, by source
5. A schedule for the project
6. Sufficient information to determine if the project improves air quality as determined by the Air District assumptions
7. Assurance that the proposed project meets all the Air District policies for forty percent projects, and
8. Assurances that the project is an allowed type

Basic Eligibility

1. Reduction of Emissions
2. TFCA Cost-Effectiveness
3. Eligible Recipients
4. Consistent with Existing Plans and Programs
5. Public Agencies Applying on Behalf of Non-Public Entities
6. Consistent with Existing Plans and Programs

TFCA Project Types

1. Shuttle/Feeder Bus
2. Transit or Vanpool Incentive Programs
3. Bicycle Facility Improvements
4. Smart Growth
5. Arterial Management

SUPPORTING DOCUMENTS

- Attachments:
- (1) Resolution No. 12-07
 - (2) TFCA Project Selection Process and Criteria
 - (3) TFCA Program Manger Expenditure Plan Application FY 12/13
 - (4) Guide and Application for the TFCA Program for Napa County Program Manager Funds for FY 12/13

RESOLUTION No. 12-07

**A RESOLUTION OF THE
NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY (NCTPA)
ADOPTING THE TRANSPORTATION FUND FOR CLEAN AIR (TFCA)
PROGRAM MANAGER EXPENDITURE PROGRAM FOR FY 12/13 AND
AUTHORIZING ISSUANCE OF A CALL FOR PROJECTS**

WHEREAS, the Bay Area Air Quality Management District (BAAQMD) has imposed a vehicle license fee as allowed under Assembly Bill 434 to implement actions that will help clean the air; and

WHEREAS, that program is known as the Transportation Fund for Clean Air Program Manager funds; and

WHEREAS, Assembly Bill 434 calls for the designation of an overall program manager to receive forty percent of the fees generated in the county to be expended for the improvement of air quality; and

WHEREAS, the Napa County Transportation and Planning Agency (NCTPA) has been designated the overall program manager for Napa; and

WHEREAS, the TFCA Program requires at least one public meeting each year for the purpose of adopting criteria for the expenditure of funds; and

WHEREAS, the NCTPA has held one public meeting in the form of the Technical Advisory Committee in addition to this meeting to adopt the criteria for the expenditure of TFCA funds for FY 12/13:

NOW THEREFORE BE IT RESOLVED by the Board of Directors that:

1. The foregoing recitals are true and correct.
2. The Napa County Transportation and Planning Agency adopts the criteria in Exhibit A for the purpose of issuing a call for projects consistent with the Air District's Board Adopted TFCA County Program Manager Fund Policies for FYE 2013.
3. The Napa County Transportation and Planning Agency directs staff to prepare and submit the FY 12/13 Expenditure Plan for Napa County by April 2, 2012.

TFCA Project Selection Process

The project selection process is as follows. The NCTPA Technical Advisory Committee (TAC), with representation from all six Napa County jurisdictions, will serve as the selection and prioritization committee. NCTPA staff will run the prospective projects through an initial qualification process based on project eligibility, and present their findings to the TAC. TAC's recommendations will be forwarded to the NCTPA Board.

Projects will be evaluated on a cost effective and project readiness basis.

TFCA Program Manager Selection Criteria for Napa County

- 1) The proposed project must improve the quality of the air as determined by the BAAQMD.
- 2) The project must fall into one or more of the statutory expenditure categories, which are:
 - * The implementation of ridesharing programs.
 - * The purchase or lease of clean fuel buses for school districts and transit operators.
 - * The provision of local feeder bus or shuttle service to rail and ferry stations and to airports.
 - * Implementation and maintenance of local arterial traffic management.
 - * Implementation of rail-bus integration and regional transit information systems.
 - * Implementation of low-emission and zero-emission vehicle programs and of demonstration projects in telecommuting and in congestion pricing of highways, bridges, and public transit.
 - * Implementation of a smoking vehicles program (Air District project).
 - * Implementation of an automobile buy-back scrappage program operated by a governmental agency (Air District project).
 - * Implementation of bicycle facility improvement projects that are included in an adopted countywide bicycle plan or congestion management program.
 - * The design and construction by local public agencies of physical improvements that support development projects that achieve motor vehicle emission reductions.
- 3) Geographic equity in the Napa region.
- 4) The project proponent has expended past allocations of funds in a timely manner.

Expenditure Plan Application

13-«County»

FYE 2013

SUMMARY INFORMATION

Program Manager Agency Name: Napa County Transportation and Planning Agency

Address: 707 Randolph Street, Ste 100, Napa, CA 94559

PART A: NEW TFCA FUNDS

- | | | |
|---|----------------|----------------------------|
| 1. Estimated FYE 2013 DMV revenues (based on projected CY2011 revenues): | Line 1: | <u>\$185,717.00</u> |
| 2. Difference between prior-year estimate and actual revenue: | Line 2: | <u>\$ 301.12</u> |
| a. Actual FYE 2011 DMV revenues (based on CY2010): | | <u>\$187,531.12</u> |
| b. Estimated FYE 2011 DMV revenues (based on CY2010): | | <u>\$187,230.00</u> |
| <i>('a' minus 'b' equals Line 2.)</i> | | |
| 3. Estimated New Allocation (Sum of Lines 1 and 2): | Line 3: | <u>\$186,018.12</u> |
| 4. Interest income. List interest earned on TFCA funds in calendar year 2011. | Line 4: | <u>\$5,770.36</u> |
| 5. Estimated TFCA funds budgeted for administration: ¹
<i>(Note: This amount may not exceed 5% of Line 3.)</i> | Line 5: | <u>\$9,300.90</u> |
| 6. Total new TFCA funds available in FYE 2013 for projects and administration
<i>(Add Lines 3 and 4. These funds are subject to the six-month allocation deadline.)</i> | Line 6: | <u>\$191,788.48</u> |

PART B: TFCA FUNDS AVAILABLE FOR REPROGRAMMING

- | | | |
|--|---------|----------|
| 7. Total amount from previously funded projects available for reprogramming to other projects. <i>(Enter zero (0) if none.)</i> | Line 7: | <u>0</u> |
| <i>(Note: Reprogrammed funds originating from pre-2006 projects are not subject to the six-month allocation deadline.)</i> | | |

PART C: TOTAL AVAILABLE TFCA FUNDS

- | | | |
|---|---------|----------------------------|
| 8. Total Available TFCA Funds <i>(Sum of Lines 6 and 7)</i> | Line 8: | <u>\$191,788.49</u> |
| 9. Estimated Total TFCA funds available for projects <i>(Line 8 minus Line 5)</i> | Line 9: | <u>\$182,487.59</u> |

I certify that, to the best of my knowledge, the information contained in this application is complete and accurate.

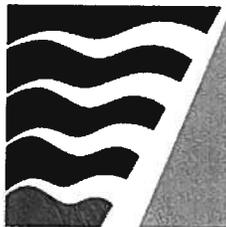
Executive Director Signature: _____

Date: _____

¹ The "Estimated TFCA funds budgeted for administration" amount is listed for informational purposes only. Per California Health and Safety Code Section 44233, Program Managers must limit their administrative costs to no more than 5% of the actual total revenue received from the Air District.



Guide and Application for the
Transportation Fund for Clean Air Program
(TFCA) for Napa County Program Manager Funds



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

DATES OF IMPORTANCE
TFCA Workshop: Friday, March 23rd
FYE 2013 Applications Due to NCTPA: Friday, April 27th

NCTPA
707 Randolph Street, Suite 100
Napa, CA 94559
Phone: 707-259-8631
Fax: 707-259-8638
www.nctpa.net

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APPENDIX A15



March 1, 2012

Greetings Participants!

The Napa County Transportation and Planning Agency is pleased to announce a “Call for Projects” for its Transportation Fund for Clean Air, Program Manager Funds.

The Transportation Fund for Clean Air (TFCA) is a grant program, funded by a \$4 surcharge on motor vehicles registered in the Bay Area. This generates approximately \$22 million per year in revenues. The purpose of the TFCA program is to provide grants to implement the most cost-effective projects in the Bay Area that will decrease motor vehicle emissions, and thereby improve air quality. Projects must be consistent with the 1988 California Clean Air Act and the Bay Area Ozone Strategy.

The TFCA program can fund a wide range of project types, including the construction of new bicycle lanes; shuttle and feeder bus services to train stations; ridesharing programs to encourage carpool and transit use; bicycle facility improvements such as bicycle racks and lockers; and arterial management projects that reduce traffic congestion.

NCTPA is pleased that your agency or organization has chosen the TFCA program as a potential funding source to complete your eligible project. This packet has been created to help guide you in submitting a successful application for funding.

The available funding for Napa County TFCA projects for FYE 2013 will be approximately \$182,000 dollars. The TFCA Applications for FYE 2013 will be due to the NCTPA offices by 5:00 PM on Friday, April 27th.

If you have any questions, you may contact Danielle Schmitz, TFCA Program Manager at: NCTPA TFCA Program

707 Randolph Street, Suite 100

Napa, CA 94559

Phone: 707-259-8631

Sincerely,

Paul W. Price

Executive Director

Napa County Transportation & Planning Agency

INTRODUCTION

On-road motor vehicles, including cars, trucks, and buses, constitute the most significant source of air pollution in the Bay Area. Vehicle emissions contribute to unhealthy levels of ozone (summertime "smog") and particulate matter.

To protect public health, the State Legislature enacted the California Clean Air Act in 1988. As part of the requirements, the Air District prepared the Bay Area Clean Air Plan (CAP) and the Bay Area 2005 Ozone Strategy, which describes how the region will work toward compliance with the State one-hour ozone standard. To reduce emissions from motor vehicles, the Bay Area 2005 Ozone Strategy contains transportation control measures (TCMs) and mobile source measures (MSMs). A TCM is defined as "any strategy to reduce vehicle trips, vehicle use, vehicle miles traveled, vehicle idling, or traffic congestion for the purpose of reducing motor vehicle emissions." MSMs encourage the retirement of older, more polluting vehicles and the introduction of newer, less polluting motor vehicle technologies, which result not only in the reduction of ozone precursor emissions, but also of greenhouse gas emissions.

THE TFCA PROGRAM

To fund the implementation of TCMs and MSMs, the State Legislature authorized the Bay Area Air Quality Management District to impose a \$4 surcharge on motor vehicle registration fees paid within the San Francisco Bay Area. These revenues are allocated by the Air District through the Transportation Fund for Clean Air (TFCA). TFCA grants are awarded to public and private entities to implement eligible projects.

TFCA-funded projects have many benefits, including the following:

- Conserving energy and helping to reduce greenhouse gas emissions
- Reducing air pollution, including air toxics such as benzene and diesel particulates
- Improving water quality by decreasing contaminated runoff from roadways
- Improving transportation options
- Reducing traffic congestion

Forty percent (40%) of these funds are allocated to the designated program manager within each county and are referred to as the TFCA Program Manager Fund. Sixty percent (60%) of these funds are awarded directly by the Air District through the TFCA Regional Fund.

Your Responsibilities as Project Sponsor:

1. Submit projects to the Program Manager that comply with Air District policies.
2. Prepare and submit your project's information form and cost-effectiveness worksheet to the Program Manager.
3. Adhere to the Program Manager's timeline and submit deliverables on time.
4. Submit project status report forms on time.
5. Complete your TFCA project two years from the effective date of the Master Agreement between the Program Manager and the Air District.
6. Provide proof of Air District credit for vehicles purchased, published materials, and construction funded or partially funded through the TFCA program.
7. Provide itemized invoices to the Program Manager for reimbursement of your project.

NCTPA's Responsibilities as Program Manager:

1. Provide guidance, offer technical support to project sponsors.
2. Review Project Sponsor's Project Information forms, cost-effectiveness sheets, and reporting forms.
3. Administer program in accordance with applicable legislation, including Health and Safety Code Sections 44233, 44241, and 44242, and with Air District Board-Adopted TFCA County Program Manager Fund Policies
4. Hold one or more public meetings each year for the purpose of adopting criteria for the expenditure of the funds and to review expenditure of revenues received.
5. Provide funds only to projects that comply with Air District Policies and Procedures.
6. Encumber and expend funds within two years of the receipt of funds.
7. Provide information to the Air District and to auditors on the expenditures of TFCA funds.

BASIC ELIGIBILITY

1. Reduction of Emissions: Only projects that result in the reduction of motor vehicle emissions within the Air District's jurisdiction are eligible.

Projects must conform to the provisions of the California Health and Safety Code (HSC) sections 44220 et seq. and the Air District Board of Directors adopted TFCA Program Manager Fund Policies for FYE 2013.

Projects must achieve surplus emission reductions, beyond what is currently required through regulations, ordinances, contracts, or other legally binding obligations at the time of the execution of a funding agreement between the Program Manager and the sub-awardee.

2. TFCA Cost-Effectiveness: Projects must achieve TFCA cost-effectiveness, on an individual project basis, equal to or less than \$90,000 of TFCA funds per ton of total of emissions reduced, unless a different value is specified in the Program Manager Guidance for that project type. Cost-effectiveness is based on the ratio of TFCA funds awarded divided by the sum of total tons of reactive organic gases (ROG), oxides of nitrogen (NOx), and weighted particulate matter 10 microns in diameter and smaller (PM10) reduced (\$/ton).

3. Eligible Projects and Case-by-Case Approval: Eligible projects are those that conform to the provisions of the California Health and Safety Code (HSC) section 44241, Air District Board adopted policies and Air District guidance. On a case-by-case basis, Program Managers must receive approval by the Air District for projects that are authorized by the HSC Section 44241 and achieve Board-adopted TFCA cost-effectiveness, but do not fully meet other Board-adopted Policies.

4. Consistent with Existing Plans and Programs: All projects must comply with the transportation control measures and mobile source measures included in the Air District's most recently approved plan for achieving and maintaining State and national ambient air quality standards, those plans and programs established pursuant to California Health and Safety Code (HSC) sections 40233, 40717 and 40919, and, when applicable, with other adopted State, regional, and local plans and programs.

5. Eligible Recipients: Grant recipients must be responsible for the implementation of the project, have the authority and capability to complete the project, and be an applicant in good standing with the Air District.

A. Public agencies are eligible to apply for all project categories.

B. Non-public entities are only eligible to apply for new alternative-fuel (light, medium, and heavy-duty) vehicle and infrastructure projects, and advanced technology demonstrations that are permitted pursuant to HSC section 44241(b)(7). No single non-public entity may be awarded more than \$500,000 in TFCA County Program Manager Funds in each funding cycle.

6. Readiness: Projects must commence in calendar year 2013 or sooner. For purposes of this policy, —commence can mean the issuance of a purchase order to secure project vehicles, and equipment, the delivery of the award letter for a service contract or the delivery of the award letter for a construction contract.

7. Maximum Two Years Operating Costs: Projects that provide a service, such as ridesharing programs and shuttle and feeder bus projects, are eligible to apply for a period of up to two (2) years. Grant applicants that seek TFCA funds for additional years must reapply for funding in the subsequent funding cycles.

APPLICANT IN GOOD STANDING

8. Failed Audit: Project sponsors who have failed either the fiscal audit or the performance audit for a prior TFCA-funded project will be excluded from future funding for five (5) years, or duration determined by the Air District Air Pollution Control Officer (APCO). Existing TFCA funds already awarded to the project sponsor will not be released until all audit recommendations and remedies have been satisfactorily implemented. A failed fiscal audit means an uncorrected audit finding that confirms an ineligible expenditure of TFCA funds. A failed performance audit means that the project was not implemented as set forth in the project funding agreement.

In case of a failed audit, a Program Manager may be subject to a reduction of future revenue in an amount equal to the amount which was inappropriately expended pursuant to the provisions of HSC Section 44242(c)(3).

9. Authorization for County Program Manager to Proceed: Only a fully executed funding agreement (i.e., signed by both the Air District and the County Program Manager) constitutes the Air District's award of funds for a project. Program Managers may only incur costs (i.e., an obligation made to pay funds that cannot be refunded) after the funding agreement with the Air District has been executed.

10. Insurance: Each County Program Manager and project sponsor must maintain general liability insurance, workers compensation insurance, and additional insurance as appropriate for specific projects, with estimated coverage amounts provided in Air District guidance and final amounts specified in the respective funding agreements throughout the life of the projects.

USE OF TFCA FUNDS

- 1. Cost of Developing Proposals:** The costs of developing grant applications for TFCA funding are not eligible to be reimbursed with TFCA funds.
- 2. Combined Funds:** TFCA County Program Manager Funds may be combined with TFCA Regional Funds for the funding of an eligible project with the exception of clean air vehicle projects. For the purpose of calculating TFCA cost-effectiveness, the combined sum of TFCA County Program Manager Funds and TFCA Regional Funds shall be used to calculate the TFCA cost of the project.
- 3. Expend Funds within Two Years:** County Program Manager Funds must be expended within two (2) years of receipt of the first transfer of funds from the Air District to the County Program Manager in the applicable fiscal year. A County Program Manager may, if it finds that significant progress has been made on a project, approve no more than two (2) one-year (1-year) schedule extensions for a project. Any subsequent schedule extensions for projects can only be given on a case-by-case basis, if the Air District finds that significant progress has been made on a project, and the funding agreement between the Program Manager and the Air District is amended to reflect the revised schedule.

TFCA Project Types

- 1. Ridesharing projects**
- 2. Shuttle/Feeder Bus**
- 3. Bicycle Facility Improvements**
- 4. Smart Growth**
- 5. Clean Air Vehicle Purchase**
- 6. Arterial Management**

INELIGIBLE PROJECTS

- 1. Duplication:** Grant applications for projects that duplicate existing TFCA-funded projects (including Bicycle Facility Program projects) and therefore do not achieve additional emission reductions are ineligible. Combining TFCA County Program Manager Funds with TFCA Regional Funds to achieve greater emission reductions for a single project is not considered project duplication.
- 2. Planning Activities:** Feasibility studies are not eligible, nor are projects that only involve planning activities and that do not include an implementation phase.
- 3. Employee Subsidies:** Projects that provide a direct or indirect financial transit or rideshare subsidy or shuttle/feeder bus service exclusively to employees of the project sponsor are not eligible.

Recent Project Examples in Napa County

<u>Project Name</u>	<u>Sponsor</u>	<u>TFCA Funds</u>	<u>Total Project \$</u>
Bicycle Incentive Program	City of Calistoga	\$8,500	\$13,000
Signal Timing Project	City of Napa	\$177,693.43	\$195,000
Class II Bike Lane	County of Napa	\$51,000	\$89,000
Commuter Incentives & Marketing Materials	SNCI	\$40,000	\$40,000

Dates of Importance

- Mar. 23, 2012** TFCA Workshop at NCTPA – 3:00 PM
- Apr. 2, 2012** NCTPA has to submit Expenditure Plan to the Air District
- Apr. 27, 2012** **Project Sponsors** turn in TFCA 2012/2013 project submittals to NCTPA by 5:00 pm
- August 2, 2012** Deadline: Within three months of Board approval, Program Manager submits request for Air District approval of any projects that do not conform to TFCA policies (date tentative)
- Nov. 2, 2012** Deadline: Within six months of Board approval, Program Manager (NCTPA) provides Cost-Effectiveness Worksheets and Project Information forms for new FYE 2013 projects to the Air District (date tentative)

Project Selection Process

The project selection process is as follows. The NCTPA Technical Advisory Committee (TAC), with representation from all six Napa County jurisdictions, will serve as the selection and prioritization committee. NCTPA staff will run the prospective projects through an initial qualification process based on project eligibility, and present their findings to the TAC. TAC's recommendations will be forwarded to the NCTPA Board.

Projects will be evaluated on a cost effective and project readiness basis.

TFCA Program Manager Selection Criteria for Napa County

- 1) The proposed project must improve the quality of the air as determined by the BAAQMD.
- 2) The project must fall into one or more of the statutory expenditure categories, which are:
 - The implementation of ridesharing programs.
 - The purchase or lease of clean fuel buses for school districts and transit operators.
 - The provision of local feeder bus or shuttle service to rail and ferry stations and to airports.
 - Implementation and maintenance of local arterial traffic management.
 - Implementation of rail-bus integration and regional transit information systems.
 - Implementation of low-emission and zero-emission vehicle programs and of demonstration projects in telecommuting and in congestion pricing of highways, bridges, and public transit.
 - Implementation of a smoking vehicles program (Air District project).
 - Implementation of an automobile buy-back scrappage program operated by a governmental agency (Air District project).
 - Implementation of bicycle facility improvement projects that are included in an adopted countywide bicycle plan or congestion management program.
 - The design and construction by local public agencies of physical improvements that support development projects that achieve motor vehicle emission reductions.
- 3) Geographic equity in the Napa region.
- 4) The project proponent has expended past allocations of funds in a timely manner.

Application Instructions:

TFCA project applications for FYE 2013 must be turned in to the NCTPA front office at 707 Randolph Street, Suite 100, in downtown Napa by 5:00 pm on Friday, April 27th. Applications may be in the form of a letter containing:

1. The name of the project;
2. A contact person in the agency;
3. A description of the project of no more than one page;
4. Cost of the project: Total cost and amount of TFCA funds requested;
5. A schedule for the project;
6. Sufficient information to determine if the project improves air quality as determined by the Air District assumptions found in Program Manager Guide for FYE 2013;
7. Assurance that the proposed project meets all the Air District policies for forty percent projects; and
8. Assurances that the project is an allowed type

Applications may also consist of the Project Information Form (see Appendix A). An electronic copy of the Project Information Form can be emailed upon request.

