



Foothill Transit

# Executive Board Meeting AGENDA

SPECIAL EXECUTIVE BOARD MEETING  
8:00 AM, MARCH 18, 2020  
Foothill Transit Administrative Office  
2<sup>nd</sup> Floor Conference Room  
100 South Vincent Avenue  
West Covina, CA 91790

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL: MEMBERS BARAKAT, BOYER, CALAYCAY, MOSS, STERNQUIST
4. APPROVAL OF AGENDA
5. PUBLIC COMMENT
  - 5.1. Executive Director Response to Public Comment
6. CLOSED SESSION: THREAT TO PUBLIC SERVICES OR FACILITIES  

Consultation with Darold Pieper, General Counsel and G. Kent Woodman, Special Counsel
7. CLOSED SESSION REPORT

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Public Comment: Members of the public shall have the right to address the Board on any item of interest which is within the jurisdiction of the Board before or during the Board's consideration of the item. Presentation shall not exceed two minutes in length. Action may be taken on any item identified on the agenda. Persons wishing to comment should submit a "Request to Speak" form to the Secretary. Note: ACTION MAY BE TAKEN ON ANY ITEM IDENTIFIED ON THE AGENDA.

The public may view and obtain all written information supporting this agenda provided to the board both initially and supplementary prior to the meeting by calling (626) 931-7300 extension 7204 or at the agency's offices located at 100 S. Vincent Ave., Suite 200, West Covina, CA 91790. Documents, including PowerPoint handouts, distributed to Board Members by staff or Board Members at the meeting will simultaneously be made available to the public upon request.



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8. ARCADIA/IRWINDALE TRANSIT SERVICES CONTRACT

*Recommended Action: Authorize the Executive Director to terminate all procurement activities related to Request for Proposals (RFP) No. 20-010, and either: A. Negotiate terms and conditions and enter into a sole-source agreement with Transdev for a period of 24 months for the provision of continued transit services at Foothill Transit's Arcadia/Irwindale operations and maintenance facility; or B. Execute the available four-year option on Contract No. 16-021 with Transdev Services.*

9. HYDROGEN FUEL CELL BUS REPLACEMENT AND FUELING INFRASTRUCTURE GRANT APPLICATIONS

*Recommended Action: Authorize pursuit of various federal and state grant funds to support the purchase of 20 Hydrogen Fuel Cell buses and the construction of a hydrogen fueling station to fuel the buses.*

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In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please contact the Executive Director's office at (626) 931-7300 extension 7204, at least 48 hours prior to the meeting.

If you require translation services, please contact the Executive Director's office at (626) 931-7300 extension 7204, at least 48 hours prior to the meeting.

Si necesita servicios de traducción, por favor póngase en contacto con la oficina del Director Ejecutivo en el (626) 931-7300, extensión 7204, al menos 48 horas antes de la reunión.

如果需要翻译服务, 请至少于会议前48小时致电高级主任办公室: ( 626 ) 931-7300 分机 7204。

Nếu Quý vị có yêu cầu dịch vụ dịch thuật, xin vui lòng liên hệ với văn phòng Giám đốc Điều hành tại (626) 931-7300 số lẻ 7204, ít nhất 48 giờ trước khi cuộc họp.

Kung nangangailangan ka ng mga serbisyo sa pagsasalín, pakisuyong makipag-ugnayan sa opisina ng Executive Director sa (626) 931-7300 extension 7204, ng hindi bababa sa 48 oras bago ang pulong.

번역 서비스가 필요하시면 미팅 최소 48시간 이전에 임원 사무실로 (626-931-7300, 내선 번호 7204) 전화주시기 바랍니다.

翻訳サービスが必要な方は、会議の48時間前までに(626) 931-7300 内線 7204のエグゼクティブディレクター事務所にご連絡ください。

إن كنت بحاجة إلى خدمات ترجمة، برجاء الاتصال بالمدير التنفيذي للمكتب على رقم (626)931-7300 (الرقم الداخلي 7204) قبل الاجتماع بـ 48 ساعة على الأقل.

