



---

**Regular Meeting of the Board of Directors**

**Tuesday, July 27, 2021**

**10:00 a.m.**

Antelope Valley Transit Authority Community Room  
42210 6<sup>th</sup> Street West, Lancaster, California  
www.avta.com

**AGENDA**

For record keeping purposes, and if staff may need to contact you, we request that a speaker card, located at the Community Room entrance, be completed and deposited with the AVTA Clerk of the Board. This will then become public information. Please note that you do not have to complete this form or state your name to speak. A three-minute time limit will be imposed on all speakers other than staff members.

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 Clerk of the Board at (661) 729-2206 at least 72 hours prior to the scheduled Board of Directors meeting. All accommodation requests will be handled swiftly and resolving all doubts in favor of access.

**UPDATED MEETING PROCEDURE:**

**To ensure public safety measures while maintaining transparency and public access, members of the public may participate in one of the following ways:**

**In person:**

**Consistent with the public health officer's order, anyone attending the meeting in person is required to wear a mask.**

**Virtual Platform [Zoom]:**

**In response to Governor's Executive Order N-08-21, this meeting will also be conducted telephonically.**

Click here to join: <https://us02web.zoom.us/j/81304529304>

Dial by telephone to join: (669) 900-6833  
Meeting ID: 813 0452 9304  
Passcode: 853839

***PUBLIC COMMENTS ON AGENDIZED ITEMS MAY BE SUBMITTED VIA EMAIL TO [clerkoftheboard@avta.com](mailto:clerkoftheboard@avta.com) OR BY TELEPHONE AT 661/729-2206 AT LEAST TWO HOURS PRIOR TO THE START OF THE MEETING.***

Translation services for Limited English Proficiency (LEP) persons are also available by contacting the Clerk of the Board at least 72 hours prior to the meeting.

**Please turn off, or set to vibrate, cell phones, pagers, and other electronic devices for the duration of this meeting.**

#### **CALL TO ORDER**

#### **PLEDGE OF ALLEGIANCE**

#### **ROLL CALL:**

Chairman Marvin Crist, Vice Chair Dianne Knippel, Director Steve Hofbauer, Director Richard Loa, Director Raj Malhi, Director Michelle Flanagan

#### **APPROVAL OF AGENDA**

#### **PUBLIC BUSINESS – AGENDIZED AND NON-AGENDIZED ITEMS:**

If you would like to address the Board on any agendized or non-agendized items, you may present your comments at this time. Please complete a speaker card (available as you enter the Community Room) and provide it to the Clerk of the Board. Speaking clearly, state and spell your name for the record.

Your comments may also be submitted via email to [clerkoftheboard@avta.com](mailto:clerkoftheboard@avta.com) or by telephone at 661/729-2206 at least two hours prior to the start of the meeting and will be read by the Clerk of the Board during the Public Business portion of the agenda. **State law generally prohibits the Board of Directors from taking action on or discussing non-agenda items; therefore, your matter will be referred to the Authority's Executive Director/CEO for follow-up.** Each speaker is limited to three (3) minutes.

**SPECIAL REPORTS, PRESENTATIONS, AND REQUESTS FOR DIRECTION (SRP):** During this portion of the meeting, staff will present information not normally covered under regular meeting items. This information may include, but is not limited to budget presentations, staff conference presentations, or information from outside sources that relates to the transit industry. **Staff will seek direction as is necessary from the Board with regard to the following item(s).**

- SRP 1 PRESENTATION TO AVTA EMPLOYEE OF THE FOURTH QUARTER FOR FISCAL YEAR 2020/2021 (APRIL 1 – JUNE 30, 2021) – MACY NESHATI
- SRP 2 PRESENTATION TO TRANSDEV OPERATOR AND EMPLOYEE OF THE MONTH FOR JUNE 2021 – TRACY CRAGHEAD
- SRP 3 PRESENTATION TO ANTELOPE VALLEY TRANSPORTATION SERVICES EMPLOYEE OF THE MONTH FOR JUNE 2021 – ART MINASYAN
- SRP 4 LEGISLATIVE REPORT FOR JUNE 2021 – JUDY VACCARO-FRY
- SRP 5 OPERATIONS KEY PERFORMANCE INDICATORS (KPI) REPORT – MARTIN TOMPKINS
- SRP 6 COMMUTER SERVICE CHANGES – MARTIN TOMPKINS
- SRP 7 MAINTENANCE KPI REPORT – CECIL FOUST
- SRP 8 ON-REQUEST MICROTRANSIT RIDE SHARE SERVICE BRANDING – JAMES ROYAL
- SRP 9 UPDATE ON L.A. METRO’S FARELESS SYSTEM INITIATIVE – MACY NESHATI

**PUBLIC HEARING (PH):**

- PH 1 PUBLIC HEARING AND ADOPTION OF THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND GOAL-SETTING METHODOLOGY FOR FEDERAL FISCAL YEARS (FFY’S) 2022 THROUGH 2024 (OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2024) – KELLY MILLER

*Recommended Action: 1) Consider any public comments received; 2) Close the public comment period; 3) Approve the new DBE Program, Overall Goal-Setting Methodology, and DBE Participation Goal of 9%; and 4) Adopt Resolution No. 2021-004, a Resolution of the Board of Directors of the Antelope Valley Transit Authority approving the revised Federal Transit Administration required DBE Program and Overall Goal-Setting Methodology for FFY’s 2022 through 2024.*

**CONSENT CALENDAR (CC):** Items 1 through 3 are consent items that may be received and filed and/or approved by the Board in a single motion. If any member of the Executive Board wishes to discuss a consent item, please request that the item be pulled for further discussion and potential action.

CC 1 BOARD OF DIRECTORS MEETING MINUTES OF JUNE 22, 2021 – KAREN DARR

*Recommended Action: Approve the Board of Directors Regular Meeting Minutes of June 22, 2021.*

CC 2 FINANCIAL REPORT FOR JUNE 2021 – JUDY VACCARO-FRY

*Recommended Action: Receive and file the Financial Report for June 2021.*

CC 3 FISCAL YEAR 2020/2021 FOURTH QUARTER LOS ANGELES COUNTY SHERIFF'S DEPARTMENT (LASD) REPORT (APRIL 1 – JUNE 30, 2021) – KELLY MILLER

*Recommended Action: Receive and file the FY 2021 Fourth Quarter Los Angeles County Sheriff's Department Report for the period covering April 1 through June 30, 2021.*

**NEW BUSINESS (NB):**

NB 1 DEDICATING AND NAMING OF AVTA'S TRANSIT CENTERS – MACY NESHATI

*Recommended Action: Adopt: 1) Resolution 2021-010, approving the dedicating and naming of the Antelope Valley College Transit Center as the Dianne Knippel Transit Center; 2) Resolution 2021-011, approving the dedicating and naming of the South Valley Transit Center as the Tom Lackey Transit Center; Resolution 2021-012, approving the dedicating and naming of the Boulevard Transit Center as the Scott Thomas Wilk Transit Center; and 4) Resolution 2021-013, approving the dedicating and naming of the Lake Los Angeles Transit Center as the Kathryn Barger Transit Center.*

NB 2 WAVE QUOTE DATED JUNE 7, 2021 FOR TWENTY-EIGHT (28) BUS SIDE WAVE INDUCTIVE RECEIVING PADS – MACY NESHATI

*Recommended Action: Authorize the Executive Director/CEO to issue a Purchase Order to WAVE for the purchase of twenty-eight (28) WAVE bus side pads for new buses. We have ordered as follows: ten (10) K11M 60-foot buses, four (4) K8M 35-foot buses, six (6) K7M-ER 30-foot buses and eight (8) K9M 40-foot buses in an amount of \$2,226,000.00, plus applicable sales tax. In addition, staff is asking for \$142,360, plus applicable sales tax, for the installation on eighteen (18) buses. The 60-foot buses will require a pilot installation and will be addressed separately.*

- NB 3 SOLE SOURCE CONTRACT #2022-05 WITH AVAIL TECHNOLOGIES, INC. FOR INTELLIGENT TRANSPORTATION SYSTEM (ITS) EQUIPMENT UPGRADES – MACY NESHATI

*Recommended Action: Authorize the Executive Director/CEO to award Sole Source Contract #2022-05 with Avail Technologies, Inc. for Information Technology System (ITS) Equipment for an amount not to exceed \$1,203,403.26, plus applicable sales tax.*

- NB 4 I/O CONTROLS CORPORATION QUOTE DATED MAY 13, 2021 – ELMS 2.0 UPGRADE FOR UP TO 85 BUSES – MACY NESHATI

*Recommended Action: Authorize the Executive Director/CEO to enter into an agreement with I/O Controls Corporation for an amount not to exceed \$160,000.00 plus applicable taxes to upgrade the current ELMS system on our BYD buses to allow programming smart charging algorithms to take advantage and optimize charging at the depot.*

- NB 5 CONTRACT #2021-72 TO TONEMAN DEVELOPMENT CORPORATION FOR DESIGN BUILD OF BUS MAINTENANCE FACILITY EXPANSION – LYLE BLOCK

*Recommended Action: Authorize the Executive Director/CEO to execute Contract #2021-72 with Toneman Development Corporation, Lancaster, CA, for a term of 180 days and an amount not to exceed \$2,992,500.00, plus applicable sales tax.*

- NB 6 CONTRACT #2022-04 TO BYD MOTORS INC. THROUGH THE STATE OF GEORGIA CONTRACT #99999-001-SPD0000138-0008, FOR SIX (6) K7M-ER 30-FOOT BATTERY ELECTRIC HEAVY-DUTY LOW FLOOR TRANSIT BUSES – LYLE BLOCK

*Recommended Action: Authorize the Executive Director/CEO to execute Contract #2022-04 to BYD Motors Inc. through the State of Georgia Contract #99999-001-SPD0000138-0008, for six (6) K7M-ER 30-foot battery electric heavy-duty low floor transit buses for an amount not to exceed \$4,309,312.45, plus applicable sales tax.*

**CLOSED SESSION (CS):**

**PRESENTATION BY LEGAL COUNSEL OF ITEM(S) TO BE DISCUSSED IN CLOSED SESSION:**

- CS 1 Conference with Legal Counsel – Pursuant to Government Code Section 54956.9(d)(2)  
Significant exposure to litigation (two potential cases)
- CS 2 Conference with Legal Counsel – Pursuant to Government Code Section 54956.9(d)(4)  
Consideration of whether to initiate litigation (one potential case)

**RECESS TO CLOSED SESSION**

**RECONVENE TO PUBLIC SESSION**

**REPORT BY LEGAL COUNSEL OF ACTION TAKEN IN CLOSED SESSION**

**REPORTS AND ANNOUNCEMENTS (RA):**

RA 1 REPORT BY THE EXECUTIVE DIRECTOR/CEO

**MISCELLANEOUS BUSINESS – NON-AGENDA BOARD OF DIRECTORS ITEMS:**

During this portion of the meeting, Board Members may address non-agenda items by briefly responding to statements made or questions posed by the public, asking a question for clarification, making a brief announcement, or making a brief report on their own activities. **State law generally prohibits the AVTA Board of Directors from taking action on or discussing items not on the agenda.** Matters will be referred to the Executive Director/CEO for follow-up.

**ADJOURNMENT:**

Adjourn to the Regular Meeting of the Board of Directors on August 24, 2021 at 10:00 a.m. in the Antelope Valley Transit Authority Community Room, 42210 6<sup>th</sup> Street West, Lancaster, CA.

**The agenda was posted by 6:00 p.m. on July 23, 2021 at the entrance to the Antelope Valley Transit Authority, 42210 6<sup>th</sup> Street West, Lancaster, CA 93534.**

Copies of the staff reports and attachments or other written documentation relating to each proposed item of business on the agenda presented for discussion by the Board of Directors are on file in the Office of the Executive Director/CEO. Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the AVTA to the Board of Directors less than 72 hours prior to that meeting are on file in the Office of the Executive Director/CEO. These documents are available for public inspection during regular business hours at the Customer Service window of the AVTA at 42210 6<sup>th</sup> Street West, Lancaster or by contacting the Clerk of the Board at (661) 729-2206.

# LEGISLATIVE UPDATE

Presentation to  
AVTA Board of Directors  
July 27, 2021



# STATE



# 2021 LEGISLATIVE BILLS

## **AB 1069 – Lackey**

Zero Emission Passenger Vehicles – Under represented Communities **PASSED**

## **AB 1447 – Cooley**

The Rural California Infrastructure Act – **HELD UNDER SUBMISSION SINCE MAY**

## **AB 1049 – Davies**

Public Transportation Account – Loan Repayment **NO ACTIVITY**

## **SB 372 – Leyva**

Medium & Heavy Duty Fleet Purchasing Assistance Program **7/12/21 IN ASSEMBLY**

## **SB 551 – Stern**

Establish the California Electric Vehicle Authority **PASSED w/AMENDMENTS**

## **SB 339 – Weiner**

Vehicles: Road Usage Charge Pilot Program **PASSED A PILOT**



# VEHICLES: ROAD USAGE CHARGE PILOT PROGRAM

- History of Pilot Program
- Commencing on or after January 1, 2023, the Transportation Agency, in consultation with the California Transportation Commission (CTC), shall implement a pilot program to identify and evaluate issues related to the collection of revenue for a road charge program;
- The CTC shall, prepare and submit an interim report on the status of the pilot program no later than July 1, 2024; and, prepare and submit a final report of its findings based on the results of the pilot program by no later than December 31, 2026.



# STATE BUDGET

Governor signed the supplemental budget bill, modifying the main budget bill.

- \$3.5 billion for the Transit and Intercity Rail Capital Program;
- \$2.7 billion for a Zero-Emission Vehicles and Infrastructure
- \$500 million for the Active Transportation Program
- \$400 million for Climate Adaptation on Transportation Infrastructure; and,
- \$10 million for the UC Institute of Transportation Studies.

Transportation budget trailer bill includes:

- Extend Hold Harmless provisions for the calculation of local revenue basis programs through 2023.
- Extend the suspension of financial penalties associated with TDA's farebox recovery requirements through 2023.
- Extend flexibility of STA State of Good Repair for one year.
- Exclude specific items from Operating Costs for purposes of TDA/STA calculations
- Authorize discount and fare free transit passes to be counted at their full retail value for the purposes of calculating TDA farebox recovery requirements



# FEDERAL



# Surface Transportation Reauthorization INVEST in America Act – H.R. 3684

Senate Majority Leader announced that the Senate will begin consideration of the Bipartisan Infrastructure bill on July 21.

The Bipartisan Infrastructure Framework provides an additional \$48.5 billion for public transit and \$66 billion for passenger and freight rail.

At this time, there is no specific information available regarding the funding and policy provisions of the actual bill.



# FY22 BUDGET RESOLUTION

Senate Democrats reached agreement on a \$3.5 trillion budget resolution, which would allow an expedited Budget Reconciliation Process that requires only a simple majority vote.

Bipartisan senators are working on a \$1 trillion separate infrastructure bill for work on roads, water systems and other infrastructure projects.

## INFRASTRUCTURE BILL

THIS PORTION INTENTIONALLY LEFT BLANK



# GRANT UPDATES

## Areas of Persistent Poverty Program 2021

FTA Announced \$16.3 million in competitive for projects that will improve transit services or facilities in areas of persistent poverty through planning, engineering, technical studies, or financial plans for projects.

## Low or No Emission Program 2021

\$182 Million in Grants to Expand Low or No Emission Transit Vehicles & Facilities Nationwide.

A total of 49 projects in 46 states and territories.

3 in California: Cities of Anaheim, Fresno and Golden Empire Transit = \$7,112,875



# REGIONAL



# CA HIGH SPEED RAIL AUTHORITY (CHSRA)



CHSRA entered into an agreement with the city of Palmdale to supply matching funds for a grant application to the USDOT's *"Rebuilding American Infrastructure with Sustainability and Equity"* (RAISE) program.

The Authority is requesting a \$1.35 million RAISE grant to fund development of the Master Plan for the integrated, multimodal future Palmdale high-speed rail station.



# 25<sup>TH</sup> CONGRESSIONAL DISTRICT



Congressman Garcia was appointed to serve as a Co-Chair of the China Task Force by Republican Leader Kevin McCarthy.

Co-sponsored the bipartisan Pandemic Unemployment Assistance Fraud Protection Act, or H.R. 4190.