What Happens After Submission?

After applications are submitted to NCTPA the evaluation process will begin. NCTPA plans on the following action timeline:

- By April 2, 2012 – NCTPA will submit FYE 2013 Expenditure Plan to the Air District
- April – June 2012 – NCTPA will evaluate the potential 2012/2013 TFCA projects
- June, 2012 – NCTPA will take proposed 12/13 TFCA projects to the NCTPA Technical Advisory Committee (TAC) for information/feedback (date tentative)
- July 5, 2011 – NCTPA will take proposed final projects for FYE 2013 to the TAC for approval and recommendation to NCTPA Board (date tentative)
- July 20, 2012 – Take TFCA 12/13 projects to the NCTPA Board for approval (date tentative)
- August 2012 – Submit 2011/2012 TFCA Projects to the Air District (date tentative)

TFCA Do's and Don'ts

Do

- Establish a clear link to the air quality benefits of your project
- Provide clear and detailed cost estimates
- Have good back-up documentation including maps and pictures
- Have a clearly defined project scope and timeline
- Keep NCTPA in “the loop” the greater understanding the Program Manager has of your project the better

Don't

- Bite off more than you can chew – if the project cannot be completed in two years apply for funding in phases, it will not hurt your chances of eligibility
- Scope creep – when you fill out your **Project Information Form** this is your application. You have to adhere to the project description you write on this form
- Forget to ask for help – NCTPA is here as a resource, do not assume, rather ask for clarification
- Apply for the TFCA funds now, and figure out where the rest of your project's funding is going to come from later

Frequently Asked Questions

1. Is there a local match requirement to apply for TFCA funding?

No, there is no requirement for a local match.

2. Can TFCA Program Manager Funds be combined with TFCA Regional Funds?

Yes, TFCA Program Manager Funds may be combined with Regional Funds for the funding of an eligible project with the exception of clean air vehicle projects.

3. What is the TFCA funding limit for alternative fuel vehicles?

TFCA funds awarded to alternative fuel vehicle projects may not exceed incremental cost after all other applicable manufacturer and local/state rebates, tax credits, and cash equivalent incentives are applied. Incremental cost is the difference in cost between the purchase or lease price of the vehicle and/or retrofit and its new conventional vehicle counterpart that meets, but does not exceed, 2011 emissions standards.

Contact Information

Napa County TFCA Program Manager
Danielle Schmitz
Associate Program Planner
707 Randolph Street, Suite 100
Napa, CA 94559
Phone: (707) 259-5968
dschmitz@nctpa.net

NCTPA Main Office
707 Randolph Street, Suite 100
Napa, CA 94559
Phone: (707) 259-8631
Fax: (707) 259-8638
www.nctpa.net

Bay Area Air Quality Management District
Geraldina Grunbaum
Supervising Environmental Planner
Phone: (415) 749-4956
ggrunbaum@baaqmd.gov

Appendix A

PROJECT INFORMATION

A. Project Number: 13XX01

Use consecutive numbers for projects funded, with year, county code, and number, e.g., 13MAR01, 13MAR02 for Marin County. Zero (e.g., 13MAR00) is reserved for County Program Manager TFCA funds allocated for administration costs.

B. Project Title: _____

Provide a concise, descriptive title for the project (e.g., "Elm Ave. Signal Interconnect" or "Purchase Ten Gasoline-Electric Hybrid Light-Duty Vehicles").

C. TFCA Program Manager Funds Allocated: \$ _____

D. TFCA Regional Funds Awarded (if applicable):\$ _____

E. Total TFCA Funds Allocated (sum of C and D):\$ _____

F. Total Project Cost: \$ _____

Indicate the TFCA dollars allocated (C, D and E) and total project cost (D). Data from Line E (Total TFCA Funds) should be used to calculate C-E.

G. Project Description:

Project sponsor will use TFCA funds to _____. Include information sufficient to evaluate the eligibility and cost-effectiveness of the project. Ex. of the information needed include but are not limited to: what will be accomplished by whom, how many pieces of equipment are involved, how frequently it is used, the location, the length of roadway segments, the size of target population, etc. Background information should be brief. For shuttle/feeder bus projects, indicate the hours of operation, frequency of service, and rail station and employment areas served.

H. Final Report Content: Final Report form and final Cost Effectiveness Worksheet
Reference the appropriate Final Report form that will be completed and submitted after project completion. See <http://www.baaqmd.gov/Divisions/Strategic-Incentives/Funding-Sources/TFCA/County-Program-Manager-Fund.aspx> for a listing of the following forms:

- *Form for Ridesharing, Shuttles, Transit Information, Rail/Bus Integration, Smart Growth, and Traffic Calming Projects. (Includes Transit Bus Signal Priority.)*
- *Form for Clean Air Vehicle and Infrastructure Projects*
- *Form for Bicycle Projects*
- *Form for Arterial Management Projects*

- I. Attach a completed Cost-effectiveness Worksheet and any other information used to evaluate the proposed project. *For example, for vehicle projects, include the California Air Resources Board Executive Orders for all engines and diesel emission control systems. Note, Cost-effectiveness Worksheets are not needed for TFCA County Program Managers' own administrative costs.*

- J. Comments (if any):
Add any relevant clarifying information in this section.



March 21, 2012
NCTPA Agenda Item 8.2
Continued From: New
Action Requested: APPROVE

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Antonio Onorato, Manager of Finance
(707) 259-8779 / Email: anonorato@nctpa.net
SUBJECT: Approval of Resolution No. 12-08 Authorizing the Filing of an Application for Federal Transit Administration (FTA) Section 5309 Federal Transit Administration Discretionary State of Good Repair (SGR) Initiative Program for Federal Fiscal Year (FFY) 2012

RECOMMENDATION

The NCTPA Board approve Resolution No. 12-08 (Attachment 1) authorizing the filing of a grant application for a for Federal Transit Administration (FTA) Section 5309 Federal Transit Administration Discretionary State of Good Repair (SGR) Initiative Program for Federal Fiscal Year 2012 in the amount of \$1,120,000 with funds to be used towards maintenance facilities upgrades and conversion to Compressed Natural Gas (CNG).

COMMITTEE RECOMMENDATION

None.

EXECUTIVE SUMMARY

In February 2012, the Federal Transit Administration announced the availability of \$650 million nation-wide in "State of Good Repair" (SGR) grants available to public transit providers "...to finance capital projects to replace, rehabilitate and purchase buses...and to construct/rehabilitate bus related facilities." Staff proposes to submit an application in the amount of \$1,120,000 with funds to be used towards upgrading VINE Transit Bus Yard to accommodate CNG vehicles. A single island CNG fueling station is planned to be constructed on the site. Nearly half of VINE Transit buses are expected to be CNG vehicles by 2014 and a dedicated fueling station is needed to ensure the continued reliability of daily operations of the fleet.

The grant application is requesting \$1,120,000 in federal FTA dollars with a local match of 20% or \$280,000 for a total project budget of \$1,400,000. The successful securing of these federal funds would free up local transportation dollars for other agency transit priorities.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

FINANCIAL IMPACT

Is there a Fiscal Impact? Yes. If successful, NCTPA would receive \$1,120,000 in FTA Section 5309 funds and be required to provide a 20% match or \$280,000 in local funds towards a total project cost of \$1,400,000.

Is it Currently Budgeted? No.

Where is it budgeted? FY 12/13 capital budget, Public Transit Fund 2100

Is it Mandatory or Discretionary? Discretionary

Future Fiscal Impact: Yes.

Consequences if not approved: Agency could use an equivalent amount of local funds to move forward with the project.

ENVIRONMENTAL DETERMINATION

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action, which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time. If grant funds are approved, NCTPA intends to conduct appropriate CEQA review related to installation of CNG facilities.

NCTPA is currently requesting bids for an Environmental Review report. NCTPA will contract with an environmental consultant by the end of March 2012. The Agency anticipates receiving a categorical exclusion for the following reason:

According to FTA guidelines: A maintenance facility upgrade is categorically excluded from preparation of an Environmental Impact Statement or an Environmental Assessment under 23 CFR 771.117(d) under the following exclusion:

Construction of new bus storage and maintenance facilities in areas used predominantly for industrial or transportation purposes where such construction is not inconsistent with existing zoning and located on or near a street with adequate capacity to handle anticipated bus and support vehicle traffic.

BACKGROUND AND DISCUSSION

In 2010, NCTPA applied for the FFY 2010 State of Good Repair Grant (SGR) Initiative and was awarded \$1,936,000 of federal FTA funding toward the purchase of five (5) compressed natural gas vehicles. The funds for this grant were secured in August 2011 and the procurement process is currently under way. The vehicles are expected to be delivered in late 2012 or early 2013.

In 2011, NCTPA applied for the FFY 2011 State of Good Repair Grant (SGR) Initiative and was awarded \$2,376,000 of federal FTA funding toward the purchase of six (6) compressed natural gas vehicles and two (2) mid-sized gasoline vehicles. The funds for this grant will be secured in March 2012 and the procurement process is currently under way. The vehicles are expected to be delivered in late 2013 or early 2014.

In February 2012, the Federal Transit Administration announced the availability of another \$650 million nation-wide in "State of Good Repair" grants available to public transit providers "...to finance capital projects to replace, rehabilitate and purchase buses...and to construct/rehabilitate bus related facilities." Again, funding is awarded as part of a nation-wide competition.

Currently, there is only one (1) CNG fueling station in Napa County, operated by Chevron. The fueling station is a public fueling station. Nearly all CNG vehicles in Napa County including VINE Transit use this station to refuel. Long queue lines are not uncommon at this station. If the CNG refueling station becomes inoperable in Napa, the closest option and backup station is in Vacaville, located 27 miles away in Solano County. Due to the remoteness of the Napa CNG station from others, the cost of CNG gasoline gallon equivalent is 50% higher than in other counties in the San Francisco Bay Area.

Original bus yard maintenance facility and expansion plans called for site improvements and a CNG fueling station back in 1992. However due to budget constraints, the scope of work was downsized and plans for construction of a CNG fueling station was scrapped. Construction and improvements to the bus facility were completed in 2005.

Upgrading the VINE Transit maintenance station and installing a dedicated CNG fueling station will alleviate the anxiety of relying on a single vendor to fulfill the fueling needs of the public transit fleet. Maintenance improvements around the fueling station include new paving and concrete with site landscaping, fence repair and lighting around the transit yard.

Given the stated federal priorities of the funding, staff has proposed to apply for these funds to upgrade the VINE Transit Yard maintenance facility to accommodate VINE Transit's future fleet of alternative fueled buses by installing a dedicated single island CNG fueling station. This project is consistent with local transit priorities and the Metropolitan Transportation Commission (MTC) will provide a letter of support for this application.

The successful securing of these Federal funds would free up local transportation dollars for other agency transit priorities. The financial plan and budget is below. If NCTPA is again successful, project funds can be obligated and the project can be implemented quickly.

Expenditure Plan	Total Price
CNG fueling station	\$ 1,125,000
Maintenance Facility Upgrades	\$ 275,000
TOTAL	\$ 1,400,000

Source of Funds	Total
SGR Grant	\$ 1,120,000
Local Match	\$ 280,000
TOTAL	\$ 1,400,000

SUPPORTING DOCUMENTS

Attachment: (1) Resolution No. 12-08

RESOLUTION No. 12-08

**A RESOLUTION OF THE
NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY (NCTPA)
AUTHORIZING THE FILING OF AN APPLICATION FOR
FEDERAL TRANSIT ADMINISTRATION (FTA) SECTION 5309
FEDERAL TRANSIT ADMINISTRATION DISCRETIONARY BUS AND BUS
FACILITIES STATE OF GOOD REPAIR (SGR) INITIATIVE PROGRAM**

WHEREAS, the FTA "State of Good Repair Initiative" is authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Public Law Public Law 109-59, August 10, 2005) and continues the Federal Transit Administration Formula Programs (23 U.S.C. §53) and Surface Transportation Program (23 U.S.C. § 133); and

WHEREAS, pursuant to SAFETEA-LU, and the regulations promulgated thereunder, eligible project sponsors wishing to receive Federal Transit Administration (FTA) Section 5309 Discretionary Bus and Bus Facilities State of Good Repair Initiative funds shall submit an application via Grants.gov; and

WHEREAS, NCTPA is an eligible project applicant for FTA Section 5309 Discretionary Bus and Bus Facilities State of Good Repair Initiative funds; and

WHEREAS, NCTPA wishes to submit a grant application to the Federal Transit Administration in the amount of \$1,120,000 for FTA Section 5309 Discretionary Bus and Bus Facilities State of Good Repair Initiative funds for the following projects:

<u>Item(s)</u>	<u>Total Project Cost</u>
CNG Fueling Station	\$1,125,000
Maintenance Facility Upgrades	\$ 275,000
Total	\$1,400,000

<u>Source of Funds</u>	
5309 SGR Grant	\$1,120,000
Local Match	\$ 280,000
Total	\$1,400,000

NOW, THEREFORE, BE IT RESOLVED by NCTPA's Board of Directors that NCTPA is authorized to execute and file an application for funding under the FTA Section 5309 "Discretionary Bus and Bus Facilities Program State of Good Repair Initiative", in the amount of \$1,120,000 for maintenance facility upgrade to accommodate CNG;

BE IT FURTHER RESOLVED that the Board of Directors by adopting this resolution does hereby state that NCTPA will provide \$280,000 in local matching funds if successful.

Passed and Adopted the 21st day of March, 2012.

Keith Caldwell, NCTPA Chair

Ayes:

Noes:

Absent:

ATTEST:

Karalyn E. Sanderlin, NCTPA Board Secretary

APPROVED:

Janice Killion, NCTPA Legal Counsel



March 21, 2012
NCTPA Agenda Item 8.3
Continued From: New
Action Requested: **APPROVE**

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Antonio Onorato, Manager of Finance
(707) 259-8779 / Email: anonorato@nctpa.net
SUBJECT: Approval of Resolution No. 12-09 Amending NCTPA's Budget for Fund 2500-Transportation for Clean Air (TFCA)

RECOMMENDATION

That the NCTPA Board approve Resolution 12-09 (Attachment 1) authorizing a FY 11/12 budget adjustment of \$300,000 for fund 2500 to pay for claims in FY 11/12.

COMMITTEE RECOMMENDATION

None.

EXECUTIVE SUMMARY

Staff is requesting the addition of \$300,000 of budgeted expenses for the Transportation for Clean Air (TFCA) Fund 2500. Historically, claims paid through this fund are between \$200,000 to \$300,000 per fiscal year. The budget for FY 11/12 was set at \$200,000. Any claims over the budgeted maximum of \$200,000 requires a Board of Directors resolution to increase the budget threshold and allow reimbursements to continue.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comments
3. Motion, Second, Discussion and Vote

FINANCIAL IMPACT

Is there a fiscal impact? Yes. \$300,000 of programmed costs will need to be budgeted.

Is it Currently Budgeted? No.

Where is it budgeted? NA. Will be budgeted in Fund 2500, Dept. 25000

Is it Mandatory or Discretionary? Discretionary

Future Fiscal Impact: No.

Consequences if not approved: Claims for reimbursement for the Transportation for Clean Air Fund will not be processed and jurisdictions will not be reimbursed in a timely manner.

ENVIRONMENTAL DETERMINATION

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action, which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

BACKGROUND AND DISCUSSION

Throughout the fiscal year, the Agency carefully monitors the variances of the budget versus actual expenses on a monthly basis. Certain expense items must be adjusted to match actual expenses in their respective funds/departments. These budget adjustments will provide NCTPA the adjustment necessary for a balanced year-end fiscal audit.

The TFCA is experiencing a higher than expected number of claims in FY 11/12 and will reach its budgeted claim threshold by the end of February 2012, necessitating the need for a budget adjustment to allow for the continued payment of reimbursable expenses.

The TFCA fund has \$758,000 fully programmed and committed by the Bay Area Air Quality Management District (BAAQMD) for TFCA projects. This action allows those reimbursements to take place and allows for processing additional claims to the end of the fiscal year.

SUPPORTING DOCUMENTS

Attachment: (1) Resolution No. 12-09

RESOLUTION No. 12-09

**A RESOLUTION OF THE
NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY (NCTPA)
AMENDING THE FY 11/12 BUDGET TO MAKE A FUND BUDGET ADJUSTMENT
OF \$300,000 IN FUND 2500 DEPARTMENT 25000-TRANSPORTATION
FOR CLEAN AIR (TFCA) TO PAY REIMBURSEMENT CLAIMS**

WHEREAS, the Napa County Transportation and Planning Agency (NCTPA) is designated the countywide transportation planning agency responsible for Highway, Streets and Roads, and transit planning and programming within Napa County, and

WHEREAS, on an annual basis the Board reviews and approves a budget for all transit services- fixed route, deviated route, paratransit, and taxi subsidy as well as NCTPA administration and planning, transportation for clean air fund, and abandoned vehicle abatement authority; and

WHEREAS, on an as-needed basis, the Board reviews and approves budget adjustments to reflect the current fiscal realities; and

WHEREAS, expenditures for fund 2500 in accounts 52185910 were expected to be \$200,000; and

WHEREAS, actual expenditures will be approximately \$500,000; and

WHEREAS, the money for reimbursement claims has been approved and programmed in previous years; and

WHEREAS, a budget adjustment is necessary to continue to process reimbursement claims in the current fiscal year; and

WHEREAS, NCTPA is the pass-through Agency responsible for reimbursements to the respective jurisdictions:

NOW, THEREFORE, BE IT RESOLVED, that the Napa County Transportation and Planning Agency amends the FY 11/12 Budget and approves an addition of \$300,000 in Fund 2500, Department 25000.

Passed and Adopted the 21th day of March, 2012.

Keith Caldwell, NCTPA Chair

Ayes:

Noes:

Absent:

ATTEST:

Karalyn E. Sanderlin, NCTPA Board Secretary

APPROVED:

Janice Killion, NCTPA Legal Counsel



March 21, 2012
NCTPA Agenda Item 8.4
Continued From: New
Action Requested: APPROVE

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Lawrence E. Gawell, Chief Procurement and Compliance
(707) 259-8636 / Email: lgawell@nctpa.net
SUBJECT: Approval of First Amendment to NCTPA Agreement No. 10-23 with Mark Thomas & Company, Inc. for Work Associated with On-Call Engineering and Project Delivery Services

RECOMMENDATION

That the NCTPA Board authorize an amendment (Attachment 1) to the contract with Mark Thomas & Company, Inc. which extends the Period of Performance under NCTPA Agreement No. 10-23 to December 31, 2012.

COMMITTEE RECOMMENDATION

None.

EXECUTIVE SUMMARY

The on-call engineering services contract for work associated with NCTPA's engineering services and support of the Soscol Gateway Transit Center (SGTC) project is due to expire March 31, 2012. Services for the project are still on-going and are expected to be completed by December 31, 2012.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

FINANCIAL IMPACT

Is there a fiscal impact? No. This contract amendment is to extend the period of performance until December 31, 2012 to provide the opportunity to complete the services as set forth in the Agreements.

CEQA REQUIREMENTS

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action, which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

BACKGROUND AND DISCUSSION

On March 31, 2010, NCTPA entered into a contract with Mark Thomas & Company, Inc., to provide On-Call Engineering and Project Delivery Services. Mark Thomas & Company, Inc. is currently providing engineering and project delivery services for the construction of the SGTC. Construction of the SGTC is expected to continue past the current established contract expiration date and by extending this date until December 31, 2012 would ensure uninterrupted services throughout the construction until completion of the SGTC project.

SUPPORTING DOCUMENTS

Attachment: (1) First Amendment to NCTPA Agreement No. 10-23

**FIRST AMENDMENT TO
NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY ("NCTPA")
AGREEMENT NO. 10-23**

THIS FIRST AMENDMENT TO NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY ("NCTPA") AGREEMENT NO. 10-23 herein after referred to as "Agreement" is made and entered into as of this _____ day of **March, 2012** between the NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY (hereinafter referred to as "NCTPA"), and Mark Thomas & Company, Inc., whose mailing address is 3000 Oak Road, Suite 650 Walnut Creek, CA 94597, hereinafter referred to as "CONTRACTOR";

RECITALS

WHEREAS, in March 2010 NCTPA contracted for specialized services, as authorized by Government Code Section 31000, in order to **provide NCTPA with On-Call Engineering and Project Delivery services for a period of two years to ensure maximum full and open competition; and**

WHEREAS, the Agreement term was scheduled to expire in March 2012; and

WHEREAS, the parties desire to amend the Agreement to extend the term in order to provide CONTRACTOR with the opportunity to complete the services as set forth in the Agreement,

TERMS

NOW, THEREFORE, the NCTPA and CONTRACTOR agree to amend the Agreement as follows:

1. Paragraph 1 of the Agreement is replaced in its entirety to read:

1. **Term of the Agreement.** The term of this Agreement shall commence on the date first above written and shall expire on **December 31, 2012** unless terminated earlier in accordance with Paragraphs 9 (Termination for Cause), 10 (Termination for Convenience) or 23(a) (Covenant of No Undisclosed Conflict); except that the obligations of the parties under Paragraphs 7 (Insurance) and 8 (Indemnification) shall continue in full force and effect after said expiration date or early termination in relation to acts or omissions occurring prior to such dates during the term of the Agreement, and the obligations of CONTRACTOR to NCTPA shall also continue after said expiration date or early termination in relation to the obligations prescribed by Paragraphs 15 (Confidentiality), 20 (Taxes) and 21 (Access to Records/Retention).

