

SAN JOAQUIN REGIONAL TRANSIT DISTRICT
SPECIAL BOARD OF DIRECTORS MEETING – NOTICE AND AGENDA
11:00 A.M. ON FRIDAY, FEBRUARY 5, 2021

This meeting is being held pursuant to Executive Order N-33-20 issued by California Governor Gavin Newsom on August 28, 2020. The Board of Directors will attend the meeting telephonically via Zoom Video Communications.

Members of the public can attend the RTD Board Meeting (audio only) by dialing: (669) 900-6833. Meeting ID: 940 9620 9823, or by viewing a live broadcast of the meeting online at <https://zoom.us/j/94096209823>

Persons wishing to address the Board must submit a public comment request by sending an email to BoardSupport@sjRTD.com or by calling (209) 467-6613. All comments must be received by 10:00 a.m. on Friday, February 5, 2021.

RTD is committed to ensuring that all meetings are accessible regardless of an individual's ability or access method. If you need a reasonable accommodation, please contact RTD's Chief Executive Office at (209) 467-6613. *For language assistance, interpreter services, please contact (209) 943-1111. Para información en Español, por favor llame al (209) 943-1111.*

1. CALL MEETING TO ORDER
2. ROLL CALL
3. PUBLIC COMMENT
Each person who addresses the Board shall not make slanderous or profane remarks to or about any member of the Board, staff, or general public. Any person who utters loud, threatening, personal, or abusive language, who is unduly repetitious or engages in extended discussion of irrelevancies, or who engages in any disorderly conduct which disrupts, disturbs, or impedes the orderly conduct of any Board meeting shall, at the discretion of the presiding officer or a majority of the Board, be barred from further audience before the Board during that meeting. All public comments shall be limited to no more than FIVE MINUTES. In addition, applause, loud noises, or any other outbursts or disruptions from the audience are not allowed during or after a public comment. At the discretion of the presiding officer, those who are in violation of this protocol may be disconnected from the meeting.
4. INFORMATION ITEMS
 - A. INTRODUCING INFORMAL BIDDING ORDINANCE
Introduction of ordinance.
5. ACTION ITEMS
 - A. RESOLUTION: APPROVING RELEASE OF REQUEST FOR PROPOSAL TO PROCURE INTELLIGENT TRANSPORTATION OPERATING SYSTEM (ITOS)
Board approval of releasing request for proposal.
6. QUESTIONS AND COMMENTS FROM DIRECTORS AND STAFF
7. CLOSED SESSION
 - A. CONFERENCE WITH LABOR NEGOTIATOR

Agency Negotiator: Gloria Salazar, CEO
Employee Organization: Amalgamated Transit Union, Local 256

- B. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
[Paragraph (1) of subdivision (d) of Government Code, Section 54956.9]:
San Joaquin Regional Transit District vs. DSS-2731 Myrtle LLC, et al., San
Joaquin Superior Court Case No. 39-2010-00252684-CU-EI-STK

8. ADJOURNMENT

**NOTE: THE NEXT REGULARLY SCHEDULED BOARD MEETING WILL BE HELD ON
FRIDAY, FEBRUARY 19, 2021 AT 10:00 A.M.**

DATE POSTED: February 4, 2021

INFORMATION ITEM:

INTRODUCING INFORMAL BIDDING ORDINANCE

LEAD STAFF:

**MIKE THOMPSON
CHIEF ADMINISTRATION AND INNOVATION OFFICER**

BACKGROUND:

As part of the effort to streamline RTD's procurement processes and procedures, we intend to introduce at the February 19th Board Meeting two resolutions that will implement the provisions of the California Uniform Public Construction Cost Accounting Act (CUPCCA) for RTD.

CUPCCA allows public agencies to use higher competitive bid limits and alternative informal bidding procedures for public works projects. The Act has two requirements to be adopted before it can be used by a public agency. First, CUPCCA must be adopted by the Board; second, the Board must adopt an informal bidding ordinance which specifies the methods for inviting informal bids from contractors.

DISCUSSION:

As informal procurement procedures help streamline the procurement process, it is equally important that all qualified contractors have an opportunity to submit a bid. In that spirit, the legislature included specific requirements for notifying contractors of potential opportunities, placing the burden of notification on RTD.

The ordinance gives RTD the option of either sending the notice inviting informal bids using either a list of all qualified contractors from a list maintained by RTD or sending the notice to all construction trade journals, specified by the CUPCCA Commission, for the county.

In order to provide the public and Board ample time to review proposed ordinances, RTD's enabling legislation requires that an ordinance cannot be adopted at the time of introduction (Section 50088). This report serves as that introduction.