Up for re-election in 2022



# Questions?



Thank  
you



SRP 5

# FY 2021 Monthly Operations Key Performance Indicators

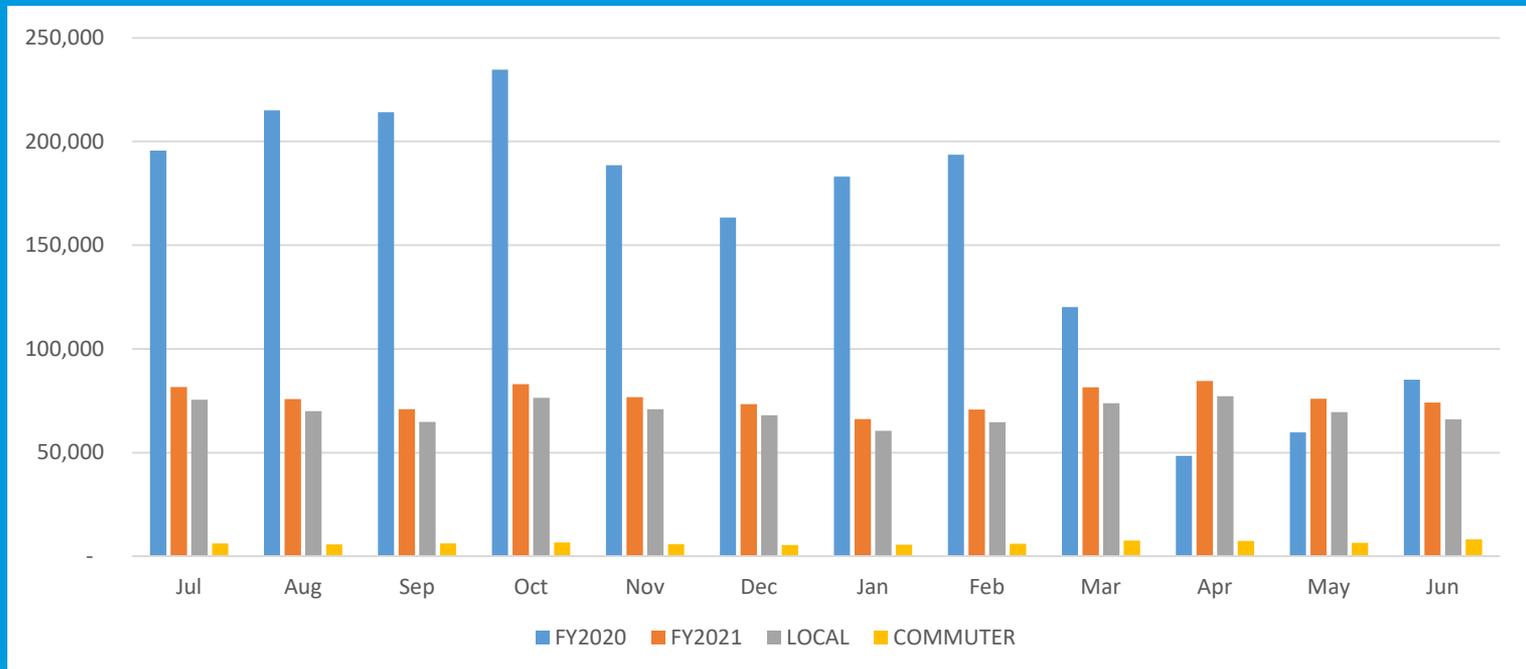
---

Presentation to the Board of Directors  
July 27, 2021

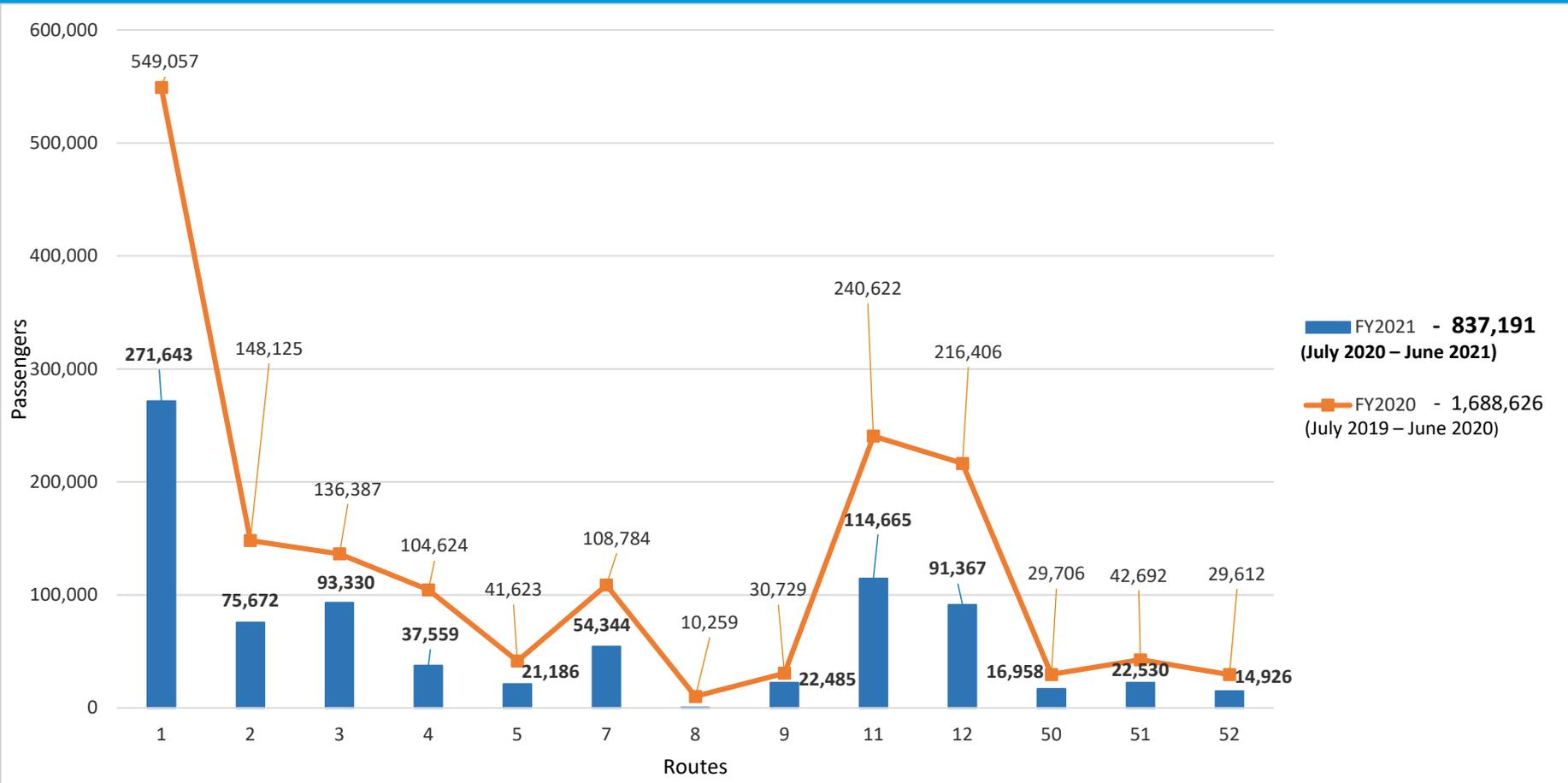


# MONTHLY BOARDING ACTIVITY

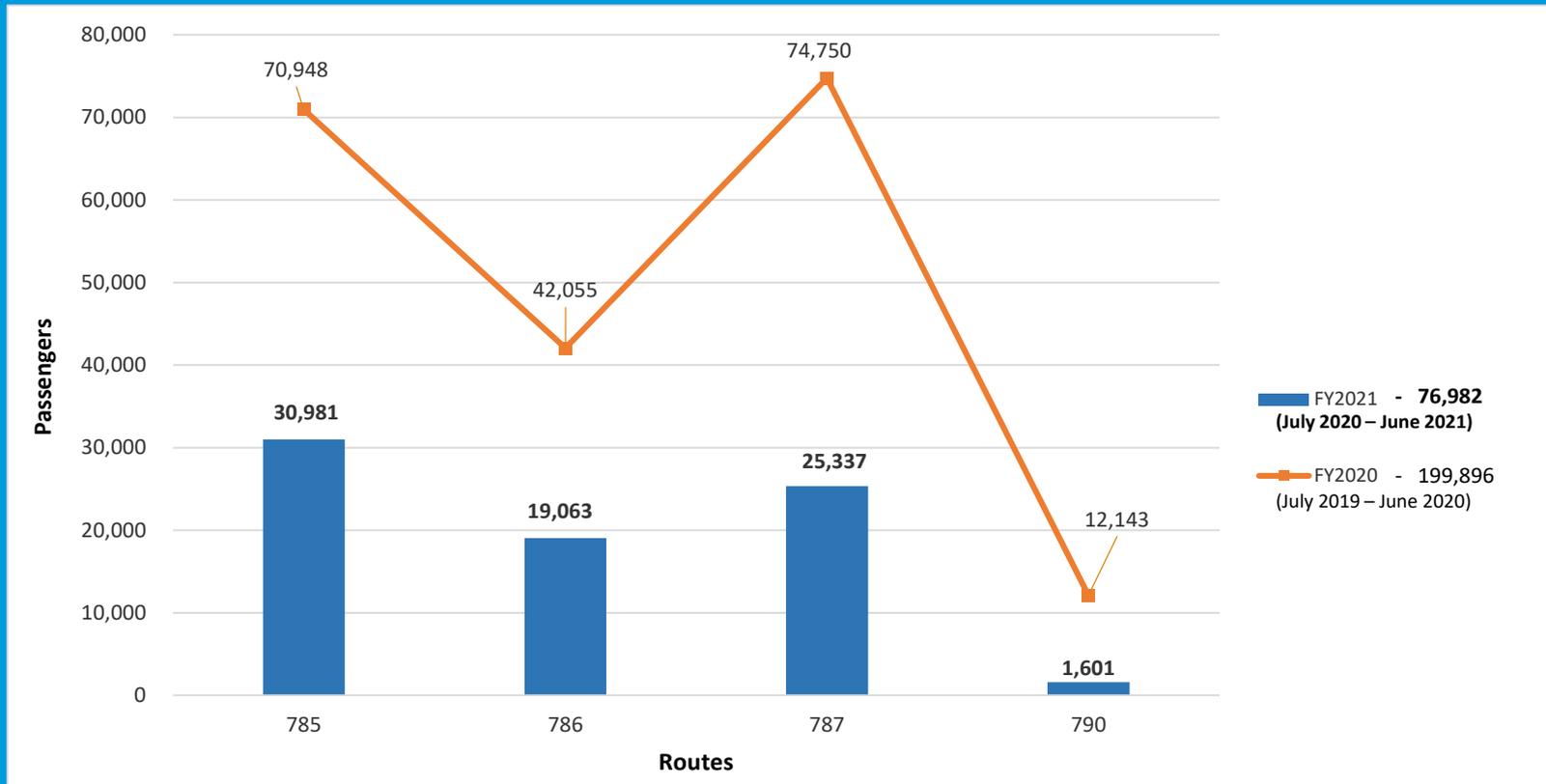
	June FY 2021	May FY 2021
System	74,135	75,978
Local	66,051	69,499
Commuter	8,084	6,479



# ANNUAL RIDERSHIP LOCAL ROUTES

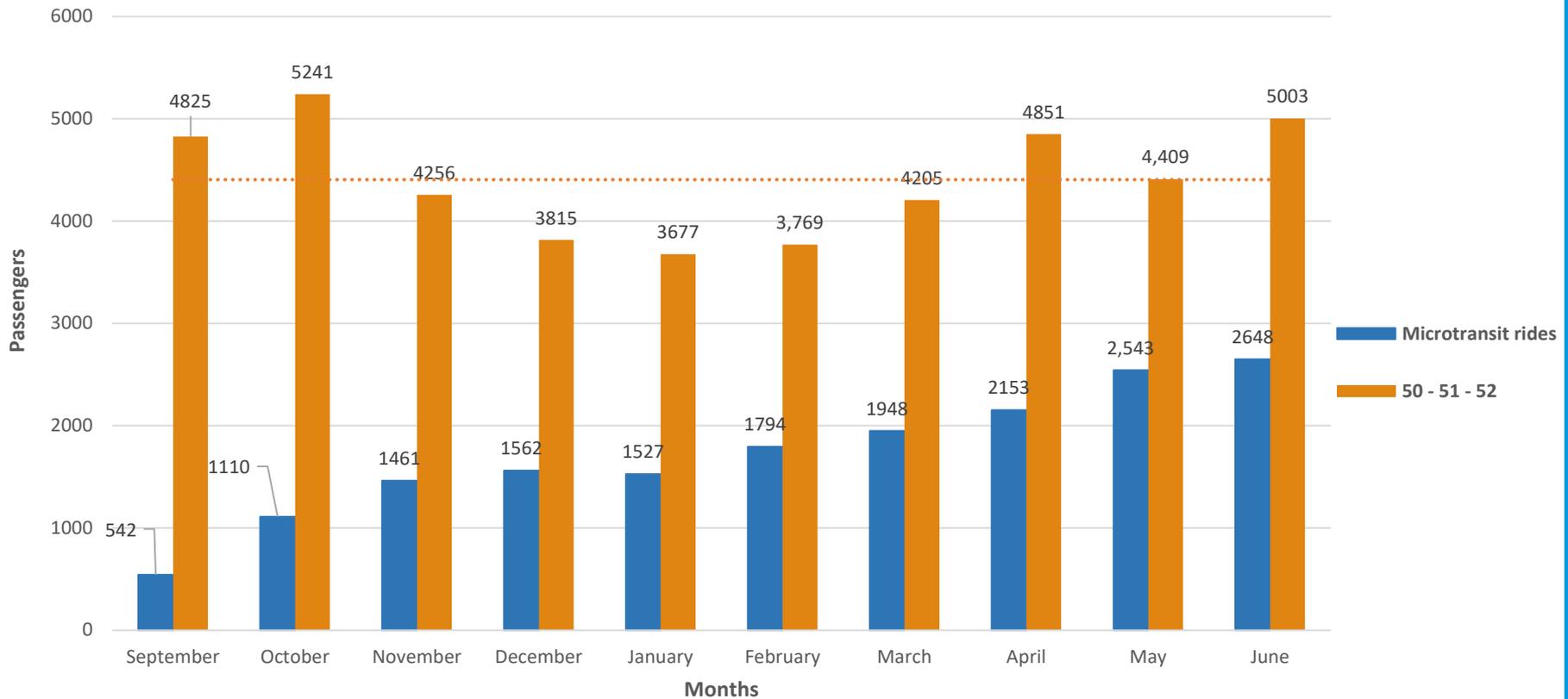


# ANNUAL RIDERSHIP COMMUTER ROUTES



# MICROTRANSIT RIDERSHIP ACTIVITY PILOT PROGRAM

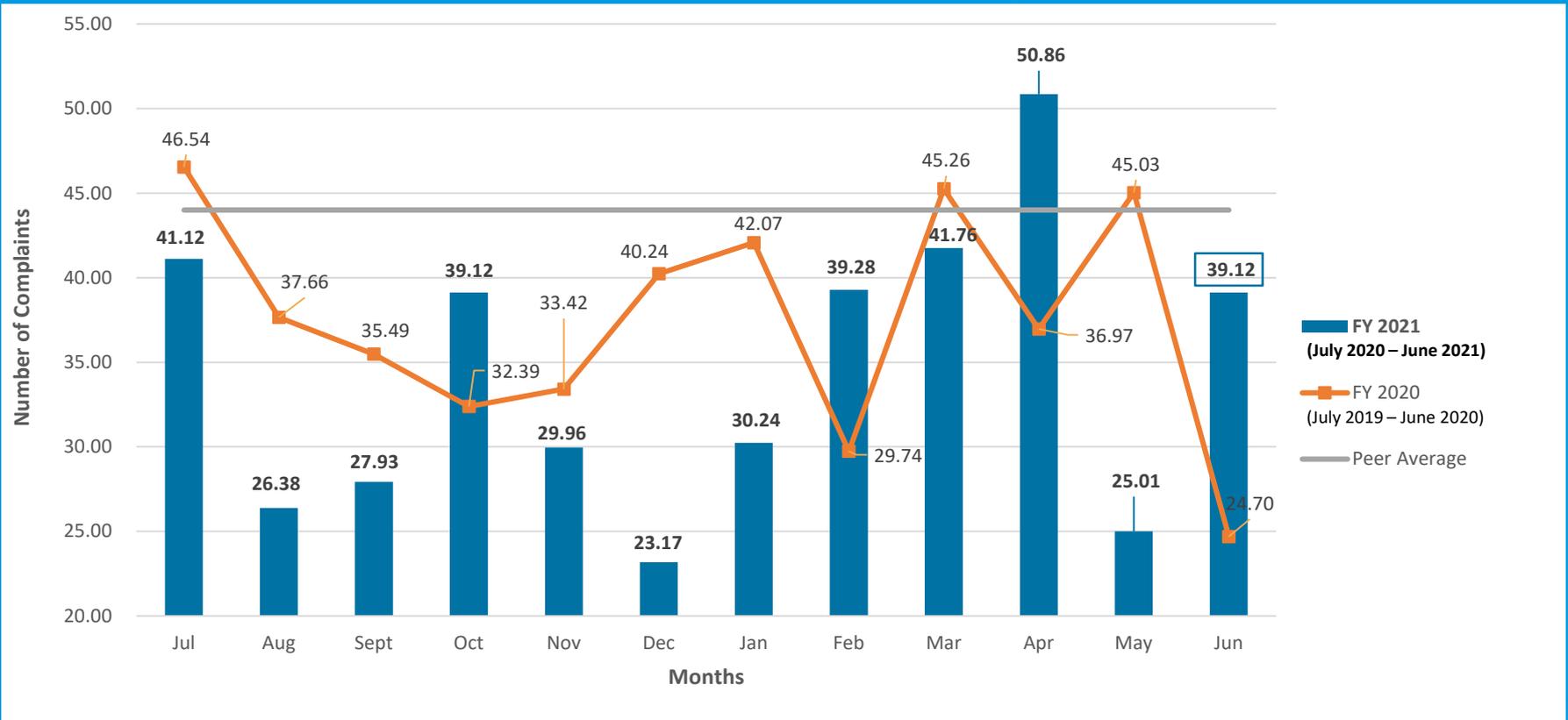
Microtransit vs Routes 50, 51 & 52



# COMPLAINTS/100,000 BOARDINGS

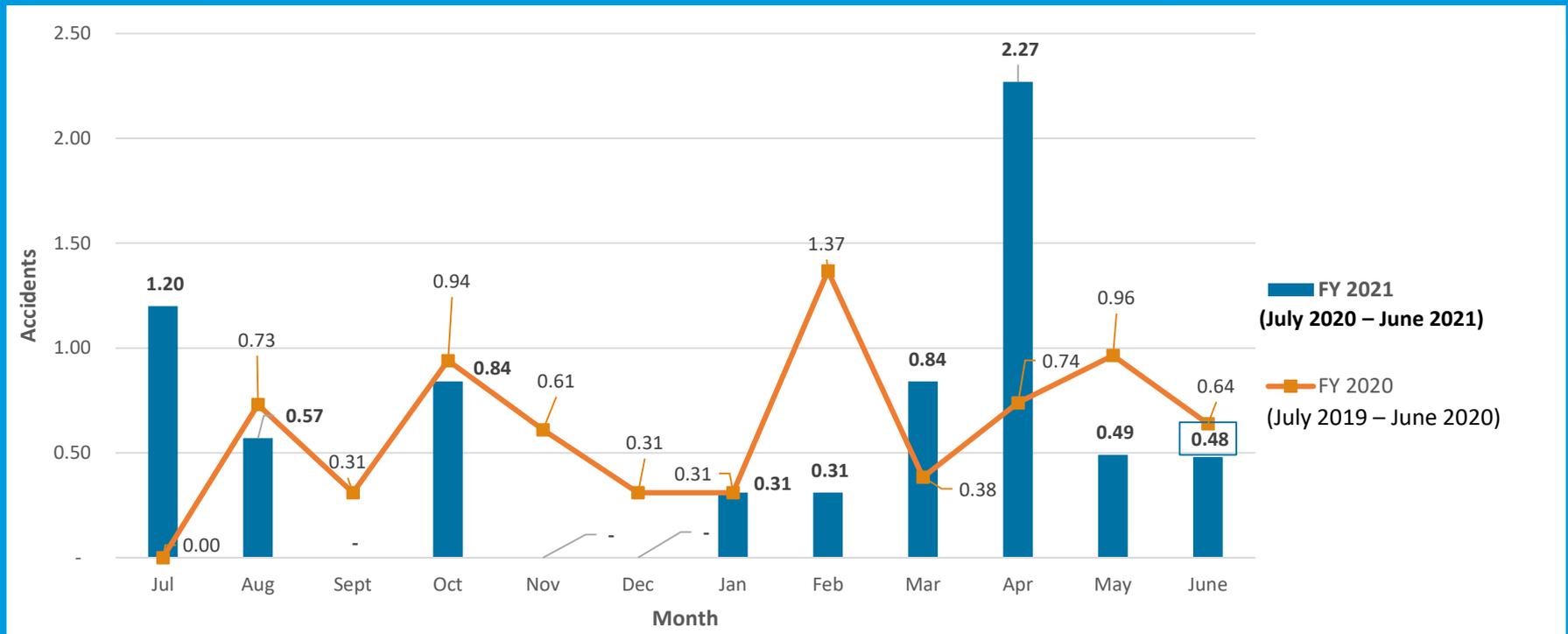
## MAY - SYSTEM WIDE AVERAGE: 39.12

## PEER AVERAGE: 44.00



# PREVENTABLE ACCIDENTS/100,000 MILES

## MAY - SYSTEM WIDE AVERAGE: 0.48



# KEY PERFORMANCE INDICATORS

	June FY 2021	May FY 2021	June FY 2020
<b>Boarding Activity</b>	74,135	75,978	76,930
<b>Complaints / 100,000 Boardings</b>	39.12	25.01	24.70
<b>Preventable Accidents / 100,000 Miles</b>	0.48	0.49	0.64

Thank you!

Questions?



# COMMUTER SERVICE CHANGES



**Presentation to the Board of Directors  
July 27, 2021**

# BACKGROUND

- Regional Transit Plan – A system-wide study to include commuter was conducted by Stantec in 2018 and completed in late 2019.
- Public outreach was conducted by Stantec in 2018 and 2019.
- Route by route and trip by trip ridership analysis was also conducted and completed.
- Stantec provided their recommendation to streamline each commuter route by trip.
- Regional Transit Plan recommendations were presented and approved by the Board of Directors on February 25, 2020.
- AVTA staff conducted rider surveys in May/June 2021.



# COMMUTER RIDERSHIP ACTIVITY

- **Routes 785:** has a total of 9 trips in the AM to Los Angeles and 9 trips returning to the Antelope Valley. During the ridership analysis, the data identified that the 8<sup>th</sup> and 9<sup>th</sup> trips only carried an average of 16 passengers in the AM/PM trips.
- **Route 786:** has 5 trips in the AM to Century City and 5 in the PM back to the Antelope Valley. The data on this route identified that the last trip carries an average of 16 passengers in the AM/PM trips.
- **Route 787:** has 9 trips in the AM to the West San Fernando Valley and 9 in the PM back to the Antelope Valley. The data on this route identified that the 8<sup>th</sup> and 9<sup>th</sup> trips were the lightest ridership generators with an average of 15 passengers in the AM/PM.

\*\*\*Currently 25 buses plus 5 spares are utilized to operate the commuter services. All buses have a 53 passenger load capacity\*\*\*



# REGIONAL TRANSIT PLAN RECOMMENDATIONS

- ✓ Adjust the public schedule and reduce the following number of trips for each route to increase efficiency and passenger boarding's.
  - 785 – 2 trips, 786 – 1 trip and the 787 – 2 trips.

	Current			New		
	785 Downtown LA	786 Century City	785 West San Fernando Valley	785 Downtown LA	786 Century City	785 West San Fernando Valley
	Depart Palmdale Transit Center	Depart Palmdale Transit Center	Depart Palmdale Transit Center	Depart Palmdale Transit Center	Depart Palmdale Transit Center	Depart Palmdale Transit Center
run 1	4:05	4:15	4:15	4:05	4:15	4:15
run 2	4:25	4:50	4:35	4:25	4:40	4:35
run 3	4:45	5:10	4:55	4:50	5:05	4:55
run 4	5:00	5:35	5:15	5:10	5:35	5:15
run 5	5:15	6:00	5:35	5:35		5:35
run 6	5:35		5:55	5:55		5:55
run 7	6:00		6:20	6:15		6:15
run 8	6:30		6:40			
run 9	6:50		6:50			

- ✓ Adjust the last stop departures schedules to no later than 6:15 so that we can meet a more realistic scheduled arrival time into the LA basin.
- ✓ Reduce the total bus count from 30 to 24.
  - ✓ 20 buses in revenue service plus 4 spares

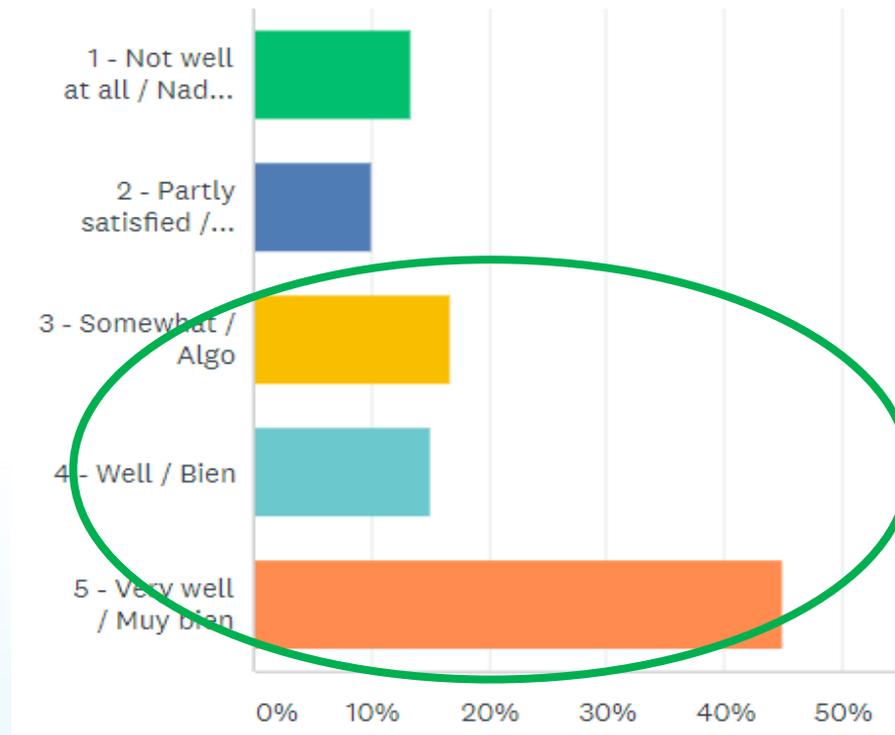
# COMMUTER SERVICE CHANGE SURVEY

- Survey fielded in May/June 2021
- Bilingual survey, digital and hardcopy versions
- 62 completed surveys over the three routes:
  - 34% from 785
  - 24% from 786
  - 42% from 787
- Respondents about 37% of average ridership on the three commuter routes
- Although a formal analysis was not required, optional comments (preferred language, ethnicity, income, and zip code) were collected in order to see if any disparate impact could be identified.
- No disparate impact was found.



