



**BOARD OF DIRECTORS
REGULAR MEETING AGENDA**

October 3, 2018 – 1:30 PM

5401 Old Redwood Highway, 1st Floor
Petaluma, CA 94954

1. Call to Order
2. Approval of the September 19, 2018 Board Meeting Minutes
3. Public Comment on Non-agenda Items
4. Board Member Announcements
5. General Manager's Report
6. Consent
 - a. Approval of Portola Systems, Inc. Contract Amendment No. 5
7. Approve a Resolution Authorizing the General Manager to Execute Change Order 009 to Contract No. CV-DB-16-001 with Stacy Witbeck/Herzog Joint Venture in the amount of \$521,200 to add Positive Train Control Equipment to the Four Additional Trains
8. Approve a Resolution Authorizing the General Manager to Execute Change Order 010 to Contract No. CV-DB-16-001 with Stacy Witbeck/Herzog Joint Venture in the amount of \$1,339,061 to add grade crossing cameras, station communications systems, and train control modifications
9. Closed Session – Conference with General Manager Farhad Mansourian, pursuant to California Government Code Section 54956.8 regarding real estate negotiations.

Property: Sonoma-Marin Area Rail Transit District – Railroad Square Property
2W 3rd Street and 34W 6th Street, Santa Rosa

APN(s): 010-171-019 and 010-166-003

Negotiating Parties: Farhad Mansourian – Cornerstone Properties

10. Report out of Closed Session

11. Next Regular Meeting Board of Directors, October 17, 2018 – 1:30 PM – 5401 Old Redwood Highway, 1st Floor, Petaluma, CA 94954

12. Adjournment

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**BOARD OF DIRECTORS
REGULAR MEETING MINUTES
September 19, 2018 - 1:30 PM
5401 Old Redwood Highway, 1st Floor
Petaluma, CA 94954**

1. Call to Order

Chair Fudge called the meeting to order at 1:30pm. Directors Arnold, Connolly, Eddie, Hillmer, Lucan, Mackenzie, Phillips, Russell and Zane were present. Director Pahre absent; Director Rabbitt arrived later.

Chair Fudge asked the Board for approval to change the Agenda Order to the following: 1) Call to Order; 2) Approval of the Minutes; 3) General Manager's Report; 4) Public Comment; 5) Board Member Announcements and 6) Consent Items

2. Approval of the July 18, 2018 Board Meeting Minutes

MOTION: Director Arnold moved approval of July 18, 2018 minutes as presented. Director Phillips second. The motion carried 10-0-0. (Director Pahre absent; Director Rabbitt arrived later).

3. Public Comment on Non-Agenda Items

Deborah Ziccone (Student Engagement Manager at SRJC Petaluma Campus) acknowledged and appreciate working with SMART staff to provide students SMART pass.

Kaila Cotherman (VP of Marketing at SRJC Petaluma Campus) suggested that SMART consider adding a station near the SRJC Petaluma Campus.

Walter Isaac (Student Success Coach at SRJC Petaluma Campus) said there are approximately 4,000 students at the Petaluma Campus which many don't have access to public transportation. He suggested that SMART consider adding a station near the SRJC Petaluma Campus.

Diego Morfin (Student Success Coach at SRJC Petaluma Campus) said that he lives in Santa Rosa and suggested that SMART consider adding a station near the SRJC Petaluma Campus. The station would make it very convenient for many students.

Wayne Seden stated that the bicycle/pedestrian route between Marlow Road and Santa Rosa Junior College is vital interest for the community. There is an elderly community and students that live on the west side of the track and believe that the Jennings Avenue crossing should be available to use. The Jennings Avenue crossing was open to the public until November 2015 and suggested making a safe crossing for the public.

Janet Barocco (Santa Rosa Resident) voiced her concerns about the Jennings Avenue Crossing. She urged the Board members to consider building a safe crossing at Jennings Avenue. She asked what she can do as a resident to assist in building a safe crossing.

Ricard Heinberg (Resident of Jennings Avenue) voiced his concerns about the Jennings Avenue Crossing. He said that the City of Santa Rosa has been broken since 1949 when Highway 101 was built and now Jennings Avenue is broken as a result of its closure. The Jennings Avenue crossing is currently unsafe for school children, students and pedestrians to walk to College Avenue and Guerneville Road and to cross on the busy intersection. Since the City of Santa Rosa and Jennings Avenue residents want a crossing, he urged the Board to build a crossing.

Fred Adam (Resident of Petaluma) mentioned he is glad to hear that SMART will be discussing the challenges that still exist at the Board Workshop next month. He voiced his concerns regarding the following items: 1) Ticketing App does not work on all cellular phones; 2) Senior and Youth Clipper cards are not available on site; 3) Capacity is very limited from Petaluma to/from San Rafael; 4) Lack of overhead rails; 5) Train schedule; and 6) Limited parking at train stations. He urged the Board to consider making the train accessible for casual riders and build a station on the eastside of Petaluma.

Genevie Navar Franklin voiced her concerns about the Jennings Avenue Crossing. She acknowledged Chief Engineer Gamlen's brief overview when he stated that the crossing was viewed through various lenses. She asked the Board to consider viewing the project through a different lens. Her husband Don was blind, diabetic with limited walking ability and walking around was a huge undertaking. She urged the Board to find a way to address the safety concerns and make it a safe crossing for the public.

Thomas Ells voiced his concerns about Jennings Avenue Crossing. A greater liability exist at Jennings Avenue since the fence was placed trapping pedestrians and bicyclist who manage to jump over. He said that the California Public Utility Commission (CPUC) acknowledged the right to cross and maintain at Jennings Avenue.

Patricia Tuttle Brown (Petaluma resident/Friends of SMART) has been a SMART supporter. She stated that a study was conducted in 1960's and the study found that if crossing the

overpass takes 50% longer almost no one will use it. We are all deeply saddened by the most recent fatality in Rohnert Park, however there is a complex safety issue at Jennings Avenue. An overpass crossing is not always the right solution.

Jack Swearingen stated that some employees at Keiser Permanente are not aware of SMART's Eco Pass. He voiced his concerns about the Jennings Avenue Crossing. He said that there are Pedestrian-Bicycle Crossing with warning signals and gates at Ignacio Wye that can be a solution for the Jennings Avenue Crossing.

Dannie Shemire voiced her concerns about the Jennings Avenue Crossing. She stated that there is a Pedestrian-Bicycle crossing north of Hamilton Station and at Copeland Creek in Rohnert Park. She urged the Board to consider the same option for the Jennings Avenue Crossing.

Paul Harrison stated he is familiar with the Jennings Avenue and Coddington neighborhood, since he submitted a design for the jury competition in 2009 for the Santa Rosa North station which he received a citation award. He participated in several workshops in connection with the Santa Rosa North Area Plan. He said that an at-grade Pedestrian-Bicycle Crossing at Jennings Avenue Crossing will connect neighborhoods and provide a safe place to walk and cycle to/from train station into the neighborhoods resulting in higher ridership. The Jennings Avenue Crossing will restore lost links between adjacent neighborhoods.