**INFORMAL BIDDING ORDINANCE
SAN JOAQUIN REGIONAL TRANSIT DISTRICT**

ORDINANCE NO. 002

An ordinance implementing the informal bidding notification procedures thereto pursuant to the authority granted San Joaquin Regional Transit District (RTD) by Public Contracts Code Section 22000 et. seq.

BE IT ENACTED by the Board of Directors of San Joaquin Regional Transit District:

Section 100.1. Informal bids procedures. Public projects, as defined by the Act and in accordance with the limits listed in Section 22032(b) of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, et seq., of the Public Contract Code.

Section 100.2. Contractors List. The agency shall comply with the requirements of Public Contract Codes Section 22034.

Section 100.3. 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 circulated using one or both of the following alternatives:

1. Notices inviting informal bids may be mailed, faxed, or emailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 100.2.
2. Notices inviting informal bids may be mailed 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 department/agency soliciting bids, provided however:
 - a. 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.
 - b.

Section 100.4. Award of Contracts. The Chief Executive Officer and Chair of the Board of Directors, as authorized by the Board, are hereby authorized to award informal contracts pursuant to this Section.

Section. 100.5. This Ordinance shall take effect and be in force 30 days from the date of its passage, and before the expiration of 15 days after its passage, it or a summary of it, shall be published once, with the names of the members of the Board voting for and against the same in the Record, a newspaper of general circulation published in the County of San Joaquin.

PASSED, APPROVED, AND ADOPTED on February 19, 2021, by the following RTD Board of Directors vote:

AYES:

NAYES:

ABSENT:

RECOMMENDATION: **APPROVE RELEASE OF REQUEST FOR PROPOSALS TO PROCURE INTELLIGENT TRANSPORTATION OPERATING SYSTEM (ITOS)**

LEAD STAFF: **MIKE THOMPSON
CHIEF ADMINISTRATION AND INNOVATION OFFICER**

FINANCIAL IMPACT: **APPROXIMATELY \$1,300,000 (100% State)**

BACKGROUND:

San Joaquin Regional Transit District (RTD) intends to replace its existing Intelligent Transportation Operating Systems (ITOS) with a new consolidated and technologically improved single system for its fixed route transit operations. The new ITOS solution will improve operational performance and efficiency, improve passenger experience, and introduce new ITOS functionality.

Replacement of RTD's two ITOS with a single solution has become increasingly necessary as RTD's services, technology, and vehicles have become more sophisticated since the original procurement of these systems in 2007 and 2017. While providing the established functions of the two existing ITOS, RTD anticipates that the new single ITOS will provide solutions that can connect and control other bus components in real time, such as passenger counting, remote destination sign control, monitoring vehicle engine diagnostics, etc. in a more updated and integrated way.

DISCUSSION:

Staff has reviewed the procurement options for the new ITOS, specifically whether to solicit competitive bids or pursue a competitive negotiations process through a Request for Proposals (RFP). RTD also reviewed existing enabling legislation as it pertains to procurements under the state public contract code. Given the ITOS project scale, the enabling legislation points toward the use of a competitive low bid process. However, as the purchase of hardware is a significant portion of the ITOS procurement and will represent the introduction of new technologies that are constantly changing, the use of a competitive bid process would limit RTD's ability to obtain the most cost effective and qualitatively-sound solution.

Per California Public Contract Code, Provisions 20216 and 20217, the competitive bid procedures are not feasible for products and materials that are undergoing rapid technological changes or for the introduction of new technologies—as would be the case with the new ITOS. Staff recommends using the procurement method of an RFP rather than a solicitation for a competitive bid, which will allow for qualitative evaluation, vendor negotiations, and pursuit of the best solution for RTD.

RESOLUTION NO. _____
DATED: FEBRUARY 5, 2021

RESOLUTION APPROVING RELEASE OF REQUEST FOR PROPOSAL TO PROCURE
INTELLIGENT TRANSPORTATION OPERATING SYSTEM (ITOS)

WHEREAS, the award of purchase contracts by RTD under competitive bid procedures may not be feasible for products and materials that are undergoing rapid technological changes or for the introduction of new technologies into agency operations such as an Intelligent Transportation Operating System (ITOS); and

WHEREAS, it is in the public's interest to consider the broadest possible range of competing products and materials available, fitness of purpose, manufacturer's warranty, performance reliability, delivery timetables, support logistics, and other similar factors in addition to price in the award an ITOS; and

WHEREAS, awarding a contract for ITOS based solely on lowest bid does not constitute a method of procurement adequate for the agency's needs.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Board of Directors of San Joaquin Regional Transit District authorizes and declares its approval for RTD to use the competitive negotiation process in accordance with California Public Contract Code Sections 20216 and 20217 to procure an Intelligent Transportation Operating System.