## KEY METRIC: NEEDS MET

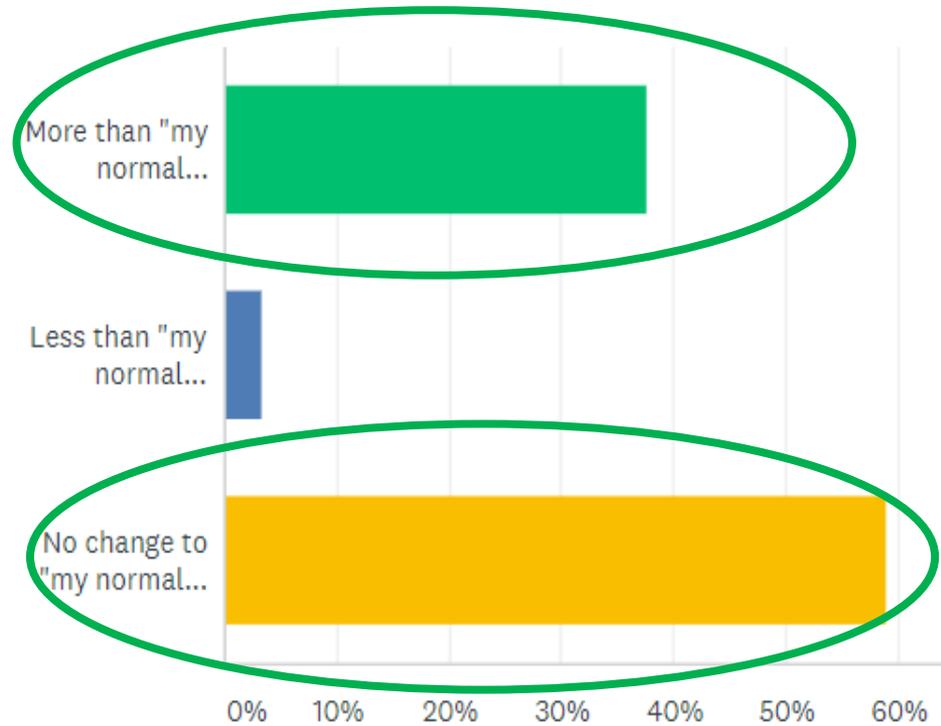
- On a scale of 1 to 5, 5 being best, 76.67% answered that the new schedule met their transportation needs.



76.67%

# ADDITIONAL METRIC: FUTURE BEHAVIOR

- In the next 3 months, do you expect to ride more or less than "normal" for your work week. 96.72% answered the same or more.