Frank Leder (Petaluma Resident) voiced his concerns regarding the pedestrian accident on August 30th in Rohnert Park. He stated that he was on board the train and SMART staff did a poorly job informing the passengers of the accident that had just occurred. He also stated that it took over two hours for a bus bridge to arrive at the scene and transport passengers to the nearest station. His final points were: 1) Lack of security on the train; 2) Lack of passenger acknowledgement; 3) Lack of protocol; 4) Lack of communication by SMART staff; and 5) Many passengers had bicycles. Chair Fudge responded that she is very sorry of what happen and asked that he speak with Chief Welch to address and submit his comments. Director Zane suggested that Mr. Leder submit his statement in writing.

Johanna James offered sympathy to the previous speaker and everyone that was affected by the tragic accident that occurred in Rohnert Park. She has lived near the Jennings Avenue crossing for over 39 years. She said that a year ago on September 20, 2017 many supporters of the Jennings Avenue Crossing including Chris Rogers (Santa Rosa Councilmember) attend a meeting urging the Board to direct SMART staff to begin construction of the Jennings Avenue Crossing. Also, during Board Member Announcements Director Zane stated that the matter involves a contract and safety issues. At that meeting the General Manager Mansourian also said that "this is the contract (Larkspur Extension) that will build the Systems of the Jennings Avenue Crossing contract and the issues of delay was incorrect and now SMART can proceed with the work". Today, we are hearing about safety concerns at the Jennings Avenue Crossing. The Jennings Avenue Crossing will provide pedestrian and bicycle safe guards. She urged the Board to be transparent as to the reason why the Jennings Avenue

Crossing will not be built. She asked if SMART's system as vulnerable as Denver's system perhaps fragile that modifications to add a crossing would place the system at risk. She asked the Board to develop the necessary solution to open the Jennings Avenue Crossing.

Alisha O'Loughlin (Sonoma County Bicycle Coalition) stated that the community has supported the Jennings Avenue Crossing for a long time. The speakers today only represent a fraction of those in support of the Jennings Avenue Crossing, there has been a lot of concern from the community regarding this matter and asked the Board to agendize the item in the future to have a discussion and address any solutions. She said that the CPUC historically opposes any new at-grade crossings. She suggested that the Board considering all the safety concerns and make the Jennings Avenue Crossing safe.

Gary Wysock voiced his concerns about the Jennings Avenue Crossing. He stated that the Jennings Avenue is a historic crossing. This is a very heavily used crossing with a school on one side and housing on the other. The City of Santa Rosa worked numerous years to obtain approval by CPUC and funding of the Jennings Avenue Crossing. He was informed by his collogue that SMART added a complete identification condition to the contract. He thanked Director Rabbitt saying that nothing is absolutely safe. He urged the Board to listen to the community and build the Jennings Avenue Crossing.

James Duncan voiced his concerns about the Jennings Avenue Crossing. He said that in September 2016 the CPUC approved the Jennings Avenue Crossing Application. The City of Santa Rosa staff and SMART began coordination to build the Jennings Avenue Crossing at the expense of the City of Santa Rosa prior to the start of passenger service to minimize disruption. Also, at the September 20, 2017, the General Manager Mansourian said that work can begin at the Jennings Avenue Crossing however, SMART has not performed the work. The City of Santa Rosa and SMART's staff meet on July 2018 and SMART announced after the meeting that it no longer supports the Jennings Avenue Crossing. He urged the Board to fulfil SMART's promise and construct the Jennings Avenue Crossing for the community.

Willard Richards resident of Santa Rosa and SMART's supporter, is pleased to hear the discussion today regarding the Jennings Avenue Crossing. He encouraged the public to read the CPUC Safety Enforcement Division protest that was filed. He asked that SMART demonstrates that the Guerneville Crossing is safer than the proposed Jennings Avenue Crossing.

Doug Kerr stated that the walk between Jennings Avenue and the station is longer than 6 minutes.

Steve Birdlebough thanked the General Manager for scheduling a workshop to discuss the safety issues. He read the CPUC decision that was issued. He urged the Board to obtain solutions to build the Jennings Avenue Crossing for the community.

Duane Bellinger suggested that an updated ridership report and the Corona Station is included for discussing at the October 17th Board Workshop.

Rick Coates stated that his grandchildren had a good time at SMART 1st year celebration. He said that bike lanes are being considered on the frontage road South of Petaluma

Chair Fudge acknowledged the comments from the public on all topics.

4. Board Member Announcements

None

5. General Manager's Report

General Manager Mansourian stated that SMART's Community Outreach Division has begun another round of rail safety, and encourage friends, family and the public to lease share our rail safety message.

He asked the Board members for availability on October 17th to conduct a Workshop to report the challenges and lesson learned since the start of passenger service. The workshop topics will include: 1) Operations; 2) Safety; 3) Finance; 4) Construction; 5) Vehicles; 6) Ridership and many other topics. Director Zane stated that she would like the members of the public to attend and suggested the Workshop be held at a larger location. She also would like to have a discussion on safety issues that have occur in the year since start of passenger service.

Director Rabbitt arrived at 1:36pm

Director Phillips stated he is interested in receiving information on SMART's Safety Outreach Program.

Director Rabbitt stated he looks forward to SMART's State of System presentation in addressing its successes and challenges. SMART's staff has continued to do a wonderful job on informing the public at each Board meeting. He said that every time a new transportation system is introduced it will present challenges and safety issues. Local jurisdiction and SMART can continue to work together to make sure every crossing as safe as possible.

Mr. Mansourian said that Chief Engineer, Bill Gamlen and Chief of Police Welch will give an overview of the most recent accident that occurred at-grade crossing in Rohnert Park. The Chief Engineer gave an overall history of the at-grade crossing. He said the following steps were performed; 1) Diagnostic review (field visit) for each at-grade-crossing with SMART staff, local jurisdiction representative, first responders and California Public Utility Commission (CPUC) staff; 2) A written and signed application was submitted to CPUC and 3) CPUC sends a letter approving the application. In 2008 Caltrans (lead agency) submitted an application to the CPUC for the Golf Course Drive at-grade crossing in Rohnert Park. Caltrans, City of Rohnert

Park and SMART followed the CPUC approval process. Mr. Mansourian asked when the approval process began for the 63 at-grade crossings. Mr. Gamlen responded that the at-grade crossing inventory began in 2009 and 2010 with individual diagnostic reviews in 2011 and 2012.

Mr. Mansourian stated that prior to the start of passenger service, a safety evaluation process was conducted for each at-grade crossing. He introduced Chief of Police Welch who was assigned to review each at-grade crossing. Chief Welch stated that a team was comprised of herself, systems and engineering staff. Each at-grade crossing was evaluated with the SMART's team, local police, local fire, and public works departments, school district representatives and safe routes to school. At the conclusion of each evaluation a follow-up letter was prepared with action items for that particular crossing.