2. Except as set forth above, the terms and conditions of the Agreement shall remain in full force and effect as previously approved.

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date first above written.

"NCTPA"

"CONTRACTOR"

NCTPA, a joint powers authority organized under the laws of the State of California

Mark Thomas & Company, Inc.

By _____
Keith Caldwell, NCTPA Board Chair

By _____
Sasha Dansky, Div. Manager/Principal

ATTEST:

By _____
Karalyn E. Sanderlin, NCTPA Board Secretary

Approved as to Form:

By _____
Janice Killion, NCTPA Legal Counsel



March 21, 2012
NCTPA Agenda Item 8.5
Continued From: New
Action Requested: APPROVE

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Lawrence E. Gawell, Chief Procurement and Compliance Officer
(707) 259-8636 / Email: lgawell@nctpa.net
SUBJECT: Approval of First Amendment to NCTPA Agreement No. 10-20 with CH2MHILL, Inc. for Work Associated with On-Call Engineering and Project Delivery Services

RECOMMENDATION

That the NCTPA Board approve an amendment (Attachment 1) to the contract with CH2MHILL, Inc. which extends the Period of Performance under NCTPA Agreement No. 10-20 to December 31, 2012.

COMMITTEE RECOMMENDATION

None.

EXECUTIVE SUMMARY

The on-call engineering services contract for work associated with NCTPA's engineering services and support of the Soscol Gateway Transit Center (SGTC) project is due to expire March 31, 2012. Services for the project are still on-going and are expected to be completed by December 31, 2012.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

FINANCIAL IMPACT

Is there a fiscal impact? No. There is no cost impact associated with this request. This contract amendment is to extend the period of performance until December 31, 2012 to provide the opportunity to complete the services as set forth in the Agreements.

CEQA REQUIREMENTS

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action, which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

BACKGROUND AND DISCUSSION

On March 31, 2010, NCTPA entered into a contract with CH2MHILL, Inc., to provide On-Call Engineering and Project Delivery Services. CH2MHILL, Inc. is currently providing engineering and project delivery services for the construction of the SGTC. Construction of the SGTC is expected to continue past the current established contract expiration date and by extending this date until December 31, 2012 would ensure uninterrupted services throughout the construction until completion of the SGTC project.

SUPPORTING DOCUMENTS

Attachment: (1) First Amendment to NCTPA Agreement No. 10-20

**FIRST AMENDMENT TO
NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY ("NCTPA")
AGREEMENT NO. 10-20**

THIS FIRST AMENDMENT TO NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY ("NCTPA") AGREEMENT NO. 10-20 herein after referred to as "Agreement" is made and entered into as of this _____ day of **March, 2012** between the NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY (hereinafter referred to as "NCTPA"), and CH2MHILL, Inc., whose mailing address is 2485 Natomas Park Drive, Suite 600, Sacramento, CA 95833, hereinafter referred to as "CONTRACTOR";

RECITALS

WHEREAS, in March 2010 NCTPA contracted for specialized services, as authorized by Government Code Section 31000, in order to provide NCTPA with **On-Call Engineering and Project Delivery services for a period of two years to ensure maximum full and open competition**; and

WHEREAS, the Agreement term was scheduled to expire in March 2012; and

WHEREAS, the parties desire to amend the Agreement to extend the term in order to provide CONTRACTOR with the opportunity to complete the services as set forth in the Agreement,

TERMS

NOW, THEREFORE, the NCTPA and CONTRACTOR agree to amend the Agreement as follows:

1. Paragraph 1 of the Agreement is replaced in its entirety to read:

1. **Term of the Agreement.** The term of this Agreement shall commence on the date first above written and shall expire on **December 31, 2012** unless terminated earlier in accordance with Paragraphs 9 (Termination for Cause), 10 (Termination for Convenience) or 23(a) (Covenant of No Undisclosed Conflict); except that the obligations of the parties under Paragraphs 7 (Insurance) and 8 (Indemnification) shall continue in full force and effect after said expiration date or early termination in relation to acts or omissions occurring prior to such dates during the term of the Agreement, and the obligations of CONTRACTOR to NCTPA shall also continue after said expiration date or early termination in relation to the obligations prescribed by Paragraphs 15 (Confidentiality), 20 (Taxes) and 21 (Access to Records/Retention).

2. Except as set forth above, the terms and conditions of the Agreement shall remain in full force and effect as previously approved.

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date first above written.

"NCTPA"

"CONTRACTOR"

NCTPA, a joint powers authority organized under the laws of the State of California

CH2M HILL, Inc.

By _____
Keith Caldwell, NCTPA Board Chair

By _____
Mark Aikawa, Vice President

ATTEST:

By _____
Karalyn E. Sanderlin, NCTPA Board Secretary

Approved as to Form:

By _____
Janice Killion, NCTPA Legal Counsel



March 21, 2012
NCTPA Agenda Item 8.6
Continued From: February 15, 2012
Action Requested: APPROVE

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Antonio Onorato, Program Manager Finance
(707) 259-8779 / Email: anonorato@nctpa.net
SUBJECT: Second Reading and Adoption of Ordinance No. 1 of the Governing Board of the Napa County Transportation and Planning Agency to Provide Informal Bidding Procedures under the Uniform Public Construction Cost Accounting Act (UPCCAA)

RECOMMENDATION

That the NCTPA Board approve the second reading and adopt Ordinance No. 1 of the Governing Board of the Napa County Transportation and Planning Agency to Provide Informal Bidding Procedures under the Uniform Public Construction Cost Accounting Act (UPCCAA).

COMMITTEE RECOMMENDATION

None.

EXECUTIVE SUMMARY

On February 15 2012, the NCTPA Board of Directors adopted the Uniform Public Cost Construction Account Act (UPCCAA). The Board directed staff to return to the Board the draft ordinance implementing the UPCCAA procedures as allowed under Public Contract Code Sections 22030-22045. UPCCAA allows for simplified, alternative procedures for bidding and awarding public construction projects in certain circumstances.

Staff is requesting that the NCTPA Board of Directors approve the second reading and adoption of NCTPA Ordinance No. 1: An Ordinance of the Governing Board of the Napa County Transportation and Planning Agency to provide informal bidding procedures under the uniform public construction cost accounting act (Section 22000, Et Seq. of the Public Contract Code).

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comments
3. Motion, Second, Discussion and Vote

FINANCIAL IMPACT

Is there a fiscal impact? Yes, indirect. Implementing the UPCCAA in lieu of an IFB for public works projects will save money and staff resources.

Is it Currently Budgeted? No.

Where is it budgeted? N/A

Is it Mandatory or Discretionary? Discretionary

Future Fiscal Impact: Yes. Savings achieved in time and staff resources.

Consequences if not approved: Agency would continue current procurement practices.

ENVIRONMENTAL DETERMINATION

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action, which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

BACKGROUND AND DISCUSSION

In November 2011, staff requested the circulation of JPA Amendment No. 8. The amendment will allow NCTPA to become subject to the UPCCAA. The motion passed unanimously. Yountville, Calistoga, and St. Helena approved the Amendment in December 2011; Napa County and American Canyon approvals occurring in January 2012.

NCTPA currently require that public works construction projects estimated to cost \$10,000 and above be competitively bid and contracts be awarded to the lowest responsive and responsible bidder. There is a segment of the Public Contract Code (Public Projects: Alternative Procedure, Section 22000-22045) known as the Uniform Public Construction Cost Accounting Act (UPCCAA) that allows for simplified alternative procedures for bidding and awarding public construction projects in certain circumstances.

The UPCCAA applies to public works projects and contracts that typically involve the construction; remodeling; repair; or renovation of public buildings, roads, and other public improvements owned or to be used by the public agency. It does not apply to contracts for supplies, equipment, or services.

The Alternative Bidding procedures are:

- Public Projects of \$30,000 or less may be performed by negotiated contract or by purchase order.
- Public projects of \$175,000 (effective 1/1/2012) or less may be let to contract by the informal procedures
- Public projects of more than \$175,000 shall be let to contract by formal bidding procedures.

The cost accounting policies and procedures are applicable only for agencies that perform public projects by force account and since NCTPA doesn't use force labor, that section of the Act would not affect NCTPA.

Once adopted, the Ordinance will become effective in April 2012. Notifications to trade journals and creation of a pre-qualified contracts list will occur during the month as well.

REFERENCE DOCUMENT

Attachment: (1) NCTPA Ordinance No. 1

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY

ORDINANCE NO. 1

**AN ORDINANCE OF THE GOVERNING BOARD OF
THE NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY
TO PROVIDE INFORMAL BIDDING PROCEDURES UNDER
THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT
(SECTION 22000, ET SEQ. OF THE PUBLIC CONTRACT CODE)**

WHEREAS, Public Contract Code Section 22000 et seq., the Uniform Public Construction Accounting Act, establishes a uniform cost accounting standard and provides for greater contracting powers to be provided to the Executive Director; and

WHEREAS, the Commission established under this Uniform Public Contract Cost Accounting Act has developed uniform public construction cost accounting procedures for implementation by local agencies in the performance of or in the contracting for construction of public projects; and

WHEREAS, the Napa County Transportation and Planning Agency intends to subject itself to the Uniform Public Construction Cost Accounting Procedures by resolution and desires to now adopt the necessary informal bidding procedures by ordinance.

The governing board ("Board") of the Napa County Transportation and Planning Agency, ordains as follows:

SECTION 1. Informal Bidding Procedures.

Public projects, as defined by the Uniform Public Construction Cost Accounting Act and in accordance with the limits listed in Section 22032 of the Public Contract Code, as those limits may be amended from time to time, may be let to contract by informal procedures as set forth in section 22030, et seq., of the Public Contract Code.

SECTION 2. List of Contractors.

The Executive Director is authorized to develop and maintain lists of contractors in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission. Where it is appropriate to provide for pre-qualification, the Executive Director may develop and maintain appropriate pre-qualification packets for different levels and/or categories of work.

SECTION 3. Notice Inviting Informal Bids.

Where a public project is to be performed which is subject to the provisions of this Ordinance, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 2 of this ordinance and/or to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the Executive Director, provided however:

- A. If there is no list of qualified contractors maintained by the District for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.
- B. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

All notices to contractors and construction trade journals pursuant to subdivision (B) of this section shall be completed not less than 10 calendar days before bids are due. The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

SECTION 4. Award of Contracts

The Executive Director is authorized to award informal contracts in the amount not to exceed one hundred seventy-five thousand dollars per contract pursuant to this section. If all bids received are in excess of one hundred seventy-five thousand dollars, the Board of Directors may, by adoption of a resolution by a four-fifths vote, award the contract, at one hundred eighty-seven thousand five hundred dollars (\$187,500) or less, to the lowest responsible bidder, if it determines the cost estimate of the Executive Director was reasonable. The Executive Director is further authorized to award contracts without the necessity of informal bidding pursuant to the amounts and mechanisms set forth under section 22032(a) of the Public Contract Code.

SECTION 5.

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Directors of the Napa County Transportation and Planning Agency hereby declares it would have passed and adopted this ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 6. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 7. A summary of this ordinance shall be published at least once 5 days before adoption and at least once before the expiration of 15 days after its

passage in the Napa Valley Register, a newspaper of general circulation published in the County of Napa, together with the names of members voting for and against the same.

The foregoing ordinance was introduced and read at a regular meeting of the Napa County Transportation and Planning Agency Board of Director's, held on the 15th day of February, 2012, and passed at a regular meeting of the Napa County Transportation and Planning Agency Board of Directors, held on the 21st day of March, 2012, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSTAIN: DIRECTORS

ABSENT: DIRECTORS

KEITH CALDWELL, Chairman of the Board of Directors
Napa County Transportation and Planning Agency

ATTEST:
KARILYN SANDERLIN, NCTPA Board Secretary

By: _____

I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE SECRETARY, 707 RANDOLPH ST. SUITE 100, NAPA, CALIFORNIA ON _____, 2012

KARILYN SANDERLIN, NCTPA Board Secretary



March 21, 2012
NCTPA Agenda Item 8.7
Continued From: New
Action Requested: APPROVE

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Tom Roberts, Program Manager Public Transit
(707) 259-8635 / Email: troberts@nctpa.net
SUBJECT: Approval of Amendment #5 of the Transit Services Agreement #10-01 between NCTPA and Veolia Transportation Inc.

RECOMMENDATION

That the NCTPA Board approves Amendment #5 of NCTPA's Transit Service Agreement No. #10-01 (Attachment 1) authorizing the Executive Director or his designee to execute said amendment establishing a discounted hourly service rate and auxiliary training rate.

COMMITTEE RECOMMENDATION

None.

EXECUTIVE SUMMARY

Policy changes required to ensure full American's with Disabilities Act (ADA) compliance on the agency's paratransit service (VINE Go) will adversely impact some social/human service agencies who have come to depend upon the service to transport clients to their programs. This amendment permits such agencies to contract for program based group transportation at a discounted rate and/or, should they operate their own vehicles, receive training for their drivers.

PROCEDURAL REQUIREMENTS

1. Staff Reports
2. Public Comment
3. Motion, Second, Discussion and Vote

FISCAL IMPACT

Is there a Fiscal Impact? No. This is a pass through of fees/costs.

Shifting current program based VINE Go riders to contract transportation will create significant service capacity on VINE Go which could result in long-term cost savings.

CEQA REQUIREMENTS

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

BACKGROUND AND DISCUSSION

Policy changes required to ensure full ADA compliance on the agency's paratransit service (VINE Go) will adversely impact some social/human service agencies who have come to depend upon the service to transport clients to their programs. Fortunately, both the California Transportation Development Act (TDA), which provides the majority of the agency's transit budget, and various provisions of Federal Transit Administration (FTA) statutes anticipate and provide a limited flexibility specifically designed to allow and encourage transit agencies to address these community transportation needs.

Generally, public transit agencies are prohibited from providing "charter service." FTA defines charter service as "Transportation provided at the request of a third party for the exclusive use of a bus or van for a negotiated price." However, one specific and deliberate exception to this rule relates to providing charter service to transport clients of social/human service agencies to their programs.

The charter prohibitions do not apply to grantees that use Federal financial assistance from FTA for program purposes, that is, transportation that serves the needs of either human service agencies or targeted populations (elderly, individuals with disabilities), under Section 5310, 5311, 5316, or 5317. Specifically, NCTPA "may execute a contract with a government entity or a private, non-profit organization exempt from taxation under subsection 501(c)(1), 501(c)(3), 501(c)(4), or 501(c)(19) of the Internal Revenue Code to provide charter service upon obtaining a certification from that entity or organization which states that:

(i) [the entity/organization] certifies that it is a government entity or an organization exempt from taxation under subsection 501(c)(1), 501(c)(3), 501(c)(4), or 501(c)(19) of the Internal Revenue Code; there will be a significant number of handicapped persons as passengers on this charter trip; the requested charter trip is consistent with the function and purpose of [the entity/organization]; and the charter trip will be organized and operated in compliance with Title VI of the Civil Rights Act of 1964, as amended;"

(49 CFR Part 604.95, "Charter Service"; Final Rule; Federal Register, January 14, 2008)

Several 501(c)(3) non-profit organizations impacted by the ADA driven changes to VINE Go have expressed a desire to contract with NCTPA to transport their disabled clients to their programs. Additionally, others who may now be forced to operate their own vehicles have expressed interest in having their drivers professionally trained.

This amendment permits such agencies to contract for program based group transportation at a discounted rate and/or, should they operate their own vehicles, receive training for their drivers provided by Veolia.

The hourly charter transportation rate of \$33.75/hr would apply only to 501(c)(3) or 501(c)(19) non-profit organizations. A driver training rate of \$30/hr would apply. NCTPA would sign a written transportation agreement with each eligible user and bill that entity for services provided.

Compliance with the ADA in the provision of our paratransit service is mandatory. However, program based social service transportation needs in the community are real and, as addressed by FTA and TDA statutes, a legitimate focus of this agencies effort. To that end, staff recommends adopting amendment No. 5 to the Veolia contract allowing for charter service and training to be provided to eligible agencies as previously described.

SUPPORTING DOCUMENTS

Attachment: (1) Amendment #5 of the Transit Services Agreement #10-01 between NCTPA and Veolia Transportation Inc.

**Amendment #5
Of the Transit Services Agreement #10-01
Between
Napa County Transportation and Planning Agency (NCTPA)
And
Veolia Transportation, Inc.**

This Amendment No. 5 to that NCTPA agreement #10-01 (the Agreement) is entered into as of March 22, 2012 by and between the Napa County Transportation and Planning Agency, herein referred to as "NCTPA" and Veolia Transportation Services, Inc., herein referred to as "Contractor".

Recitals

WHEREAS, transportation demand for senior citizens and disabled individuals attending the programs of 501(c)(3) or (c)(19) exist in the community; and

WHEREAS, ADA paratransit service is unavailable, inappropriate or nonfunctional to serve this needs; and

WHEREAS, some 501(c)(3) or (c)(19) organizations operate their own vehicles but have no appropriate professional driver training available; and

WHEREAS, federal statutes permit for NCTPA's provision of these services; and

WHEREAS, Veolia Transportation, Inc. has the corporate knowledge, skills and capabilities to provide charter transportation and driver training services to these groups consistent with Agreement #10-01; and

WHEREAS, Veolia Transportation, Inc. has agreed to undertake these responsibilities under the direction of the NCTPA.

Terms

NOW THEREFORE, this amendment will establish a billable Charter Service rate with Veolia transportation for non-profit 501(c)(3) or (c)(19) organizations of \$33.75/hr and a driver training rate of \$30/hr.

IN WITNESS WHEREOF, this Amendment No. 5 to Agreement No. #10-01 was executed through their duly authorized representatives as noted below:

NCTPA

Veolia Transportations Services, Inc

By _____
Keith Caldwell, NCTPA Board Chair

By _____

Date: _____

Date: _____

Attest:

By _____
Karalyn E. Sanderlin, NCTPA Board Secretary

Approved As to Form:

By _____
Janice Killion, NCTPA Legal Counsel



March 21, 2012
Board Agenda Item 8.8
Continued From: New
Action Requested: APPROVE

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Tom Roberts, Program Manager-Public Transit
(707) 259-8782 / Email: troberts@nctpa.net
SUBJECT: Authorization to Negotiate Used Bus Purchase

RECOMMENDATION

That the NCTPA Board authorize the Executive Director, or designee, to enter into negotiations for the purchase two (2) used buses for use on the VINE Route 29 service.

COMMITTEE RECOMMENDATION

None.

EXECUTIVE SUMMARY

NCTPA's Short Range Transit Plan calls for the introduction of newer, commuter type buses to service the VINE Route 29 to the Vallejo Ferry and BART. The agency has ordered four new buses which will not arrive until early 2013. Current buses on the route are failing causing service disruptions. Sonoma County Transit has two (2) used Compressed Natural Gas (CNG) buses that will meet NCTPA's immediate needs. Today's action would authorize the Executive Director, or designee, to negotiate with the parties in anticipation of the potential purchase of the two (2) used buses. Any final purchase proposal would come back to the Board for final approval.

PROCEDURAL REQUIREMENTS

1. Staff Reports
2. Public Comment
3. Motion, Second, Discussion and Vote

FISCAL IMPACT

Is there a Fiscal Impact? Not at this time. The action authorizes the Executive Director or his designee to negotiate the terms of a potential future purchase. However, the anticipated cost is \$8,000 - \$10,000 per bus.

CEQA REQUIREMENTS

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action, which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

BACKGROUND AND DISCUSSION

NCTPA's Short Range Transit Plan calls for the introduction of newer, commuter type buses to service the VINE Route 29 to the Vallejo Ferry and BART. The agency has ordered four new buses which will not arrive until early 2013. Current buses on the route are failing causing service disruptions. Sonoma County Transit has two (2) used CNG buses that may meet NCTPA's needs. Today's action would authorize the Executive Director, or designee, to negotiate with the parties in anticipation of the potential purchase of 2 used buses. Any final purchase proposal would come back to the Board for final approval.

Staff recommends that the NCTPA Board authorize the Executive Director, or designee, to enter into negotiations for the purchase of 2 used buses for use on the VINE Route 29 service.

SUPPORTING DOCUMENTS

None.



March 21, 2012
NCTPA Agenda Item 8.9
Continued From: New
Action Requested: INFORMATION

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Tom Roberts, Manager of Public Transit
(707) 259-8635 / Email: troberts@nctpa.net
SUBJECT: Transit Performance Dashboard and Project List

RECOMMENDATION

None. Information only.

COMMITTEE RECOMMENDATION

None. Information only.

EXECUTIVE SUMMARY

NCTPA staff provides periodic updates to the Board of Directors and its advisory committees on system performance and the status of projects impacting the delivery of public transit.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comment

FISCAL IMPACT

Is there a Fiscal Impact? No.

CEQA REQUIREMENTS

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

BACKGROUND AND DISCUSSION

NCTPA staff provides periodic updates to the Board of Directors and its advisory committees on the status of projects impacting the delivery of public transit. What follows is a list of 2012 projects, most of which are due to be completed by September 2012, with which agency staff is presently engaged. The list is not meant to be all inclusive nor include the general, ongoing day-to-day activities and tasks associated with service delivery. In addition, the monthly Transit Dashboard is included.