96.72%

**Thank you!**

**Questions?**



**Antelope Valley Transit Authority**

# FY 2021 Monthly Maintenance Key Performance Indicators

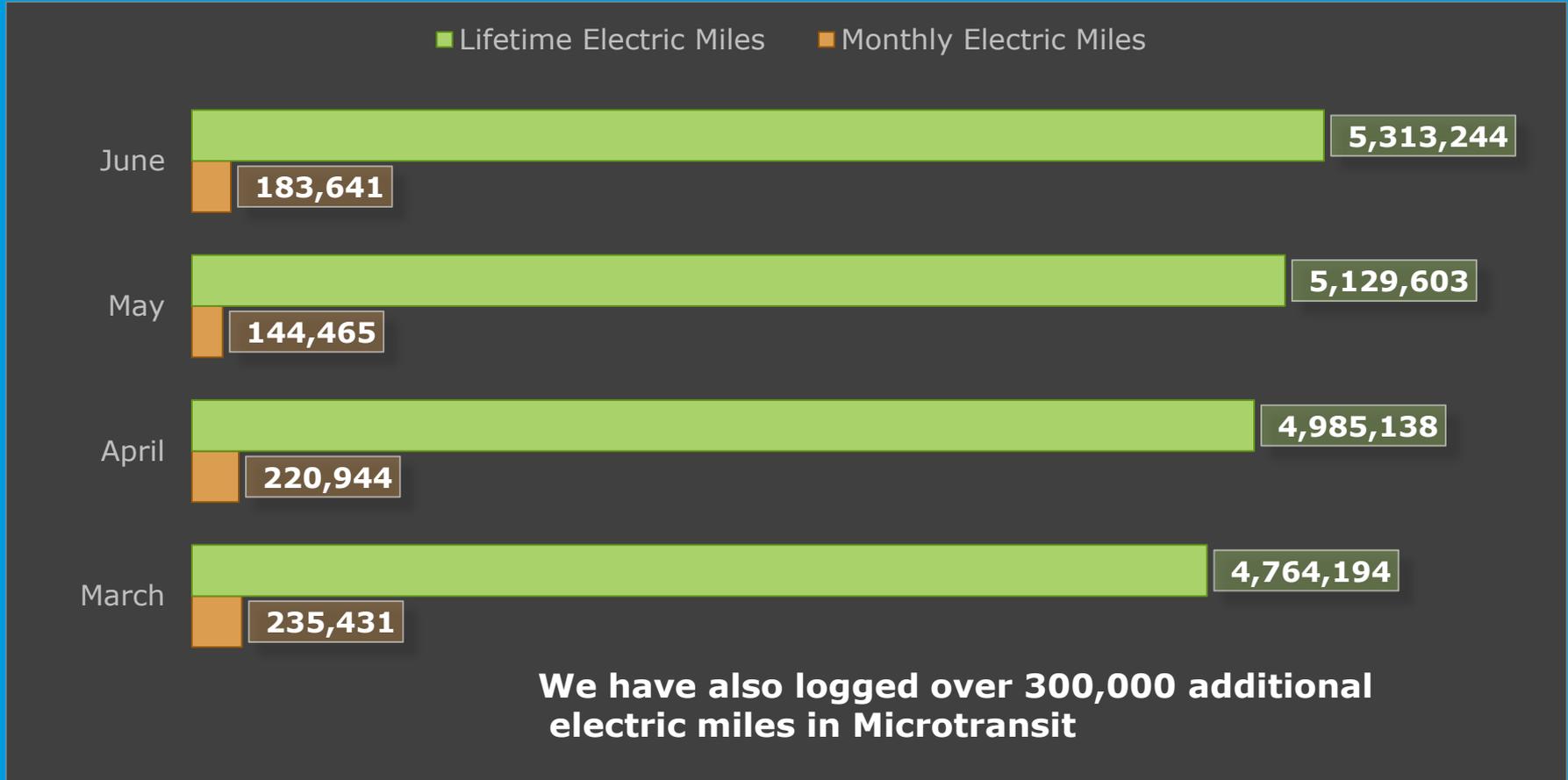
---

Presentation to the Board of Directors

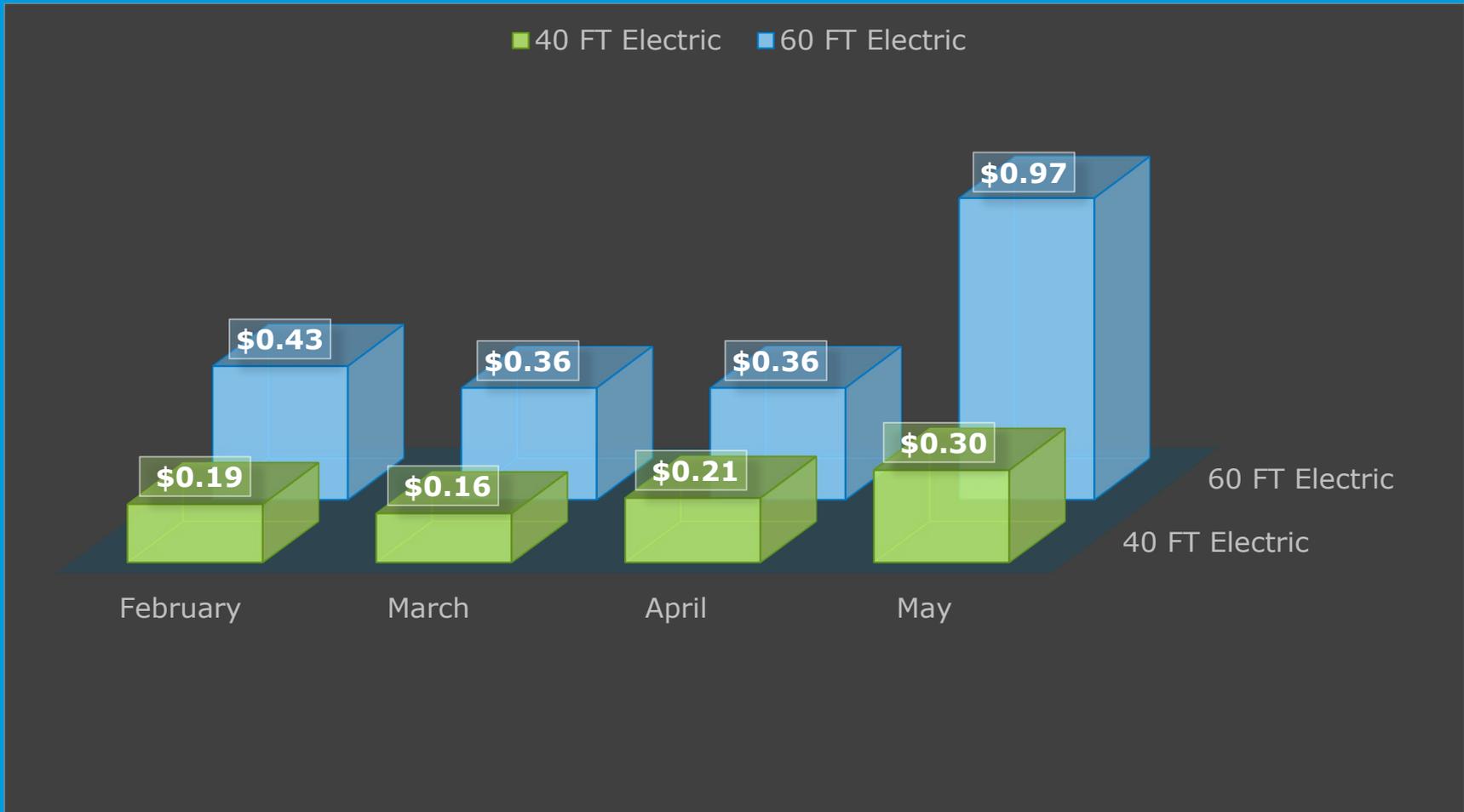
July 27, 2021



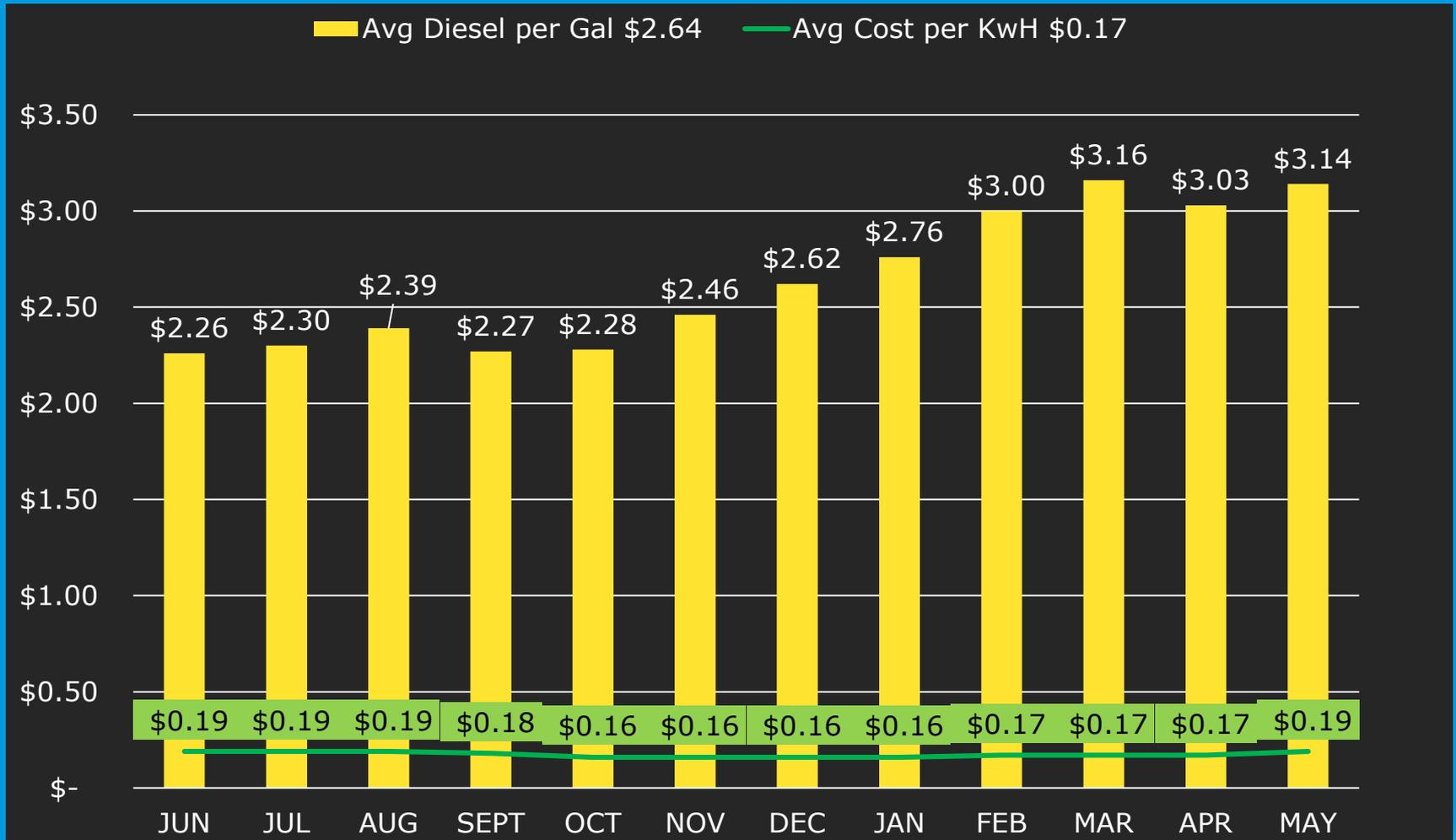
# ELECTRIC MILES TRAVELED



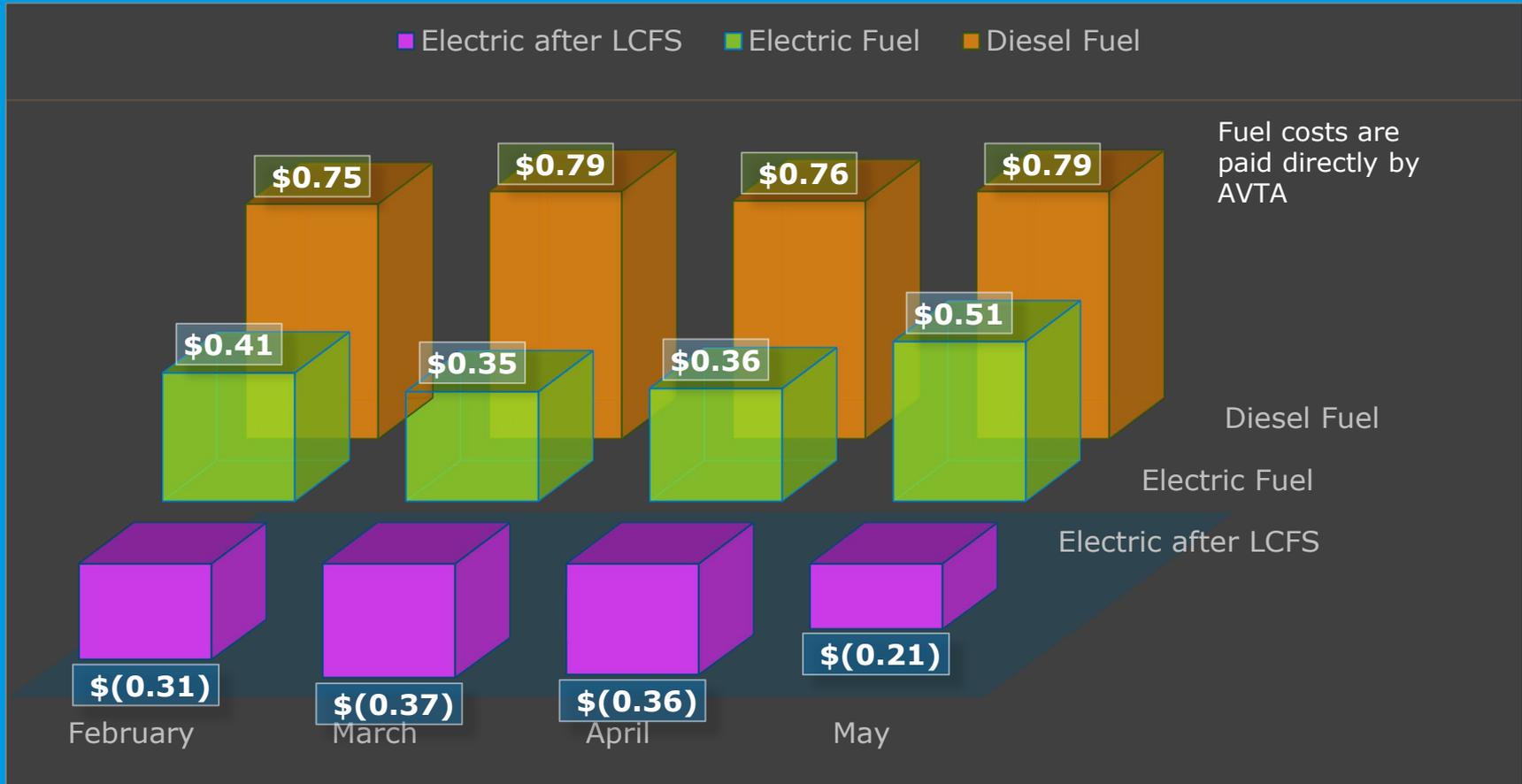
# MAINTENANCE COST PER MILE BY FLEET



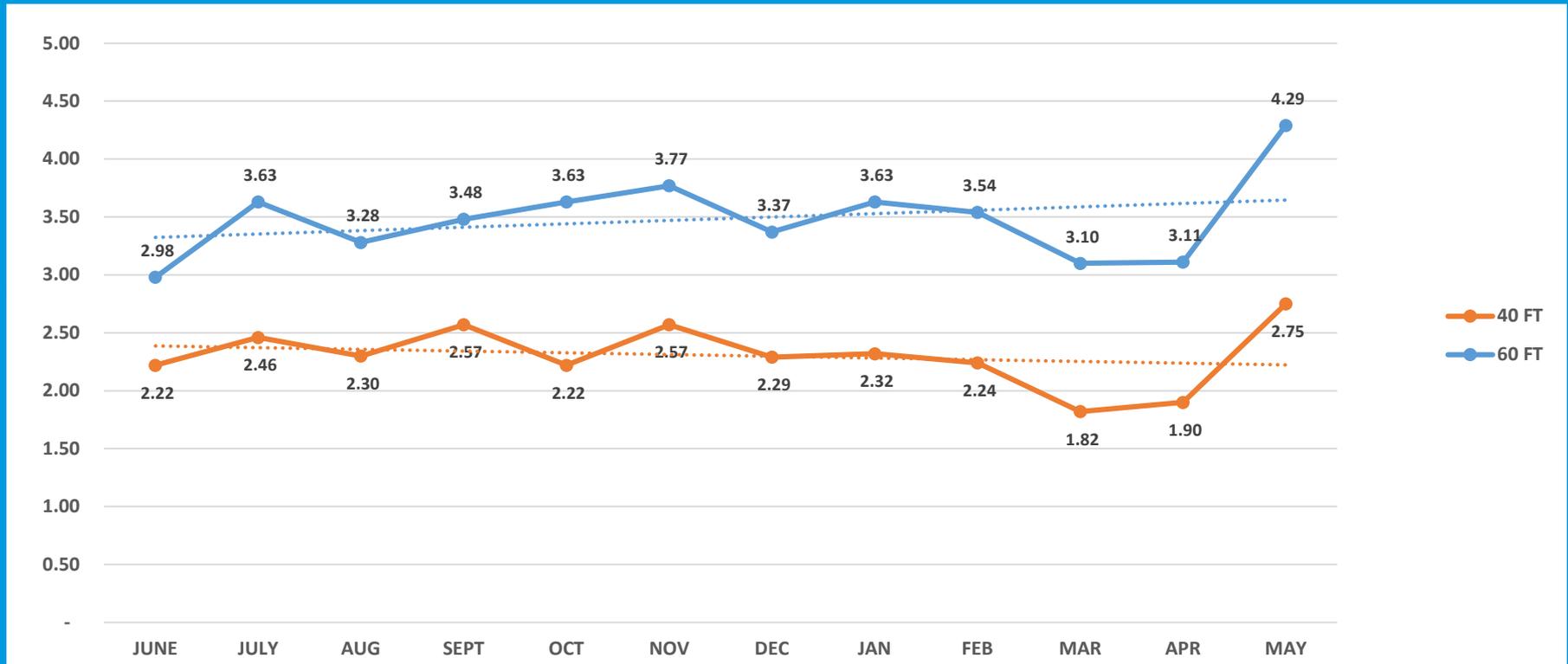
# FUEL/ENERGY COST PRIOR 12 MONTHS



# PROPULSION FUEL COST PER MILE w/LOW CARBON FUEL STANDARD (LCFS) OFFSET

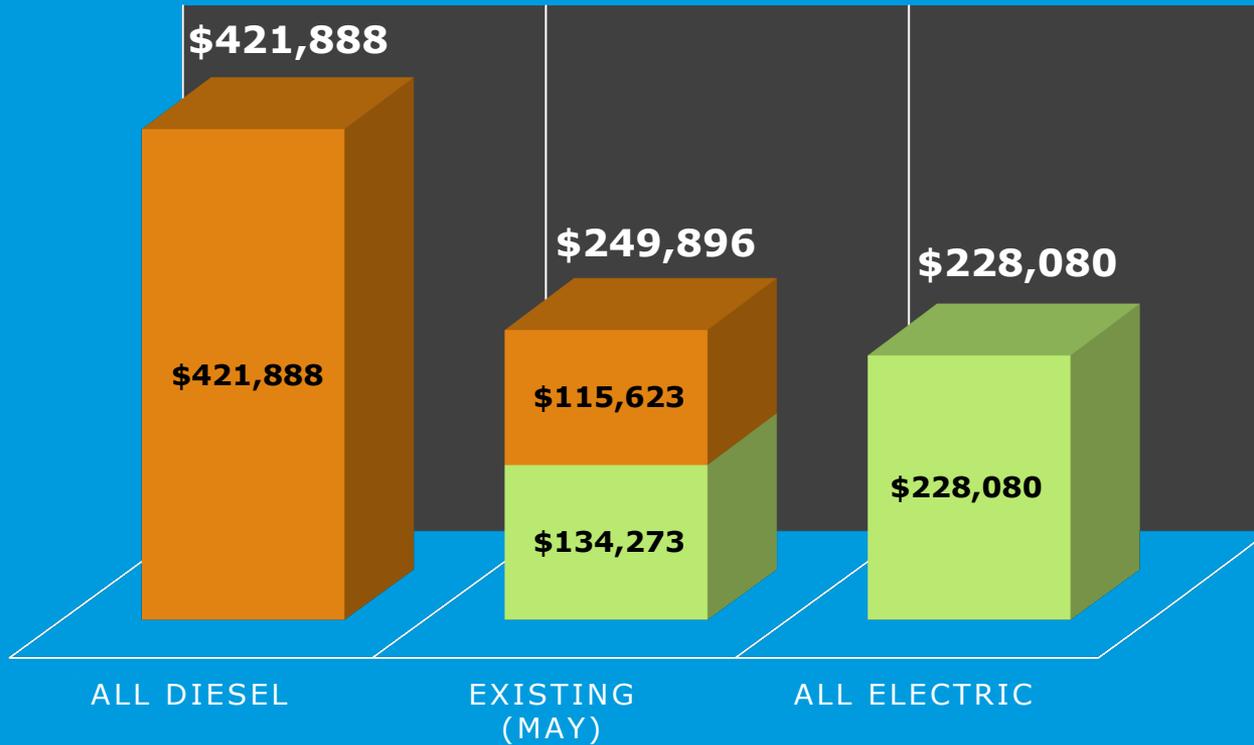


# AVERAGE FUEL CONSUMPTION PER MILE (KWPM)



# TOTAL FUEL & MAINTENANCE COST ASSUMPTIONS

■ Electric ■ Diesel



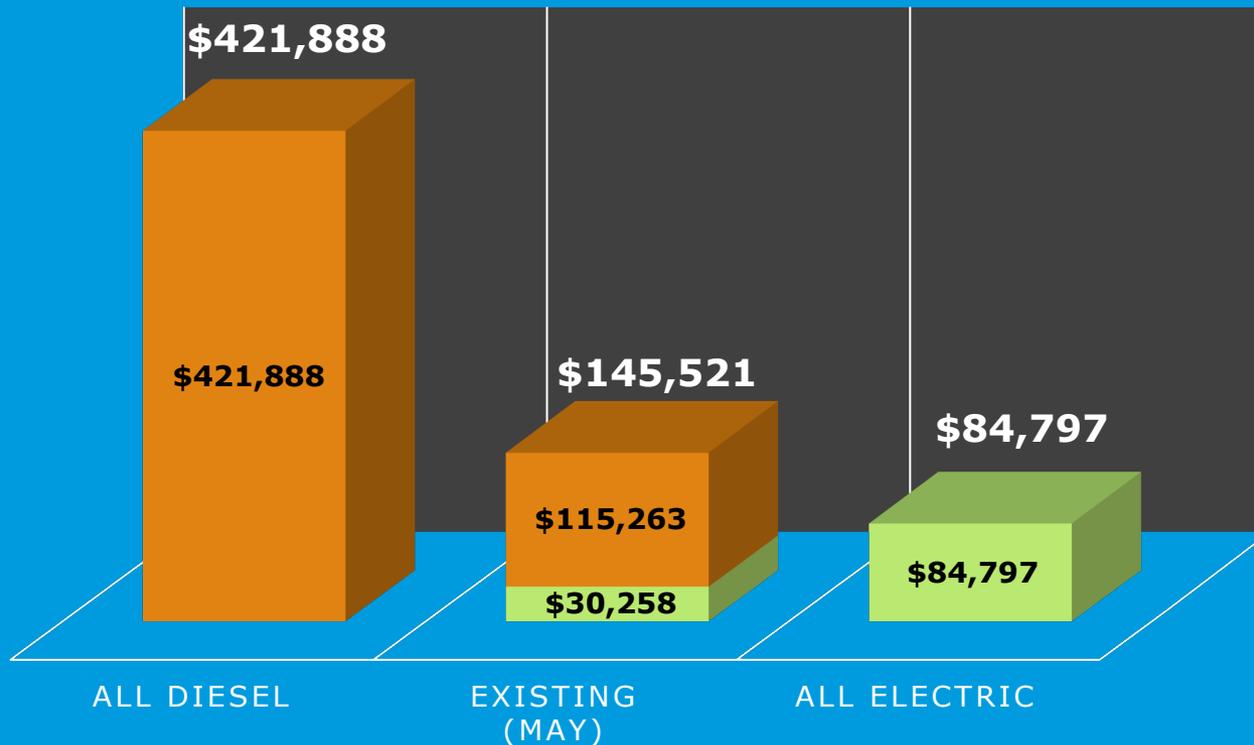
May Fuel and Maintenance Savings  
\$171,992

Projected Savings  
\$193,808

AVTA Fuel Only  
\$44,784

# TOTAL FUEL & MAINTENANCE COST ASSUMPTIONS W/LCFS

■ Electric ■ Diesel



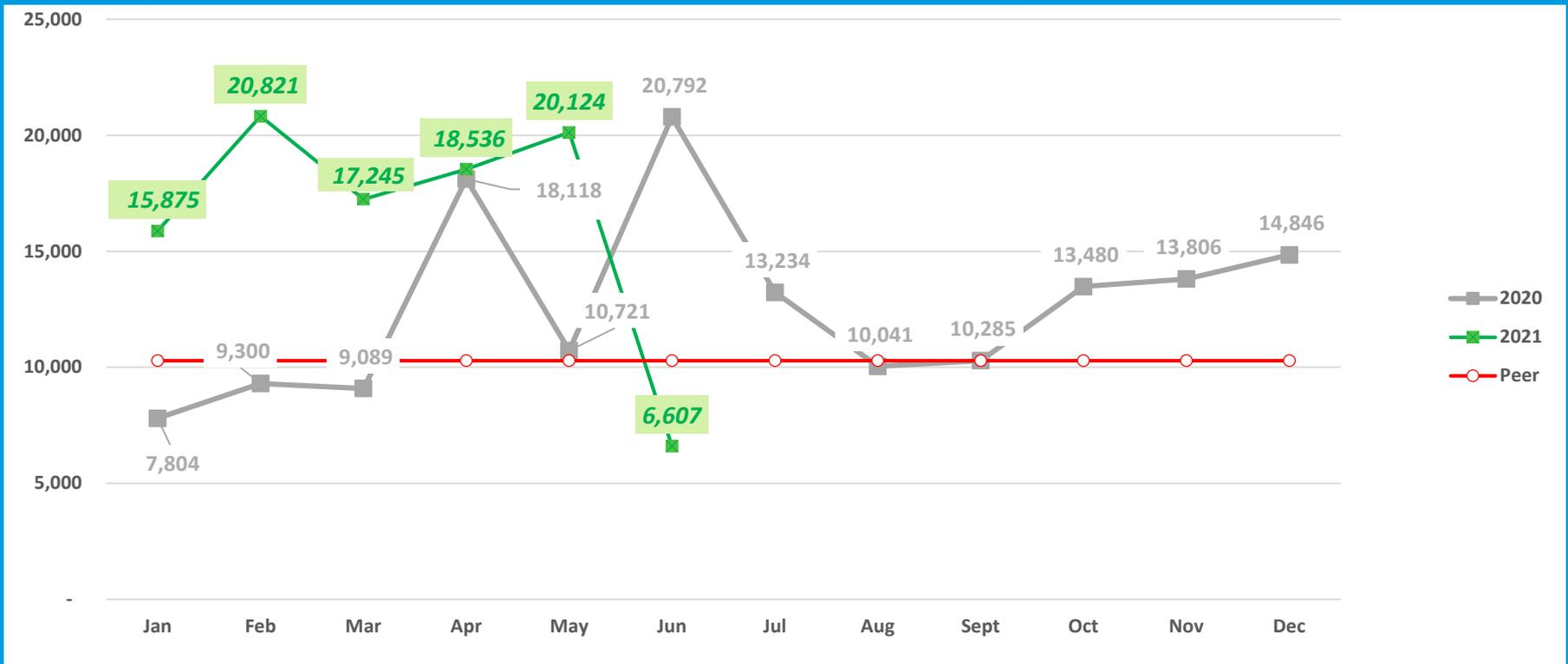
May Total Fuel and Maintenance Savings  
\$276,367