Chief Welch stated that after every accident the General Manager assigns staff to conduct a site evaluation of the accident. Staff evaluates the accident site to look at ways to improve. In the accident that occurred at the grade crossing in Rohnert Park, staff is evaluating the location and will have a report available at the Board Workshop on October 17th.

Director Rabbitt appreciates all the work that has been done for each crossing. He asked what differentiates each grade crossing in terms of the requirements.

Director Phillips suggested receiving an update on homeless issue along SMART's right-of-way.

Director Zane asked if SMART's staff can give an update of the diagnostic review for the Jennings Avenue Crossing.

General Manager Mansourian stated that Jennings Avenue Crossing is a public safety concern for SMART. Chief Engineer Bill Gamlen will give a brief overview of the project and District Counsel Tom Lyons will speak regarding the approval process.

Chief Engineer Bill Gamlen said the SMART has been working with the City of Santa Rosa on the Jennings Avenue Crossing project since 2015. The proposed Jennings Avenue Crossing is in a challenging location since its near two tracks and a station. The train speed reaches approximately 35 mph, which takes about 800 feet for the train to come to a complete stop. The second track is of greater concern since someone crossing the track can think they are in the clear, only to step in front of a second oncoming train. Prior to start of passenger service the CPUC asked SMART to fence the right-of-way due to the extensive trespassing activity in the area. In 2016, SMART constructed the College to Guerneville Pathway, which gave the public a safe route to walk. SMART is very concerned about removing the fence for an at-grade crossing and giving the public the opportunity to enter the right-of-way. The CPUC Safety Enforcement Division has had safety concerns about an at-grade crossing at Jennings Avenue from the initial application. In 2015, SMART was not in operations and the SED understood why SMART supported the Jennings Avenue Crossing. However, they said that

once SMART passenger service begins they will observe the Jennings Avenue Crossing safety issues. Mr. Gamlen stated that SMART has observed that people are very distracted while driving and walking.

Mr. Mansourian stated that the CPUC approved the Jennings Avenue Crossing application and the public perception is that the crossing is considered safe. District Counsel Tom Lyons said that the CPUC approved the Jennings Avenue Crossing application based on various factors including cost, aesthetics design, political pressure, and public interest. The CPUC Safety Enforcement Division has opposed the Jennings Avenue Crossing which they have filed legal protest at the time the application was submitted. The proposed decision acknowledged that; 1) The Safety Enforcement Division staff did not concur with the safety of the proposed crossing; 2) The Safety Enforcement Division did not recommend the proposed at-grade crossing; 3) The Safety Enforcement Division believes that safety can only be achieved by a separate grade crossing or no crossing; and 4) SED did not provide analysis of specific proposed safety features at the proposed crossing since they opposed of the crossing. Throughout the application process the SED was consistent in its opposition to an at-grade crossing at Jennings Avenue based upon safety considerations. One of the most critical positions that was addressed is that the Jennings Avenue at-grade crossing, even with gates and warning devices places children and residents at serious risk due on a double track with heavy rail train traffic during school and business hours. Since the Commission decision, SMART has constructed a new pathway and safe crossing at Guerneville Road.

Lastly, Mr. Mansourian stated that SMART's decision to oppose the Jennings Avenue Crossing is strictly based on public safety. He continues to work with Chair Fudge and Director Zane to consider other options and possibilities.

Director Zane stated that she had conducted field visits and has considered options to continue to pursue the Jennings Avenue Crossing project. She understands there is a lot of public pressure to build the Jennings Avenue Crossing. She asked if SMART can place recommendation to build a safe at-grade crossing. Mr. Mansourian responded that SMART will consider options and SMART is not opposing a crossing at Jennings Avenue, however an at-grade crossing at Jennings Avenue is not safe crossing. SMART has learned a lot in one year of operations. Director Zane said that members of the public understand that the Jennings Avenue at-grade crossing application was approved by the CPUC, however it's important for everyone to see the documentation that was submitted by the SED. Mr. Mansourian responded that he will prepare a package for the website. Director Zane stated that it is very important being transparent in the process and informing the public.

Director Arnold asked the walking distance between Jennings Avenue and the safe pathway route to the station. Mr. Mansourian responded that himself and Director Zane walked the area in approximately 6 minutes.

Lastly, he stated that the 2018 State Rail Plan has been released and its available on the State of California website. The State of California has vision for SMART and the North Bay.

Director Rabbitt stated that there are solutions that can make the Jennings Avenue Crossing a safe crossing for pedestrian and bicyclist. He apologized to the Board members and public for being late, he participated in the “Day of Caring” event.

6. Consent

- a. Approval of Monthly Financial Reports
- b. Approval of Certified Employment Group Contract Amendment No. 3
- c. Approve a Resolution to Amend the Budgeted Programming and Grants Manager Salary Range to the Authorized Personnel Allocations for Fiscal Year 2018-19
- d. Adopt and Support Senate Bill 1119 (Beall) to Amend the Low Caron Transit Operation Program

Chair Fudge asked for Board and public comments on the proposed Consent Agenda.

MOTION: Director Rabbitt moved approval of the Consent Agenda as presented. Director Lucan second. The motion carried 11-0-0 (Director Pahre absent).

7. Approve a Resolution Adopting SMART’s 2018 Title VI Program and Nondiscrimination Policy

Programming and Grants Manager Joanne Parker stated that the item before you is an update of the 2015 SMART Title VI Program and Nondiscrimination Policy required by the Federal Transit Administration every three years. The required elements of a Title VI Program include a Nondiscrimination Policy, a Public Participation Plan, a Limited English Proficiency Plan, Systemwide Service and Standards Policies, and a Title VI Complaint and Reporting Process.

Therefore, staff is recommending approval of Resolution No. 2018-20 adopting an updated Title VI Program and Nondiscrimination Policy and transmit to the Federal Transit Administration for acceptance.

Comments

Director Arnold thanked staff for a very complete report. She suggested that the Citizens Oversight Committee have more diversity members. Director Zane agrees with Director Arnold.

MOTION: Director Arnold moved to Approve a Resolution Adopting SMART’s 2018 Title VI Program and Nondiscrimination Policy as presented. Director Rabbitt second. The motion carried 11-0-0. (Director Pahre absent).

8. Authorize the General Manager to Execute a Purchase Contract No. OP-EQ-18-004 with Transit Sourcing Services, Inc. in an amount of \$167,112 for 88 Diesel Multiple Unit Train Wheels

General Manager Mansourian introduced Procurement Coordinator Ken Hendricks who gave an overview of the project. He stated that in June 2018, the Board approved Fiscal Year 2018-

19 budget which includes the purchase of 88 Diesel Multiple Unit (DMU) train wheels. A formal invitation for Bid was issued to procure the DMU train wheels. SMART received a total of three bid from the following vendors: 1) ORX Railroad Company; 2) Penn Machine Company and 3) Transit Sourcing Services. Out of the three bids received, Transit Sourcing Services, Inc. was the lowest responsive responsible bidder.