SUPPORTING DOCUMENTS

- Attachments:
- (1) Transit Project 2012
 - (2) Transit Performance Dashboard (Color version to be provided at meeting)

Transit Projects - 2012

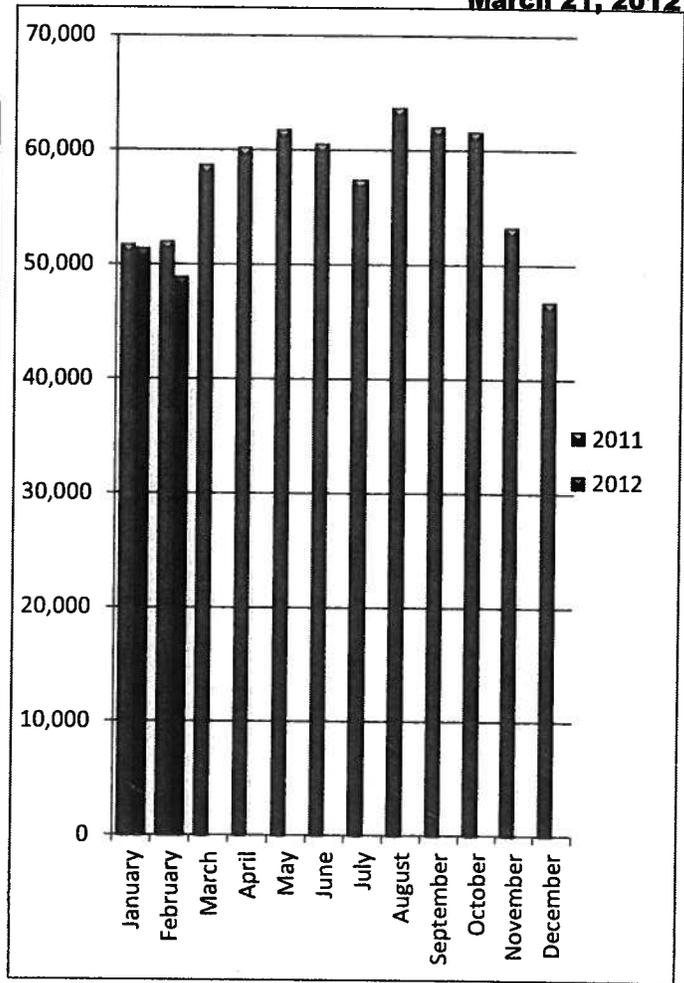
Transit Center
Construction Wayfinding and digital signage Move Dedication ceremony
Service Changes/Improvements
New Napa Routes, design/implementation Launch new Sonoma service Redesign/launch new Calistoga service Redesign St. Helena service Enhancements to Yountville service Consider changes to Route 29 to assist farebox recovery Redesign/implement Transit Ambassador program Redesign/implement ADA application process Design/launch Loaner Vehicle program Prepare for installation/implementation of Clipper Wrap up changes in Taxi Program Web site: RFP and redesign Transfer Agreements with BART and Vallejo Ferry
Marketing
New Napa routes/service New Calistoga service New Sonoma service Summer Youth Pass RFP for Bus/Shelter advertising
Planning
New Short Range Transit Plan
Equipment and Capital Improvements
Complete Napa bus shelter project/installation Bus Washer procurement/installation Farebox RFP Transit Yard: asphalt project Transit Yard: security gates Transit Yard: CNG fueling station project Park and Ride lot shelters Progress of manufacturing and delivery of 13 new vehicles Disposal of surplus fleet vehicles Short term shelter improvements at NVC

Transit Performance Dashboard

ATTACHMENT 2
Board Agenda Item 8.9
March 21, 2012

RIDERSHIP and On Time Performance February 2012				
	OTP Jan'12	Feb'12	YTD	Last YTD
1A	95.2%	3,290	5,940	4,917
1B	91.7%	1,685	3,312	2,462
2	71.4%	2,544	5,155	5,400
3A	97.1%	2,471	5,422	5,147
3B	86.2%	2,008	4,375	4,836
4	79.6%	3,795	7,553	6,690
5A	72.0%	2,049	3,392	4,406
5B	88.0%	1,970	3,836	3,584
6	94.9%	2,801	5,031	3,686
10	51.3%	13,709	32,222	38,174
20	73.6%	780	1,716	0
29	84.7%	2,151	4,279	4,618
Trippers		961	1,520	1,862
AmCan		2,957	5,649	4,055
Calistoga		445	913	786
St. Helena		612	1,106	1,780
Yountville		1,570	2,674	2,318
Napa Shuttle		135	288	183
VineGO	97.1%	2,954	5,892	5,707
Taxi**			1,241	2,673
Other		0	0	466
TOTAL		48,887	101,516	103,750

** incomplete data in 2011



VINE ON TIME PERFORMANCE Oct - Dec			
4th Quarter	3rd Quarter	YTD	Last YTD
90/79.48	90/83.48	90/81.62	90/96.31
Goal is 90% or greater on-time			

VINE GO ON TIME PERFORMANCE Oct - Dec			
4th Quarter	3rd Quarter	YTD	Last YTD
90/94.94	90/92.92	90/96.74	90/96.54
Goal is 90% or greater on-time			

PREVENTABLE ACCIDENTS Oct - Dec			
4th Quarter	3rd Quarter	YTD	Last YTD
1.2/.06	1.2/0.0	1.1/0.4	1.1/0.4
Goal is no more than 1 claim per 100,000 mi			

VINE COMPLAINTS Oct - Dec			
4th Quarter	3rd Quarter	YTD	Last YTD
2.5/0.4	2.8/0.6	2.4/0.6	2.4/0.8
Goal is one actionable complaint every 20,000 trips			

VINE GO COMPLAINTS Oct - Dec			
4th Quarter	3rd Quarter	YTD	Last YTD
1.6/0.0	1.7/0.0	1.6/0.0	1.5/0.0
Goal is one actionable complaint every 2,000 trips			

Trend Over Last Quarter	Trend Over Last Year
↓	↓

Trend Over Last Quarter	Trend Over Last Year
↑	↑

Trend Over Last Quarter	Trend Over Last Year
↑	↔

Trend Over Last Quarter	Trend Over Last Year
↓	↓

Trend Over Last Quarter	Trend Over Last Year
↔	↔



March 21, 2012
NCTPA Agenda Item 9.1
Continued From: New
Action Requested: INFORMATION/ACTION

**NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY
Board Agenda Letter**

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Antonio Onorato, Program Manager Finance
(707) 259-8779 / Email: anorato@nctpa.net
SUBJECT: Public Hearing on the Draft NCTPA FY 12/13 Budget

RECOMMENDATION

That the NCTPA Board hold a Public Hearing and provide comment on the FY 12/13 NCTPA annual budget which is proposed at \$21,648,300 and a depreciation budget of \$1,163,000.

COMMITTEE RECOMMENDATION

None.

EXECUTIVE SUMMARY

The first reading of the draft FY 12/13 budget is being presented to the NCTPA Board for review and comment. A budget committee review occurred in late February and an optional budget committee review may occur in March if needed. The final FY 12/13 NCTPA budget will be presented to the Board in April for approval.

PROCEDURAL REQUIREMENTS FOR PROPOSED BUDGET

1. Open Public Hearing
2. Staff Report
3. Public Comments
4. Close Public Hearing
5. Motion, Second, and Discussion on intention to adopt the budget

FINANCIAL IMPACT

Is there a fiscal impact? Yes. \$22,811,000 for the draft budget comprised of (1) an operating budget of \$12,742,300; (2) capital budget of \$8,906,000; and (3) a

depreciation budget of \$1,163,000. Depreciation expense is a “non-cash” recognized expense used for reporting purposes. Final budget figures may change before the April Board 2012 meeting.

ENVIRONMENTAL DETERMINATION

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

BACKGROUND AND DISCUSSION

The NCTPA Board of Directors is required to adopt an annual budget by June 30th for the upcoming fiscal year. The Agency updates its financial forecast several times a year in preparation for the upcoming fiscal year. NCTPA also conducted an ad-hoc budgets review with the Chairman of the Board and Vice-Chair in February.

In the review and comment period, Board members will have the opportunity to ask questions regarding sources of funding, reason for expenditures, purpose of capital purchases, and any issues of budget development. Revisions to the budget may also occur as an outcome resulting from these reviews. The final product will be the production, Board of Director’s approval, and implementation of the FY 12/13 budget for NCTPA.

2011-12 Budget vs. 2012-13 Budget

CMA and Transit Funding for Operations: NCTPA has secured 96.3% of the funds used in planning and transit operations for the Agency. NCTPA will rigorously investigate and apply for new funding opportunities during to the fiscal year to close the 3.7% gap to fully fund budgeted operational expenses. Agency policy dictates that all expenses **must** have a secured funding source before the expense can be approved. If the funding cannot be secured or is uncertain, then the expense will not occur or will be delayed until the funding source has been secured.

NCTPA is forecasting a 6.4% increase in new operating costs for the new fiscal year over the current year budget. This includes a \$313,000 fuel and operations contingency budget which the Agency has budgeted, but never used in the past. The five (5) areas of cost increases are (1) personnel by 4.1%; (2) fuel by 24.5% (without the contingency); (3) purchased transportation by 4.6%; (4) *New Professional Fees/Consultants* by 3.4%; and (5) Marketing and Outreach by 30.3%.

Personnel Costs: The main drivers of personnel costs increases are health and retirement benefits. A part time sub-RHNA coordinator is also budgeted in personnel costs.

Fuel: NCTPA's public transit fleet uses approximately 324,000 gallons of unleaded, diesel, and Compressed Natural Gas (CNG) fuel per year. Although newer fleet buses account for some fuel efficiencies, VINE Transit is expected to increase service in several areas around the county. Also due the remoteness of the region relative to other bay area cities, cost for fuel is 15% to 50% higher in Napa, than in other bay area counties. The average cost of fuel for 2011-12 is expected to be \$3.90 per gallon. (NCTPA does not pay sales tax on fuel, except for diesel and CNG). The forecast for fuel cost per gallon in 2012-13 is budgeted at \$4.40. The Agency is expecting a nearly 25% increase in fuel costs with a contingency budget of \$129,500 for any cost overages. Uncontrolled fuel costs will be a huge burden on the Agency if not tempered by the end of summer and may result in project delays since fuel is a core component of the public transit operations and the more money spent on fuel will likely mean less funding for other operating expenses.

Purchased Transportation: Per our contract with Veolia, purchased transportation costs will increase by about 3% in the next fiscal year. Also, purchase transportation costs are expected to increase due to expansion of service in Calistoga, Yountville, and VINE Transit.

Professional Fees/ Consultants: Expenses based upon schedule of plans/studies expected to occur in FY 12/13. Plans and studies will not commence until funding has been secured.

Marketing: Ads & Notices: The completion of route revisions on VINE Transit and the community shuttles, Soscal Gateway Transit Center, website redesign, and studies will result in new outreach, marketing campaigns, and promotional efforts in FY 12/13.

Other observations:

Taxi Scrip Program: The effect of recent policy changes for the Taxi Scrip program have yet to be fully ascertained. Changes to the Taxi Scrip program budget may be needed before the end of the fiscal year.

SUPPORTING DOCUMENTS

Attachment: (1) Draft NCTPA FY 12/13 Budget

CONSOLIDATED PUBLIC TRANSIT

Statement of Revenue, Expenses

ATTACHMENT 1
Board Agedna Item 9.1
March 21, 2012

Revised, updated 2/24/12

REVENUES	FY 2011-2012	FY 2011-2012	FY 2012-2013	Difference	Difference %
	ADOPTED BUDGET	PROJECTION	DRAFT BUDGET		
REV- OPERATIONS					
Farebox	1,034,800	1,040,000	1,063,500	28,700	2.8%
Farebox Contributions	86,000	78,700	87,500	1,500	1.7%
Ad Revenue	17,000	16,100	18,700	1,700	10.0%
Other Revenue	-	-	30,400	30,400	100.0%
TOTAL - OPERATIONAL REVENUE	1,137,800	1,134,800	1,200,100	62,300	5.5%
TOTAL- LOCAL TRANSPORT FUNDS (TDA)	4,164,100	3,956,900	4,158,500	(5,600)	-0.1%
REV- INTERGOVERNMENTAL					
Federal: FTA 5307, Operating (total 1.5 mil)	1,562,500	1,540,600	1,555,200	(7,300)	-0.5%
Federal: FTA 5311 (Rural Routes)	-	156,600	253,900	253,900	100.0%
State: State Transit Assistance (STA)	682,100	506,400	996,900	314,800	46.2%
Regional: Regional Measure 2 (RM2) Operating	390,000	390,000	390,000	-	0.0%
TOTAL - INTERGOVERNMENTAL REV	2,634,600	2,583,600	3,196,000	561,400	21.3%
REV- INTEREST INCOME	29,900	15,600	19,600	(10,300)	-34.4%
TOTAL REVENUES	7,966,400	7,700,900	8,574,200	607,800	7.6%

OPERATING EXPENSES

PERSONNEL COSTS

Salary Allocation	285,500	238,900	267,900	(18,000)	-6.3%
TOTAL PERSONNEL COSTS	285,500	238,900	267,900	(18,000)	-6.3%

OPERATING EXPENSES

Telecommunications	200	200	200	-	0.0%
Insurance	9,000	6,500	20,000	11,000	122.2%
Office Expenses	8,000	9,400	8,000	-	0.0%
Memberships	7,000	7,000	7,000	-	0.0%
Postage	1,000	1,000	1,000	-	0.0%
Maintenance: Equipment	45,000	30,400	45,000	-	0.0%
Transportation & Traveling	2,000	1,300	2,000	-	0.0%
Training	500	-	-	-	0.0%
Marketing: Ads & Notices	170,700	142,200	223,000	(500)	-100.0%
Printing	49,900	42,500	51,700	52,300	30.6%
Rental/Leases/ Facilities Expense	58,500	56,100	33,700	1,800	3.6%
Utilities	300	400	25,000	(24,800)	-42.4%
Maintenance: Building & Improvements	1,000	-	3,000	24,700	8233.3%
PSS: Mgmt Info Services (IT)	15,940	39,200	18,000	2,000	200.0%
PSS: Legal Expenses	9,600	11,600	9,400	2,080	12.9%
PSS: Accounting & Audit	26,400	15,000	26,000	(200)	-2.1%
PSS: Other	95,000	55,800	55,000	(400)	-1.5%
Professional Services/ Consultants	20,000	20,000	70,000	(40,000)	-42.1%
PSS: Administration	-	25,000	50,000	50,000	250.0%
Fuel*	1,040,000	1,163,500	1,296,500	-	0.0%
Purchased Transportation	5,867,300	5,734,900	8,136,500	256,500	24.7%
Fuel Contingency (1)	110,000	100,000	129,500	269,200	4.6%
Operations Contingency (2)	143,560	-	146,200	19,500	17.7%
TOTAL OPERATING EXPENSES	7,680,900	7,462,000	8,306,700	625,800	8.1%

TOTAL OPERATING COSTS	7,966,400	7,700,900	8,574,200	607,800	7.6%
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NET CHANGE IN OPERATIONS	\$ -	\$ -	\$ -	\$ -	0.0%
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Increase without Contingencies & Carryovers \$ 690,660 9.0%

CAPITAL REVENUES	FY 2011-2012	FY 2011-2012	FY 2012-2013	Difference	Difference %
	ADOPTED BUDGET	PROJECTION	DRAFT BUDGET		
Federal: ARRA Capital	551,000	285,100	-	(551,000)	-100.0%
Federal: FTA 5307, 5309 (SGR), 5311 Capital	2,234,700	1,964,500	3,164,200	929,500	41.6%
STA Capital	301,900	347,700	200,000	(101,900)	-33.8%
State: Prop. 1B Capital	389,300	179,000	1,139,500	750,200	192.7%
Local Transit Capital (TDA)	3,495,600	4,374,000	1,953,100	(1,542,500)	-44.1%
RM2 Capital	2,050,000	1,750,000	2,444,200	394,200	19.2%
Other Government Agencies	117,700	-	-	(117,700)	-100.0%
TOTAL CAPITAL REVENUES	9,140,200	8,900,300	8,901,000	700	0.0%
CAPITAL EXPENSES					
Security	20,000	12,600	20,000	-	0.0%
Equipment	145,000	140,500	1,160,400	1,015,400	700.3%
Vehicles	4,228,900	1,179,200	4,920,600	691,700	16.4%
Buildings & Improvements	4,746,300	7,568,000	2,800,000	(1,946,300)	-41.0%
TOTAL CAPITAL EXPENSES	9,140,200	8,900,300	8,901,000	700	0.0%

NET CHANGE IN CAPITAL	\$ -	\$ -	\$ -	\$ -	0.0%
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DEPRECIATION	857,300	1,013,000	1,148,000	290,700	33.9%
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Fuel, Average cost per gallon	\$3.48	\$3.90	\$4.40		
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(1) 10% contingency for fuel costs.

(2) 2% contingency for operating expenses not including fuel and depreciation.

NOTES:

See departments for details.



March 21, 2012
NCTPA Agenda Item 9.2
Continued From: February 29, 2012
Action Requested: APPROVE

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Lawrence E. Gawell, Chief Procurement & Compliance
(707) 259-8636 / Email: lgawell@nctpa.net
SUBJECT: Public Hearing on Subcontractor Protest to Request for Sub-Contractor Substitution on Soscol Gateway Transit Center Project

RECOMMENDATION

That the NCTPA Board hold a public hearing and authorize the substitution of the elevator subcontractor (Dream Ride Elevator Inc.) if it is unable to provide the elevator for the Soscol Gateway Transit Center as per the Board issued specification.

COMMITTEE RECOMMENDATION

None.

EXECUTIVE SUMMARY

On February 8, 2012 NCTPA received a request from F & H Construction, general contractor for the Soscol Gateway Transit Center Project (11-20), dated February 7, 2012, requesting, pursuant to California Public Contract Code §4107, to replace its subcontractor, Dream Ride Elevator Inc. The reason stated for this substitution was Dream Ride Elevator's Inc.'s failing or refusing to perform on its subcontract. Notice of the request for substitution was given to Dream Ride Elevator on February 13, 2012. On February 21, 2012, NCTPA received notice of protest from Dream Ride Elevator. A public hearing pursuant to California Public Contract Code §4107 was set for February 29, 2012 at the special meeting of the Board of Directors. This hearing was continued until the regular meeting of the Board of Directors on March 21, 2012.

PROCEDURAL REQUIREMENTS

1. Open Public Hearing
2. Staff Report

3. Public Comment
4. Close Public Hearing
5. Motion, Second, Discussion and Vote

FINANCIAL IMPACT

Is there a fiscal impact? No, the elevator is specified in the Soscol Gateway Transit Center Project (11-20).

CEQA REQUIREMENTS

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action, which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

BACKGROUND AND DISCUSSION

Pursuant to the Subletting and Subcontracting Fair Practices provisions of the California Public Contract Code (§§4100 to 4114), when a general contractor seeks to substitute a subcontractor on a contract with a public agency, it must seek the consent of the public agency to such substitution. The code provides nine separate reasons for allowing the substitution of a subcontractor, one of which is "when the listed subcontractor fails or refuses to perform his or her subcontract." When the general contractor makes such a request, notice must be given to the subcontractor and if the subcontractor protests, the awarding authority must conduct a hearing on the general contractor's request.

On February 8, 2012 NCTPA received a request from F & H Construction, the general contractor for the Soscol Gateway Transit Center Project (11-20), dated February 7, 2012, requesting, pursuant to California Public Contract Code §4107, to replace its subcontractor, Dream Ride Elevator Inc. The reason stated for this substitution was Dream Ride Elevator's Inc.'s failing or refusing to perform on its subcontract. Pursuant to the California Public Contract Code, notice of the request for substitution was given to Dream Ride Elevator on February 13, 2012. On February 21, 2012, NCTPA received notice of protest from Dream Ride Elevator. A public hearing pursuant to California Public Contract Code §4107 was set for February 29, 2012 at the special meeting of the Board of Directors held in American Canyon. At the request of the parties, this hearing was continued until the regular meeting of the Board of Directors on March 21, 2012.

SUPPORTING DOCUMENTS

- Attachments:
- (1) F& H Construction Letter Requesting Substitution - February 7, 2012
 - (2) NCTPA Notice Dated February 13, 2012 - Dream Ride Elevator
 - (3) Dream Ride Letter of Protest Dated February 14, 2012
 - (4) Notice of Hearing Dated February 22, 2012 - Dream Ride Elevator

- (5) Notice of Hearing Dated February 22, 2012 - F & H Construction
- (6) Notice of Hearing Dated February 27, 2012 - Dream Ride Elevator
- (7) Notice of Hearing Dated February 27, 2012 - F & H Construction
- (8) Contract Specification Section 14240.
- (9) Contract Specification Section 01600.



February 7, 2012

Tim Hackworth
CH2M Hill
c/o NCTPA
707 Randolph Street, Suite 100
Napa, CA 94559-2912

Re: Soscol Gateway Transit Center
Substitution of Subcontractor Listed in Original Bid

Dear Tim,

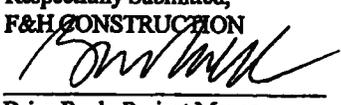
In its original bid for this project, F&H Construction listed Dream Ride Elevator as the subcontractor to perform the scope of work set forth within specification section 14240- Hydraulic Elevator. On or about November 7, 2011, Dream Ride Elevator executed a written subcontract agreement to perform said scope of work. Since that time, Dream Ride Elevator's proposed product substitution was rejected by the Owner on the grounds that Dream Ride Elevator's proposed substitution was untimely, as it allegedly exceeded the time constraints set forth within specification section 01600-2 (Adden #1).