AVTA Fuel Savings plus LCFS  
\$188,067

# AVERAGE MILES BETWEEN SERVICE INTERRUPTIONS

Peer Average: 11,206

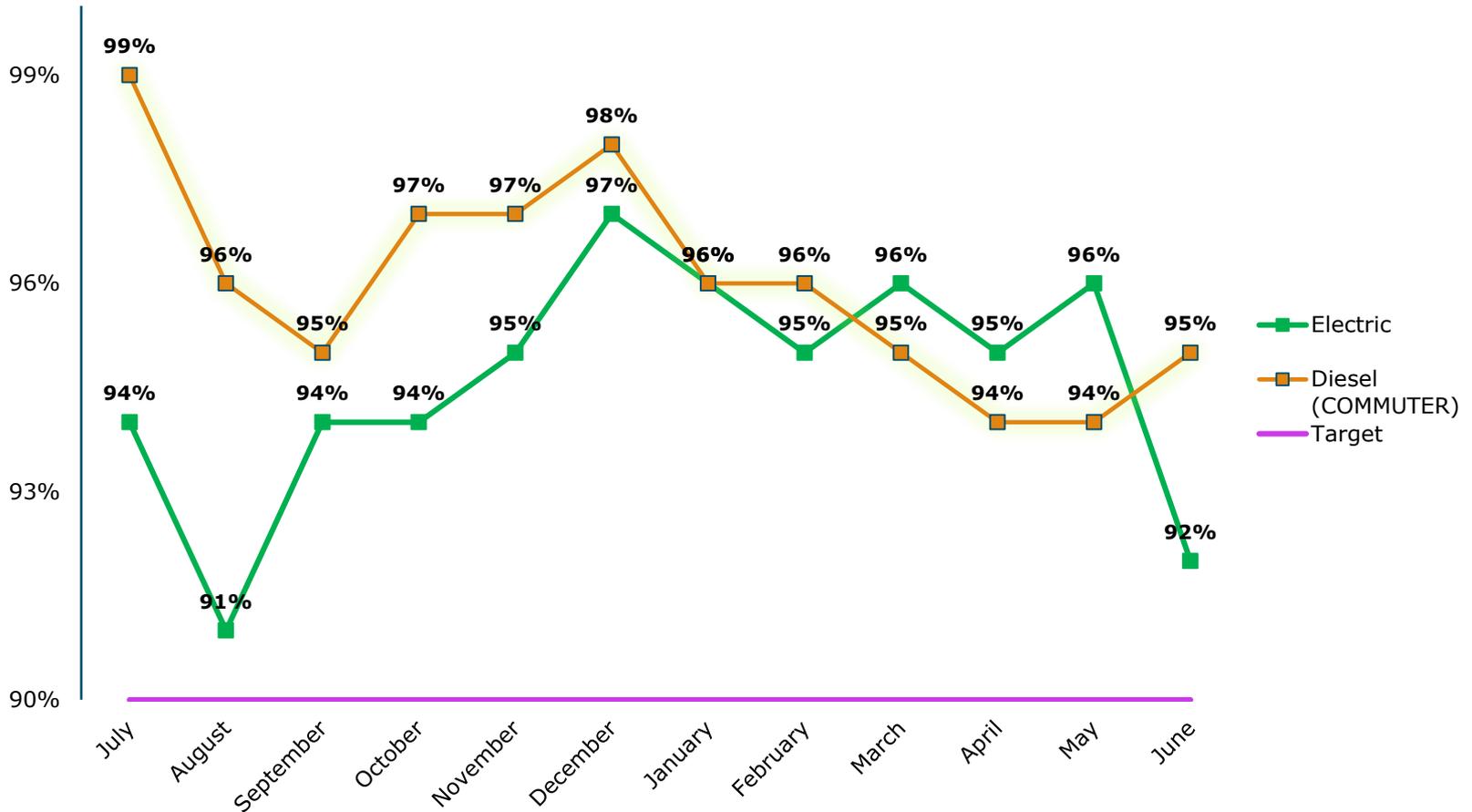
Target: 15,500



# FLEET AVAILABILITY

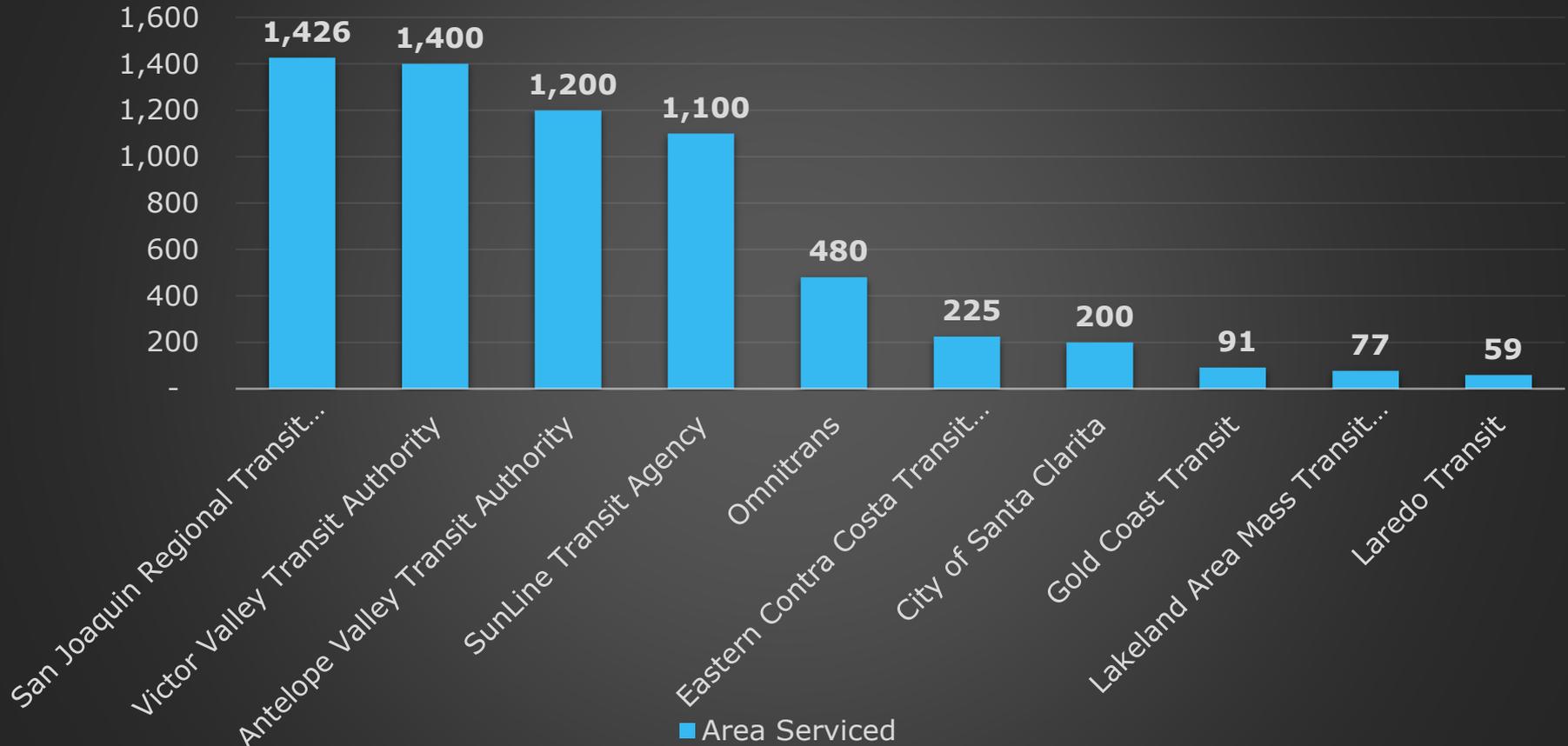
Peer Average: 81%

Target 90%

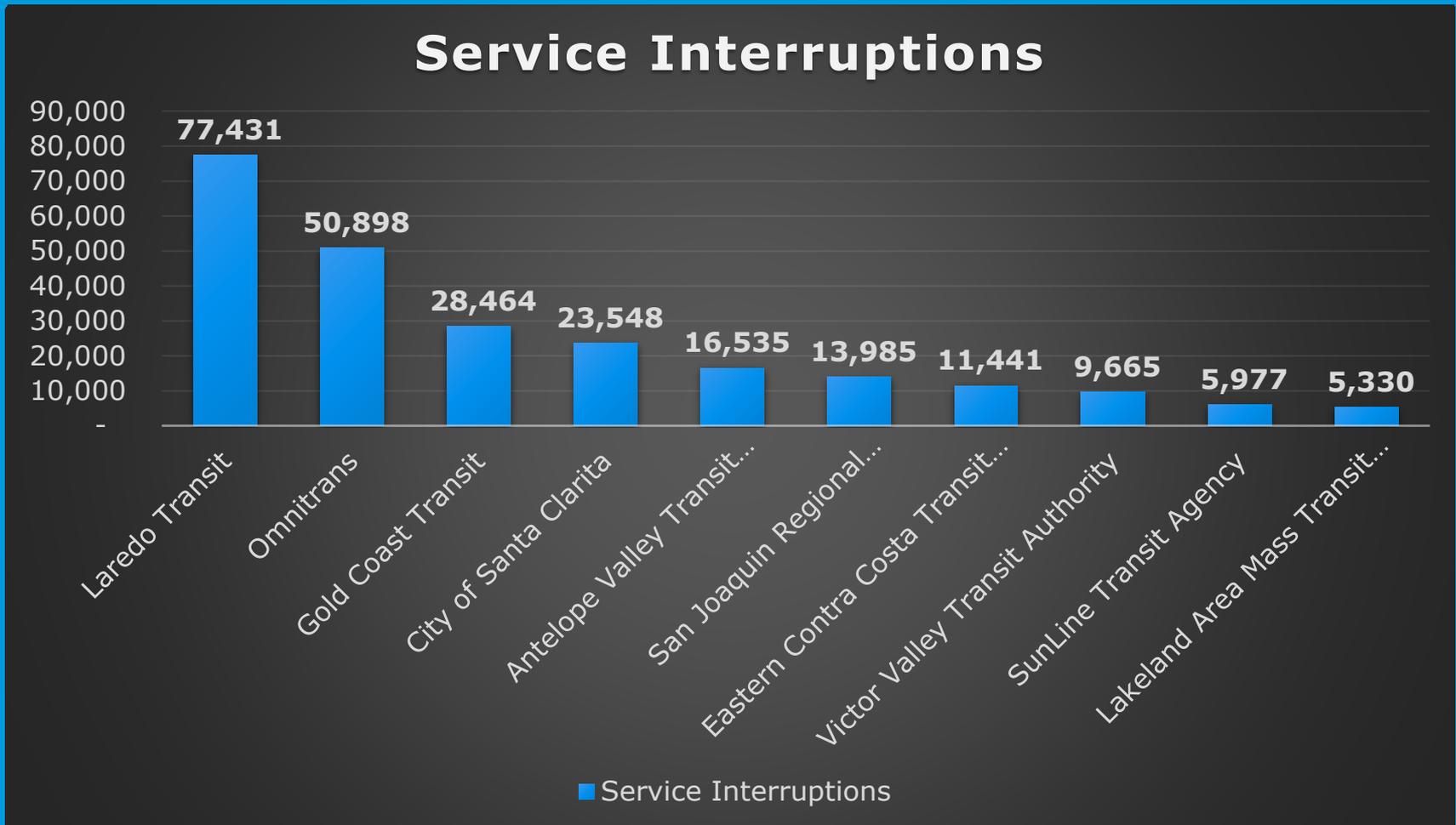


# PEER TERRITORY COMPARISON

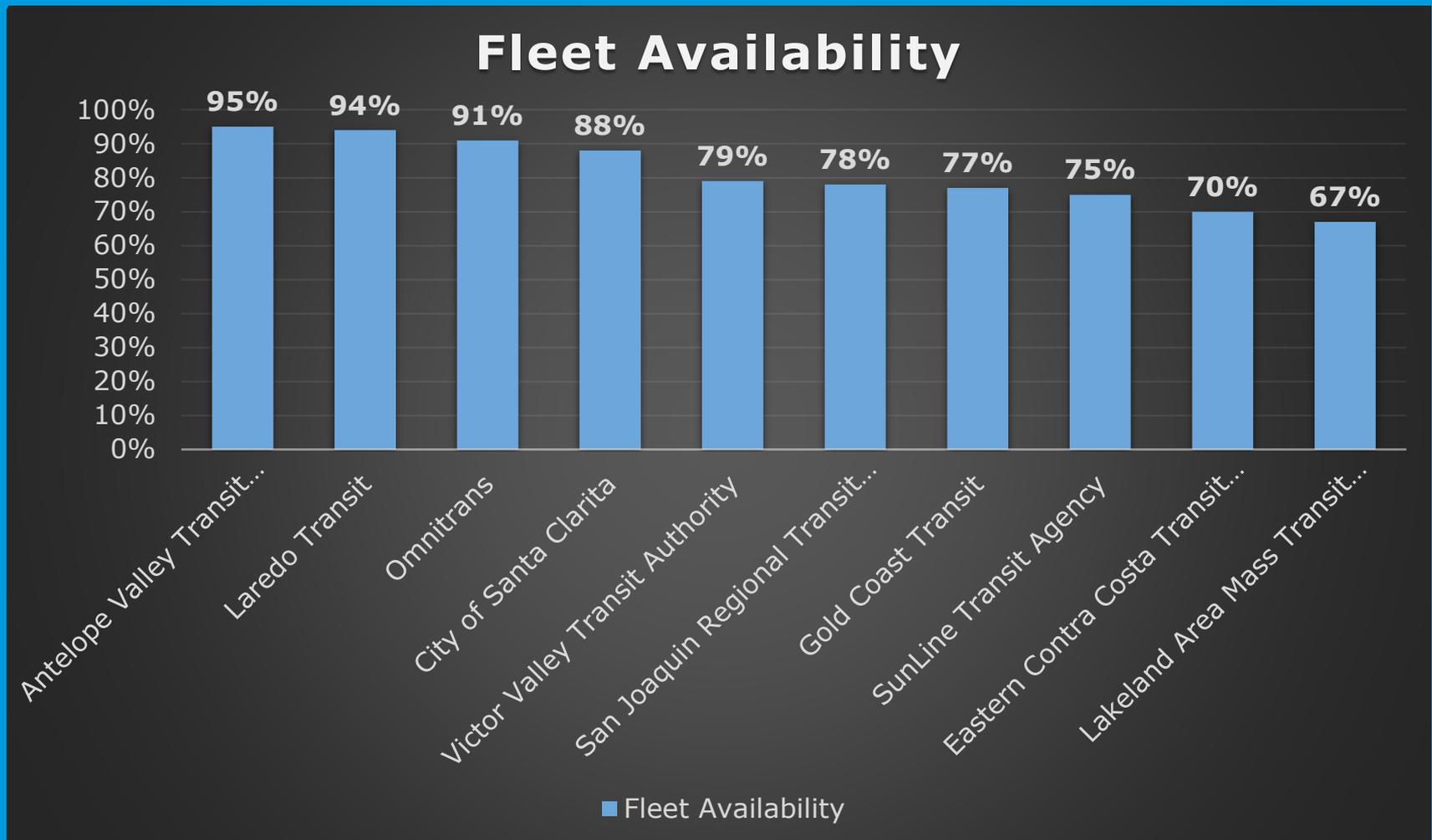
## Area Serviced



# PEER AGENCY COMPARISONS SERVICE INTERRUPTIONS



# PEER AGENCY COMPARISONS AVAILABILITY



# Discussion/Questions?



# On Request Microtransit Ride Share Service Branding

Presentation to the Board of Directors  
July 27, 2021



# AVTA Bolt

AVTA desires to use “AVTA Bolt” as a branding name for the On-Request Microtransit Ride Service.



The word Bolt brings to mind

- Speed
- Electricity
- Add-on or Affix

# Mock up of AVTA vehicle with AVTA Bolt branding



# Trademark Availability

Stradling Yocca Carlson & Rauth law firm has conducted a search of the CA-SOS trademark database and found no current use of “AVTA Bolt”.

Stradling has cleared AVTA to apply for the trademark once we have begun using this branding.



# Questions?



Antelope Valley Transit Authority

# Update on L.A. Metro's Fareless System Initiative

Presentation to the Board of Directors

July 27, 2021



# Latest Developments

- L.A. Metro is seeking approval from their board to begin implementation, subject to a final financial plan. L.A. Metro does not currently have a funding source identified past the first year pilot.
- Pursuing cost-sharing agreements with K-12 districts and community colleges where:
  - K-12 pays \$3 per student per year
  - Colleges pay \$7 per student per year
  - Proposing funds from American Rescue Plan (ARPA) to cover Phase 1 costs

- L.A. Metro had originally offered to pay 35% of the municipal operators (LACMOA) lost revenue
- LACMOA members countered with 50%
- L.A. Metro latest proposal to LACMOA is no reimbursement from L.A. Metro and instead a recommendation that the LACMOA members use their recently received ARPA money to fund the first year
- L.A. Metro appears comfortable with launching the fare free initiative without any source of funding identified past the first year
- AVTA is deeply concerned about starting a free initiative with no source of funding past the first year. Taking back something that is free is a slippery slope

# Questions?



Antelope Valley Transit Authority



**DATE:** July 27, 2021

**TO:** BOARD OF DIRECTORS

**SUBJECT:** Public Hearing and Adoption of the Disadvantaged Business Enterprise (DBE) Program and Goal-Setting Methodology for Federal Fiscal Years (FFY's) 2022 through 2024 (October 1, 2021 through September 30, 2024)

---

## **RECOMMENDATION**

That the Board of Directors:

1. Consider any public comments received;
2. Close the public comment period;
3. Approve the new DBE Program (Attachment A), Overall Goal-Setting Methodology, and DBE Participation Goal of 9% (Attachment B); and
4. Adopt Resolution No. 2021-004 (Attachment C), a Resolution of the Board of Directors of the Antelope Valley Transit Authority approving the revised Federal Transit Administration required DBE Program and Overall Goal-Setting Methodology for FFY's 2022 through 2024.

## **FISCAL IMPACT**

There is no direct fiscal impact.

## **BACKGROUND**

AVTA receives federal financial assistance from the Department of Transportation (DOT) and, as a condition of receiving this assistance, AVTA has signed an assurance that it will comply with Title 49 CFR, Part 26. This updated program is required to ensure non-discrimination in the award and administration of DOT-assisted contracts, create a level playing field on which DBE's can fairly compete for the Authority's DOT-assisted contracts, and ensure that only firms that fully meet Title 49 CFR, Part 26 eligibility standards are permitted to participate as DBE's in the Authority's DBE Program.

The Authority's proposed program and goal of 9% was posted on the AVTA website and in accordance with Public Participation Regulatory Requirements of Title 49 CFR Part 26, minority, women, local business associations, and community organizations within the AVTA market area were contacted and provided an opportunity to review the triennial goal analysis and provide input.

- AVTA publicized that the program, goal methodology and proposed annual overall goal for DBE participation in AVTA's DOT-assisted contracts would be available for public inspection for a period of 30 days from the date of publication.
- AVTA also publicized that the agency would accept public comments on the proposed program, goal methodology and new annual overall goal of 9% for a period of 45 days from the date of publication and provided instructions for the submission of comments.

**PUBLIC CONSULTATION AND COMMENTS:**

<b>ORGANIZATION</b>	<b>DATE(S)</b>
AV Black Chamber of Commerce	June 3, 2021 - June 30, 2021
AV Hispanic Chamber of Commerce	June 3, 2021 - no response
AV NAACP	June 3, 2021 - no response

During the public hearing period, AVTA received one comment on the DBE Program Goal Methodology and/or the proposed 9% DBE participation goal (see *Attachment B page 12: Consultative Process Summary* in the Goal Methodology).

Prepared by:

Submitted by:

\_\_\_\_\_  
Kelly Miller  
DBE/EEO Officer  
& DBE Liaison Officer (DBELO)

\_\_\_\_\_  
Macy Neshati  
Executive Director/CEO

Attachments:    A – DBE Program FFY's 2021 – 2024  
                          B – DBE Goal-Setting Methodology for FFY's 2021 – 2024  
                          C – Resolution No. 2021-004



**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

**August 1, 2021**

Submitted in fulfillment of:  
Title 49 Code of Federal Regulations Part 26

**ANTELOPE VALLEY TRANSIT AUTHORITY**  
**DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**



**TABLE OF CONTENTS**

- I. POLICY STATEMENT AND PROGRAM OBJECTIVES ..... 4
  - A. Policy Statement (§26.3) ..... 4
  - B. Objectives (§26.1)..... 4
  - C. Non-Discrimination (§26.7) ..... 4
- II. APPLICABILITY (§26.3) ..... 6
  - A. DBE Program Updates (§26.21)..... 6
  - B. Design Build Contracts (§26.53) ..... 6
- III. DEFINITION OF TERMS (§26.5) ..... 6
- IV. RESPONSIBILITIES FOR DBE PROGRAM IMPLEMENTATION ..... 9
  - A. DBE Liaison Officer (§26.25) ..... 9
  - B. Reconsideration Official (§26.53 (d) (2)) ..... 10
- V. ADMINISTRATIVE REQUIREMENTS..... 11
  - A. Federal Financial Assistance Agreement Assurance (§26.13 (a))..... 11
  - B. DBE Financial Institutions (§26.27)..... 11
  - C. DBE Directory (§26.31) ..... 11
  - D. Over Concentration (§ 26.33)..... 11
  - E. Business Development Programs (§26.35; Appendix C & Appendix D) ..... 12
- VI. DETERMINING, MEETING AND COUNTING OVERALL DBE GOAL (§26.45; §26.51)..... 12
  - A. Methodology (§26.45)..... 12
  - B. Transit Vehicle Manufacturers (TVM) Certifications (26.49) ..... 16
  - C. Race-Neutral Measures ..... 16
  - D. Race-Conscious Measures ..... 17
  - E. Methodology for Setting Contract- Specific Goals (§26.51)..... 17
  - F. Procedures to Evaluate Award of Contract ..... 17
  - G. Meeting Established Goals and Evidence of Good Faith Efforts (§26.53)..... 19
  - H. Termination of Subcontractor (26.53 (f)(1)(2)) ..... 22
  - I. Use of Set Asides or Quotas (26.43) ..... 22
  - J. Counting DBE Participation (§26.55) ..... 22
- VII. REQUIRED CONTRACT PROVISIONS ..... 23
  - A. Contractor’s Assurance Clause Regarding Non-Discrimination (§26.13) ..... 23
  - B. Prompt Payment Provisions (§26.29)..... 24
  - C. Contractor Reporting Requirements and Agency’s Compliance Monitoring and Enforcement (§26.55) ..... 24
  - D. Administrative Remedies for Non-Compliance by Contractors ..... 26



VIII. CERTIFICATION STANDARDS..... 27

IX. RECORDKEEPING AND MONITORING (§26.11 AND 26.37) ..... 27

    A. Bidders List (§26.11) ..... 28

    B. Monitoring Payments to DBEs (§26.37) ..... 28

    C. Reporting to DOT (§26.11) ..... 28

    D. On-Site Performance Monitoring..... 29

    E. Written Certification ..... 29

XI. ATTACHMENTS ..... 29

ATTACHMENT 1: ORGANIZATIONAL CHART..... 30

ATTACHMENT 2: CODE OF FEDERAL REGULATIONS: 49 CFR, SUBTITLE A, PART 26..... 31

ATTACHMENT 3: MONTHLY DBE SUBCONTRACTORS PAID REPORT SUMMARY ..... 32

ATTACHMENT 4: DBE FINAL UTILIZATION REPORT FORM ..... 36

ATTACHMENT 5: OVERALL TRIENNIAL GOAL CALCULATION METHODOLOGY ..... 38

## I. POLICY STATEMENT AND PROGRAM OBJECTIVES

### A. Policy Statement (§26.3)

ANTELOPE VALLEY TRANSIT AUTHORITY (AVTA) has continued its Disadvantaged Business Enterprise (DBE) program and DBE Goal Methodology for the three-year Federal Fiscal Year (FFY) goal period of 2022-2024 (October 1, 2021 through September 30, 2024), pursuant to Title 49 Code of Federal Regulations (CFR) Part 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." AVTA receives Federal financial assistance from the U.S. Department of Transportation (U.S. DOT) and as a condition of receiving this assistance AVTA has provided an assurance that it will comply with Title 49 CFR Part 26. The DBE Program applies to all AVTA's U.S. DOT-assisted projects.

It is the policy of AVTA to ensure that DBEs, as defined in Part 26, have equitable opportunities to compete for and participate in the performance of all AVTA's U.S. DOT-assisted contracts and subcontracts.

### B. Objectives (§26.1)

Pursuant to the intent of these Regulations, the AVTA policy objectives are to:

- 1) Ensure non-discrimination in the award and administration of U.S. DOT assisted contracts;
- 2) Create a level playing field on which DBEs can fairly compete for AVTA's U.S. DOT-assisted contracts;
- 3) Ensure the program is tailored in accordance with applicable laws;
- 4) Ensure that only firms that fully meet Title 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs in the AVTA DBE Program;
- 5) Help remove barriers which impede the participation of DBEs in AVTA's U.S. DOT-assisted contracts; and
- 6) Assist in the development of DBE firms that can compete successfully in the market place outside the DBE Program.

The DBE/EEO Officer has been designated as the DBE Liaison Officer (DBELO). In this capacity, the DBE/EEO Officer is responsible for implementing all aspects of the DBE Program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by AVTA in its financial assistance agreements with the U.S. DOT. It is the expectation of the Executive Director/CEO that all AVTA personnel shall adhere to the full spirit and the intent of the DBE Program and carry out all DBE requirements accordingly. AVTA has disseminated this policy statement to AVTA's Board of Directors and all components of our organization. AVTA will also distribute this policy statement to DBE and non-DBE business communities that perform work on AVTA's U.S. DOT-assisted contracts through AVTA's contracts and procurement solicitation process.

### C. Non-Discrimination (§26.7)

AVTA will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by Title 49 CFR, Part 26 on the basis of race, color, sex or national origin.

In administering its DBE program, AVTA will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or



substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Through such efforts, AVTA will ensure contracting and procurement related processes that promote equity in access, consideration and opportunity for DBE's in response to requirements set forth under Title 49 CFR, Part 26: Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

\_\_\_\_\_  
Macy Neshati  
Executive Director/CEO

\_\_\_\_\_  
Date

## II. APPLICABILITY (§26.3)

AVTA is a recipient of federal funds from the U.S. Department of Transportation (U.S. DOT), and Federal Transportation Administration (FTA), and as a condition of funding assistance, and in accordance with federal regulations published at 49 CFR Part 26 (refer to a link shown on Attachment 2 –Code of Federal Regulations: 49 CFR, Subtitle A, Part 26), AVTA is required to submit for approval a Disadvantaged Business Enterprise Program, to which it agrees to adhere. This Program sets forth the policies and procedures to be implemented by AVTA to ensure that DBEs have equitable opportunity to participate in AVTA DOT-assisted contracting opportunities.

In direct response to legislative requirements, AVTA hereby establishes a DBE Program that will:

- 1) Comply with federal regulations and financial assistance agreements;
- 2) Meet legal standards for unique and narrow program tailoring;
- 3) Ensure non-discrimination in the awarding of DOT-assisted contracts; and
- 4) Reaffirm commitment to fairness and the principles of equal opportunity.

In the event of any conflicts or inconsistencies between the Federal Regulations and AVTA's DBE Program with respect to DOT-assisted contracts, the Federal Regulations shall prevail.

### A. DBE Program Updates (§26.21)

AVTA will continue to carry out this program until all funds from U.S. DOT financial assistance have been expended. AVTA will provide to DOT updates representing significant changes in the program. AVTA will also submit an overall triennial goal and corresponding goal setting methodology to each DOT Operating Administration, in accordance with regulatory requirements.

### B. Design Build Contracts (§26.53)

AVTA recognizes that certain modifications are necessary to adapt its DBE Program for use in connection with Design-Build contracts and will, therefore, follow and implement all changes, updates and prescribed requirements set forth in the Federal Register, 49 CFR, Part 26 and specifically 49 CFR Part 26.53.

## III. DEFINITION OF TERMS (§26.5)

Any terms used in this Program that are defined in 49 CFR, Part 26 or elsewhere in the Regulations shall have the meaning set forth in the Regulations. Some of the most common terms are defined below, for additional and more in depth detail, refer to Title 49 CFR, Part 26.5.

**Bidders List:** A list of all contractors, DBE and Non-DBE, which have expressed an interest in bidding on prime contracts and subcontracts on the AVTA's DOT assisted projects.

**Commercially Useful Function:** Work performed by a DBE firm in a particular transaction that, in light of industry practices and other relevant considerations, has a necessary and useful role in the transaction, i.e., the firm's role is not a superfluous step added in an attempt to obtain credit toward goals. If, in AVTA's judgment, the firm (even though an eligible DBE) does not perform a commercially useful function in the transaction, no credit toward the goal may be awarded.

**Compliance:** A contractor has correctly implemented the requirements of the DBE Program.

**Contract:** A legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to construction and professional services) and the buyer to pay for them.

**Contractor:** One who participates, through a contract or subcontract (at any tier), in a DOT-assisted program.

**DBE Directory:** List of certified firms, which is used by AVTA and its contractors to identify DBE potential prime contractors and subcontractors and suppliers.

**DBELO:** Disadvantaged Business Enterprise Liaison Officer. The DBELO shall be responsible for implementing all aspects of AVTA's DBE program.

**Department or DOT:** The U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

**Disadvantaged Business Enterprise or DBE:** A for-profit small business concern:

- that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;
- whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and,
- has been certified as Disadvantaged in accordance with Title 49, CFR 26.

**DBE Certification:** A certification issued to a firm by a certifying member agency of the California Unified Certification Program (CUCP), which has been determined to meet all the requirements in accordance with Title 49 CFR, Part 26. All certification determinations are evidenced by a letter of DBE certification issued by the certifying CUCP member.

**DOT-Assisted Contract:** A contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land or improved real property.

**Goal:** A numerically expressed objective, which AVTA or its contractors are required to make Good Faith Efforts to achieve.

**Good Faith Efforts:** Efforts to achieve a DBE goal or other requirement of this part, which, by their scope, intensity, and other appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

**Joint Venture:** An association between a DBE firm and one or more other firms to carry out a single, for profit business enterprise, for which the parties combine property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks and profits of the joint venture are commensurate with its ownership interest.

**Manufacturer:** A firm that operates or maintains a factory or establishment that produces, on the premises, the material, supplies, articles, or equipment required under the contract and of the general character described by specifications.

**North American Industry Classification System (NAICS):** The five to six-digit classification number which best describes the primary business of a firm. The basis for industry classification changed from the 1987 Standard Industrial Classification System (SIC) to the 2002 NAICS.

**Noncompliance:** A contractor has not correctly implemented the requirements of the DBE program.

**Personal Net Worth:** The net values of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or participative DBE firm or the individual's equity in their primary place of residence. An individual's personal net worth includes only their own share of assets held jointly as a community property with the individual's spouse.

**Program:** Any undertaking on AVTA's part to use DOT financial assistance authorized by laws to which the DBE Program applies.

**Race-Conscious Measure or Program:** A program or portion thereof that focuses specifically on assisting only DBEs, including women-owned DBEs, by the development and inclusion of participation goals or best effort activities.

**Race-Neutral Measure or Program:** A program or portion thereof that assists all small businesses regardless of ownership through community outreach and awareness programs to participate successfully in AVTA's procurement program. For the purposes of the DBE Program, "race neutral" includes gender neutrality.

**Regular Dealer:** A firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. Any supplementing of regular dealers own distribution equipment shall be by a long-term lease agreement and not on an ad-hoc or contract-by-contract basis.

**Set-Aside:** A contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms or on some other basis not related to qualifications or pricing.

**Small Business Administration or SBA:** The federal United States Small Business Administration.

**Small Business Concern:** With respect to firms seeking to participate as DBEs in DOT- assisted contracts, a business that meets the definition contained in Section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR, Part 121) that also does not exceed the cap on average annual gross receipts specified in Part 26.65 (b).

**Socially and Economically Disadvantaged Individual:** Any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is:

- 1) Found by AVTA to be socially and economically disadvantaged on a case by case basis by a certifying agency pursuant to the standards of the U.S. DOT Title 49 CFR, Part 26.
- 2) A member of any one or more of the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
  - i. "Black Americans" which includes persons having origins in any of the Black racial groups of Africa;
  - ii. "Hispanic Americans" which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;



- iii. “Native Americans” which includes persons who are American Indians, Eskimos, Aleuts or Native Hawaiians;
- iv. “Asian Pacific Americans” which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia or Hong Kong;
- v. “Subcontinent Asians Americans” which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
- vi. Women; and
- vii. Any additional group whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

**Subrecipients:** Any entity that receives DOT financial assistance through a primary recipient.

**Transit Vehicle:** A vehicle used by AVTA, e.g. bus or van, for the primary program purpose of public mass transportation; this definition does not include locomotives or ferry boats.