Therefore, staff recommends authorizing the General Manager to execute a Purchase Contract with Transit Sourcing Services for 88 DMU Train Wheels in the amount of \$167,112.

Comments:

Director Rabbitt asked if this purchase related to the truing machine that SMART needs. Chair Fudge responded that is agenda item #10.

MOTION: Director Mackenzie moved to Authorize the General Manager to Execute a Purchase Contract No. OP-EQ-18-004 with Transit Sourcing Services, Inc. in an amount of \$167,112 for 88 Diesel Multiple Unit Train Wheels as presented. Director Arnold second. The motion carried 11-0-0. (Director Pahre absent).

9. Authorize the General Manager to Execute Sole-Source Purchase Agreements with ZF North American, Inc., Knorr Brake Holding Corporation, and Voith Turbo, Inc. in an amount of \$675,000 for Specialized Rail Parts and Equipment

Procurement Coordinator, Ken Hendricks stated that item for your approval today is to authorize the General Manager to execute purchase agreements with ZF North American, Inc., Knorr Brake Holding Corporation and Voith Turbo, Inc for specialized rail parts and equipment. In June 2018, the Board approved Fiscal Year 2018-19 budget which includes the purchase of transmission and gear assemblies, brake discs and front mask assembly. The parts being purchased are single components incorporated in larger critical and operation system such as breaking, drivetrain and collision management. These parts have been tested and configured to match SMART's DMU's and provide safe operation.

Therefore, staff recommends authorizing the General Manager to execute Sole-Source Purchase Agreements with ZF North American, Inc., Knorr Brake Holding Corporation, and Voith Turbo, Inc. in an amount of \$675,000.

Comments

Director Phillips said he had concerns regarding this item and had a discussion with the General Manager Mansourian and is satisfied with the response.

Jack Swearingen asked for the reliability of the DMU and the need to purchase parts and machinery at this time compared to Caltrain train service. Mr. Hendricks responded that the purchase of these parts takes approximately 340 days to receive and SMART is starting the process early for when is time to replace they are available.

MOTION: Director Hillmer moved to Authorize the General Manager Execute Sole-Source Purchase Agreements with ZF North American, Inc., Knorr Brake Holding Corporation, and Voith Turbo, Inc. in an amount of \$675,000 for Specialized Rail Parts and Equipment as presented. Director Lucan second. The motion carried 11-0-0. (Director Pahre absent).

10. Authorize the General Manager to Execute a Purchase Contract No. OP-EQ-18-001 with Delta Wheel Truing Solutions in amount of \$898,432.87 to Manufacture and Install a Wheel Truing Machine

Procurement Coordinator Ken Hendricks stated that item for your approval today is to authorize the General Manager to execute purchase agreements with Delta Wheel Truing Solutions. In June 2018, the Board approved Fiscal Year 2018-19 budget which includes the purchase of the wheel truing machine. SMART currently contracts with Utah Transit Authority to perform wheel truing services on all of its DMU wheels. This current process is costly, time consuming and doesn't provide any flexibility on SMART's Vehicle Maintenance team to perform quick and unexpected repairs. A formal Request for Proposal was issued and SMART received two proposals from the following vendors: 1) Delta Wheel Truing Solutions (\$898,432.87) and 2) Talgo, Inc, (\$1,654,636). Out of the proposals received, Delta Wheel Truing Solutions was most advantageous to SMART.

Therefore, staff recommends authorize the General Manager to Execute a Purchase Contract with Delta Wheel Truing Solutions in amount of \$898,432.87 to Manufacture and Install a Wheel Truing Machine.

Comments

Chair Fudge stated the contract amount is approximately \$100k less than anticipated. Also, this may be an opportunity for SMART to help other agencies and offset cost.

Director Russell asked why the proposal are so different in cost. Mr. Hendricks responded that Talgo, Inc had a larger robust unit that was needed.

MOTION: Director Eddie moved to Authorize the General Manager to Execute a Purchase Contract No. OP-EQ-18-001 with Delta Wheel Truing Solutions in amount of \$898,432.87 to Manufacture and Install a Wheel Truing Machine as presented. Director Arnold second. The motion carried 11-0-0. (Director Pahre absent)

11. Approve a Resolution Authorizing the Award Contract No. SYS-DB-18-001 to Modern Railway Systems, Inc for the Systems Work for the Windsor Extension Project for an amount of \$15,687,333

Chief Engineer, Bill Gamlen stated that the Windsor Extension Project is a 3-mile extension of our passenger rail system from Airport Boulevard Station to the Town of Windsor. The 3-mile route will utilize the existing SMART's owned right-of-way. The project will include reconstructing track, construction of a station platform and park and ride lot, extending the

Positive Train Control signaling/system, radio and communication system. SMART has received committed funding for this project, it includes the following funding sources and amounts:

- Federal Railroad Administration - \$5 million
- California State Transportation Agency TCRIP Funding Program - \$20 million
- Metropolitan Transit Commission (MTC) Regional Measure 3 Funding - \$30 million

Staff recommends approval of Resolution No. 2018-21 awarding Contract No. SYS-DB-18-001 to Modern Railway Systems, in an amount of \$15,687,333 with a term of three years for the Train Control and Communication systems work for the Windsor Extension Project.

The contract will provide design and construct the system portion of the passenger rail system – Positive Train Control, grade crossing protections system, and communications system to provide train to dispatch communication as well as communications systems for security cameras. It is essential to maintain the same trail control signaling and communication system that is in the current passenger rail system. SMART has developed a state-of-the art system that incorporates Positive Train Control technologies to assure the safest system.

SMART requested that Modern Railway System (MRS) prepare a price proposal based on a detailed scope of work. Staff conducted an “open book” evaluation of the contractor’s price proposal evaluating individual activities.

The Windsor Extension Project timeline schedule:

- Design and permitting through 2019
- Construction to begin in 2020
- Testing through 2021
- Commencing service in late 2021 early 2022

The Civil work (track, bridge, drainage, roadway, etc.) will be procured through a Request-for-Proposal process in the Spring of 2019.

Therefore, staff recommends adopting Resolution to award the contract to MRS.

Comments

Chair Fudge asked about the pathway. Mr. Gamlen responded that pathway design and construction will be incorporated in the Civil contract. SMART is also working closely with the Town of Windsor staff on a few projects; 1) Pathway alignment; 2) Windsor River Road and Windsor Road intersection could involve a roundabout and 3) working with a developer that can provide funding for portion of the pathway.

Director Zane said that the Town of Windsor already has a train station. Chair Fudge responded that station platform is need.

Director Mackenzie stated the lawsuit filed by Howard Jarvis Taxpayers Association was contested by the Metropolitan Transportation Commission (MTC). MTC will certify the Regional Measure 3 election results and continue the process the appropriate documentation to collect toll funds in 2019.