In keeping with Public Contract Code §4107 (3), F&H Construction hereby requests the Awarding Authority's consent to substitute Dream Ride Elevators as a subcontractor on this project to perform the scope of work included in specification section 14240. As you are likely aware, Public Contracts Code 4107(c) authorizes the substitution of a listed subcontractor who "fails or refuses to perform his or her subcontract." Here, Dream Ride Elevator has failed and/or refused to perform its subcontract; namely, has failed and/or refused to perform its contractual work to meet the requirements of specification 14240.

F&H Construction proposes to replace Dream Ride Elevator with Thyssen Krupp, 14400 Catalina Street, San Leandro, CA 94577, who is willing to immediately execute a subcontract agreement to perform the work required by specification section 14240. At your earliest opportunity, please execute this letter where appropriate below, confirming the Awarding Authority's consent to this proposed subcontractor substitution.

Of course, if you have any questions or should you wish to discuss this matter in any further detail, please do not hesitate to contact me.

Respectfully Submitted,
F&H CONSTRUCTION


Brian Roek, Project Manager

Pursuant to Public Contract Code §4107, Awarding Authority consent to the proposed subcontractor substitution is hereby given.

Name/Title: _____ Company: _____ Date: _____

Signature: _____

cc: Paul Bigelow, F&H

General Engineering and Building Contractor

1115 East Lockeford Street, P.O. Box 2329 Lodi, California 95240 Telephone (209) 931-3738 Fax (209) 263-3460



ATTACHMENT 2
Board Agenda Item 9.2
March 21, 2012

707 Randolph Street, Suite 100 • Napa, CA 94559-2912
Tel: (707) 259-8631
Fax: (707) 259-8638

February 13, 2012

Dream Ride Elevator, Inc.
ATTN: Ivan Werblow, Vice President
4780 East 2nd Street
Benicia, CA 94510

RE: Soscol Gateway Transit Center Project (11-20), Napa, California

Mr. Werblow:

You are hereby notified in accordance with California Public Contract Code, Section 4107, that F+H Construction, Inc. has requested to replace Dream Ride Elevator, Inc. on the Soscol Gateway Transit Center project. Reason stated for substitution is Dream Ride Elevator, Inc. is failing or refusing to perform his or her subcontract. Dream Ride Elevator, Inc. has five (5) working days from the date of delivery or attempted delivery of this letter to object to the Napa County Transportation and Planning Agency (NCTPA) of the requested substitution of Dream Ride Elevator, Inc.

The California Public Contract Code, Section 4107 reads in part;

"Prior to approval of the prime contractor's request for substitution, the awarding authority (NCTPA) or it's duly authorized officer, shall give notice in writing to the listed subcontractor of the prime contractor's request to substitute and of the reasons for the request. The notice shall be served by certified or registered mail to the last known address of the subcontractor. The listed subcontractor who has been so notified has five workings days within which to submit written objections to the substitution to the awarding authority. Failure to file these written objections constitutes the listed subcontractor's consent to the substitution."

If we do not receive a written protest of this consideration from you within the time frames listed above we will proceed with the substitution request from F+H Construction, Inc.

Sincerely,

Paul W. Price
Executive Director

cc: Brian Roek, F+H Construction Inc. - PM
Lawrence E. Gawell, NCTPA - CPCO
Tim Hackworth, CH2MHill - Construction PM



FEB 21 2012

BB

Dream Ride Elevator

Phone: (707) 745-1380 FAX: (707) 745-1310
4780 East Second St, Benicia, CA 94510
E-mail: dreamrideengl@aol.com
CCL 496291

Construction | Maintenance | Modernization | Repair

February 14, 2012

Napa County Transportation and Planning Agency
ATTN: Paul W. Price, Executive Director
707 Randolph Street, Suite 100
Napa, CA 94559-2912

RE: Soscol Gateway Transit Center Project (11-20), Napa, California

Mr. Price:

Dream Ride Elevator (DRE) is in receipt of your notification that F&H Construction, Inc has requested to replace DRE on the Soscol Gateway Transit Center project. DRE disagrees with the reason stated and we are protesting this request for substitution. DRE will not release F & H Construction, Inc. from the contract until we are paid in full for completed work.

DRE bid this job as an "equal" to the listed manufacturers as stated on our proposal dated August 26, 2011. F & H Construction accepted our bid as it was, and provided us with a fully executed contract for the elevator installation. At the time that DRE signed the contract we were unaware that F&H had not submitted the substitution paperwork per Section 01600.3.0. This specification states that the Contractor shall submit to the Construction Manager, no later than thirty (30) days after the Notice of Award, a substitution request.

On January 17, 2012, DRE was notified via e-mail by the Architect that our elevator was unacceptable. At that time we made every effort to meet with the Architect to explain our product and company. She was unwilling to do so.

It is unfortunate that a local certified small business with an outstanding track record and extensive experience with public works projects is not being considered for this job. We have successfully completed numerous projects with the Solano County General Services Agency, AC Transit, University of California Davis, University of California Merced, Veterans Home of Yountville and Travis Air Force Base to name a few.

Please call to discuss this notification and any future involvement with this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ivan Werblow', with a large, stylized flourish at the end.

**Ivan Werblow
President**

cc: Brian Roek, F&H Construction Inc. - PM

Transmission Report

Board Agenda Item 9.2
March 21, 2012

Date/Time: 02-22-2012 05:03:01 p.m. Transmit Header Text
 Local ID 1: 17072598638 Local Name 1: NCTPA

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"



707 Randolph Street, Suite 100 • Napa, CA 94559-2512
 Tel: (707) 259-6631
 Fax: (707) 259-8658

February 22, 2012

Dream Ride Elevator, Inc.
 ATTN: Ivan Werblow, President
 4780 East 2nd Street
 Benicia, CA 94510

RE: Notice of Public Hearing

Mr. Werblow:

Pursuant to California Contract Code §4107 you are hereby given Notice that a Public Hearing will be held on Wednesday, February 29, 2012, 8:00AM (PST), at American Canyon City Hall, City Council Chambers, 4381 Broadway Street, 2nd Floor, American Canyon, CA 94503, on the request of F+H Construction Inc., dated February 7, 2012, to substitute Dream Ride Elevator as a subcontractor on the Soscol Gateway Transit Center Project (11-20).

Sincerely,

Karalyn E. Senderlin
 NCTPA Board Secretary

cc: Paul W. Price, NCTPA Executive Director
 Lawrence E. Gawell, NCTPA - CPCO
 Janice Killion, NCTPA Counsel
 Brian Roek, PM, F+H Construction, Inc.
 Tim Hackworth, PM, CH2MHill

Member Agencies: Calistoga, St. Helena, Yountville, City of Napa, American Canyon, County of Napa
 Napa County Transportation & Planning Agency
 Napa Valley Transportation Authority

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	410	17077451310	05:02:23 p.m. 02-22-2012	00:00:10	1/1	1	EC	HS	CP24000

Abbreviations:

HS: Host send	PL: Polled local	MP: Mailbox print	CP: Completed	TS: Terminated by system
HR: Host receive	PR: Polled remote	RP: Report	FA: Fail	G3: Group 3
WS: Waiting send	MS: Mailbox save	FF: Fax Forward	TU: Terminated by user	EC: Error Correct



ATTACHMENT 5
Board Agenda Item 9.2
March 21, 2012

707 Randolph Street, Suite 100 • Napa, CA 94559-2912
Tel: (707) 259-8631
Fax: (707) 259-8638

February 22, 2012

F+H Construction, Inc.
ATTN: Brian Roek, Project Manager
1115 E. Lockeford Street
Lodi, CA 95240

RE: Notice of Public Hearing

Mr. Roek:

Pursuant to California Contract Code §4107 you are hereby given Notice that a Public Hearing will be held on Wednesday, February 29, 2012, 9:00AM (PST), at American Canyon City Hall, City Council Chambers, 4381 Broadway Street, 2nd Floor, American Canyon, CA 94503, on the request of F+H Construction Inc., dated February 7, 2012, to substitute Dream Ride Elevator as a subcontractor on the Soscol Gateway Transit Center Project (11-20).

Sincerely,

Karalyn E. Sanderlin
NCTPA Board Secretary

cc: Paul W. Price, NCTPA Executive Director
Lawrence E. Gawell, NCTPA - CPO
Janice Killion, NCTPA Counsel
Ivan Werblow, President, Dream Ride Elevator, Inc.
Tim Hackworth, PM, CH2MHill



ATTACHMENT 6
Board Agenda Item 9.2
March 21, 2012

707 Randolph Street, Suite 100 • Napa, CA 94559-2912
Tel: (707) 259-8631
Fax: (707) 259-8638

February 27, 2012

Dream Ride Elevator, Inc.
ATTN: Ivan Werblow, President
4780 East 2nd Street
Benicia, CA 94510

RE: Notice of Public Hearing – Soscol Gateway Transit Center Project (11-20)

Mr. Werblow:

The Public Hearing to be held on Wednesday, February 29, 2012, 9:00 AM (PST), at American Canyon City Hall, City Council Chambers, 4381 Broadway Street, 2nd Floor, American Canyon, CA 94503, has been *continued and suspended* until the upcoming regular NCTPA Board meeting scheduled for March 21, 2012.

Please contact the undersigned for any further information at (707) 259-8636 or lgawell@nctpa.net.

Sincerely,

Lawrence E. Gawell
Chief, Procurement & Compliance

cc: Paul W. Price, NCTPA Executive Director
Janice Killion, NCTPA Counsel
Brian Roek, F+H Construction, Inc.
Tim Hackworth, PM, CH2MHill



ATTACHMENT 7
Board Agenda Item 9.2
March 21, 2012

707 Randolph Street, Suite 100 • Napa, CA 94559-2912
Tel: (707) 259-8631
Fax: (707) 259-8638

February 27, 2012

F+H Construction, Inc.
ATTN: Brian Roek, Project Manager
1115 E E. Lockeford Street
Lodi, CA 95240

RE: Notice of Public Hearing – Soscol Gateway Transit Center Project (11-20)

Mr. Roek:

The Public Hearing to be held on Wednesday, February 29, 2012, 9:00 AM (PST), at American Canyon City Hall, City Council Chambers, 4381 Broadway Street, 2nd Floor, American Canyon, CA 94503, has been *continued and suspended* until the upcoming regular NCTPA Board meeting scheduled for March 21, 2012.

Please contact the undersigned for any further information at (707) 259-8636 or lgawell@nctpa.net.

Sincerely,

Lawrence E. Gawell
Chief, Procurement & Compliance

cc: Paul W. Price, NCTPA Executive Director
Janice Killion, NCTPA Counsel
Ivan Werblow, President, Dream Ride Elevator, Inc.
Tim Hackworth, PM, CH2MHill

SECTION 14240

HYDRAULIC ELEVATORS

PART 1 - GENERAL

1.1 SUMMARY

A. Section Includes: Provide plunger type hydraulic elevator system including guide rails, brackets, cylinder, plunger, hydraulic fluid reservoir, pit buffers, hardware, and accessories as required for complete operational system.

1. Provide drilled holes and casings for cylinders, including concrete fill and cathodic protection where required for metallic cylinder.
2. Provide motors, pumps, piping, controls and wiring to main switch.
3. Provide hoistway doors, frames, and sills.
4. Provide passenger cars and car doors.
5. Review construction documents to assure necessary spaces and materials for legal elevator service are being provided under other sections.
 - a. Ensure proper fused disconnect switches, hoistway, pits, and machinery room with access, lighting, communications, ventilation and services are being provided under other sections.
 - b. Inform Architect of any discrepancies and omissions during bid period.
 - c. Work of this Section includes furnishing items necessary for a complete operational elevator system and not provided elsewhere.

B. Related Work:

1. Section 05500: Metal fabrications such as elevator pit ladders, pit gratings, sill angle supports, and metal fabrications sized on Architectural Drawings.
2. Section 09300: Tile for elevator cab floors.
3. Division 15: Pit drainage.
4. Division 16: Electrical power to Machine Room, including main switch, breaker and lighting.

1.2 REFERENCES

A. American National Standards Institute, ANSI A17.1: Safety Code for Elevators, Dumbwaiters and Escalators, and Moving Walks.

B. ANSI C1/NFPA 70: National Electrical Code.

C. ANSI A17.2: Practice for the Inspection of Elevators, Escalators and Moving Walks.

- D. AWS D1.1: Structural Welding Code.
- E. California Code of Regulations Title 24, Part 7, Elevator Safety Regulations, and Part 2 regulations for elevators accessible to persons with disabilities and ambulance gurney access.
- F. Americans with Disabilities Act Accessibility Guidelines.

1.3 SYSTEM DESCRIPTION

A. Design Requirements:

1. Elevator Characteristics:

- a. Net Capacity: 2500 lbs.
- b. Speed: 125 fpm.
- c. Admin Building Doors: 42" wide by 8'-0" high side opening, single speed.

2. Operation: Microprocessor controlled selective collective operation.

- a. Home Landing: Ground floor.

3. Signal Equipment:

- a. Car control station and in-car position indicator.
- b. Hall push-button stations.
- c. Lanterns and gongs.
- d. Hall position indicators.

4. Special Features:

- a. Access for persons with disabilities.
- b. Medical emergency service.
- c. Earthquake requirements.
- d. Emergency exit service.
- e. Elevator keyed security operation.

1.4 SUBMITTALS

A. Product Data: Submit descriptive brochures or detail drawings of landing buttons, hall fixtures, car position indicators, car operating panels, car interior and hoistway doors and frames for review.

1. Wiring Diagrams: Furnish complete diagrams for elevator system.

B. Shop Drawings: Indicate space requirements, general arrangement of elevator equipment, and material being supplied.

1. Show connections, attachments, reinforcing, anchorage and location of exposed fastenings, and location and amount of loads and reactions to be carried on the building structure.

C. Samples: Submit samples of finishes, operating and signal system fixtures, samples of each type of sign or graphics provided, and finish of hoistway entrances and doors.

1.5 QUALITY ASSURANCE

- A. **Installer Qualifications:** Elevator manufacturer or firm approved by elevator manufacturer in writing and with minimum five years successful experience installing elevators similar to those required for Project.
- B. **Regulatory Requirements:** Comply with applicable codes and regulations for elevator work and including to ANSI A17.1 Safety Code for Elevators, Dumbwaiters and Escalators, and Moving Walks.

1.6 DELIVERY, STORAGE, AND HANDLING

- A. Deliver items and materials to site only after area in which they are to be installed is ready to receive them in their place of final installation.
- B. Store materials in storage area allotted.
- C. Fully protect movable and operating equipment from weather.

1.7 WARRANTY

- A. **Component Warranties:** Provide coincidental product warranties, where available, for major components of elevator work.

1.8 MAINTENANCE

- A. **Elevator Maintenance Period:** Maintain entire elevator installation 12 months after date of Substantial Completion of Work.
 - 1. Include systematic examination, adjustment and lubrication of elevator equipment.
 - a. Repair or replace worn electrical and mechanical parts of elevator equipment, using parts produced by manufacturer of equipment.
 - 2. Perform work without removing cars during peak traffic periods.
 - 3. Provide 24-hour emergency call back service during maintenance period.
 - 4. Ensure competent personnel handle maintenance service; maintain locally an adequate stock of parts for replacement or emergency purposes.
 - a. Have qualified personnel available at such places to ensure fulfillment of this service without unreasonable loss of time.
- B. **Extended Maintenance Proposal:** Submit proposal for maintenance of installed elevator work for a period of three years after termination of regular maintenance required at end of this section.
 - 1. Proposal shall include stipulated sum for time period stated, with premiums due annually.
 - 2. Extended maintenance proposal shall include requirements specified at end of section for first year maintenance agreement.

PART 2 - PRODUCTS

2.1 MANUFACTURERS

- A. Otis Elevator Co., United Technologies.
- B. Shindler Elevator Corp.
- C. ThyssenKrupp Elevators.
- D. Substitutions: Refer to Section 01600.

2.2 MATERIALS

- A. Rolled Steel Sections, Shapes, and Rods: ANSI A17.1; ASTM A924 and A653 G90 galvanized coating.
- B. Sheet Steel: ASTM A653, G90 coating designation, stretcher leveled, commercial grade.
- C. Stainless Steel: ASTM A666, Type 304.
- D. Aluminum: ASTM B221; enameling or anodizing quality as applicable.
- E. Plywood: PS 1, fire retardant treated.
- F. Sills: Extruded aluminum.
- G. Corrosion Protection: Corrosive resistant paint and covering wrap as recommended by elevator manufacturer for specific soil conditions.

2.3 FABRICATION

- A. Machine: A.C. type specifically designed for hydraulic elevator service, having motor, pump, tank valves and muffler mounted and aligned on steel bedplate.
 - 1. Provide solid-state motor starter for car.
- B. Viscosity Control: Provide complete hydraulic electronic control maintaining hydraulic fluid in reservoir, pump, and control valve at minimum 100 degrees F (plus or minus 5 degrees) at all times.
- C. Cylinder/Plunger: Machine polished steel tube welded stop on bottom, sliding in high strength steel pipe cylinder having closed bottom and stuffing box with packing gland at top and necessary piping connections.
 - 1. Provide internal couplings where jointed.
- D. Elevator Car: Sheet steel enclosure with structural steel frame and bracing; 3/4" fire retardant treated plywood floor and wall cladding fastened with hidden mechanical fasteners.

- E. **Doors:** Power operated hollow metal doors with track, rollers and frame; two-point suspension, nonmetallic sheaves; minimum 3" diameter for car doors, 2-1/2" diameter for hoistway doors.
 - 1. **Finish:** Stainless steel.
- F. **Hoistway Entrances:** Provide formed metal entrances with struts, hanger headers, fascia plates, toe guards, and Underwriters' Laboratory labels.
 - 1. **Finish:** Match doors.
 - 2. **Floor Graphics:** Provide minimum 2" high embossed Arabic numerals, with Braille immediately left of numeral, on each side of each door frame; center at 60" above floor.
 - a. Provide medical emergency symbol at medical emergency elevator.
 - b. Provide required medical emergency star symbol at grade level.
 - 3. **Entrance Protection:** Provide infrared door detectors complying with applicable codes and regulations, including requirements for access for persons with disabilities.
- G. **Car Finishes:** Finishes as indicated.
 - 1. **Front Wall Panels:** Stainless steel with inset buttons, swing return panels.
 - 2. **Side and Back Wall Panels:** Removable checker plate stainless steel panels with stainless steel trim.
 - 3. **Flooring:** Tile specified in Section 09300.
 - 4. **Ceiling:** Manufacturer's standard luminous ceiling.
 - 5. **Railings:** Stainless steel tube rail, back wall.
 - 6. **Pads:** Provide wall attachment buttons and protective pads.
- H. **Operating Fixtures and Signals:** Comply with requirements for providing access for persons with disabilities; comply with applicable codes and regulations; stainless steel face panels unless otherwise indicated.
 - 1. **Car Control Station:** Provide one car station, with hands free communications and service cabinet in each car.
 - a. Provide door hold open button.
 - 2. **Hall Call Buttons:** Provide one hall station riser with illuminated mechanical hall buttons at each elevator lobby.
 - 4. **Jamb Lanterns:** Provide jamb-mounted lanterns with audible signal, one for up travel, two for down travel.

3. Signs in lobbies, 1/2" letters, to read, "IN CASE OF FIRE USE STAIRWAY FOR EXIT - DO NOT USE ELEVATOR;" sign to be approved by Architect and applicable authorities; stainless steel.
 - a. Provide elevator lobby graphics conforming to applicable code requirements.
- I. Miscellaneous Items: Provide as required by applicable codes and as follows.
 1. Provide battery operated emergency lighting in each car.
 2. Provide two-speed fan in each car.
- J. Special Features:
 1. Access for Persons with Disabilities: Comply with requirements of California Code of Regulations, Title 24, and ADAAG for providing access for persons with disabilities.
 2. Medical Emergency Operation: Comply with California Code of Regulations, Title 24, for providing medical emergency operation.
 3. Earthquake Requirements: Comply with applicable regulations.
 4. Emergency Exit Service: Provide system designed to lower elevators to next lower floor level or to Ground floor in power outage and doors to open without requiring assistance of elevator service company.

2.4 FINISHES

- A. Nonexposed-to-View Surfaces:
 1. Structural and Nonexposed Ferrous Metal Surfaces: Clean surfaces of rust, oil or grease and prime with structural steel primer.
 2. Field Welds: Remove oxidation, flux or residue, wire brush clean and apply two coats of primer.
 3. Wood: Provide one coat primer and two coats semi-gloss acrylic enamel.
- B. Exposed-to-View Surfaces in Car, Machine Room and Hoistway Entrances:
 1. Stainless Steel: Number 4 finish (satin directional polish).
 2. Baked Enamel: Clean, degrease zinc-coated metal surface; one coat zinc oxide primer sprayed and baked; two coats semi-gloss enamel sprayed and baked; color as approved.

PART 3 - EXECUTION

3.1 PREPARATION

- A. Examine work of other trades on which elevator work depends. Report defects to Architect in writing that may affect elevator work or equipment operation.