Եթե Ձեզ թարգմանչական ծառայությունների են հարկավոր, հանդիպումից առնվազն 48 ժամ առաջ խնդրում ենք զանգահարել Գործադիր տնօրենի գրասենյակ (626) 931-7300 լրացուցիչ 7204 հեռախոսահամարով:

ប្រសិនបើលោកអ្នកស្នើសុំសេវាកម្មបកប្រែភាសា សូមទាក់ទងមកករិយាល័យនាយកប្រតិបត្តិ តាមលេខទូរស័ព្ទ៖ (626) 931-7300 លេខបញ្ជូនបន្ត 7204 ដែលមានរយៈពេលយ៉ាងតិច 48 ម៉ោង មុនពេលកិច្ចប្រជុំ។

در صورت نیاز به خدمات ترجمه، لطفاً حداقل 48 ساعت قبل از جلسه ملاقات با مدیر اجرایی دفتر به شماره (626)931-7300 داخلی 7204 تماس حاصل فرمایید.

หากคุณต้องการบริการการแปลภาษากรุณาติดต่อสำนักงานผู้อำนวยการบริหารที่ (626) 931-7300 ต่อ 7204, อย่างน้อย 48 ชั่วโมงก่อนที่จะมีการประชุม



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10. EXECUTIVE DIRECTOR COMMENT
11. BOARD MEMBER COMMENT
12. ADJOURNMENT



March 18, 2020

To: Executive Board

Subject: **Arcadia/Irwindale Transit Services Contract**

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### **Recommendation**

Authorize the Executive Director to terminate all procurement activities related to Request for Proposals (RFP) No. 20-010, and either:

- A. Negotiate terms and conditions and enter into a sole-source agreement with Transdev for a period of 24 months for the provision of continued transit services at Foothill Transit's Arcadia/Irwindale operations and maintenance facility; or
- B. Execute the available four-year option on Contract No. 16-021 with Transdev Services.

### **Analysis**

At the August 23, 2019 Executive Board meeting, the Board authorized issuance of Request for Proposals (RFP) No. 20-010 for the operation of transit services for Foothill Transit's Arcadia/Irwindale Facility.

As procurement activities were approaching a conclusion, it became apparent that the COVID-19 pandemic could have a negative impact on the day-to-day provision of service. In addition, the coordination and face-to-face interaction necessary in the coming months to transition from service under our existing Contract No. 16-021 with Transdev to service provision under Contract No. 20-010, potentially with a new contractor, is not compatible with the need to implement the social distancing necessary to help halt the spread of COVID-19.

The current national health crisis also limits the availability of the many parties needed to accomplish a successful transit service contract transition. These services include third-party in-person inspections of the fleet and facility as well as in-person inspections of the fleet and facility by the current and potentially new transit services contractor. This health crisis also creates obvious difficulties in conducting the numerous in-person meetings and discussions between contractor employees and management that are an integral part of a successful transition process.



In light of this, it would be in Foothill Transit's best interest to limit service disruption to the greatest extent by canceling the current procurement and either exercising the available four-year option with Transdev or entering into a sole-source procurement with Transdev for a period of 24 months to allow the organization to weather the current national health crisis before conducting a new competitive procurement.

Foothill Transit's Procurement Policy allows for the organization to conduct an emergency procurement when it is "immediately necessary for the preservation of life or property, or to prevent an immediate termination of a critical Foothill Transit function or activity." Under the policy, the agency may limit competition to a sole source with the existence of an unusual and compelling urgency. This aspect of the Foothill Transit Policy is consistent with Federal procurement principles, which allow a sole source non-competitive procurement to be used when there is a public exigency or emergency, as reflected in the National Emergency declared on this past Friday, March 13, 2020.

**Budget Impact**

Foothill Transit's Business Plan and Budget for Fiscal Year 2020-2021 is currently under development, and funds will be budgeted to compensate Transdev for provision of transit service at Foothill Transit's Arcadia/Irwindale Operations and Maintenance Facility.

Sincerely,

Handwritten signature of Kevin Parks McDonald in blue ink.

Kevin Parks McDonald  
Deputy Executive Director

Handwritten signature of Doran J. Barnes in blue ink.

Doran J. Barnes  
Executive Director

Handwritten signature of Christopher Pieper in blue ink.

Christopher Pieper  
Director of Procurement



March 18, 2020

To: Executive Board

Subject: **Hydrogen Fuel Cell Bus Replacement and Fueling Infrastructure Grant Applications**

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### **Recommendation**

Authorize pursuit of various federal and state grant funds to support the purchase of 20 Hydrogen Fuel Cell buses and the construction of a hydrogen fueling station to fuel the buses.