MOTION: Chair Fudge moved to Approve a Resolution Authorizing the Award Contract No. SYS-DB-18-001 to Modern Railway Systems, Inc for the Systems Work for the Windsor Extension Project for an amount of \$15,687,333 as presented. Director Arnold second. The motion carried 11-0-0. (Director Pahre absent).

12. Authorize the General Manager to Amend Three Professional Services Contracts with WRA, Inc., Stantec, Inc. and RailPros, Inc. for the Windsor Extension Project and an Engineering Feasibility Study on existing railroad right-of-way to connect to Suisun City

Chief Engineer, Bill Gamlen stated that the approval to amend three Professional Service Contracts with WRA, Inc., Stantec, Inc. and RailPros, Inc. for two separate scope of works: 1) Windsor Extension Project and 2) Engineering Feasibility Study on existing railroad right-of-way to connect to Suisun City.

SMART received funding from the California State Transportation Agency for the Windsor Extension Project and to perform a high-level engineering feasibility study to evaluate providing passenger rail service from Novato through Napa and to Suisun where a connection with the Capital Corridor.

RailPros will provide for the development of preliminary engineering documents, and assistance in preparing a track/civil works Request for Proposal for design-build work and high-level evaluations of track and infrastructure for the Novato to Suisun passenger rail study.

The WRA, Inc. will provide services to evaluate the natural environment, conduct plant and tree surveys, and prepare permit applications for construction of the Windsor Extension Project and high-level evaluations of the natural environment for the Novato to Suisun passenger rail study.

The Stantec, Inc. will provide services for biological studies, preparation of regulatory permit applications, and assist with the implementation of permitting requirements for the construction of the Windsor Extension Project and high-level evaluations of the natural environment for the Novato to Suisun passenger rail study.

Therefore, staff recommends the approval of 1) Contract Amendment No. 1 with WRA in the amount of \$286,000; 2) Contract Amendment No. 1 with Stantec, Inc in the amount of \$246,082 and 3) Contract Amendment No. 5 with RailPros, Inc in the amount of \$959,375

Comments

Director Arnolds stated that the State of California has asked SMART to conduct an engineering feasibility study to analyze the extension of passenger service to the Eastbay.

Doug Kerr stated that he does not want SMART's to use the project funds (Larkspur to Cloverdale) for this study and delay the SMART project to get to Cloverdale. Chair Fudge clarified that State of California is funding the engineering feasibility study and is aware that the SMART project to Cloverdale will need to be completed first.

Patricia Tuttle Brown stated that many people attend the Highway 37 meetings. Many discussions have taken place to evaluate if there is enough room to build a road. She suggested that this study should continue include bicycle/pedestrian pathway along the right-of-way does not want it neglected in this opportunity.

Jack Swearingen asked if the Highway 37 Study include a pathway. He also asked if the funds for this study are new. Chair Fudge responded that the SMART received fund from State of California for this study and SMART is not paying for any studies.

Duane Bellinger asked if SMART has conducted any ridership studies for this project.

Rick Coates stated that he is very excited that the State of California included this study in the State Rail Plan.

MOTION: Director Arnold moved to Authorize the General Manager to Amend Three Professional Services Contracts with WRA, Inc., Stantec, Inc. and RailPros, Inc. for the Windsor Extension Project and an Engineering Feasibility Study on existing railroad right-of-way to connect to Suisun City as presented. Director Lucan second. The motion carried 11-0-0. (Director Pahre absent).

13. Approve a Resolution Amending the Fiscal Year 2018-19 Adopted Budget to Provide Increased Appropriation Authority of \$8,080,137 for the Windsor Extension Project and an Engineering Feasibility Study on existing railroad right-of-way to connect to Suisun City

Chief Financial Officer, Erin McGrath stated that this is the projection needed to increase the Appropriation Authority for Fiscal Year 2018-19 in order to implement the Windsor Extension Project and Engineering Feasibility Study on existing railroad right-of-way to connect to Suisun City authorized in Agenda Items 11 and 12 that were approved by your Board.

MOTION: Director Eddie moved to Approve a Resolution Amending the Fiscal Year 2018-19 Adopted Budget to Provide Increased Appropriation Authority of \$8,080,137 for the Windsor Extension Project and an Engineering Feasibility Study on existing railroad right-of-way to connect to Suisun City as presented. Director Russell second. The motion carried 11-0-0. (Director Pahre absent).

Chair Fudge adjourned the Board to closed session at 3:36 pm on the following:

14. Closed Session - Conference with General Manager Farhad Mansourian, pursuant to California Government Code Section 54956.8 regarding real estate property negotiations.
Property: Sonoma -Marin Area Rail Transit District
Property Address: Right-of-Way (MP14.9-142.5 and MP B25.8 – B49.8)
Negotiating Parties: Farhad Mansourian, General Manager
Douglas Bosco, Counsel for NWPCo.
15. Report out of Closed Session

Chair Fudge reported out of closed session at 4:18pm on the following:

Conference with General Manager Farhad Mansourian, pursuant to California Government Code Section 54956.8 regarding real estate property negotiations.

Property: Sonoma -Marin Area Rail Transit District
Property Address: Right-of-Way (MP14.9-142.5 and MP B25.8 – B49.8)
Negotiating Parties: Farhad Mansourian, General Manager
Douglas Bosco, Counsel for NWPCo.

Report Out: Direction given to staff

16. Next Regular Meeting Board of Directors, October 3, 2018 – 1:30 PM – 5401 Old Redwood Highway, 1st Floor, Petaluma, CA 94954
17. Adjournment – Meeting adjourned at 4:20pm.

Respectfully submitted,

Leticia Rosas-Mendoza
Clerk of the Board

Approved on: _____



October 3, 2018

Debora Fudge, Chair
Sonoma County Mayors' and
Councilmembers Association

Judy Arnold, Vice Chair
Marin County Board of Supervisors

Damon Connolly
Marin County Board of Supervisors

Jim Eddie
Golden Gate Bridge,
Highway/Transportation District

Dan Hillmer
Marin County Council of Mayors and
Councilmembers

Eric Lucan
Transportation Authority of Marin

Jake Mackenzie
Sonoma County Mayors' and
Councilmembers Association

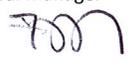
Barbara Pahre
Golden Gate Bridge,
Highway/Transportation District

Gary Phillips
Transportation Authority of Marin

David Rabbitt
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Carol Russell
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Shirlee Zane
Sonoma County Board of Supervisors

Farhad Mansourian
General Manager

5401 Old Redwood Highway
Suite 200
Petaluma, CA 94954
Phone: 707-794-3330
Fax: 707-794-3037
www.sonomamarintrain.org

Sonoma-Marín Area Rail Transit Board of Directors
5401 Old Redwood Highway, Suite 200
Petaluma, CA 94954

SUBJECT: Approval of Portola Systems, Inc. Contract Amendment No. 5

Dear Board Members:

RECOMMENDATION:

Authorize the General Manager to approve contract Amendment No. 5 for an amount of \$202,541 to the existing Information Technology (IT) Services contract with Portola Systems Inc. for IT support services for a total not-to-exceed amount of \$1,713,945 and to extend the term of the contract to October 2, 2019.