- B. Ensure shafts and openings for moving equipment are plumb, level and in line. Verify pits are to proper depth, waterproofed and drained, with necessary access doors, ladder and guards.
- C. Ensure machine room is properly illuminated, heated and ventilated, complete with floor and access door, and with equipment foundations or supporting beams correctly located.
- D. Before fabrication, take necessary job site measurements and verify where work is governed by other trades; check measurement of space for equipment and means of access for installation and operation.
 - 1. Obtain dimensions from site for preparation of shop drawings.
- E. Ensure preparatory work has been properly completed to receive elevator work, including such work as:
 - 1. Electrical feeder wires are provided to fused disconnect switches.
 - 2. Provisions of hoistway outlets and power are provided for car light and for light in pit and outlets in machine room for light.
 - 3. Furnishing of electric power is available for testing and adjusting equipment.
 - 4. Provision of hoistway outlet is provided for telephone.
 - 5. Machine room is enclosed and protected from moisture, with lockable door.
- F. Supply in ample time for installation by other trades, inserts, anchors, bearing plates, brackets, supports and bracing, including setting templates and diagrams for placement.

3.2 INSTALLATION

- A. Install in accordance with manufacturer's instructions, applicable codes, and standards to provide a quiet, smoothly operating installation, free from sidesway, oscillation or vibration.
 - 1. Work shall be by mechanics skilled in this work and under direct control and supervision of elevator manufacturer's experienced supervisor.
- B. Set hoistway entrances in alignment with car openings and true with plumb sill lines.
- C. Mount machine in accordance with approved shop drawings; isolate and dampen machine vibration with properly sized sound-reducing anti-vibration pads.
- D. Excavate for plunger and cylinder, set in place plumb and accurate, and enclose with 3000 psi concrete.
- E. Erect hoistway sills, headers and frames prior to erection of rough walls and doors; erect fascias and toe guards after rough walls are finished.
- F. Grout sills and hoistway entrance frames.

- G. Make necessary adjustments of equipment to ensure elevator operates smoothly and accurately.
- H. Locate and protect or lock movable equipment and controls in such a way that they can be operated only by authorized persons.

3.3 FIELD QUALITY CONTROL

- A. Inspections and Permits: Obtain and pay for necessary inspections and permits and make such tests as are required by regulations and authorities.
 - 1. Final inspection shall be after elevator installation, hoisting enclosure and machine room are complete.
 - 2. Inspect installation in accordance with ANSI A17.2.
 - 3. Deliver test certificates and permits to Architect.

END OF SECTION

SECTION 01600

MATERIAL, EQUIPMENT AND SUBSTITUTIONS

1.0 STORAGE OF MATERIALS

Materials shall be stored in such a manner as to ensure the preservation of their quality and fitness for the Work. When considered necessary by the Construction Manager, materials shall be placed on platforms or other hard, clean surfaces, and covered when directed.

Materials shall be stored so as to facilitate inspection. Storage areas shall be suitably fenced, if necessary to protect the public or the material.

Unless otherwise designated in the General Requirements, locations and arrangements for storage sites for materials and equipment outside the limits of work shall be selected and maintained by the Contractor at its expense. Full compensation for furnishing such storage sites as may be necessary or required by the Contractor shall be considered as included in the price bid and no additional compensation will be allowed therefor. The Owner shall be specifically exempted in any agreement from any liability incurred from the use of private property for construction purposes. Use of portions of the Owner's area at the site for materials and equipment storage shall be permitted only upon the approval of the Construction Manager.

2.0 HAZARDOUS MATERIALS

The storage and handling of potential pollution causing and hazardous materials, including but not necessarily limited to, gasoline, oil and paint shall be in accordance with all local, state and federal requirements. All hazardous materials shall be stored and handled in strict accordance with the Material Safety Data Sheets for the products. Material Safety Data Sheets shall be submitted to the Construction Manager prior to the delivery of materials to the project.

3.0 MATERIAL AND EQUIPMENT SUBSTITUTIONS

GENERAL

In preparing these Specifications, the Design Consultant has named those products which to its knowledge meet the Specifications and are equivalent in construction, functional efficiency, and durability.

Wherever catalog numbers and specific brands or trade names preceded by "similar and equal" or followed by the designation "or equal" are used in conjunction with a designated material, product, thing, installation, or service mentioned in these Specifications, they are used to establish the standards of quality and utility required.

The first-named manufacturer is the basis for the project design and the use of alternative-named or unnamed manufacturer's products proposed by the Contractor may require modifications in the project design and construction. Where only one product has been named by brand, it is the only brand, trade name, or manufactured product known to the Design Consultant that meets these Specifications.

Wherever catalog numbers and specific brands or trade names not preceded by designation "similar and equal" nor followed by the designation "or equal", are used in

conjunction with a designated material, product, thing, installation, or service mentioned in these Specifications, to ensure compatibility with existing facilities, no substitutions will be favorably reviewed.

SUBSTITUTIONS

Substitutions which are equal in quality and utility to those specified will be permitted, subject to the following provisions. For this purpose, the Contractor shall submit to the Construction Manager, no later than thirty (30) days after the Notice of Award, a typewritten list containing a description of each proposed substitute item or material. Sufficient data, drawings, samples, literature, calculations, or other detailed information as will demonstrate to the Design Consultant that the proposed substitute is equal in quality and utility to the material specified shall be appended to this list. The Design Consultant will favorably review in writing such proposed substitutions as are, in its opinion, equal in quality to the items or materials specified. In the event that a substitute is favorably reviewed, fifty percent (50%) of all savings shall be credited to the Owner.

Failure of the Contractor to submit proposed substitutions for review in the manner described above and within the time prescribed shall be sufficient cause for rejection by the Construction Manager of any substitutions otherwise proposed.

MODIFICATIONS AND COSTS

If alternative named or substitutions are proposed by the Contractor and favorably reviewed by the Design Consultant, the Contractor is responsible for providing, at no additional cost to the Owner, any electrical, mechanical, structural, or other related changes or testing that may be required to accommodate or provide the particular material or equipment the Contractor desires to use. Any deviation from the Specifications or the Drawings resulting from the type of material or equipment to be used shall not be the basis for any "extra charges" above and in excess of the original bid price of the work.

In addition the Contractor is responsible for all additional costs to the Owner, and its agents and representatives, for evaluation of data submitted by the Contractor for alternative named or substitutions and any redesign necessary. The Owner shall deduct said costs from the Contract monies due the Contractor.

END OF SECTION



March 21, 2012
NCTPA Agenda Item 10.1
Continued From: June 16, 2010
March 16, 2011
April 20, 2011
December 14, 2011
February 15, 2012

Action Requested: INFORMATION/ACTION

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Paul W. Price, Executive Director
(707) 259-8634 / Email: pprice@nctpa.net
SUBJECT: Transportation Sales Tax Consideration

RECOMMENDATION

That the NCTPA Board give direction to staff to circulate the Transportation Infrastructure Sales Tax Ballot language to member jurisdictions for approval and return to the NCTPA Board for action at its May 16, 2012 or June 20, 2012 NCTPA Board meeting.

COMMITTEE RECOMMENDATIONS

None.

EXECUTIVE SUMMARY

At its February Board meeting, the staff was directed to submit the draft Transportation Sales Tax Ordinance to our member jurisdictions for their review and comment. The draft Ballot Ordinance language (Attachment 1) was developed as a result of the Board direction.

PROCEDURAL REQUIREMENTS

1. Staff Reports
2. Public Comment
3. Discussion and Direction to Staff

FISCAL IMPACT

Is there a Fiscal Impact? Yes. The proposed action would require an investment in information and ballot preparation. The measure, if passed, would generate approximately \$11.4 million per year in 2011 dollars.

CEQA REQUIREMENTS

Categorical Exemption Class 1: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1 (“Existing Facilities”), Guidelines for the Implementation of the California Environmental Quality Act at 14 CCR §15301]

General Rule: It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)]

It is unknown whether any particular project will be undertaken and therefore particular impacts are too speculative for evaluation. [See Guidelines for the Implementation of the California Environmental Quality Act, 14 CCR 15145]

BACKGROUND AND DISCUSSION

At its February Board meeting, the Board directed staff to circulate the draft of the Sales Tax Ordinance to our member jurisdictions for the review and comment. Additionally, staff was directed to work with our member agencies to try to reach agreement on the allocation methodology for the distribution of any Sales Taxes revenues for our member agencies and any regional projects. The City Manager/County Executive group has met on a number of occasions to attempt a final allocation methodology. Those discussions were continuing and we hope to have a final recommendation to the Board by March 21, 2012.

SUPPORTING DOCUMENTS

Attachment: (1) DRAFT NVTA Ordinance No. 12-01

ORDINANCE NO. 12-01

**NAPA VALLEY TRANSPORTATION AUTHORITY ORDINANCE AND
TRANSPORTATION IMPROVEMENT EXPENDITURE PLAN
IMPOSING A TRANSACTION AND USE TAX TO BE ADMINISTERED
BY THE STATE BOARD OF EQUALIZATION**

The Napa Valley Transportation Authority (Authority) ordains as follows:

SECTION 1. TITLE: This ordinance shall be known and may be cited as the Napa Valley Ordinance and Transportation Improvement Expenditure Plan (Authority Ordinance 12-01), hereinafter referred to as the Ordinance. This Ordinance establishes a retail transactions and use tax for a twenty-five year period commencing July 1, 2018, or upon expiration of the Measure A Flood Protection tax. Should the Flood Protection tax be extended by a vote of the electorate then this measure will not take effect until the expiration of such extension. Should the Flood Protection Tax be terminated prior to July 1, 2018 this tax shall commence at that earlier date.

SECTION 2. EXPENDITURE PLAN PURPOSES: This Ordinance provides for the implementation of the Napa Valley Transportation Authority Transportation Improvement Expenditure Plan (Expenditure Plan) which will provide funding resulting in countywide local street and road improvements and alternative transportation projects. This funding program will ensure improved maintenance of currently underfunded local community streets and adjacent facilities within the public right-of-way (i.e., sidewalks, gutters, curbs). The goal of this measure is to raise the Pavement Condition Index (PCI) countywide to a level of 75 or greater and maintain that level throughout the life of this ordinance. These needed improvements shall be funded by a one-half of one percent transactions and use tax established for a twenty-five year period commencing July 1, 2018, or upon expiration of the Measure A Flood Protection tax as expressed in Section 1 above. The revenues shall be deposited in a special fund, used solely for the identified improvements as provided herein, and made available to the agencies responsible for the improvements for all purposes necessary for the approval and implementation of the tasks. The identified improvements that are eligible to receive revenues from the tax are described in the Expenditure Plan, which is hereby incorporated by reference as if fully set forth herein.

SECTION 3. EXPENDITURE PLAN SUMMARY: The revenues received by the Authority from this Ordinance, after deduction of required Board of Equalization costs for performing the functions specified in Section 180204(b) of the Public Utilities Code, reimbursing the County of Napa for its cost in conducting the election if the measure is approved per Section 180203(a) of the Public Utilities Code, administration (Section 13 A), and annual and biennial audits of the Independent Taxpayer Oversight Committee (Section 12 A), shall be used to fund the improvements set forth herein. In the event the measure does not pass, the costs in conducting the election shall be borne by the Authority. A summary of the projects and programs that are eligible to receive this

funding is provided in the following sections. All funding and revenues are expressed in 2011 dollars. The annual revenues shall be allocated as follows:

- A. **Local Streets and Roads Maintenance Program:** Of the annual revenues available, ninety percent (95%) shall be allocated on a fair and equitable basis to each city, town and the county (hereinafter referred to individually as Agency and collectively as Agencies) to provide revenue for such projects and to supplement other revenues available for

Local Streets and Road Maintenance program. The revenues distributed to each Agency under this Section must be used for maintenance, rehabilitation and reconstruction of local streets and roads except as otherwise allowed by this Subsection. Total estimated funding = \$298.775 million (2011 dollars).

If the submittal of the five-year list of projects required under Section 6 shows a Pavement Condition Index (PCI) as determined by the Metropolitan Transportation Commission's (MTC) pavement management system, exceeding a jurisdictional three (3)-year moving average of 75 out of a total of 100 using the MTC system, and additionally, should the MTC pavement condition assessment predict that the Pavement Condition Index will remain in excess of 75, or equivalent score, over the five year period covered by the submission under Section 6, the Agency may program in that submittal and the Authority may approve expending revenues awarded under this Section within the jurisdiction meeting the standard, for identified regional congestion relief projects as adopted in the Metropolitan Transportation Commission's Regional Transportation Plan as well as other local transportation projects that address capacity, safety, or operations of the local roadway system. The PCI is an averaging algorithm, and therefore, upon a quantifiable review by the Independent Taxpayers Oversight Committee (ITOC) and approval by the Napa Valley Transportation Authority (Authority), a finding that the PCI goal has been met may be made.

(1) The Local Streets and Roads Maintenance Program shall be allocated and expended pursuant to the following distribution formula:

- a. To the City of American Canyon 7.4% of the annual revenues available.
- b. To the City of Calistoga 2.6% of the annual revenues available.
- c. To the City of Napa 38.7% of the annual revenues available.
- d. To the County of Napa 38.0% of the annual revenues available.
- e. To the City of St. Helena 5.7% of the annual revenues available.
- f. To the Town of Yountville 2.6% of the annual revenues available.

Net revenues, plus interest earned, shall be apportioned to the Agencies transportation improvement account on a quarterly basis.

B. Alternative Transportation Projects: Of the annual revenues available, ten percent (5%) shall be allocated for alternative transportation projects - Total estimated funding = \$15.725 million (2011 dollars).

1. Senior citizen Fixed Route Transit pass buy-down, up to seventy-five percent (75%) off regular pass price.
2. Bicycle elements as identified in the approved Napa Countywide Bicycle Plan.
3. Actual costs, not to exceed 1% of the annual revenue, may be used for administration of this ordinance by the Authority.

SECTION 4. IMPOSITION OF RETAIL TRANSACTIONS AND USE TAX: In addition to any other taxes authorized by law, there is hereby imposed in the incorporated and unincorporated territory of the County of Napa, in accordance with the provisions of Part 1.6 (commencing with Section 7250) of Division 2 and Section 7261 and 7262 of the Revenue and Taxation Code, which provisions are adopted by reference, and Division 19 of the Public Utilities Code commencing with Code Section 180000, a retail transactions and use tax at the rate of one-half of one percent (1/2%) for a twenty-five year period commencing July 1, 2018, or upon expiration of the Measure A Flood Protection tax, in addition to any existing or future authorized state or local transactions and use tax.

SECTION 5. CONTRACT WITH STATE: Prior to the operative date, the Authority shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the Authority shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

SECTION 6. EXPENDITURE PLAN PROCEDURES:

- A. Each Agency shall biennially develop and submit to the Authority a five-year list of projects to be funded with revenues made available for the Local Streets and Roads Maintenance Program (Section 3(A)), and the Alternative Transportation Projects (Section 3(B)). A local public hearing and adopt a Resolution in support of the proposed list of projects shall be held by each Agency prior to submitting the project list to the Authority pursuant to Section 7. The performance audit of Agencies implementing this section shall be part of the Independent Taxpayers Oversight Committee audit (Section 12(B)).

- B. In the allocation of all revenues made available under Section 3, the Authority shall make every effort to maximize state, federal, and local transportation funding to the Agencies. The Authority may amend the Expenditure Plan in accordance with Section 17 as needed to maximize the transportation funding available throughout the County. It is also the intent of the Authority to encourage the purchase of goods and services for the projects described in Section 3 from suppliers based in Napa County.
- C. The Agencies and the Authority shall fully consider the needs of non-motorized travelers, including pedestrians, bicyclists and persons with disabilities, in all planning, maintenance, construction, operations and project development activities and products. Projects funded in full or in part with Authority revenues shall not remove or reduce existing facilities for bicycling or pedestrians.

SECTION 7. PROJECT PROGRAMMING APPROVAL: Upon the Operative Date of the tax the Authority shall biennially approve a five-year list of projects eligible to be funded with the revenues made available under Section 3 herein, provided that the submittal meets all of the requirements of this ordinance and funding is, or is estimated to be, available. The Independent Taxpayer Oversight Committee shall consider the biennial five-year list of projects and make a finding that such lists are consistent with the intent of the measure and make a recommendation on those lists to the Authority.

SECTION 8. COOPERATIVE FUNDING AGREEMENTS: To maximize the effectiveness of the retail transactions and use tax revenues, the Authority and/or Agency (ies) may loan revenues or exchange revenues for federal, state, or other local funds allocated or granted to any public agency within or outside the area of jurisdiction of the Authority provided that the percentage of revenues allocated for each purpose as provided in Section 3 is maintained over the duration of the Ordinance. The periods run consecutively with the first beginning on the effective date of the ordinance as described in Section 16. All proposed exchanges, including agreements between Agencies to exchange or loan revenues, must include detailed repayment provisions, including appropriate interest earnings, such that the Authority suffers no loss of revenue as a result of the exchange or loan. All loans and /or exchanges must be approved by the Authority by a majority vote and shall be consistent with any and all rules approved by the Authority relating thereto.

SECTION 9. MAINTENANCE OF EFFORT: It is the intent of the State Legislature and the Authority that revenues provided from this Ordinance be used to supplement, not replace, existing revenues being used for transportation improvements and programs as set forth in Section 3 herein. Each Agency receiving revenues pursuant to Section 3(A) shall annually maintain, as a minimum, the same level of local general fund revenues expended for the maintenance of Local Streets and Roads Maintenance and supporting infrastructure within the public right-of-way as the annual average of three fiscal years 2009, 2010, and 2011, for pavement sealing, overlays, reconstruction, associated infrastructure, as required, excluding any local revenues expended for the purpose of

storm damage repair as verified by an independent auditor. One-time allocations that have been expended for Local Streets and Roads Maintenance, but which may not be available on an ongoing basis may not be considered when calculating an Agency's level of local discretionary revenues expended for road and infrastructure rehabilitation and maintenance purposes. The Authority shall not allocate any revenues pursuant to Section 3(A) to any eligible Agency in any fiscal year until that Agency has certified to the Authority that it will meet the maintenance of effort requirement included in this Section. Any Agency which does not meet its local maintenance of effort requirement for a three year moving average period shall have its funding under Section 3(A) the following year reduced by the amount the Agency did not meet its required average maintenance of effort level for the three prior years. Any funds not allocated due to failure to meet the maintenance of effort requirement shall be held for the Agency until any and all maintenance of effort expenditures are fulfilled. The maintenance of effort shall also be met prior to the programming, award or distribution by the Authority to the Agencies of any funds under Sections 3(B).

SECTION 10. PRIVATE SECTOR FUNDING: Revenues provided from this measure shall not be used to replace private developer funding that has been or will be committed for any project to help alleviate the direct traffic impacts of any new or redeveloped residential, commercial or industrial development in Napa County or its cities.

SECTION 11. BONDING AUTHORITY: "Pay as you go" is the preferred method of financing transportation improvements and programs. However, the Authority may use bond financing as an alternative method if it determines that the scope of the planned expenditures makes "pay as you go" financing unfeasible or uneconomical when compared to bond financing or when the safety and/or congestion relief benefits of a project appear to the Authority to outweigh the costs of bonding. Upon voter approval of the Ordinance, the Authority shall have the authority to issue bonds, encumbering no more than 25% of the revenue, payable from the proceeds of the tax and secured by a pledge of revenues from the proceeds of the tax, in order to finance and refinance improvements authorized by this Ordinance (including bond reserves and financing costs). The Authority, in allocating the annual revenues from the measure, shall meet all debt service requirements and other financing costs prior to allocating revenues for other purposes or projects.

SECTION 12. INDEPENDENT TAXPAYER OVERSIGHT COMMITTEE:

A. ITOC Goal and Functions

Voter adoption of this transportation retail transactions and use tax ordinance shall result in creation of the Independent Taxpayer Oversight Committee upon the Operative Date of this tax. The ITOC shall remain in existence for so long as the tax herein exists. The ITOC shall review the fiscal and program performance of the retail transactions and use tax transportation program through a biennial audit to ensure that all transportation retail transactions and use tax revenues are spent by the Authority in accordance with all provisions of

the voter-approved Expenditure Plan and Ordinance. The ITOC's secondary mission is to provide positive, constructive advice to the Authority on how to improve implementation over the twenty-five year course of the program; this role shall include consideration by the ITOC of the biennial program of projects submitted by the Agencies under Section 6 and projects submitted under Sections 3. Up to \$70,000 per year, with adjustments for inflation based on the Consumer Price Index, may be used for activities necessary to the ITOC as described in this Section 12, including financial and performance audits of the Authority and the Agencies receiving revenue from the Authority.

B. Audit Requirement

The ITOC shall oversee the independent financial audit of the Authority and the financial and performance audits of the Authority and Agencies, which shall be performed in accordance with generally accepted auditing standards and Government Auditing Standards issued by the Comptroller General of the United States and performance goals adopted by the Authority consistent with Public Utilities Code Section 180000 et seq. The audits shall include the basic financial statements of the Authority as defined by the Governmental Accounting Standard Board pronouncement No. 34 and the performance of all aspects of the program based on the specific performance goals adopted by the Authority. The ITOC audit shall not relieve the Authority from performing its auditing obligations as imposed by law.