**Transit Vehicle Manufacturer or TVM:** A manufacturer of vehicles used by AVTA for the primary program purpose of public mass transportations (e.g. railcars, buses, and vans). The term does not apply to firms, which rehabilitate old vehicles, or to manufacturers or dealers in transit vehicles with respect to the requirements of Part 26.49 of the Regulation.

**Unified Certification Program (UCP):** One-stop certification clearinghouse, enabling applicants to apply once for DBE certification, which will be honored by all DOT recipients in the state.

#### IV. RESPONSIBILITIES FOR DBE PROGRAM IMPLEMENTATION

##### A. DBE Liaison Officer (§26.25)

AVTA has designated the following individual as the Disadvantaged Business Enterprise Liaison Officer (DBELO):

Kelly Miller DBE/EEO Compliance Officer, DBE Liaison Officer  
 ANTELOPE VALLEY TRANSIT AUTHORITY  
 42210 6<sup>th</sup> Street West  
 Lancaster, CA 93534  
 Phone (661) 729-2203 Fax (661) 726-2615  
 Email: [kmiller@avta.com](mailto:kmiller@avta.com)

In this capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring that AVTA complies with all provisions of Title 49 CFR, Part 26. The DBELO will have direct, independent access to AVTA’s Executive Director/CEO concerning program matters (refer to Attachment 1 - Organization Chart). The DBELO has sufficient support personnel who devote a portion of their time to administer the Program. The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials.

The DBELOs and/or designee’s duties include, but are not limited to the following activities:

- 1) Gathers and reports statistical data and other information as required.

- 2) Reviews third party contracts and purchase requisitions for compliance with this program.
- 3) Works with all departments to set triennial goals.
- 4) Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
- 5) Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract-specific goals) and monitors results.
- 6) Analyzes AVTA's progress toward goal attainment and identifies ways to improve progress.
- 7) Participates in pre-bid or pre-proposal meetings.
- 8) Advises the Executive Director/CEO and governing body on DBE matters and achievements.
- 9) Determines contractor compliance with Good Faith Efforts provisions and conducts contract DBE goal responsiveness reviews.
- 10) Provides DBEs with information and assistance in preparing bids or proposals, obtaining bonding and insurance.
- 11) Plans and participates in DBE training seminars.
- 12) Provides outreach to DBEs and community organizations to advise them of AVTA's DOT-assisted contracting opportunities.

**B. Reconsideration Official (§26.53 (d) (2))**

In instances where contract DBE goals are established and the Bidder/Proposer fails to satisfy the requirements for meeting the contract goal, or documenting sufficient Good Faith Efforts to do so, in accordance with section VI. G. (2), AVTA will provide the Bidder/Proposer prior to award of the contract, an opportunity for administrative reconsideration of AVTA's determination of non-responsiveness. The administrative reconsideration process will be facilitated by AVTA's Reconsideration Official (RO), Judy Fry, Chief Financial Officer (CFO).

To ensure integrity in the process, the RO will not have played any role in the original determination that the Bidder/Proposer did not meet the established DBE goal, or document sufficient Good Faith Efforts of the subject procurement to be deemed non-responsive.

Within five (5) days of being informed by AVTA that the Bidder/Proposer is deemed non-responsive due to its failure to document and provide sufficient and adequate Good Faith Efforts of subject procurement, a Bidder/Proposer may request administrative reconsideration. Bidder/ Proposers should make this request in writing to the following RO:

Judy Fry, Chief Financial Officer  
ANTELOPE VALLEY TRANSIT AUTHORITY  
42210 6<sup>th</sup> Street West  
Lancaster, CA 93534  
E-mail: [JFry@avta.com](mailto:JFry@avta.com)

As part of this reconsideration process, the Bidder/Proposer will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate Good Faith Efforts to do so. The Bidder/Proposer will have the opportunity to meet in person with the RO to discuss the issue of whether it met the goal or made adequate Good Faith Efforts to do so. AVTA will send the Bidder/ Proposer a written decision on reconsideration, explaining the basis for finding that the Bidder/Proposer did or did not meet the goal or made

adequate Good Faith Efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Oversight of this process shall be performed by AVTA's Director of Administrative Services, who has been designated as the Reconsideration Official, and shall:

- Ensure that all DBE administrative reconsideration procedural actions are consistent with Title 49 CFR, Parts 26.53 and 26.87 requirements and standards, and that program integrity is maintained at all times.
- Review Bidder/Proposer written documentation or argument concerning the issue of whether it met the goal or made adequate Good Faith Efforts to do so.
- Upon review by AVTA's RO, send the Bidder/Proposer a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so.
- Maintain verbatim records of hearings conducted.
- Provide determinations in writing to AVTA's DBELO and Executive Director/CEO.

## V. ADMINISTRATIVE REQUIREMENTS

### A. Federal Financial Assistance Agreement Assurance (§26.13 (a))

AVTA shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR, Part 26. AVTA shall take all necessary and reasonable steps under 49 CFR, Part 26 to ensure non-discrimination in the award and administration of DOT-assisted contracts. AVTA's DBE Program, as required by 49 CFR, Part 26 and as approved by FTA, is incorporated by reference in this agreement. Implementation of this Program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to AVTA of its failure to carry out its approved Program, the Department may impose sanctions as provided under 49 CFR, Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

### B. DBE Financial Institutions (§26.27)

It is the policy of AVTA to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to utilize these institutions and to encourage prime contractors on AVTA DOT-assisted contracts to make use of these institutions.

Information on the availability of such institutions can be obtained from AVTA's DBELO.

### C. DBE Directory (§26.31)

AVTA will refer interested persons to the DBE Directory available from the Caltrans Disadvantaged Business Enterprise Program California Unified Certification Program (CUCP) website at [www.dot.ca.gov/hq/bep/](http://www.dot.ca.gov/hq/bep/) to assist in identifying certified DBEs.

### D. Over Concentration (§ 26.33)

AVTA has developed policies and procedures to address over concentration of DBE utilization in certain types of work. This is to be accomplished through regular tracking of contract awards and compliance monitoring. AVTA will identify and directly respond to identified over concentration

within specific trades or specialty areas, by modifying contract goals until such time as DBE availability exceeds utilization. Currently, AVTA has not identified any types of work that have a burdensome over concentration of DBE participation.

#### **E. Business Development Programs (§26.35; Appendix C & Appendix D)**

AVTA acknowledges the role of Business Development and Mentor-Protégé Programs in its DBE Program designed to facilitate meeting the objectives of the U.S. DOT DBE Program. AVTA may consider enacting such programs in the future to assist DBEs in enhancing their firms' skills and abilities within their respective industries and to successfully compete for service provider contracts.

### **VI. DETERMINING, MEETING AND COUNTING OVERALL DBE GOAL (§26.45; §26.51)**

#### **A. Methodology (§26.45)**

The DBELO shall establish an overall goal on a triennial basis for the participation of DBEs in all budgeted contracts utilizing U.S. DOT federal financial assistance. Overall goals shall be expressed as a percentage of the total amount of U.S. DOT funds AVTA anticipates expending in the triennial period. AVTA's triennial goals represent the amount of ready, willing and able DBEs that are available to participate in contracting opportunities and are reflective of the number of DBEs that are available to participate in contracting opportunities and are reflective of the amount of DBE participation. The market area shall include: Los Angeles and San Bernardino counties. Previously Kern was included in the market area, but they have since been eliminated from being included due to lack of participation in those regions. AVTA's goal reflects the agency's determination to meet the level of DBE participation one would expect, absent any effects of discrimination. AVTA intends to meet those goals to the maximum extent feasible through the race-neutral measures described herein. Where race-neutral measures are inadequate to meet the overall goals, AVTA will establish specific contract goals with prior approval from US DOT for particular projects with subcontracting opportunities.

In conjunction with the preparation and adoption of the budget for each fiscal year, the DBELO, in consultation with the appropriate departments responsible for contracting activities, will conduct a thorough analysis of the projected number, types of work and dollar amounts of contracting opportunities that will be funded, in whole or in part, by U.S. DOT federal financial assistance for that year.

AVTA's triennial DBE goals will be submitted to each DOT Operating Administration. AVTA anticipates receiving federal financial assistance in excess of the established threshold requirements as follows:

- U.S. DOT FTA – The DBELO will submit its overall goal to FTA by August 1 based on the approved three (3) year schedule.

#### **Step 1: Base Figure**

Once AVTA defines its DOT-assisted contracting programs for the triennial period, AVTA will establish a Base Figure of ready, willing, and able DBEs to participate on AVTA's DOT-assisted contracts, following one of the federally prescribed goal setting methodologies, in accordance with Title 49 CFR, Part 26.45.

AVTA may survey the relative availability of DBEs by:

- Utilizing the most current data available from DBE directories, the California UCP Database and the U.S. Census Bureau's County Business Pattern database to determine the number of ready, willing and able DBEs in the designated market area and the number of ready willing and able businesses that perform work in the same NAICS work codes.
- Dividing the number of ready, willing and able DBEs by the number of all ready, willing and able businesses to derive a base figure for the relative availability of DBEs in AVTA designated market area.
- Weighting the resultant figure based on the amount of federal funds AVTA is projected to award and/ or expend on various industries.
- Utilizing a Bidders List.
- Utilizing data from a disparity study, if available.
- Utilizing another U.S. DOT-recipient's DBE Goal in the same, or substantially similar market.
- Utilizing methodologies that are based on demonstrable evidence of local market conditions and that are designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in AVTA's market area.

### **Step 2: Adjusting the Base Figure**

As a mandatory second step, AVTA will examine all of the evidence available in AVTA's jurisdiction to determine what adjustment, if any, is needed to the base figure in order to arrive at AVTA's overall goal, which may include, but not limited to:

- demonstrated evidence of DBE capacity to perform work in AVTA's DOT-assisted contracting program;
- real market conditions;
- disparity studies conducted within the jurisdiction; and
- other relevant factors, including:
  1. The number, types and dollar value of contracting opportunities projected to be financed with federal funds and to be awarded during the fiscal year.
  2. The number of ready, willing and able DBEs available to compete for such contracts.
  3. Other recipients' goal results in similar contracting opportunities and markets, and the reasons for the level of those results.
  4. The methods used by AVTA to increase DBE participation in federally assisted contracts.
  5. The demographics and business activity of the market area in which AVTA will solicit bids or proposals.
  6. The data from statistical disparities in the ability of DBE's to obtain financing, bonding and insurance requirements to participate in AVTA's DBE program.
  7. The data on employment and self-employment, education and training programs, to the extent AVTA can relate it to the opportunities for DBEs to perform in AVTA's DBE program.

AVTA's breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program.

### **Step 3. Public Participation & Outreach Efforts (\$26.45; \$26.51)**

#### **1) Publication of Proposed Overall Triennial Goals**

Prior to submission to U.S. Department of Transportation Operating Administration(s), AVTA will publish the proposed triennial goal on AVTA's website. Said publication shall include:

- A statement that the methodology and proposed triennial goal for DBE participation in AVTA's DOT-assisted contracts are available for public inspection for a period of 30 days from the date of publication.
- Notification that AVTA will accept public comments on the proposed goal and rationale for a period of 45 days from the date of publication and provide instructions for the submission of comments.
- The address of AVTA to which comments may be sent.

Upon receipt, AVTA's DBELO will analyze the public comments, summarize the results and formulate modifications to the proposed overall DBE goal or methodology as deemed necessary and forward suggested changes to the Executive Director/CEO.

#### **2) Outreach and DBE Program Consultation**

In addition to the provision of public notice regarding the triennial DBE goal, AVTA will undertake specific efforts to foster public participation, to consult with, and solicit input from a variety of constituent groups representing minorities, women, general contractors, community groups, officials and other organizations reasonably expected to possess information regarding the availability of disadvantaged and non-disadvantaged businesses, the impacts and effects of discrimination on opportunities for DBE, and AVTA's efforts to promote fair competition for DBEs.

#### **3) Small Business Element**

AVTA has established a Small Business Element as a supplement to the existing DBE Program, to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors in direct response to regulatory requirements, 49 CFR Part 26.39 "Fostering Small Business Participation" (Federal Register/ Vol. 76, No. 19/ Friday, January 28, 2011/ Rules and Regulations).

The AVTA has incorporated the following race neutral nondiscriminatory element into its DBE Program, in order to facilitate competition on DOT-assisted public works projects for small business concerns (both DBEs and non-DBE small businesses). The AVTA's Small Business Enterprise Elements are an integral part of our DBE Program for federally-assisted contracts.

To meet the requirements of §26.39, the following elements are designed to increase the participation of small business concerns in the AVTA contracting activities:

##### **i. Acquisition of Supplies or Services**

On an annual basis at least 10% of acquisition of supplies or services that has an anticipated dollar value exceeding \$10,000 but not over \$75,000 shall automatically be reserved exclusively for small business concerns and shall be set aside for small

business unless the Procurement and Contracts Officer and/or Project Manager determines there is not a reasonable expectation of obtaining offers from two or more responsible small business concerns that are competitive in terms of market prices, quality, and delivery.

- Unrestricted Acquisition Documentation Requirement

If the Procurement and Contracts Officer and/or Project Manager do not proceed with the small business set-aside and purchases on an unrestricted basis, the Procurement and Contracts Officer and/or Project Manager shall include in the contract file the reason for this unrestricted purchase.

- Response to Set-aside Solicitation

If the Procurement and Contracts Officer and/or Project Manager receives only one acceptable offer from a responsible small business concern in response to a set-aside, the Procurement and Contracts Officer and/or Project Manager should make an award to that firm using Sole Source/Respondent Justification Procurement.

If the Procurement and Contracts Officer and/or Project Manager receives no acceptable offers from responsible small business concerns, the set-aside shall be withdrawn and if the requirements are still valid, shall be re-solicited on an unrestricted basis.

- ii. Small Business Concern Eligibility Requirements

In accordance with 49 CFR, Part 26.5, the AVTA will utilize the definition as defined for a small business concern pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b).

- iii. Provide Small Business Development Training for SBEs

To further foster the growth and development of SBEs that AVTA will provide following race-neutral activities:

- Conduct Outreach to SBEs: AVTA will publicize its current and new SBE Elements through the use of its website; press contacts; social media; networking events and small business groups;
- Quarterly: “How to Do Business with AVTA” Workshops, designed to help SBE firms understand how to do business with AVTA. The orientation covers the requirements a business must meet in order to do business with the AVTA; the certifications that are required for certain programs or types of projects; the types of contracts the AVTA typically performs; where to find solicitations; and how to obtain other information about AVTA;
- Attendance at Vendor Fairs/Business Networking Events: AVTA representatives attend vendor fairs of other agencies to provide information on how to do business with AVTA and information on upcoming contracting opportunities;
- Host Annual AVTA Vendor Outreach Event: On an annual basis, the AVTA host a Vendor Fair, provides an orientation on how to do business with the AVTA and shares upcoming contracting opportunities.

- Memberships in Contracting Organizations: The AVTA is a member of various contracting organizations and attends membership meetings and membership events to provide information on how to register as an AVTA vendor; and
- Provide training for AVTA personnel and contractors on the SBE Elements.

iv. Small Business Verification

In order to be considered for participation in the AVTA's Small Business Set-Aside Element, a small business must be certified by another entity such as the State of California's Office of Small Business & DVBE Services [OSDS]. The AVTA is a "Local Government Reciprocity Partner with the OSDS. AVTA also participates as a "Non-certifying Unified Certification Program (UCP) Member Agency." For listing of certifying member agencies, see page 35 of the AVTA's DBE Program. Proof of eligibility must be provided to the AVTA along with "Statement of Penalty of Perjury Declaration."

v. Small Business Tracking Requirements

The AVTA will collect data on the firms participating in the Small Business Set-Aside Element to facilitate evaluation of whether the new element is helping achieve the objectives of the circular.

vi. Sub-Recipient Requirements

The AVTA's Small Business Set-Aside Element shall be applicable to sub-recipients unless the sub-recipient has its own DBE program.

**B. Transit Vehicle Manufacturers (TVM) Certifications (26.49)**

AVTA shall require Transit Vehicle Manufacturers to certify that they have fully complied with this section and have established an Overall Triennial Goal by identifying general dollar volume of work; by designated category, (i.e. construction, professional services, maintenance and supplies and equipment).

**C. Race-Neutral Measures**

AVTA will consider the following factors to project levels of DBE participation to be met through race-conscious measures in order to determine its Triennial Goal by identifying general dollar volume of work; by designated category, (i.e. construction, professional services, maintenance and supplies and equipment).

AVTA intends to use race and gender neutral methods to the maximum extent feasible to achieve its triennial DBE goal. DBE participation that is obtained on contracts that have no specific DBE goal, or where prime contractors use a strictly competitive bidding process or do not consider the DBE's status as a DBE in awarding a subcontract shall be considered race-neutral and gender-neutral DBE participation. In addition, AVTA will use the following measures as appropriate:

- 1) Configuring large contracts into smaller contracts when feasible, which would make contracts more accessible to small business, and would not impose significant additional cost, delay or risk to AVTA;
- 2) Identifying components of the work, which represents subcontracting opportunities and identifying the availability of DBE subcontractors to participate in proportion to total available subcontractors. Contractors will be encouraged to consider subcontractors for

components of the work for which there is a known supply of ready, willing, and able subcontractors, including DBE subcontractors, in preparing their bids;

- 3) Assisting in overcoming limitations in bonding and financing;
- 4) Providing technical assistance in orienting small businesses to public contracting procedures, use of the Internet, and facilitating introductions to AVTA and other U.S. DOT recipients' contracting activities;
- 5) Providing outreach and communications programs on contract procedures and contract opportunities to ensure the inclusion of DBEs;
- 6) Ensuring the distribution of the DBE Directory to the widest feasible universe of potential prime contractors; and
- 7) Providing business development assistance.

#### **D. Race-Conscious Measures**

AVTA will consider the following factors to project levels of DBE participation to be met through race-conscious measures in order to determine its Triennial Goal by identifying general dollar volume of work; by designated category, (i.e. construction, professional services, maintenance and supplies and equipment).

In accordance with Title 49 CFR, Part 26, AVTA will project how much of the overall goal can be achieved through race and gender-neutral measures, and, will use race-conscious measures such as contract-specific goals, only to meet that portion of the overall goal which is not likely to be met utilizing race-neutral and race-conscious methods as required in accordance with 49 CFR, Part 26.51 (f).

#### **E. Methodology for Setting Contract- Specific Goals (§26.51)**

The DBELO shall establish contract-specific DBE participation goals to meet any portion of the overall goal that AVTA does not project being able to meet using race-neutral means with prior approval from US DOT.

AVTA will establish contract-specific goals only on those DOT-assisted contracts for which subcontracting opportunities have been identified. AVTA will not establish a contract goal on every DOT-assisted contract, and the number of contract goals will be adapted to the individual circumstances of each contract (e.g. type and location of work, subcontracting opportunities, and availability of DBEs to perform).

The DBELO will receive an advance notification form for all project/contract needs with cost estimates and detailed scope of work from the department managing the project.

#### **F. Procedures to Evaluate Award of Contract**

Where applicable, AVTA shall award contracts to the apparent successful Bidder/Proposer as required by the California Public Contract Code. However, for such contracts, as well as for contracts awarded pursuant to a competitive negotiation (RFP or RFQ) procedure, a Bidder/Proposer that fails to demonstrate that it made adequate Good Faith Efforts to do so, in accordance with Section VI.G.2, shall be deemed "non-responsive" and shall be ineligible for award of the contract.

**1) Evaluation of Bids or Proposals**

After the bid opening, or submission deadline for proposals, the DBELO shall review all information for completeness, accuracy and evaluate all bids/proposals to determine whether the Bidders/Proposers submitted all of the information required by 49 CFR, Part 26.53 (b). The apparent successful Bidder/Proposer with the lowest apparent bid price, or the most highly ranked Bidder/ Proposer, who also meets the contract-specific DBE goal or demonstrates adequate good faith efforts, shall be recommended for contract award. In the event the Bidder/Proposer with the lowest monetary bid price fails to meet the contract-specific goal or fails to demonstrate adequate good faith efforts, or is otherwise unresponsive or not responsible, the DBELO shall then evaluate the Bidder/Proposer with the next lowest bid price.

Should the DBELO determine that additional information is needed to evaluate a Bidder's/Proposer's submission with regard to the DBE requirements, the DBELO shall request the Bidder/Proposer to submit the required information, or may contact the listed DBE(s) directly.

**2) Evaluation of DBE Certification Status**

The DBELO shall require that the DBEs listed by bidder/proposers for participation in contracts with goals, be certified as eligible DBEs at time of bid/proposal submission, in order for their participation to be counted towards meeting the established contract-specific DBE goal.

While AVTA is not a certifying agency, it will accept certification from the California Unified Certification Program, which certifies eligibility of DBEs in accordance with 49 CFR, Part 26, Sub-part E: Certification Procedures. (See Section VIII: DBE Certification Standards, for a list of certifying agencies within the State of California).

**3) Recommendation for Award**

Following the determination of the Bidders/Proposer's responsiveness and responsibility to DBE requirements set forth in the solicitation, the DBELO shall prepare a report relative to contract-specific DBE requirements, to be submitted for presentation to the Board of Directors at the time the contract award is considered. The decision of the Board of Directors on the award of contract shall be final and binding on all parties, subject to compliance with AVTA's bid protest procedures.