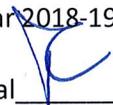
SUMMARY:

Portola Systems Inc. has been performing IT maintenance and support services for SMART since March 2016 after their contract went through the procurement process. Their services included monthly monitoring of all Cisco routers and Cisco SMARTNet maintenance contracts, firewalls, and switches for the Stations Network including CCCTV, Fare Collection, and Wi-Fi at the platforms. This ensures secure, reliable communications between the Station Platforms and SMART's other operation and administrative offices.

We recommend continued utilization of Portola's expertise in a support role to ensure the security and reliability of the rail station network infrastructure utilizing the specialized skills that Portola brings to network. As a local company Portola Systems Inc. is uniquely qualified to maintain the integrity of the Station, Fair Collection, and CCTV backbone network. Their response time for repair and in-field replacement has proven beneficial since the onset of their contract.

Staff is recommending approval of Amendment No. 5 in the amount of \$202,541 for professional IT support services for a total not-to-exceed contract amount of \$1,713,945.

FISCAL IMPACT: Funding is included in the Fiscal Year 2018-19 budget.

REVIEWED BY: [X] Finance  [X] Legal 

Very truly yours,


Dan Hurlbutt
Information Technology Manager

Attachment(s): Portola Contract Amendment No. 5

**FIFTH AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES
BETWEEN THE SONOMA-MARIN AREA RAIL TRANSIT DISTRICT
AND PORTOLA SYSTEMS, INC.**

This Fifth Amendment dated as of October 3, 2018 (the “Fifth Amendment”) to the Agreement for Consultant Services by and between the Sonoma-Marín Area Rail Transit District (“SMART”) and Portola Systems, Inc. (“CONSULTANT”), dated as of April 6, 2016 (the “Original Agreement,” and as amended by the First, Second, Third, Fourth, and now this Fifth Amendment, the “Agreement”).

RECITALS

WHEREAS, SMART and CONSULTANT previously entered into the Original Agreement to provide station network configuration services for its SMART stations; and

WHEREAS, SMART desires to amend the Agreement to increase the not-to-exceed amount by \$202,541, for a total not-to-exceed amount of \$1,713,945, and to extend the term through October 2, 2019; and

NOW, THEREFORE, in consideration of the recitals set forth above and the covenants contained herein, it is mutually agreed by and between the parties that:

AGREEMENT

1. “**ARTICLE 5. PAYMENT**” Article 5 of the Agreement is amended as follows:

In addition to the not-to-exceed amount set forth in the Original Agreement, the contract amount shall be increased by an amount not-to-exceed \$202,541 for the provisions of the services, for an aggregate not-to-exceed amount of \$1,713,945, for the Agreement.

2. “**ARTICLE 6. TERM OF AGREEMENT**” Article 6 of the Agreement is amended as follows:

“The term of this Agreement shall remain in effect until October 2, 2019 unless terminated earlier in accordance with the provisions of **Article 7.**”

3. EXHIBITS. The following exhibits are attached hereto and incorporated herein:

(a) EXHIBIT A: SCOPE OF WORK

All references in the Original Agreement and previous Amendments to Exhibit A shall include reference to Exhibit A of this Fifth Amendment.

(b) EXHIBIT B: SCHEDULE OF RATES

Exhibit B in the Original Agreement shall be deleted in its entirety and replaced with the Exhibit B of this Fifth Amendment.

4. Except to the extent the Agreement is specifically amended or supplemented hereby, the Agreement, together with all supplements, amendments and exhibits thereto is, and shall continue to be, in full force and effect as originally executed, and nothing contained herein shall, or shall be construed to, modify, invalidate, or otherwise affect any provision of the Agreement.

THIS SPACE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have executed this Fifth Amendment as set forth below.

SONOMA-MARIN AREA RAIL TRANSIT DISTRICT

Dated: _____

By _____
Farhad Mansourian, General Manager

PORTOLA SYSTEMS, INC.

Dated: _____

By _____
Its _____

APPROVED AS TO FORM:

Dated: _____

By _____
District Counsel

EXHIBIT A
SCOPE OF WORK

All work described below is in addition to the work described in the Exhibit A of the Original Agreement and any addendums made by all previous Amendments. Task Number 10 has been added to the scope of work to add one-year of Cisco SMARTnet coverage for hardware and software associated with the SMART Station Network. Portola will provide SMART with the following services:

Task Number 10 – SMART Station Network Maintenance (October 3, 2018 – October 2, 2019)

- Continuation of SMART Station Network Maintenance, to be billed on a monthly basis.

EXHIBIT B
SCHEDULE OF RATES

Task No.	Task Description	Fifth Amendment Amount	Milestone Amount	Cumulative Amount
1	Design Meetings and Design Approval		\$ 121,246	\$ 121,246
2	Hardware / Software / Materials Procurement		\$ 784,410	\$ 905,656
3	Lab Configuration / Testing		\$ 60,623	\$ 966,279
4	Field Implementation / Installing / Testing		\$ 60,623	\$ 1,026,902
5	Validation, Documentation, Final Delivery		\$ 36,374	\$ 1,063,276
6	Final Acceptance		\$ 60,624	\$ 1,123,900
7	One Year Network Maintenance (monthly billing)		\$ 88,560	\$ 1,212,460
8	Milestone 1 - Wi-Fi Network Engineering		\$ 11,100	\$ 1,223,560
	Milestone 2 - VenTek Fare Collection Support		\$ 6,550	\$ 1,230,110
	Milestone 3 - Test / Replace data cables at Cotati & Santa Rosa Downtown		\$ 3,600	\$ 1,233,710
	Milestone 4 (Optional) - Time & Materials for any additional testing and data cable replacement as needed		\$ 5,000	\$ 1,238,710
	Fourth Amendment (One Year Network Maintenance & Cisco SMARTnet Services 24 x 7 x 4)		\$ 178,627	\$ 1,417,337
9	One Year Product Coverage - Cisco SMARTnet Services (24 x 7 x 4)	\$ 108,641	\$ 202,708	\$ 1,620,045
10	One Year Network Maintenance (10/3/18 - 10/2/19)	\$ 93,900	\$ 93,900	\$ 1,713,945
	Contract Total	\$ 202,541	\$ 1,713,945	\$ 1,713,945



Debora Fudge, Chair
Sonoma County Mayors' and
Councilmembers Association

Judy Arnold, Vice Chair
Marin County Board of Supervisors

Damon Connolly
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www.sonomamarintrain.org

October 3, 2018

Sonoma-Marín Area Rail Transit Board of Directors
5401 Old Redwood Highway, Suite 200
Santa Rosa, CA 94954

SUBJECT: Approve Change Order 009 to Contract No. CV-DB-16-001 with Stacy Witbeck/Herzog Joint Venture in the amount of \$521,200

Dear Board Members:

RECOMMENDATION:

Approve Resolution Number 2018-23 authorizing the General Manager to execute Change Order 009 to Contract No. CV-DB-16-001 to add Positive Train Control equipment to the four additional trains that are being added to the SMART fleet. The Change Order is for an amount of \$521,200 and does not extend the term of the contract.