1. Role of Fiscal and Performance Audit and the ITOC

- (a) The ITOC shall, under the procurement rules of the Authority, jointly recommend with the active involvement of the Executive Director and the Authority Auditor, an independent external California Certified Public Accountant to conduct an annual financial audit of the Authority pursuant to the provisions of this Ordinance; to report findings based on the audit to the Authority; and to recommend any additional considerations which the ITOC believes may improve the financial operation, while meeting all voter mandates.
- (b) The ITOC shall, under the procurement rules of the Authority jointly recommend with the active involvement of the Executive Director and the Authority Auditor, an independent external California Certified Public Accountant to conduct a biennial performance audit of the Agencies, pursuant to the provisions of this Ordinance; to report findings based on the audits to the Authority; and to recommend any additional considerations with the ITOC believes may improve the integrity of program implementation, while meeting all voter mandates.
- (c) The ITOC shall receive copies of each Agency's standardized (such standards as adopted by the ITOC and approved by the Authority)

annual financial audit for review; report relevant findings based on the audits to the Authority; and recommend any additional considerations which the ITOC believes may improve the financial operations, while meeting all voter mandates.

- (d) The Authority shall hold a publicly noticed meeting, which may be a regular or special Authority Board meeting, with the direct participation of the ITOC, to consider the findings and recommendations of the audits. A report of the findings and recommendations of each audit by the ITOC shall be made readily available to the public in print and on the Authority's electronic website.
- (e) The Authority shall publish a biennial report to the community to be published at the expense of tax revenues in all local Napa County newspapers of general circulation.

C. Membership and Selection Process

1. The Authority shall develop an open selection process, actively recruit, and appoint Five (5) committee members who shall be residents of the County of Napa possessing the following credentials:
 - (a) One member who is a professional, retired or active, in the field of municipal audit, finance and/or budgeting with a minimum of five years in a relevant and senior decision-making position in the public or private sector.
 - (b) One member who is a licensed civil engineer, retired or active, with at least five years of demonstrated experience in the fields of transportation in government and/or the private sector.
 - (c) One member who is a Certified Public Accountant (CPA) and experienced in financial audits
 - (d) One member shall be a representative of a Napa region Chamber of Commerce.
 - (e) One member from a recognized IRS 403b taxpayers association.
2. The Chair, Executive Director of the Authority, the Chair of the Napa County Transportation and Planning Agency Technical Advisory Committee, and the County Auditor-Controller shall serve as non-voting ex-officio members of the ITOC.
3. The Chair of the ITOC shall be a resident of Napa County.

D. Terms and Conditions for Committees

1. The initial Committee members shall serve a two, three, and four year term, determined by the drawing of lots. Thereafter, Committee members shall serve four-year terms.
2. The Authority shall develop By-laws for the operation of the ITOC the ITOC members shall receive a stipend of \$250 per quarterly meeting and no other payment shall be made for any purpose. This stipend will increase by \$50 per quarterly meeting every five years. Committee members who miss two meetings in any 12 month period shall be removed from the committee by the Authority.
3. Committee members cannot be a current local elected official in Napa County or a full time staff member, of any city, town, or County government, a local transit operator, or state transportation agency.
4. Non-voting ex-officio committee members shall serve only as long as they remain incumbents in their respective positions and shall be automatically replaced by their successors in those positions.
5. If and when vacancies on the ITOC occur on the part of voting committee members, either due to expiration of term, death or resignation the Authority shall appoint an appropriate replacement within 90 days of the vacancy to fill the remainder of the term.

E. ITOC Operation Protocols

1. Given the twenty-five year duration of the retail transactions and use tax, the ITOC shall be appointed within 180 days after the Operative Date of the retail transactions and use tax and continue as long as retail transactions and use tax revenues from the current voter authorization are available for expenditure.
2. The Authority Board and staff shall fully cooperate with and provide necessary financial and staff support to ensure the ITOC successfully carries out its duties and obligations.

F. Conflict of Interest

1. ITOC voting members shall have no legal action pending against the Authority and are prohibited from participating in any commercial activity directly or indirectly involving the Authority or Napa County Transportation and Planning Agency (NCTPA), such as being a consultant or vendor to the Authority or NCTPA during their tenure on the ITOC.

2. ITOC voting members shall not have direct and/or indirect commercial interest or employment with any public or private entity which receives transportation retail transactions and use tax revenues authorized by this Ordinance.

SECTION 13. ADMINISTRATIVE FUNCTIONS AND EXPENSES:

- A. Revenues may be expended by the Authority for the actual expense of salaries, wages, benefits, overhead, and those services, including contractual services, necessary to administer the Ordinance; however, in no case shall such administrative expenditures exceed one percent of the annual revenues provided by the Ordinance.
- B. Administrative functions include providing overall program direction and management necessary to implement Authority policy; formulating organizational goals and objectives; coordinating activities with other agencies and organizations; performing finance, accounting, purchasing, personnel, government and community relations; and legal matters. Performing or contracting for project related work shall be paid from the revenues allocated to the appropriate purpose as set forth in Section 3 herein.

SECTION 14. ESTABLISHMENT OF SEPARATE ACCOUNTS: Each entity receiving revenues pursuant to Section 3 shall have its revenues deposited in a separate interest bearing Transportation Improvement Account. Interest earned on revenues allocated pursuant to this Ordinance shall be expended only for those purposes for which the revenues were allocated.

SECTION 15. IMPLEMENTING ORDINANCES: Upon approval of this Ordinance by the voters the Authority shall, in addition to the rules required to be provided pursuant to this Ordinance, adopt implementing ordinances, rules, and policies and take such other actions as may be necessary and appropriate to carry out its responsibilities.

SECTION 16. EFFECTIVE AND OPERATIVE DATES: This Ordinance shall be effective on November 6, 2012, if two-thirds of the electors voting on the ballot proposition approving the ordinance vote to approve the ballot proposition on November 6, 2012. The imposition of the tax authorized by this Ordinance shall be operative on July 1, 2018, or upon expiration of the Measure A Flood tax.

SECTION 17. AMENDMENTS: This Ordinance and Expenditure Plan may be amended to provide for the use of additional federal, state, and local revenues or to account for unexpected revenues by approval of a majority vote of the members of the Authority; the majority must include the City of Napa, the County of Napa, and at least three other jurisdictions. No amendment may, in the aggregate, reduce the level of funding directed to roadway projects as apportioned in Section 3. No amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Amendments constituting expenditures for new programs or new projects that were not a part of the voter approved Expenditure Plan or generally referred to in the Local Streets and Roads Maintenance Program may only be approved with the subsequent consent of the electorate.

SECTION 18. TEN-YEAR PROGRAM REVIEW: After the tax has been in effect for ten-years after the Operative Date, the Authority shall conduct a comprehensive review of all revenues, projects, and programs under the Expenditure Plan to evaluate the performance of the overall program over the previous ten-year period and to make revisions to the Expenditure Plan to improve its performance and allow for changed demographic conditions, transportation needs, revenues, and technology over the subsequent ten years. Revisions to the Ordinance and Expenditure Plan required as a result of the ten-year review shall be subject to the amendment process in Section 17 and/or the remaindered revenues provisions set forth in Section 22. However, the 95% local street and road allocation provided in Section 3 shall not be altered.

SECTION 19. DESIGNATION OF FACILITIES: Each project or program receiving in excess of \$250,000 funded in whole or in part by revenues from the Ordinance shall be clearly designated with project signage at the project site during its construction or implementation as being provided by revenues from the Ordinance.

SECTION 20. SEVERABILITY: If any section, part, clause, or phrase of this ordinance is for any reason held invalid or unconstitutional, the remaining portions shall not be affected but shall remain in full force and effect.

SECTION 21. DISTRIBUTION OF REMAINDERED REVENUES: In the event that the retail transactions and use tax revenues generated by this Ordinance, in combination with other revenues, are greater than needed to meet the funding requirements necessary to complete the projects and support the programs as identified in Section 3(B), the remaindered transactions and use tax revenues shall be distributed to the Agencies for the purposes and under the requirements of Section 3. Such funds shall be distributed by the following formula: the distributed amount is equal to the sum total of the remaindered amount multiplied by the distribution formula percentage for each Agency under Section 3A. Determination of when remaindered revenues become available will be made as part of each Five (5)-Year Expenditure period.

SECTION 22. ANNUAL APPROPRIATIONS LIMIT: Article XIII (B) of the California Constitution requires the establishment of an annual appropriations limit for certain governmental entities. The maximum annual appropriations limit for the Authority is hereby established as \$40 million. The appropriations limit shall be subject to adjustment as provided by law. All expenditures of the retail transactions and use tax revenues imposed in Section 4 are subject to the appropriations limit of the Authority.

SECTION 23. ENJOINING COLLECTION FORBIDDEN: No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the Authority, or against any officer of the State or the

Authority, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

SECTION 24. DEFINITIONS:

- A. *Agency.* Means those cities, town, and county that lie within the geographic boundaries of the County of Napa.
- B. *Authority.* Means the Napa Valley Transportation Authority created by the Napa County Board of Supervisors with the concurrence of a majority of cities having a majority of the incorporated population of the County.
- B. *Bonds.* Means indebtedness and securities of any kind or class, including but not limited to bonds, notes, revenue anticipation notes, commercial paper, leasor and installment sales agreements, credit enhancement swaps and certificates of participation.
- C. *Expenditure Plan.* Expenditure Plan means the expenditure plan required by Section 180206 of the Public Utilities Code to be adopted prior to the call of an election on this Ordinance. The expenditure plan includes the allocation of revenues for each authorized purpose.
- D. *Effective Date.* Means the date the measure was passed by the electorate.
- E. *Highways.* Means all purposes necessary and convenient to the design, right-of-way acquisition, and construction of highway facilities, including all state highway routes and any other facilities so designated in the Expenditure Plan.
- F. *Infrastructure.* Means all components within the right-of-way necessary to support the roadway which includes road pavement, sub-layer, curb, gutter, sidewalks, drainage, traffic control devices, striping, marking, and signage.
- G. *Maintenance* means repair, reconstruction, rehabilitation and/or replacement of streets, roadways, and other infrastructure within the public right-of-way.
- H. *Operative Date.* Means the date the tax begins to collect revenue for this measure.
- I. *Project* is a single effort with a beginning and an end that would cause the construction or maintenance or reconstruction of some tangible portion of a transportation asset owned or operated by public agency. A *project* is not repeated on an annual basis, it does not appear without a detailed description as to cost and location in a local agency budget, and it must appear in a capital budget.

- J. *Reconstruction or Rehabilitation* includes any overlay, including the placement or replacement of base materials and any sub-layer work or widening of the roadway, if the widening is necessary to bring the roadway width to the desirable minimum width consistent with the geometric design criteria of the State for 3R (reconstruction, resurfacing, and rehabilitation). This does not include widening for the purpose of increasing the traffic capacity of a street or highway. This does include additions, changes or reconstruction of Infrastructure directly associated with the function of a street or roadway. It also includes additions necessary to incorporate and/or maintain bicycle facilities called for in the Napa County Transportation and Planning Agency's Countywide Bicycle Plan or adopted bicycle plans of the Agencies and any improvements or alterations necessary to the roadway and or pedestrian or bicycle travel ways to improve overall circulation and to meet American's with Disabilities Act requirements.
- K. *Regional Transportation Improvement Program Submission*. Means any program of projects sent or otherwise caused to be delivered to the Regional Transportation Planning Agency for Napa County by the entity designated by the Regional Transportation Planning Agency with the submission of that program for the local agencies for consideration by the Regional Transportation Planning Agency for inclusion in the Regional Transportation Improvement Program or its related documents.
- L. *Local Streets and Roads*. Means the pavement facilities and supporting Infrastructure within the street, road, or highway right-of-way.
- M. *Senior citizen*. Anyone age 65 years or older.
- N. *Storm damage repair*. Means repair or reconstruction of local streets and highways and related drainage improvements that have been damaged due to storms and flooding, in those jurisdictions that have been declared disaster areas by the President of the United States and/or by the Governor of California.

SECTION 25. PUBLICATION OF ORDINANCE: A summary of this Ordinance shall be published at least five days before its passage in the local newspapers of general circulation published in the County of Napa, and at least once before the expiration of 15 days after its passage together with the names of the Directors voting for and against the same.

The foregoing Ordinance was introduced and read at a regular meeting of the Napa Valley Transportation Authority, held on _____ and passed at a regular meeting of the Napa Valley Transportation Authority held on _____ by the following vote:

, NVTA Chair

Ayes:

Noes:

Absent:

ATTEST:

Karalyn E. Sanderlin, NVTA Board Secretary

APPROVED:

Janice D. Killion, NVTA Legal Counsel

Attachment (1) Napa Valley Transportation Authority Transportation Improvement
Expenditure Plan

ATTACHMENT 1

Napa Valley Transportation Authority Transportation Improvement Expenditure Plan

The revenues received by the Authority from the proposed transactions and use tax shall be distributed following the requirements of ordinance for the following projects, after deduction of required Board of Equalization costs for performing the functions specified in Section 180204(b) of the Public Utilities Code, reimbursing the County of Napa for its cost in conducting the special election if the measure is approved per Section 180203(a) of the Public Utilities Code, administration and annual and biennial audits of the Independent Taxpayer Oversight Committee. All funding and revenues are expressed in 2012 dollars over the twenty-five year life of the program.

Local Streets and Roads Maintenance Program

Description:

Under the ordinance the funds must be used for maintenance, rehabilitation and reconstruction of local streets, roads and infrastructure within the public right-of-way. Exceptions will be approved only as allowed by ordinance for jurisdictions which meet and will continue to meet the pavement maintenance index set by the ordinance; such funds may be used by each agency for any transportation related project purpose including, but not limited to, additional expenditures for maintenance, safety, bike and pedestrian projects, signal timing, roundabout installation, signal installation, intelligent transportation systems, operational projects, and local system congestion relief projects, including transit, and environmental and design costs for the projects.

The estimated funding for the project is (millions of dollars):

Project	Percentage Distribution	Transaction and Use Tax
American Canyon	7.4%	\$23.273
Calistoga	2.6%	\$8.177
City of Napa	38.7%	\$121.711
Napa County	38.0%	\$119.51
St. Helena	5.7%	\$17.927
Yountville	2.6%	\$8.177
Alternative Transportation/Administrative	5.0%	\$15.725
Total	100%	\$314.5

Alternative Transportation Projects

Description:

1. Senior citizen Fixed Route Transit pass buy-down, up to seventy-five percent (75%) off regular pass price.
2. Bicycle elements as identified in the approved Napa Countywide Bicycle Plan.
3. Actual costs, not to exceed 1% of the annual revenue, may be used for administration of this ordinance by the Authority.

The estimated funding for the alternative transportation project is (28.75 million dollars):

Amendments

This Ordinance and Expenditure Plan may be amended to provide for the use of additional federal, state, and local revenues or to account for unexpected revenues by approval of a majority vote of the members of the Authority; the majority must include the City of Napa, the County of Napa, and at least three other jurisdictions. No amendment shall operate solely to affect the rate of tax imposed by this ordinance.

Amendments constituting expenditures for new programs or new projects that were not a part of the voter approved Expenditure Plan or generally referred to in the Local Streets and Roads Maintenance Program may only be approved with the subsequent consent of the electorate.



March 21, 2012
NCTPA Agenda Item 10.2
Continued From: New
Action Requested: APPROVE

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Antonio Onorato, Manager of Finance
(707) 259-8779 / Email: anonorato@nctpa.net
SUBJECT: Real Estate Purchase Contract with the Town of Yountville

RECOMMENDATION

That the NCTPA Board (1) authorize the Executive Director, or designee, to negotiate and enter into a real estate purchase contract with the Town of Yountville for the purchase of an approximate 6,000 square foot parcel of property for a Park-and-Ride (PNR) site located at the southeast corner of Solano Avenue and California Drive, south of California Drive and located between the railroad right of way and Solano Avenue in the Town of Yountville for \$150,000 and (2) authorize the Executive Director or designee to execute all document including the final real estate purchase contract and conveyance document(s) necessary to effectuate the land purchase.

COMMITTEE RECOMMENDATION

None.

EXECUTIVE SUMMARY

Staff is recommending Board authorize the execution of a real estate purchase contract with the Town of Yountville, for the purchase of an approximate 6,000 square foot parcel of property located at the southeast corner of Solano Avenue and California Drive in the Town of Yountville.

After the purchase of the parcel, the Park and Ride lot will undergoes some improvements to the facility including new asphalt and paint stripping. The Town of Yountville and NCTPA identified this site as a location for the Park-and-Ride Facility several years ago and have been coordinating efforts to purchase the site. The Town of Yountville has agreed to the sale of the property for \$150,000 based on an appraisal undertaken by the NCTPA.

The Park and Ride lot is intended to create additional travel options for motorists. The Park and Ride lot promotes rideshare, carpooling, vanpooling and transit use.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comments
3. Motion, Second, Discussion and Vote

FINANCIAL IMPACT

Is there a fiscal impact? Yes. \$150,000

Is it Currently Budgeted? Yes.

Where is it budgeted? FY 11/12 capital budget in fund 2100.

Is it Mandatory or Discretionary? Discretionary

Future Fiscal Impact: No. However, improvements to the park and ride are expected to cost up to \$50,000. The Metropolitan Transportation Commission (MTC) Regional Measure 2 (RM2) grant funds have been programmed and will pay for the purchase and improvements.

Consequences if not approved: The Town of Yountville would retain possession of the Park and Ride lot.

ENVIRONMENTAL DETERMINATION

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action, which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

BACKGROUND AND DISCUSSION

NCTPA has been actively working toward the development of a permanent Park and Ride lot on this site for a number of years. A "temporary" park and ride lot currently exists on the site. NCTPA contracted for an independent appraisal of the property which indicated a value of \$150,000. The Town of Yountville has agreed to sell this parcel of land to NCTPA for \$150,000. A title search and report will be ordered as part of the purchase and to ensure no clouds are on the title to the property. Once purchased, NCTPA will improve the property. Improvements to the facility include repaving the site and re-stripping.

After the purchase, NCTPA will begin the process of working with the County of Napa to have the lot properly recorded with the County by receiving an Assessor's Parcel Number (APN).

The PNR lot will play an important role in addressing the area's projected "growing pains" and builds upon the significant recent successes of the region's public transit system. In a region of population growth, the NCTPA forecasts an increase of over 100% in auto travel times and a 50% increase in vehicle miles traveled over the course of 25 years. The PNR lot will help to steer that trajectory in a more efficient and sustainable direction by enhancing access to the Yountville Trolley and VINE Transit bus service.

REFERENCE DOCUMENT

- (1) Purchase Agreement
- (2) Grant Deed
- (3) Certificate of Acceptance



March 21, 2012
NCTPA Agenda Item 10.3
Continued From: February 15, 2012
Action Requested: APPROVE

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Antonio Onorato, Program Manager Finance
(707) 259-8779 / Email: aonorato@nctpa.net
SUBJECT: Advanced Farebox System Consultant Services

RECOMMENDATION

That the NCTPA Board authorize the Executive Director, or designee, to negotiate and execute a fixed fee contract with Auriga Corporation for the amount not to exceed \$65,550 to perform a needs assessment and develop functional requirements for the replacement of VINE Transit's (including AmCan Transit, Yountville Trolley, St. Helena Shuttle, Calistoga Shuttle, and VINE Go) bus fare collection system (Phase I). Staff will request approval of Phase II from the Board if should there be a staff determination of the need at a later date.

COMMITTEE RECOMMENDATION

None.

EXECUTIVE SUMMARY

At the February Board of Director's, Board Members directed staff to see if other transit agencies in the Bay Area would be interested in sharing the cost of consulting services for the procurement of fareboxes or if the Agency could "piggyback" on to another farebox procurement from another Agency.

Staff has determined that at this time no other Transit Agencies are willing to commit to a farebox procurement and a piggyback onto another farebox procurement is not a feasible alternative at this time.

Staff does believe that Phase II of the procurement may not be necessary given the recent hire of the Chief Procurement & Compliance Officer at NCTPA. However,

NCTPA would like to keep this option open and will ask for Board approval if Phase II is determined to be necessary for the procurement to be successfully completed.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

FINANCIAL IMPACT

Is there a fiscal impact? Yes- \$65,550 for Phase I, \$86,500 for Phase II (subject to need and Board approval).

Is it Currently Budgeted? Yes.

Where is it budgeted? FY 11/12 NCTPA budget- Fund 2100- LTF Transit Capital

Is it Mandatory or Discretionary? Discretionary

Future Fiscal Impact: Yes. Contract deliverables will lead to the purchase of new fareboxes in the amount up to \$850,000. Proposition 1B funds will be used for the purchase of fareboxes. An application for new fareboxes was sent to Caltrans in January 2011 and is currently waiting funding. Funding is expected to occur in late 2012.

Consequences if not approved: Agency will continue to use current obsolete fareboxes.

ENVIRONMENTAL DETERMINATION

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action, which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

BACKGROUND AND DISCUSSION

The VINE Transit's current bus fare collection system was procured in the late 1980's. These fareboxes are obsolete, and the software, as well as, the hardware has exceeded its useful life. NCTPA has experienced great difficulty in procuring spare parts for some system components and the reporting is unreliable. The fare boxes do not properly account for currency greater than \$1.00 bills, do not support electronic payments, and do not provide needed management information on fare programs such the Summer Youth program or special promotions. NCTPA needs to replace these fareboxes to meet current fare collection requirements.

A Request for Proposals (RFP) for Advanced Farebox System Consultant Services was issued on November 21, 2011. A pre-proposal meeting was held on December 8, 2011 and attended by representatives of one firm. On January 5, 2012 NCTPA received one proposal from Auriga Corporation of Milpitas, California.