**4) Bidder's/Proposer's Right to Administrative Reconsideration**

In the event that the DBELO determines that an apparently successful Bidder/Proposer has not met the contract-specific goal and has not demonstrated adequate good faith efforts, the DBELO will notify the Bidder/Proposer in writing. The notification shall include the reasons for the determination and the Bidder / Proposer has the right to submit written documentation and/or appear before the RO for reconsideration prior to the time that a recommendation for award of contract is presented to the Board of Directors. The RO shall provide the Bidder/Proposer with a written decision on reconsideration, explaining the basis for its determination.

In the event that the RO finds that the Bidder/Proposer has not met the contract-specific goal or demonstrated adequate and substantive good faith efforts, the DBELO will deem said bidder non-responsive and evaluate the Bidder/Proposer submitting the next most qualified bid/proposal.

The result of the reconsideration process is not administratively appealable to the Department of Transportation. (Refer to IV.B: Reconsideration Official)

## **G. Meeting Established Goals and Evidence of Good Faith Efforts (§26.53)**

The DBELO shall review the Good Faith Effort documentation submitted by the Bidder/Proposer to determine responsiveness. The DBELO shall determine whether the Bidder/Proposer has performed the quality, quantity, and intensity of efforts that demonstrates a reasonably active and aggressive attempt to meet the contract-specific goals as outlined herein.

The following sections outline the requirements of firms competing for Agency contracts to comply with documenting adequate Good Faith Efforts to do so. Failure for a Bidder/Proposer to demonstrate that sufficient Good Faith Efforts were made, will be deemed as non-responsive.

### **1) Meeting Established Goals**

For each solicitation that a DBE goal has been established, AVTA will require bidder/proposers to submit the following information to AVTA at the time of proposal or bid submission:

- The names and addresses of DBE firms that will participate in the contract;
- A description of the work that each DBE will perform;
- The dollar amount of the participation of each DBE firm participating;
- Written and signed documentation of the Bidder's/Proposer's commitment to use DBE subcontractors whose participation meets a contract goal, utilizing AVTA's Proposed DBE Responsive Requirement-List of Proposed DBE Subcontractors, Joint Venture/Partner, and Suppliers Form (Appendix C)
- Written and signed confirmation from the DBE firm that it is participating in the contract as provided in the prime contractor's commitment.

### **2) Demonstration of Good Faith Efforts (§26.53)**

AVTA will require (Bidder/Proposer) to comply with Good Faith Effort requirements as a matter of responsiveness. The obligation of the Bidder/Proposer is to make Good Faith Efforts towards meeting the established contract specific DBE goals. The Bidder/Proposer can demonstrate that it has done so either by meeting the contract goal or documenting corresponding Good Faith Efforts undertaken prior to submitting its bid/proposal.

If the Bidder/Proposer's Good Faith Efforts to meet the established goal result in partial or no DBE participation, all Bidders/Proposers must document and submit adequate Good Faith Efforts documentation with the bid/proposal or within 48 hours of AVTA's request, unless otherwise specified in the solicitation document. In this instance, the Bidder/Proposer must demonstrate that it took all necessary and reasonable steps to achieve the established DBE goal, which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if the Bidder/Proposer was not fully successful. Mere pro forma efforts are not Good Faith Efforts to meet the DBE requirements.

The DBELO will be responsible for determining whether a Bidder/Proposer who has not met the established contract DBE goal has documented sufficient Good Faith Efforts to be regarded as responsive.

The standards delineated below represent the level of effort necessary to demonstrate Bidder/Proposer's compliance with the Good Faith Effort requirements. It is not intended

to be an all-inclusive or exhaustive list of all Good Faith Efforts that can be taken to meet the objectives of this part. Each factor will be evaluated on a “pass or fail” basis (for example, literal compliance in meeting factor 1 will result in 5 attainable points or zero (0) points for non-literal compliance). For Bidder/Proposer to attain the maximum allocated points within each standard, Bidder/Proposer must literally comply with documenting the full level of effort prescribed. **Bidder/Proposer’s must achieve a minimum of seventy-five (75) points out of a total of one hundred points (100) for the bid/proposal to be considered responsive.**

**I. ATTENDANCE AT PRE-BID OR PRE-PROPOSAL CONFERENCE/ JOB WALK THROUGH 15 POINTS**

**Effort:** Attendance at pre-bid or pre-proposal conference and job walk through, if held by Agency, to solicit the interest of certified DBEs who have the capability to perform the work of the contract.

**Evidence:** Name, title and date of person(s) attending, to be verified by conference attendance sign-in sheet.

**II. IDENTIFICATION OF SCOPE OF WORK FOR SUBCONTRACTING 5 POINTS**

**Effort:** Selecting portions of the work that can be subcontracted to DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the Prime contractor might otherwise prefer to perform these work items with its own forces.

**Evidence:** Identifying scope of work the Bidder/Proposer intends to perform with its own workforce and for subcontracting to DBE sufficient to meet the established DBE goal.

**III. ADVERTISEMENT OF SUBCONTRACTING OPPORTUNITIES 15 POINTS**

**Effort:** Advertisement in one general circulation publication and one or more trade and /or disadvantaged/minority and women’s business focus media outlets. Advertisements must identify specific subcontracting opportunities being solicited, project name and location, Bidder/Proposer’s contact information, including name, address, phone, fax, e-mail and bid solicitation submittal due date. Advertisements should appear a minimum of 10-14 days prior to Bid due date.

**Evidence:** As verification of publication, Bidder/Proposer must provide a listing of all advertisements placed including copies of advertisement tear sheets and/or proof of publication.

**IV. WRITTEN REQUESTS FOR PROPOSALS 10 POINTS**

**Effort:** Provision of written notice to a number of DBEs soliciting interest in the identified subcontracting areas. There should be sufficient numbers of written invitations to DBE firms for each subcontracting opportunity identified. Notices should be issued at least 10 days prior to submittal due date



**Evidence:** Copy of the solicitation letters, a list of recipients grouped by each identified subcontracting area, including name, address, and phone number, and date contacted for all DBE firms for each subcontracting area identified, and identification of mode of communication (letter or fax), including corresponding copies of letters and/or fax confirmations.

**V. SOLICITATION FOLLOW-UP**

**15 POINTS**

**Effort:** Subsequent efforts to solicit DBEs within all available subcontracting areas.

**Evidence:** Bidders/Proposers must determine with certainty if the DBEs are interested by taking appropriate steps to follow up on initial solicitations. Documentation should include:

- (a) Names, addresses and telephone numbers of DBEs contacted by each subcontracting area identified/solicited;
- (b) Description of information timely provided to DBEs regarding plans and specifications for portions of the scope of work to assist DBEs in responding to the solicitation; and
- (c) Statement of justification re: unsuccessful solicitation of DBEs.

**VI. NEGOTIATION IN GOOD FAITH**

**30 POINTS**

**Effort:** Negotiating in good faith with interested DBEs, to facilitate DBE participation. Utilization of a sound basis of selection and/or rejection of DBEs bids/proposals.

**Evidence:** Evidence of such negotiation includes the names, addresses, and phone numbers of all subcontractors (DBEs and non-DBEs) who submitted bids; copies of bids for each portion of work solicited; and stated reasons for choice of subcontractor. Barring lack of qualifications to perform work, only significant price differences of 10% (an applicable regulatory guideline) between the selected firm and rejected DBE firms' proposed costs would be considered as valid cause for rejecting bids.

**VII. PROVISION OF ASSISTANCE TO DBES TO OBTAIN BONDING LINES OF CREDIT AND/OR INSURANCE**

**5 POINTS**

**Effort:** Provision of assistance to interested DBEs in obtaining bonding, lines of credit, and/or insurance required by the Contractor.

**Evidence:** Brief description of the type of assistance provided by the Bidder/Proposer to interested DBEs in obtaining bonding, lines of credit and/or insurance.

**VIII. UTILIZATION OF COMMUNITY OUTREACH SERVICES**

**5 POINTS**

**Effort:** Utilization of outreach services available within the DBE community, including Contractor groups, local, state and federal DBE offices and other organizations that provide assistance in the recruitment and placement of DBEs.

**Evidence:** Copies of emails, faxes, letters, telephone logs, etc., used to contact organizations, which include the names of organizations/groups, dates, names of contacts, email addresses and telephone numbers; and copies of correspondence received from these entities acknowledging contact. The Bidder/Proposer must document outreach to a minimum of five (5) organizations/groups.

As a matter of responsiveness, **only** those with Good Faith Efforts made prior to bid or proposal submission will be considered in the Good Faith Efforts evaluation. Failure to submit the required Good Faith Effort documentation by the time specified will be grounds for finding the bid/proposal non-responsive.

#### **H. Termination of Subcontractor (26.53 (f)(1)(2))**

AVTA will require that the prime contractor may not:

- 1) Terminate for convenience an approved DBE subcontractor (or an approved substituted DBE firm).
- 2) Terminate a subcontractor and perform the work of the terminated subcontract with its own resources or those of an affiliate without AVTA's prior written consent.
- 3) If the DBE subcontractor is terminated, or fails to complete the work specified in the contract for any reason, the prime contractor must make Good Faith Efforts to find another DBE subcontractor to substitute for the original DBE. These Good Faith Efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal established for the procurement.

#### **I. Use of Set Asides or Quotas (26.43)**

AVTA **shall not permit** the use of quotas for DBEs on DOT-assisted contracts, in accordance with 49 CFR, Part 26.43. Further, AVTA shall not set aside contracts for DBEs, except in limited and extreme circumstances, where no other method could reasonably be expected to redress egregious instances of discrimination.

#### **J. Counting DBE Participation (§26.55)**

AVTA will count DBE participation toward overall and contract specific goals as provided in the solicitation and contract specifications for the prime contractor, subcontractor, and joint venture partner with prime or subcontractor, vendor of material or supplies.

This section will address how DBE participation is counted toward AVTA's DBE goals, once a DBE is determined to be certified and eligible to participate in AVTA's Program. The following guidelines apply in calculating DBE participation toward meeting established goals in accordance with Title 49CFR, Part 26.55:

- 1) Only work proposed to be performed by a DBE's own work forces (including cost of supplies, materials and equipment leases) obtained by the DBE for the work of the contract, except supplies and equipment the subcontractor purchases and/or leases from the prime contractor or its affiliate.
- 2) When a DBE subcontracts part of its work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the DBE subcontractor is itself a certified DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals. A DBE should perform at least thirty percent (30%) of the total cost of its contract with its own workforce.
- 3) In instances of joint venture, a Bidder/Proposer may only count toward its DBE goal, which meets certification, ownership and control standards.

- 4) A Bidder/Proposer may count toward its DBE goal, only expenditures to firms that are proposed to perform a commercially useful function on that contract. A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing and supervising the work involved.
- 5) A Bidder/Proposer may count toward its DBE goal sixty percent (60%) of its expenditures for materials and supplies required under the contract and obtained from a DBE regular dealer, and, one hundred (100%) percent of such expenditures to a DBE manufacturer. For purposes of this section, a manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials and supplies obtained by the contractor. A regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business.
- 6) A Bidder/Proposer may count towards its DBE goal, fees and commissions paid to DBE firms that are not manufacturers or regular dealers, provided that the fees or commissions are determined to be reasonable and not excessive, as compared with fees customarily allowed for similar services.
- 7) Special Provisions for Trucking – A Bidder/Proposer may count towards its goal, all transportation services provided by DBE trucking firms, who can demonstrate control of trucking operations for which it seeks credit and it owns, insures, and operates, using drivers it employs in the performance of the contract. The DBE must itself own and operate at least one fully-licensed, insured truck for use on the contract. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract. The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE.
- 8) In cases where DBE certification has ceased during the performance period of the contract, although the prime contractor will continue to report to AVTA the dollar value of the work performed on the monthly form - Disadvantaged Business Enterprise (DBE) Good Faith Efforts Documentation (GFE) Form. AVTA will not count the participation towards its overall agency goal.
- 9) Do not count the participation of DBE subcontractors toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE subcontractors.

## VII. REQUIRED CONTRACT PROVISIONS

### A. Contractor's Assurance Clause Regarding Non-Discrimination (§26.13)

AVTA will include the following clause in all U.S. DOT assisted contracts and subcontracts:

*"The contractor or subcontractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements*

*of 49 CFR, Part 26 in the award and administration of U.S. DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as AVTA deems appropriate.”*

## **B. Prompt Payment Provisions (§26.29)**

The AVTA has, by a contract clause pursuant to 49 CFR Part 26, 26.29, “Prompt Payment Mechanisms for Recipients,” included a prompt payment provision on all DOT-assisted contracts, to facilitate timely payment to all subcontractors. This provision, governing the payment to subcontractors (DBEs and non-DBEs), requires a prime contractor to issue payment to all subcontractors for satisfactory work performed, no later than ten (10) days from the prime contractor’s receipt of payment from AVTA. A provision shall also apply to the disbursement of retention proceeds withheld by the prime, requiring the prompt return of retainage payments from the prime contractor to the subcontractor within 30 days of subcontractor’s satisfactory completion of the accepted work. These prompt payment provisions are required to be incorporated in all subcontract agreements issued by the prime contractor.

The prime contractor shall also incorporate in all subcontract agreements, “a contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.”

Failure to comply with this provision or delay in payment without prior written approval from AVTA will constitute noncompliance, which will result in appropriate administrative sanctions including, but not limited to, a penalty of 2% of the amount due per month for every month that payment is not made.

Prior to AVTA’s issuance of progress payments, commencing with the second invoice, the prime Contractor shall provide AVTA with evidence that the Prime Contractor has paid all subcontractors all amounts due for work that the subcontractor has performed.

## **C. Contractor Reporting Requirements and Agency’s Compliance Monitoring and Enforcement (§26.55)**

### **1) Notification of Reporting Responsibilities**

Prior to execution of all contracts containing DBE goals, the prime contractor shall be directed to the contract specification for AVTA’s specific DBE reporting and record keeping requirements.

### **2) DBE Activity Reporting Forms**

All prime contractors shall submit monthly progress reports on DBE utilization to AVTA on **Attachment 3 – Monthly Disadvantage Subcontractors Paid Report Summary**. Failure to submit these reports in a timely manner may result in a penalty of \$10 per day, per report. The last DBE Utilization Report Form report shall be clearly marked “Final.”

### **3) Contractor Good Faith Efforts and Reporting Obligations**

During the term of the contract, the contractor shall continue to make good faith efforts to ensure that DBEs have an opportunity to successfully perform in the contract, and that the contractor meets its DBE goal. These efforts shall include, but not be limited to the following:

- i. Negotiating in good faith to attempt to finalize and execute a subcontract agreement with the DBEs committed to in the proposal.
- ii. Efforts that can be documented to seek out and utilize additional DBE suppliers and DBE subcontractors when necessary and authorized by AVTA.
- iii. Continuing to provide assistance to DBE subcontractors or suppliers in obtaining bonding, lines of credit, etc., if required by the contractor.
- iv. Notifying a DBE in writing of any potential problem and attempting to resolve the problem prior to formally requesting AVTA's approval to substitute the DBE.
- v. As with all subcontractors, ensuring the timely payment of all monies due and owing to DBE subcontractors and suppliers.
- vi. The prime contractor/consultant is advised not to count the participation of DBE subcontractors towards the prime contractor/consultant's DBE achievements until the amount being counted toward the goal has been paid to the DBE.
- vii. Alerting AVTA in a timely manner of any problems anticipated in attaining the DBE participation goal committed to in the proposal.
- viii. The prime contractor may not terminate an approved DBE subcontractor for convenience and perform the work of the terminated DBE subcontractor with its own resources or those of an affiliate without the prior written consent from AVTA.
- ix. When a DBE subcontractor is terminated, or fails to complete its designated scope of work on the contract for any reason, the prime contract must make good faith efforts to find another DBE subcontractor to substitute for the original DBE.
- x. Substitutions or additions of an approved DBE subcontractor or change in any scope of work to be performed by the approved DBE subcontractor must be requested in writing by the prime contractor and approved by AVTA.
- xi. Contract Compliance Reporting Requirements – The contractor shall submit monthly progress reports to AVTA, in conformance with the currently approved contract performance schedule reflecting its DBE participation. Failure to submit this report in a timely manner shall result in the imposition of administrative remedies pursuant to AVTA's DBE Policy and U.S. Department of Transportation regulations (49 CFR 26).
- xii. Change in Contract Amount - The dollar amount of Change Orders or another contract modifications that increase or decrease the work area in which DBE's participation has been committed to in the proposal, shall be commensurately added to or subtracted from the total contract base figure used to compute actual dollars paid to DBEs. Revised total contract dollar values shall be reflected in the monthly progress report submitted to AVTA.
- xiii. A review of the contractor's monthly progress reports to determine whether the utilization of DBE firms is consistent with the commitment of the contractor as stated in its bid or proposal.

**D. Administrative Remedies for Non-Compliance by Contractors**

All contractors deemed to be in non-compliance shall be informed in writing, by certified mail, by the DBELO or Designee, that administrative remedies shall be imposed for failure to meet DBE utilization goals and/or submit documentation of good faith efforts. The contractor shall be given five (5) working days from the date of the notice to file a written appeal to the Executive Director/CEO. Failure to respond within the five (5) day period shall constitute a waiver of appeal. The notice shall state the specific administrative remedy to be imposed.

The Executive Director/CEO, at their sole discretion, may schedule a hearing to gather additional facts and evidence and shall issue a final determination on the matter within five (5) working days of receipt of the written appeal. The written decision of the Executive Director/CEO or designee is final and there is no further appeal.

In the event that the Contractor is unable to meet the DBE goal, AVTA reserves the right to initiate Administrative Remedies, which shall include but are not limited to:

- 1) Withholding of payments due equivalent to the difference between the actual DBE attainment and the contract DBE goal;
- 2) Suspension of payment to the Contractor of any other monies held by the Agency;
- 3) Termination of the contract in part or in whole.

The Administrative Remedies shall not apply if the Contractor is able to demonstrate to the satisfaction of AVTA that it exercised good faith efforts in an attempt to meet the Contract DBE goal.

AVTA will bring to the attention of the FTA through the Civil Rights Officer, any false, fraudulent, or dishonest conduct in connection with the program, so that the FTA can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in Part 26.109. AVTA will also consider similar action under its own legal authority, including responsibility determinations in future contracts.

Complaints relative to AVTA's "DBE" Program protests, questions or other individual complaints may be forwarded to AVTA's DBELO at:

Kelly Miller, DBE/EEO Compliance Officer  
ANTELOPE VALLEY TRANSIT AUTHORITY  
42210 6<sup>th</sup> Street West  
Lancaster, CA 93534  
E-mail: [kmiller@avta.com](mailto:kmiller@avta.com)

Or the U.S. DOT at:

U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
Attn: Office of Civil Rights

## VIII. CERTIFICATION STANDARDS

### **Unified Certification Program (UCP) (§26.81)**

AVTA requires all DBEs listed by Bidder/Proposers for participation to be certified as eligible DBEs at the time of bid/proposal submission. Only participation by DBEs certified under 49 CFR, Part 26 may be counted toward meeting the established contract-specific DBE goal. It is the responsibility of the Bidder/Proposers to verify DBE certification status of all listed DBEs.

AVTA is participating as a Non-Certifying Unified Certification Program (UCP) Member Agency. AVTA will accept DBE Certifications from Certifying Member Agencies, which certify the eligibility of DBEs in accordance with 49 CFR Part 26, under the State of California UCP.

## IX. RECORDKEEPING AND MONITORING (§26.11 and 26.37)

AVTA has developed a recordkeeping system as a mechanism for monitoring and tracking DBE contract awards and prime contractors' progress in attaining DBE goals by verifying actual payments made to committed DBEs throughout the performance of the contract.

Areas of identified non-compliance will be subject to administrative sanctions outlined in Section VII C.

Altogether, these records will document the following:

- 1) Procedures adopted by AVTA to comply with the U.S. DOT regulations.
- 2) Background documentation used to compile U.S. DOT reports, which includes the following data for each contract and subcontract award to a DBE:
  - i. Type of contract;
  - ii. Name and address of each DBE;
  - iii. The dollar amount of each contract and subcontract; and
  - iv. Reports from prime contractors and supplier with an accounting of actual expenditures to DBEs and the progress to date in meeting their DBE participation commitment.
- 3) Efforts made by AVTA to locate and make available contracting opportunities to DBEs and demonstrate good faith efforts to ensure fair participation of DBEs in all Agency contract opportunities, including the following:
  - i. Technical Assistance efforts and referrals made by the Agency on behalf of the DBE firms attempting to do business with AVTA.
  - ii. Outreach program efforts, including seminars, for DBEs.
  - iii. A file for each contract in which AVTA established DBE goals, outreached to DBEs, evaluated the successful competitor's compliance with the DBE goal, and monitored the contractor's performance to meet the DBE goal.

The standards of counting both race neutral and race conscious DBE participation toward a DBE goal imposed on competitors will also apply to AVTA when compiling the DBE reports for U.S. DOT and the Board of Directors.

A DBE may enter into subcontracts whose value may be counted towards its DBE goal. Where, however, a DBE subcontracts a significantly greater portion of the work than is usual according to industry practices, it is presumed not to be performing a commercially useful function and neither the value of

the DBE contract nor lower tier subcontracts may be counted. The DBE may present evidence to AVTA to rebut this presumption.