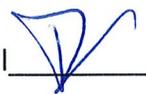
SUMMARY:

SMART has exercised an option on the train purchase contract to procure four additional trains (two 2-car sets) to supplement the existing fleet. The trains have been constructed and are in route to SMART. It is necessary to add Positive Train Control (PTC) equipment to the trains so they can operate in the SMART system. This equipment must be the same equipment that we have in all other vehicles which has been approved by the Federal Railroad Administration and is compatible with our Positive Train Control system.

Change Order 009 provides for the purchase, installation, and testing of the PTC on-board train equipment for the four option trains. Staff has negotiated a price of \$521,200 for this work. The agreed upon price considered previous work and pricing that SMART has received as part of the installation of the initial PTC system.

It is therefore recommended that your Board approve Resolution Number 2018-23 for Change Order 009 to Contract No. CV-DB-16-001 with Stacy Witbeck/Herzog Joint Venture in the amount of \$521,200 to furnish and install PTC train equipment with no change to the contract completion date.

FISCAL IMPACT: Funding for this work is included in the Fiscal Year 2018-19 capital budget.

REVIEWED BY: Finance  Legal 

Very truly yours,



Bill Gamlen, P.E.
Chief Engineer

Attachment(s): 1) Resolution Number 2018-23

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA-MARIN AREA RAIL TRANSIT DISTRICT APPROVING A CHANGE ORDER TO CONTRACT NO. CV-DB-16-001 RELATED TO THE INSTALLATION AND TESTING OF POSITIVE TRAIN CONTROL FOR ON-BOARD TRAIN EQUIPMENT AND COMMUNICATION SYSTEMS.

WHEREAS, District entered into Contract No. CV-DB-16-001 with Stacy and Witbeck/Herzog, JV; and

WHEREAS, Contract Change Order No. 009 provides for the purchase, installation, and testing of additional PTC on-board train equipment for four new Diesel Multiple Unit train cars; and

WHEREAS, Contract No. CV-DB-16-001 was approved through a competitive solicitation and procurement process and the work included in this Change Order is consistent with the scope of work previously awarded; and

WHEREAS, this Change Order meets the specifications and requirements of Contract No. CV-DB-16-001; and

WHEREAS, Contractor and SMART staff negotiated a final cost of \$521,200 for this Change Order; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the foregoing recitals are true and correct.
2. That Change Order No. 009, a copy of which is attached hereto and incorporated herein as Exhibit "A", is hereby approved.

**Resolution No. 2018-23
Sonoma-Marín Area Real Transit District
October 3, 2018**

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Sonoma-Marín Area Rail Transit District held on the 3rd day of October 2018, by the following vote:

DIRECTORS:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debora Fudge, Chair, Board of Directors
Sonoma-Marín Area Rail Transit District

ATTEST:

Leticia Rosas-Mendoza, Clerk of Board of Directors
Sonoma-Marín Area Rail Transit District

Change Order 009

Contract No.: CV-DB-16-001

Contract Title: Larkspur Extension Project



Issued to: Stacy and Witbeck/Herzog, A Joint Venture
2800 Harbor Bay Parkway
Alameda, California 94502
Phone: (510) 393-2520

Change Notice Reference:
N/A

CO Title: Four Additional DMU Carborne Units
Funding Source: Project Additional Founding

The Contract Price due to this CO will change by: \$521,200
The Contract Performance Time due to the CO will be change by: 0 calendar days

EXCEPT AS MODIFIED BY THIS CHANGE ORDER, ALL TERMS AND CONDITIONS OF THE CONTRACT, AS PREVIOUSLY MODIFIED, REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT. THE PARTIES AGREE THAT THIS CHANGE ORDER IS A FINAL AND EQUITABLE ADJUSTMENT OF THE CONTRACT TIME AND CONTRACT AMOUNT AND CONSTITUTES A MUTUAL ACCORD AND SATISFACTION OF ALL CLAIMS, CURRENT OR FUTURE, OF WHATEVER NATURE CAUSED BY OR ARISING OUT OF THE FACTS AND CIRCUMSTANCES SURROUNDING THIS CHANGE ORDER INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT AND CONSEQUENTIAL COSTS; ADDITIONAL TIME FOR PERFORMANCE; AND THE IMPACT OF THE CHANGE SPECIFIED IN THIS CHANGE ORDER, ALONE OR TAKEN WITH OTHER CHANGES, ON THE UNCHANGED WORK.

Description of change:

This lump sum change order directs the contractor to furnish, install and test Alstom Ultra Cab II Carborne equipment on four SMART Diesel Multiple Unit (DMU) trains.

Attached is contractor cost proposal dated August 22, 2018 that is incorporated with this change order.

Concurred By:

Concurred By:

Project Engineer Date

District Chief Engineer Date

Ahmed Thleiji

Bill Gamlen

The undersigned agrees to the terms and conditions described herein.

Contractor Acceptance

Sonoma-Marín Area Rail Transit

Title: Project Representative

Title: General Manager

(Authorized Signature for Contractor) Date

(Authorized Signature for Owner) Date

Dan Elshire

Farhad Mansourian

Change Order 009

Contract No.: CV-DB-16-001

Contract Title: Larkspur Extension Project



Compensation for this Change Order will be made by adding the following Pay Item(s):

Pay Item No.	Funding Source	Description	Unit	Qty.	Unit Price	Item Total
CO 009	Additional Funding	Four Additional DMU Carborne Units	LS	1	\$521,200	\$521,200

Initials:	_____	_____	_____
	Project Engineer	Contractor	Chief Engineer



Debora Fudge, Chair
 Sonoma County Mayors' and
 Councilmembers Association

Judy Arnold, Vice Chair
 Marin County Board of Supervisors

Damon Connolly
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October 3, 2018

Sonoma-Marin Area Rail Transit Board of Directors
 5401 Old Redwood Highway, Suite 200
 Santa Rosa, CA 94954

SUBJECT: Approve Change Order 010 to Contract No. CV-DB-16-001 with Stacy Witbeck/Herzog Joint Venture in the amount of \$1,339,061

Dear Board Members:

RECOMMENDATION:

Approve Resolution Number 2018-24 authorizing the General Manager to execute Change Order 010 to Contract No. CV-DB-16-001 for the Larkspur Extension Project to add grade crossing cameras, station communications systems and train control modifications. The Change Order is for an amount of \$1,339,061 and does not extend the term of the contract.