A review panel composed of the NCTPA's Executive Director, Program Manager Finance, Program Manager Public Transit, and Veolia Transportation's General Manager and Maintenance Manager reviewed the single proposal. Since multiple bids were not received, the evaluation criteria were based upon minimum qualifications of the firm from the written proposal. The review panel determined Auriga Corporation met the minimum qualifications of the RFP.

A cost and price analysis was performed (see attachment) on Auriga Corporation. The cost data provided by the consultant have been determined to be appropriate and reasonable for the work to be performed. A price analysis concluded Auriga's hourly consulting rate is also reasonable.

Auriga has extensive experience with similar projects in California, notably with Valley Transportation Authority, SamTrans, and Fresno Area Express. Auriga's headquarters in Milpitas should allow for easy arrangements of meetings and appointments. Auriga is also a certified Disadvantaged Business Enterprise.

The initial contract will commit funds for Phase I work in the amount of up to \$65,550, with an option for Phase II activities in the amount of up to \$86,500 for a potential contract amount of \$152,050.

UPDATE SINCE FEBRUARY BOARD MEETING

After the February Board meeting, a communication was sent to all local transit agencies requesting a response for an interest to partnering with NCTPA for a farebox procurement or if NCTPA can piggyback onto an existing farebox procurement contract.

NCTPA took every opportunity possible to piggyback on an existing contract or co-op agreement with an existing Agency or association such as CalACT including:

- New Flyer Hybrid Buses- Montebello
- Yountville Trolley- Morro Bay
- Arboc Buses-CalACT
- St. Helena and Calistoga Shuttles- CalACT
- Three (3) VINE Go paratransit vehicles- CalACT
- Four (4) Compressed Natural Gas (CNG) buses- CalACT
- Five (5) Diesel buses- CalACT

Unfortunately, at this time, there are no existing contracts in which NCTPA can piggyback onto for a farebox procurement. A few small transit agencies in Sonoma County has expressed an interest to partnering with NCTPA, but are non-committal. Their timeframe for such a procurement are also different from NCTPA. At this time, the recommended course of action is to proceed with this procurement on its own, but allow interested agencies to partner with NCTPA if the request is made.

SUPPORTING DOCUMENTS

None.



March 21, 2012
NCTPA Agenda Item 10.4
Continued From: New
Action Requested: **APPROVE**

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Tom Roberts, Manager of Public Transit
(707) 259-8635 / Email: troberts@nctpa.net
SUBJECT: Proposed Improvements to Transit Service in Calistoga

RECOMMENDATION

That the NCTPA Board review and approve the proposed modification of the "Calistoga HandyVan" to rebrand the service "Calistoga Shuttle" and expand service hours throughout the week.

COMMITTEE RECOMMENDATION

None.

EXECUTIVE SUMMARY

NCTPA operates the Calistoga HandyVan which provides door-to-door transportation during limited hours to all residents of Calistoga. Staff proposes to effectively double transportation services to that community. In addition, the service will change its name from Calistoga HandyVan to Calistoga Shuttle.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

FISCAL IMPACT

Is there a Fiscal Impact? Yes.

Is it currently budgeted? Will be included in 2012/13 budget. Sufficient funds exist to launch the service in May 2012

Where is it budgeted? Public Transit: Calistoga Service.

Is it Mandatory or Discretionary: Discretionary, although some grant funds must be used to enhance service in rural communities.

Is the general fund affected? Yes. This is an increase in allocation for transit services in Calistoga of TDA/STA, federal 5311, and local funds.

Future fiscal impact: The annual operating costs will increase from approximately \$143,000 annually to \$265,900. The difference will be covered by new sources of funds (federal 5311, Calistoga Tourism Improvement District (C.T.I.D.) and anticipated increases in fares, and STA allocations.

Consequences if not approved: Service will not be expanded. Some federal funds will need to be allocated to expansion of services in another up-valley community.

CEQA REQUIREMENTS

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

BACKGROUND AND DISCUSSION

NCTPA operates the Calistoga HandyVan which provides door-to-door transportation during limited hours to all residents of Calistoga. Beginning in 2010, in conjunction with our consultants (CDM Smith) the agency began working with stakeholders in Calistoga and the community to assess service needs within the city and explore potential service enhancements. Among service deficiencies identified:

- The name HandyVan conveyed an implication that the service was not available to the general public.
- Limited weekday hours did not provide connectivity to other VINE routes nor meet the needs of local residents and tourists.
- Limited weekend hours did not meet the needs of local residents and tourists.

Between July and December 2011, through a dialog with representatives from the City and Chamber of Commerce, a new funding formula arose which, combined with the availability of new federal 5311 operating funds and anticipated increases in STA and TDA, provided the opportunity to address the deficiencies identified. In addition, it was

decided that rebranding the service as the "Calistoga Shuttle" would convey to the public its inclusive nature.

SERVICE IMPROVEMENTS: Monday- Friday

CURRENT: M – F, 8:15 AM – 5 PM, No service during noon lunch hour.

PROPOSED: M – Thur., 7 AM – 9 PM, Service during lunch hour, Fri. until 11 PM

- Expands daily service in morning and evening hours.
- Covers lunch hour.
- Provides connectivity for commuters to the routes 10 and 29.

SERVICE IMPROVEMENTS: Saturday

CURRENT: 8:15 AM - Noon

PROPOSED: 8:15 AM – 11 PM

- Expands Saturday service into afternoon and evening hours.

SERVICE IMPROVEMENTS: Sunday (May – November)

CURRENT: No Service

PROPOSED: 11 AM – 9 PM; May - November

- Adds Sunday service May – November.

FUNDING

Of the \$143,000 increase in operating cost to expand the service, approximately \$95,000 is covered by new sources of funds and a modest projected fare box revenue increase. The remaining \$48,000 comes from an increase in our annual appropriation of state STA funds.

5311 Rural Transit (new)	\$61,300	23.1%
C.T.I.D (new)*	\$30,400	11.4%
STA	\$100,000	37.6%
TDA	\$56,500	21.2%
City of Calistoga	\$10,000	3.8%
Cash Fares and Passes	\$7,500	2.8%
Interest Income	200	0.1%
TOTAL	\$265,900	

*Ride coupons would be disseminated through visitor serving establishments to allow tourists to take free rides on the shuttle.

SUMMARY

The proposed service improvements:

- Change the service name to the Calistoga Shuttle.
- Expands weekday service in morning and evening hours.
- Covers lunch hour during weekdays.
- Provides connectivity for commuters to the routes 10 and 29.
- Expands Saturday service into afternoon and evening hours.
- Adds Sunday service May – November.
- Doubles hours of service to the community.
- Partnership between NCTPA, City and C.T.I.D.
- Free ride coupons to visitors distributed via C.T.I.D. through tourist establishments.
- Also... free transfers to Lake Transit!

The availability of new funding such as federal 5311 (which can only be used for rural transit) and contributions from the Calistoga Tourism Improvement District, presents an opportunity to address all the service deficiencies identified during NCTPA's community outreach. The proposed improvements were presented in February to the Calistoga City Council whose members expressed enthusiastic support and in March to the VCAC who recommended Board approval. Should the NCTPA Board approve the improvements, the earliest they could be implemented is May 2012.

Staff recommends that the NCTPA Board approve the proposed modification of the "Calistoga HandyVan" to rebrand the service "Calistoga Shuttle" and expand service hours throughout the week as presented.

SUPPORTING DOCUMENTS

None.

REFERENCE DOCUMENTS

Napa Short Range Transit Plan (SRTP); Calistoga Open House



March 21, 2012
NCTPA Agenda Item 10.5
Continued From: New
Action Requested: **APPROVE**

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Tom Roberts, Program Manager Public Transit
(707) 259-8635 / Email: troberts@nctpa.net
SUBJECT: Sharing of Agency Vehicles with Non-profit Social Service Agencies

RECOMMENDATION

That the NCTPA Board authorize staff to share, when practicable, FTA 5310 funded vehicles with local 501(c)(3) non-profit agencies serving older adults and people with disabilities.

COMMITTEE RECOMMENDATION

None.

EXECUTIVE SUMMARY

Policy changes required to ensure full American's with Disabilities Act (ADA) compliance on the agency's paratransit service (VINE Go) will adversely impact some non-profit agencies who have come to depend upon the service to transport clients to their programs. Consistent with federal policy and grant requirements, this action would authorize staff to share, when practicable, FTA 5310 funded vehicles with local 501(c)(3) non-profit agencies serving older adults and people with disabilities.

PROCEDURAL REQUIREMENTS

1. Staff Report
2. Public Comment
3. Motion, Second, Discussion and Vote

FISCAL IMPACT

Is there a Fiscal Impact? Yes. \$10,000-\$15,000 annually

Is it currently budgeted? Yes

Where is it budgeted? VINE Go

Is it Mandatory or Discretionary: Discretionary

Future fiscal impact: Possibly.

Shifting some current program based VINE Go riders to a shared vehicle program will create significant service capacity on VINE Go which could result in long-term cost savings.

CEQA REQUIREMENTS

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

BACKGROUND AND DISCUSSION

Policy changes required to ensure full ADA compliance on the agency's paratransit service (VINE Go) will adversely impact some social/human service agencies who have come to depend upon the service to transport clients to their programs. Fortunately, both the California Transportation Development Act (TDA), which provides the majority of the agency's transit budget, and various provisions of Federal Transit Administration (FTA) statutes anticipate and provide a limited flexibility specifically designed to allow and encourage transit agencies to address these community transportation needs.

According to the FTA, eligible recipients of 5310 grant funds are "...private non-profit organizations, governmental authorities where no non-profit organizations are available to provide service and governmental authorities approved to coordinate services." Many vehicles in the VINE Go fleet were purchased through the federal 5310 competitive grant program which, during the application process, places a funding priority on agencies that share this federally provided asset. As noted in Federal circular FTA C 9070.1F, one of the terms of NCTPA receiving these vehicles reads in part:

"...even in situations in which it is not feasible for the agency [NCTPA] to provide services to those in the community beyond its own clients, that agency must, when practicable, make the vehicle itself available to provide transportation service to other older adults and people with disabilities at times the agency is not using the vehicle for grant-related purposes."

"... vehicles are to be used first for program related needs and, beyond the purposes for which a Section 5310 grant are made, to meet other transportation needs of elderly persons and persons with disabilities, to meet other Federal program or project needs, and finally for other local transportation needs."

As evidenced by the long-standing priorities and directives of the federal 5310 program, the sharing of agency vehicles is neither new nor unique. Presently, the NCTPA VINE Go fleet has some capacity to share 5310 vehicles with 501(c)(3) organizations on a limited, time-share, type basis.

To accomplish this, a prospective 501(c)(3) organization wishing to share a VINE Go vehicle to transport its own older adult and/or disabled clients would need to:

- Sign an Memorandum of Understanding (MOU) with NCTPA;
- Identify a staff member from their agency as a prospective driver;

Then:

- NCTPA would perform a Department of Justice background check on the candidate;
- NCTPA/Veolia would provide driver training to that candidate;
- The candidate would have to secure the appropriate license;
- The agency would have to provide proof that the candidate was an employee covered under that agency's workers compensation insurance;
- The candidate would have to agree to undergo random drug testing;
- NCTPA would add the candidate onto our vehicle insurance.

Finally, the participating 501(c)(3) would need to:

- Schedule time to borrow a 5310 vehicle on an as available basis;
- Pick up and return the vehicle;
- Prepare and submit necessary trip paperwork on the use of the vehicle;
- Replace the gasoline used at their expense.

Program Costs

Because NCTPA will continue to use, maintain and insure these vehicles, the estimated annual program cost is between \$10,000 - \$15,000. This is an allowable use of TDA and FTA funds. In addition, shifting some current program based VINE Go riders to a shared vehicle program will create significant service capacity on VINE Go which could result in long-term cost savings in excess of the cost of this proposed program.

Liability

From taxi voucher programs to vanpools, whenever public transit agencies use their operating or capital resources to facilitate the mobility of people, there is risk. In contrast to private citizens with no driver training taking vanpool vehicles home and transporting strangers, or unknown taxi drivers of varying skills and dispositions using automobiles of unknown mechanical condition, what is proposed here is far more controlled and restrictive.

NCTPA will maintain the control of the vehicles. NCTPA's relationship will be with an established non-profit organization, not a private citizen. NCTPA will provide proper background checks, training, and on-going maintenance.

Policy changes required to ensure full ADA compliance on the agency's paratransit service (VINE Go) will adversely impact some non-profit agencies who have come to depend upon the service to transport clients to their programs. Compliance with the ADA in the provision of our paratransit service is mandatory. However, program based social service transportation needs in the community are real and, as addressed by FTA and TDA statutes, a legitimate focus of NCTPA's efforts. Fortunately, we have been provided a host of transportation tools to address such needs. To that end, staff recommends the Board direct staff to share, when practicable, FTA 5310 funded vehicles with local 501(c)(3) non-profit agencies serving older adults and people with disabilities.

SUPPORTING DOCUMENTS

None.



March 21, 2012
NCTPA Agenda Item 10.6
Continued From: November 16, 2011
Action Requested: INFORMATION/ACTION

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Janice D. Killion, Agency Counsel
(707) 259-8246
SUBJECT: iPad Policy

RECOMMENDATION

Discussion and possible action related to approval of an iPad policy.

COMMITTEE RECOMMENDATIONS

None.

EXECUTIVE SUMMARY

As with many public agencies throughout the state, NCTPA Board members have received presentations at their own agencies and at NCTPA meetings regarding the use of iPads, and have expressed an interest in exploring the use of tablet devices at NCTPA meetings.

In order to more fully understand the implications of tablet use for agency business, Counsel has prepared a proposed policy, and highlighted three actions to consider.

PROCEDURAL REQUIREMENTS

1. Staff Reports
2. Public Comment
3. Motion, Second, Discussion and Vote

FISCAL IMPACT

Is there a Fiscal Impact? Potentially. If the Board votes to provide tablets to those Board members and necessary staff who do not currently have one, the cost would be

approximately \$700 to \$900 per tablet initially, plus ongoing subscription service fees. However, there is an annual cost savings of approximately \$8,000 associated with the elimination of printed agendas.

This expense is not currently budgeted.

CEQA REQUIREMENTS

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

BACKGROUND AND DISCUSSION

Many jurisdictions within Napa County have approved, or are in the process of approving, a method of paperless meetings through the use of iPads or similar devices. Agency policies vary; some agencies are providing iPads to their Board or Council members, while some of these members are purchasing their own for agency use.

Board members have received presentations at their own agencies and at NCTPA meetings regarding the use of iPads, and have expressed an interest in exploring the use of tablet devices at NCTPA meetings.

Not every member agency has voted to utilize tablets for board meetings. Therefore, in order to transition to a completely paperless system, this Board will need to decide if it will purchase tablets for those members who do not have agency-provided or personal tablets, or whether it will simply allow some Board members to utilize tablets and provide paper agendas to others.

Policy considerations:

1. **Tax Consequences:** The IRS rules vary for agency-owned and personally owned devices. Personal use of an agency device taken off site is considered a fringe benefit and is therefore taxable. For agency-owned devices, a Board member or employee taking a tablet offsite must demonstrate what portion of device use is related to agency business and what portion is related to personal use. This is typically accomplished by keeping a log when the device is offsite.
2. **Separation of uses:** It is important that emails and documents are kept separate for NCTPA, other agency and personal business so that in the event of a Public Records Act request, we are able to easily locate NCTPA business emails and documents. Comingling documents would result in a burdensome task to locate responsive documents, as well as subject personal documents and emails to public inspection.

3. **Political Campaigning:** Publicly funded tablets may not be utilized for campaign purposes. This policy would not apply to privately owned devices.
4. **Meeting use:** In order to accomplish the goals of open meeting laws, Board members may not send or receive email during Board meetings.

Recommended action: That the Board consider:

1. Whether it will conduct its meetings with the aid of tablet devices instead of paper agendas, and if so, consider for adoption the proposed policy attached.
2. Whether NCTPA will provide devices to those Board members who do not already have one, either personally or through the member agency.
3. Whether NCTPA will provide devices to staff, i.e., Board Secretary, Executive Director, Counsel, or others.

SUPPORTING DOCUMENTS

Attachment: (1) Draft Use of NCRPA Technology Equipment Policy

DRAFT USE OF NCTPA TECHNOLOGY EQUIPMENT POLICY

STATEMENT OF POLICY

The rapidly changing world of wireless communications provides an opportunity for NCTPA to ensure efficient, safe, and high-quality customer service to the citizens of Napa County while helping to preserve the environment by conducting paperless Board meetings.

Purpose of Policy:

NCTPA has a strong interest in conducting paperless meetings, and intends to provide Board agendas and other documents to Board members electronically. In order to accomplish this, it is necessary to provide iPads or other tablets or devices to Board members, Board Secretary, Executive Director, and Counsel who have not been provided one by his or her agency or who do not own one personally. This policy states the official guidelines for use of NCTPA iPads or other technology devices to conduct NCTPA business. NCTPA provided devices may only be used for NCTPA business, and the user must agree to follow NCTPA technology policies and procedures.

Special Recordkeeping Rules apply to NCTPA-Provided Devices:

If an official or employee is provided with NCTPA electronic devices and elects to use this equipment for business use at home or other off-site locations, the official or employee must acknowledge his or her awareness of potential personal tax consequences and shall be required to maintain a log of all business and personal use of the equipment at locations other than NCTPA offices. The official or employee must submit a detailed log at the end of each calendar quarter that records his/her uses of such devices at locations other than NCTPA offices. (Use the log form attached as Appendix "A") **All hours used will be considered personal use if no log is submitted for quarter that NCTPA devices are taken off-site.**

These record-keeping rules do not apply to personally owned devices. For other agency-provided devices, Board members are encouraged to consult their agency's policy and procedures.

The following apply to any device used for NCTPA business:

Separation of Uses: Use of the device for NCTPA business makes documents saved on or sent from the device subject to the California Public Records Act (PRA). Therefore, all NCTPA documents and emails should be kept in a separate and distinct file directory on the device in order to easily identify those NCTPA records that may be subject to disclosure under the PRA. Records regarded as confidential, proprietary, or privileged (such as an attorney-client privileged communication) should be maintained in separate sub-files of the directory. This file directory should not contain records involving the business of other agencies on which an NCTPA board member may serve or any personal records.

Limitations on Use of Publicly-funded Equipment: The use of NCTPA provided equipment for political campaigning for a candidate or cause through email, document production, or in any other way, is strictly prohibited.

Limitation on Use During NCTPA Board Meetings: Devices should not be used to exchange email or other communication during Board meetings, whether between Board members or with other persons, in order to avoid potential violations of due process or the Brown Act and appearances of impropriety,

Limitation on Expectations of Privacy in the Use of Equipment: All NCTPA information systems, and their contents, are not confidential or private. All such NCTPA data, including any that is stored electronically, is subject to audit, review, disclosure and discovery. Therefore, there is not expectation of privacy in the use of NCTPA's Information Systems including computer/laptop equipment provided to officers and employees by NCTPA and including personally-owned computer/laptop equipment to the extent they are used for NCTPA business purposes. [JG: this is a rough draft; it may be overly broad and should have ITS' input regarding how we define Information Systems.]



March 21, 2012
NCTPA Agenda Item 11.1
Continued From: New
Action Requested: INFORMATION/ACTION

NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY Board Agenda Letter

TO: Board of Directors
FROM: Paul W. Price, Executive Director
REPORT BY: Paul W. Price, Executive Director
(707) 259-8634 / Email: pprice@nctpa.net
SUBJECT: Napa County Commission for the Arts and Culture (NCCAC)

RECOMMENDATION

Discussion and possible action related to discontinuing the Napa County Commission for the Arts and Culture (NCCAC) as a standing committee of NCTPA..

COMMITTEE RECOMMENDATIONS

None.

EXECUTIVE SUMMARY

At its February Board meeting, the staff was directed to bring forward an item regarding whether the NCCAC should continue under the auspice of the NCTPA. This direction was given, in part, in response to Napa County's consideration of providing some role to an agency of this nature to assist the County in any number of art and culture initiatives that the County is pursuing in its advancement of art and culture within the region.

PROCEDURAL REQUIREMENTS

1. Staff Reports
2. Public Comment
3. Motion, Second, Discussion and Vote

FISCAL IMPACT

Is there a Fiscal Impact? Yes. The proposed action would relieve the NCTPA for staff time and resources allocated to the NCCAC. This is estimated at an annual savings of approximately \$3,000 to \$5,000.

CEQA REQUIREMENTS

The proposed action is not a project as defined in Section 15378 of the CEQA Guidelines, which define a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. Accordingly, no additional CEQA review is required at this time.

BACKGROUND AND DISCUSSION

At its February Board meeting, the Board directed staff to bring an action item to the Board for consideration of the Board desire to continue sponsoring the NCCAC under the auspice of the NCTPA. Over the course of the past 4 years, the NCCAC has had some challenges in operating under the umbrella of the NCTPA. As the NCTPA is a Joint Powers Agency with certain powers granted to it from its member agencies related to transportation, the ability of the NCTPA to undertake initiatives related to arts and culture have been a difficult fit. As the NCTPA can only grant the NCCAC some advisory role for activities within the limited authority granted to the NCTPA by the Joint Powers Agreement, the NCCAC has had considerable difficulties in carrying out its mission to help move arts and culture forward within our region.

Napa County is considering using the NCCAC to assist the County in its efforts to look at various ways in which the expertise of the NCCAC might be used. Those discussions are continuing at the County.

SUPPORTING DOCUMENTS

None.