### **Analysis**

At the Executive Board Strategic Planning Workshop held on February 28, 2020, the Board recommended that Foothill Transit pursue procurement of Hydrogen Fuel Cell buses and build a hydrogen fueling station at the Pomona Operations and Maintenance Facility to fuel the new buses. The total cost of the buses is estimated to be \$26 million (\$1.3 million per bus). The price of the fueling station is estimated to be \$7.0 million and the station would include public access fueling.

The next step in that process will be to include the new project in the fiscal year FY20-21 capital budget and bring to the Board for life of project budget approval. In the meantime, Foothill Transit will seek grant funding to assist with procurement of the buses and construction of the fueling station.

### **VW Mitigation Grant**

One such opportunity is offered by San Joaquin Valley Air Pollution Control District (SJVAPCD) as the distributor of the Volkswagen Clean Air Mitigation Trust Funds in the form of a competitive grant.

In October 2016, Volkswagen (VW) settled with the U.S. government resolving claims that it violated the Clean Air Act by selling diesel vehicles that violated the U.S. Environmental Protection Agency's (EPA) mobile source emission standards. The violation involved installation and use of emission testing "defeat devices" in approximately 500,000 turbocharged direct injection (TDI) 2.0-liter diesel engine vehicles sold and operated in the United States from model year 2009 through 2015. In May 2017, VW entered into a second settlement with the U.S. government resolving additional claims that it



violated the Clean Air Act by selling approximately 80,000 TDI 3.0-liter diesel engines also equipped with defeat devices.

The defeat devices allowed the 2.0-liter and 3.0-liter diesel vehicles to meet the applicable nitrogen oxides (NOx) emission limits during emission tests while not meeting these tests during normal vehicle operation.

SJVAPCD has limited the maximum amount of each grant award to \$3.25 million or \$400,000 per bus for a maximum of eight hydrogen fuel cell buses. In order to apply for the grant, Foothill Transit must have an authorization of project implementation from the Board. The funds are available on a first come, first served basis so it is critical that Foothill Transit apply for the funds as soon as possible.

Additionally, Foothill Transit is required to provide a bus price quote from the bus manufacturer and an Executive Order from California Air Resources Board (CARB) that the engine in the new bus meets the zero emission regulations and is replacing a non-zero emission bus.

### **Federal Grant Opportunities**

During March 2020, Foothill Transit applied for three federal grant opportunities. The first is the Low-No Emission grant. The main purpose of the Low-No Program is to support the transition of the nation's transit fleet to the lowest polluting and most energy efficient transit vehicles. The Low-No Program provides funding to state and local governmental authorities for the purchase or lease of zero-emission and low-emission transit buses, including acquisition, construction, and leasing of required supporting facilities. Foothill Transit requested \$24.5 million for funding 20 hydrogen fuel cell buses and the fueling infrastructure. This represents 74 percent of the total project cost of \$33 million.

Secondly, Foothill Transit applied for a federal Bus and Bus Facilities grant. The purpose of the Grants for Buses and Bus Facilities Program is to assist in the financing of buses and bus facilities capital projects, including replacing, rehabilitating, purchasing or leasing buses or related equipment, and rehabilitating, purchasing, constructing or leasing bus-related facilities. Foothill Transit applied for \$28 million for 20 hydrogen fuel cell buses and the construction of the fueling infrastructure.

And lastly, Foothill Transit applied to the Bus Operator's Subcommittee (BOS) competitive distribution of 15 percent of the regional apportionment of the



Federal formula 5307 funds. Foothill Transit applied for \$15 million, for funding the 20 hydrogen fuel cell buses and the fueling infrastructure. This represents 45 percent of the total project cost. These funds are available to LA County bus operators on a competitive basis to provide capital funding opportunities.

**Budget Impact**

The total cost of this capital project will be added to the five-year capital program. Any grant funds received will be added to the funding sources budget. There will be minimal expenditures in the current year budget; the majority of costs will be in the FY2021 and FY2022 budgets. All bus replacements (including these 20 buses) have been included in the long range financial forecast.

Sincerely,

A blue ink signature of Michelle Lopes Caldwell.

Michelle Lopes Caldwell  
Director of Finance  
and Treasurer

A blue ink signature of Doran J. Barnes.

Doran J. Barnes  
Executive Director