SUMMARY:

On September 2017, your Board approved Amendment No. 1 to Contract CV-DB-16-001 to include the design, construction and testing of the train control and communications systems to include this work with the civil work. Change Order 010 adds scope to the Project and addresses unexpected items that arose during design. This Change Order adds grade crossing cameras to four at-grade crossings (Third St., Second St. Francisco Blvd. West, and Andersen Dr.), addresses changes to the train control system that arose out of design (larger signal houses and additional insulated joints), and additional communications equipment at the Larkspur Station.

The addition of grade crossing cameras arose from the various grade crossing incidents that SMART has experienced in the first year of operation with trucks, bicyclists and motorist. The crossing cameras provide a remote view of an intersection when there is a concern or there has been some sort of incident which improves SMART's ability to respond to an incident. Change Order 010 addresses additional scope that became apparent during the design of the train control system. It was determined that additional track circuits be added to control train movements and a couple signal houses had to be increased in size to accommodate all of the necessary equipment.

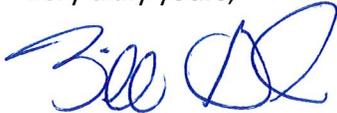
Finally, Change Order 010 adds communications equipment to the project that wasn't initially anticipated for the Larkspur Extension. When the scope of work was initially negotiated, it was based upon the Initial Operating Segment in which SMART separately contracted some communications systems work. We believe that it is preferable and more economical to have all of the systems procured, installed, integrated and tested by one entity. Thus, Change Order 010 adds the remaining communications equipment to the Project.

It is therefore recommended that your Board approve Resolution Number 2018-24 authorizing the General Manager to execute Change Order 010 to Contract CV-DB-16-001 to add grade crossing cameras, station communications systems and train control modifications. The Change Order is for an amount of \$1,339,061 and does not extend the term of the contract.

FISCAL IMPACT: Change Order 010 is within the overall project budget and funded in the Fiscal Year 2018-19 capital budget.

REVIEWED BY: Finance  Legal 

Very truly yours,



Bill Gamlen, P.E.
Chief Engineer

Attachment(s): 1) Resolution Number 2018-24

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SONOMA-MARIN AREA RAIL TRANSIT DISTRICT APPROVING A CHANGE ORDER TO CONTRACT NO. CV-DB-16-001 RELATED TO THE CONSTRUCTION OF CROSSING IMPROVEMENTS

WHEREAS, District entered into Contract No. CV-DB-16-001 with Stacy and Witbeck/Herzog, JV for the Larkspur Extension Contract; and

WHEREAS, Contract Change Order No. 010 provides for additional grade crossing cameras, station communications systems and train control modifications; and

WHEREAS, the District desires for the improvements to be completed as part of the scope of the work of the Larkspur extension; and

WHEREAS, Contract No. CV-DB-16-001 was approved through a competitive solicitation and procurement process and the work included in this Change Order is consistent with the scope of work previously awarded; and

WHEREAS, this Change Order meets the specifications and requirements of Contract No. CV-DB-16-001; and

WHEREAS, Contractor and SMART staff negotiated a final cost of \$1,339,061 for this Change Order; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the foregoing recitals are true and correct.
2. That Change Order No. 010, a copy of which is attached hereto and incorporated herein as Exhibit "A", is hereby approved.

**Resolution No. 2018-24
Sonoma-Marín Area Real Transit District
October 3, 2018**

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Sonoma-Marín Area Rail Transit District held on the 3rd day of October 2018, by the following vote:

DIRECTORS:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debora Fudge, Chair, Board of Directors
Sonoma-Marín Area Rail Transit District

ATTEST:

Leticia Rosas-Mendoza, Clerk of Board of Directors
Sonoma-Marín Area Rail Transit District

Change Order 010

Contract No.: CV-DB-16-001
Contract Title: Larkspur Extension Project



Issued to: Stacy and Witbeck/Herzog, A Joint Venture
2800 Harbor Bay Parkway
Alameda, California 94502
Phone: (510) 393-2520

Change Notice Reference:
N/A

CO Title: Larkspur Station Communications, Block Design Changes and Crossing Cameras
Funding Source: Project Contingency

The Contract Price due to this CO will change by: \$1,339,061
The Contract Performance Time due to the CO will be change by: 0 calendar days

EXCEPT AS MODIFIED BY THIS CHANGE ORDER, ALL TERMS AND CONDITIONS OF THE CONTRACT, AS PREVIOUSLY MODIFIED, REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT. THE PARTIES AGREE THAT THIS CHANGE ORDER IS A FINAL AND EQUITABLE ADJUSTMENT OF THE CONTRACT TIME AND CONTRACT AMOUNT AND CONSTITUTES A MUTUAL ACCORD AND SATISFACTION OF ALL CLAIMS, CURRENT OR FUTURE, OF WHATEVER NATURE CAUSED BY OR ARISING OUT OF THE FACTS AND CIRCUMSTANCES SURROUNDING THIS CHANGE ORDER INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT AND CONSEQUENTIAL COSTS; ADDITIONAL TIME FOR PERFORMANCE; AND THE IMPACT OF THE CHANGE SPECIFIED IN THIS CHANGE ORDER, ALONE OR TAKEN WITH OTHER CHANGES, ON THE UNCHANGED WORK.

Description of change:

This lump sum change order directs the contractor to add and amend scope to the project in form of at grade crossing cameras, station communication systems and train control.

- 1) Larkspur station Communication: Additional communications elements that were not in the original contract.

Concurred By:

Concurred By:

Project Engineer _____ Date _____

District Chief Engineer _____ Date _____

Ahmed Thleiji

Bill Gamlen

The undersigned agrees to the terms and conditions described herein.

Contractor Acceptance

Sonoma-Marín Area Rail Transit

Title: Project Representative

Title: General Manager

(Authorized Signature for Contractor) _____ Date _____

(Authorized Signature for Owner) _____ Date _____

Dan Elshire

Farhad Mansourian

Change Order 010

Contract No.: CV-DB-16-001
 Contract Title: Larkspur Extension Project



2) Grade Crossing camera: Contractor will install 1ea camera per crossing include Andersen Dr., Francisco Blvd, Second St. and Third St.

3) Block design changes: The changes include increased house size, added Larkspur signal/Communication house and updates to reflect the Civil Plans dated 2/18/2018.

The contractor's cost proposal dated August 20, 2018 (SWH-SMART-062) is hereby incorporated in to this change order.

Compensation for this Change Order will be made by adding the following Pay Item(s):

Pay Item No.	Funding Source	Description	Unit	Qty.	Unit Price	Item Total
CO 010	50.01 50.02 50.05	Larkspur Station Communications Block Design Changes and Crossing Cameras	LS	1	\$1,339,061	\$1,339,061

Initials: _____ <p style="text-align: center;">Project Engineer</p>	_____ <p style="text-align: center;">Contractor</p>	_____ <p style="text-align: center;">Chief Engineer</p>
------------------------------------------------------------------------	--------------------------------------------------------	------------------------------------------------------------