**A. Bidders List (§26.11)**

AVTA has developed a mechanism to establish and maintain a bidders list consisting of all firms bidding on prime contracts, and bidding or quoting subcontracts on DOT assisted projects. The following information will be included in the bidders list:

- 1) Firm Name;
- 2) Address;
- 3) Years in Business;
- 4) Status as a DBE or non-DBE;
- 5) Type of Work; and
- 6) Annual Range of Gross Receipts

**B. Monitoring Payments to DBEs (§26.37)**

AVTA shall monitor and enforce the prime contractor's compliance with the prompt payment provisions to ensure all contract terms and conditions are fully adhered to. Evidence of payment made to subcontractors must be provided at AVTA's request to verify compliance. Credit toward overall or contract goals will only be given upon satisfactory evidence that payments were actually made to DBEs. Failure to comply with these provisions or delay in payment without prior written approval from AVTA will constitute noncompliance, which will result in appropriate administrative sanctions, up to and including withholding of payment to the prime contractor.

It is the contractor's responsibility to maintain records and documents upon completion of the contract. These records will be made available for inspection upon request by any authorized representative of AVTA or U.S. DOT Operating Administration. This reporting requirement is also extended to any certified DBE subcontractor.

AVTA may perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the report of proposed DBE participation.

**C. Reporting to DOT (§26.11)**

AVTA will submit to the applicable DOT Operating Administration the "Uniform Report of DBE Awards or Commitments and Payments" (Appendix B) semi-annually on June 1 and December 1 of each year. The June 1 report will include DBE activity from April 1 through September 30. This report presents a summary of DOT-assisted Prime Contracts and Subcontracts awarded or committed to as well as actual payments for contracts completed and the associated dollar value during this reporting period.

Upon request, AVTA will compile and submit ad hoc DBE contract award and progress reports for DOT-assisted projects. AVTA shall also periodically submit DBE progress reports to the Board of Directors.

Furthermore, AVTA will continue to provide reports about AVTA's DBE Program, as directed. These reports will provide DBE participation information on AVTA's race-neutral and gender-neutral

contracts; race-conscious contracts; and the combined DBE participation on all DOT-assisted procurement activities.

**D. On-Site Performance Monitoring**

During the course of the contract containing a DBE goal, AVTA will conduct on-site monitoring to ensure that work committed to DBEs is actually being performed by the DBEs. This monitoring effort is fully incorporated into AVTA' DBE On-site Labor Compliance Program provider field observation process. This observed work will be reconciled against the DBE subcontractor agreement(s) and Prime Contractor Monthly DBE Reporting Form.

**E. Written Certification**

To further ensure the integrity of the DBE Program's intent, AVTA will monitor every contract with a DBE goal, on paper and in the field and will include a written certification that this compliance monitoring effort took place in accordance with AVTA' DBE Compliance Close-Out Report Process

**XI. ATTACHMENTS**

**Attachments:**

Attachment 1: Organizational Chart

Attachment 2: 49 CFR, Part 26

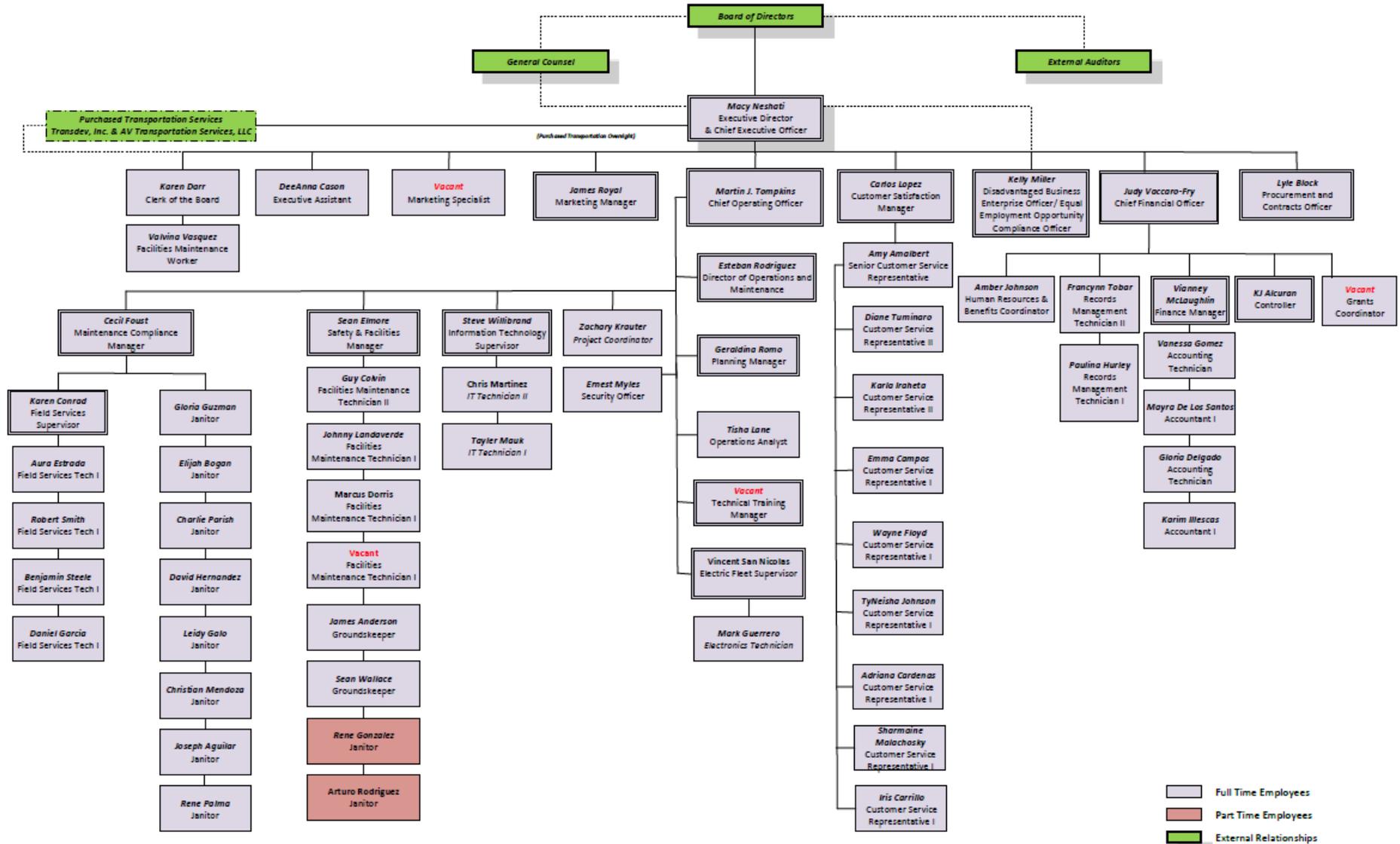
Attachment 3: Monthly DBE Subcontractors Paid Report Summary

Attachment 4: DBE Final Utilization Report

Attachment 5: Overall Goal Calculation and Race-Neutral / Race-Conscious Projections

# Attachment 1: Organizational Chart

Attachment 1: Organizational Chart



**Attachment 2: Code of Federal Regulations: 49 CFR, Subtitle A, Part 26**

See the complete federal regulations through the following link:

[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl)



### Attachment 3: Monthly DBE Subcontractors Paid Report Summary



<b>Reporting Period (Month/Year)</b>	<b>Report Number</b>	<b>Date Prepared</b>
--------------------------------------	----------------------	----------------------

1) Project Name		2) Project Location	
3) Contract Number	4) Original Contract Award Amount	5) Contract Award Date	
6) Current Contract Value	7) AVTA Payment to Prime This Month	8) Total Amount Paid to Prime to Date	
9) Date of Last Payment Received from AVTA	10) Percent of Project Complete	11) DBE Goal % (committed)	
12) Prime Contractor		13) Contact Person	
14) Street Address		15) City/State/Zip	
16) Area Code/Phone No.		17) Email Address	

18) SUBCONTRACTOR/SUPPLIER	Dollars Paid This Month	Dollar Amount Paid to Date	Schedule Activity ID (Construction only)	Type of Work Performed	Original Dollar Amount Committed	Dollar +/- resulting from Change Order Activity
<b>Subcontractor/Supplier #1</b>	↓	↓	↓	↓	↓	↓
Name						
Address						
Area Code/Phone						
Contact Person						
<b>Subcontractor/Supplier #2</b>	↓	↓	↓	↓	↓	↓
Name						
Address						
Area Code/Phone						
Contact Person						
<b>Subcontractor/Supplier #3</b>	↓	↓	↓	↓	↓	↓
Name						
Address						
Area Code/Phone						
Contact Person						



<b>Reporting Period (Month/Year)</b>	<b>Report Number</b>	<b>Date Prepared</b>
--------------------------------------	----------------------	----------------------

<b>Subcontractor/Supplier #4</b>							
Name							
Address							
Area Code/Phone							
Contact Person							
<b>Subcontractor/Supplier #5</b>							
Name							
Address							
Area Code/Phone							
Contact Person							
<b>Subcontractor/Supplier #6</b>							
Name							
Address							
Area Code/Phone							
Contact Person							

**INSTRUCTIONS**  
 The Prime shall make prompt payment of all monies due and owed to DBE and non-DBE firms within 10 business days upon receipt of payment from Riverside County Transportation Commission (RCTC) as per Contract Agreement. Payment of retention shall be made to all DBE and non-DBE subcontractors within 10 days after satisfactory completion of the subcontracted work.

This form is due to RCTC by the 15<sup>th</sup> of each month and should reflect all payments made to subs through the last day of the previous month.

The Prime must report monthly, even if the sub(s) did not perform any work for the previous month. Please forward signed original documents by email and/or fax.

**Completed By:**

--	--	--

**Name**

**Signature**

**Date**



## **Instructions – Summary of Monthly DBE Payments Information**

### **SUCCESSFUL BIDDER:**

This form requires specific information regarding the disadvantaged business enterprise subcontractors paid on this construction contract.

The form must be completed for all DBEs. The form requires that the Reporting Period (month/year) be included. A Report Number should also be completed. This field should include a sequential number with the first form having number "1". The date prepared should also be included.

**IMPORTANT:** Identify **all** DBE firms that were paid during the reporting period for the project, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed should be consistent, where applicable, with the names and items of work in the "List of Subcontractors" submitted with your bid.

There is a column for the "Dollars Paid This Month". Enter the Total amount paid for each DBE firm for the reporting period. Also include the total amount paid to date, which shall include the amount paid for the current reporting period.

Include the Schedule Activity ID for construction contracts. Include a brief description for the type of work performed. The original dollar amount committed to the DBE firm should be included in the appropriate Column and any increase or decrease in the subcontract amount resulting from a change order shall be included in the "Dollar +/- resulting from Change Order Activity" column.

This form must be signed and dated by the prime contractor's representative that is responsible for reporting DBE compliance matters. The form must be submitted no later than the 15<sup>th</sup> day of each month.



### ATTACHMENT 4: DBE FINAL UTILIZATION REPORT FORM

CONTRACT NUMBER:		Invoice Number:	Task Order Number: (if applicable)	Administering Department:		Start Date:	Completion Date:			
				Business Address:		Total Contract Amount: \$				
Prime Contractor's Name (print)						<b>Contract and Procurement and Contracts Officer Completes Section:</b> Total Federal Share Amount: \$                      or %				
Prime Contractor's Authorized Representative Name (print)										
Item No.	Description of Work Performed and Material Provided	Company Name and Business Address	DBE/CUCP Certification Number	Gender	Ownership Code(s)	Contract Payments		Date Work Complete	Payment Date	
						DBE	Non-DBE			
						\$	\$			
						\$	\$			
						\$	\$			
						\$	\$			
						\$	\$			
						\$	\$			
						\$	\$			
Original Commitment		Ownership Codes: 1 = Black American                      6 = Caucasian 2 = Hispanic American                7 = Woman 3 = Native American                    8 = Other 4 = Asian Pacific American            9 = Not Applicable 5 = Subcontinent Asian American			TOTAL	\$	\$			
\$	or %				Comments					
DBE										
\$	or %									
Non-DBE										
List all Disadvantaged Business Enterprises (DBEs) and Subcontractors regardless of tier, whether or not the firms were originally listed for DBE goal credit. If actual DBE utilization (or item of work) was different than that approved at the time of award, provide comments. List actual amount paid to each firm/entity.										
<b>I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT</b>										
Contractor Authorized Representative's Signature					Business Phone Number			Date		
<b>TO THE BEST OF MY INFORMATION AND BELIEF, THE ABOVE INFORMATION IS COMPLETE AND CORRECT</b>										
AVTA's Project Manager's Signature					Business Phone Number			Date		

Copy Distribution (Required): (1) Original: Procurement and Contracts Officer  
(2) Copy: Prime Contractor.

ATTACHMENT 4 - DISADVANTAGED BUSINESS ENTERPRISES (DBE) UTILIZATION REPORT FORM

(Page 2 of 2)

**Contractor Instructions:**

The Disadvantaged Business Enterprises Utilization Report must be completed and submitted to the AVTA's Procurement and Contracts Officer with each invoice. Enter the Contract Number, Invoice Number, Task Order Number (if applicable), Start Date, Completion Date (Expiration Date), Prime Contractor Name, Prime Contractor Business Address, Total Contract Amount (as written on the Contract/Task Work Order).

This form has two columns for entering the dollar value for the item(s) of work performed or provided by the firm. The DBE column is used to enter the dollar value of work performed by subcontracting firms who are Certified DBE. The Non-DBE column is used to enter the dollar value of work performed only by Non-DBE firms.

DBE Prime Contractors are required to show the corresponding dollar value of work performed by their own forces.

To confirm the certification status of a DBE, access CalTrans DBE / California Unified Certification Program (CUCP) website at [http://www.dot.ca.gov/hq/bep/find\\_certified.htm](http://www.dot.ca.gov/hq/bep/find_certified.htm) or call them at 916-324-1700.

If a Contractor performing work as a DBE and becomes decertified and still performs work after the decertification date, enter the total value performed by this Contractor in the DBE column for the certification period and the remaining work or services (after decertification) in the Non-DBE column. If a Subcontractor performing work as a non-DBE on the project becomes certified as a DBE, enter the dollar value of all work performed after certification as a DBE in the appropriate column.

**Date work complete** column: Enter the date the Work and/or Task Order was completed for the respective pay period.

**Date of Payment** column: Enter the date when the Prime Contractor made the payment to the firm for the portion of work listed as being completed. DBE Prime Contractors are required to show the date of work performed by their own forces.

**Contractor's signature:** Contractor certifies that the information on the form is complete and correct.

**Contract and Procurement and Contracts Officer's Instructions:**

Review the form as submitted by the Contractor to ensure the form is complete and accurate. Once you receive the form from the Contractor, enter the total (or percent) of **Federal (only) dollars** (being used in the Agreement) on the form, then sign, date and report the totals to FTA twice a year, mid-April for October 1 through March 30 or each year and mid-October for April 1 through September 30 of each year.



## **Attachment 5: Overall Triennial Goal Calculation Methodology**

**Attachment 5: Overall Triennial Goal Calculation Methodology**



**42210 6<sup>TH</sup> STREET WEST  
LANCASTER, CA 93534**

**Federal Transit Administration (FTA)  
Overall Disadvantage Business Enterprise (DBE)  
Goal-Setting Methodology**

**Fiscal Federal Years (FFY) 2022-2024**

**Goal Period**

August 1, 2021

Submitted in fulfillment of:

Title 49 Code of Federal Regulations Part 26

**Table of Contents**

<b>I. Introduction</b>	<b>2</b>
<b>II. Background</b>	<b>2</b>
<b>III. FTA Assisted Contracting Program for FFY 2022-2024</b>	<b>2</b>
<b>IV. Goal Methodology</b>	<b>5</b>
<b>V. Proposed Overall DBE Goal</b>	<b>8</b>
<b>VI. Race-Neutral Implementation Measures</b>	<b>8</b>
<b>VII. Public Participation and Facilitation</b>	<b>10</b>

# DBE Goal Methodology

## I. Introduction

Antelope Valley Transit Authority (AVTA) herein sets forth its Overall Disadvantaged Business Enterprise (DBE) Goal and corresponding federally prescribed goal-setting methodology for the three-year Federal Fiscal Year (FFY) goal period of 2022 – 2024 (October 1, 2021 through September 30, 2024), pursuant to Title 49 Code of Federal Regulations (CFR) Part 26 "Participation by Disadvantaged Business Enterprises in U.S. Department of Transportation Programs." The purpose of the DBE goal-setting process is to level the playing field so that DBEs can compete fairly for Department of Transportation-assisted contracts, however, the program must be narrowly tailored in accordance with applicable law.

## II. Background

AVTA is a recipient of U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), funding. As a condition of receiving this assistance, AVTA signed an assurance that it will comply with FTA's DBE requirements. In accordance with Title 49 CFR Part 26 provisions: Participation by DBEs in USDOT Programs, AVTA is required to develop and submit a Triennial Overall DBE Goal for its FTA-assisted projects.

AVTA herein presents its Overall DBE Goal Methodology for FFY 2022-2024.

## III. FTA Assisted Contracting Program for FFY 2022-2024

Table 1 represents AVTA's FTA-assisted contracting program, which consists of projects considered in preparing this goal methodology. The projects, which include Construction, Professional Services and Materials/Supplies contracting opportunities, are anticipated to be awarded during the triennial period:

**Table 1**

<b>Projects</b>	<b>Dollar Amount</b>	<b>Federal Share</b>
<b>2022</b>		
Transformer	\$ 100,000.00	\$ 100,000.00
I/O Upgrades (vehicle equipment/IT)	\$ 250,000.00	\$ 250,000.00
Apollo Video Upgrade (vehicles)	\$ 660,000.00	\$ 660,000.00
Farebox Upgrade (vehicles)	\$ 450,000.00	\$ 100,000.00
Admin Equipment - facility expansion	\$ 400,000.00	\$ 400,000.00
Engineering - facility expansion	\$ 72,000.00	\$ 72,000.00
Construction	\$ 7,000,000.00	\$ 6,250,000.00
Project Management - facility expansion	\$ 500,000.00	\$ 500,000.00

Secured Facility Access - facility expansion	\$ 150,000.00	\$ 150,000.00
Security Camera Upgrade - facility expansion	\$ 150,000.00	\$ 150,000.00
Engineering - AV Transit Center	\$ 27,800.00	\$ 27,800.00
Engineering - Palmdale Transit Center	\$ 10,800.00	\$ 10,800.00
Engineering - OMP Park & Ride	\$ 10,800.00	\$ 10,800.00
WAVE primary units	\$ 626,340.00	\$ 501,072.00
Construction - South Valley Transit Center	\$ 500,000.00	\$ 400,000.00
Construction & Bus Stop Amenities	\$ 500,000.00	\$ 500,000.00
Cloud Service Implementation	\$ 50,000.00	\$ 50,000.00
Domain Names	\$ 3,000.00	\$ 3,000.00
Network Fiber Upgrade	\$ 60,000.00	\$ 60,000.00
Network Switch Upgrade	\$ 100,000.00	\$ 100,000.00
Server Storage Upgrades	\$ 20,000.00	\$ 20,000.00
Wi-Fi Upgrade	\$ 70,000.00	\$ 70,000.00
Workstation Replacements	\$ 40,000.00	\$ 40,000.00
Facility Copiers	\$ 70,000.00	\$ 70,000.00
Community Room Equipment	\$ 50,000.00	\$ 50,000.00
Electric Forklift	\$ 20,000.00	\$ 20,000.00
Power Wash Trailer	\$ 40,000.00	\$ 40,000.00
Bus Lifts	\$ 300,000.00	\$ 300,000.00
Senior, Disabled Micro transit Operations	\$ 57,500.00	\$ 57,500.00
<b>2023</b>		
Facilities Improvements	\$ 1,000,000.00	\$ 1,000,000.00
Admin Equipment - Facility Improvements	\$ 150,000.00	\$ 150,000.00
IT Annual Replacement	\$ 40,000.00	\$ 40,000.00
Maintenance Equipment (tooling)		\$ 100,000.00
<b>2024</b>		
Facilities Improvements	\$ 150,000.00	\$ 150,000.00
Regional Project Facilities Improvements	\$ 1,000,000.00	\$ 1,000,000.00
Workstation Replacements IT	\$ 40,000.00	\$ 40,000.00
Maintenance Equipment (tooling)	\$ 100,000.00	\$ 100,000.00
	\$ 14,768,240.00	\$ 13,542,972.00

AVTA does not pass any FTA funds to any subrecipients.

Table 2 provides a summary of the categories of work with estimated cost breakdown for each. Categories of work are groups utilizing comparable North American Industry Classification System (NAICS) codes for purposes of weighting the categories of work based on the staff estimates.

**Table 2**

<b>Category of work</b>	<b>Federal Share</b>	<b>NAICS Code</b>	<b>Commodity weight</b>
Power, distribution, and specialty transformer manufacturing	\$ 100,000.00	335311	0.7%
Audio and video equipment manufacturing	\$ 910,000.00	334310	6.7%
Transportation Equipment and Supplies	\$ 100,000.00	423860	0.7%
Office Machinery and Equipment	\$ 1,550,000.00	532420	11.4%
Engineering Services	\$ 121,400.00	541330	0.9%
Administrative Management & Management Consulting	\$ 500,000.00	541611	3.7%
Security Systems Services	\$ 300,000.00	561621	2.2%
Other Miscellaneous Electrical Equipment	\$ 501,072.00	335999	3.7%
Commercial Building Construction	\$ 8,300,000.00	236220	61.3%
Other Computer Related Services	\$ 53,000.00	541519	0.4%
Computer Systems Design Services	\$ 290,000.00	541512	2.1%
Computer and Computer Peripheral Equipment and software merchant	\$ 200,000.00	423430	1.5%
Industrial Truck Trailer, and Stacker manufacturing	\$ 20,000.00	333924	0.1%
Service Establishment Equipment and Supplies	\$ 40,000.00	423850	0.3%
Machine Tool Manufacturing	\$ 200,000.00	333517	1.5%
Commercial and industrial machinery and Equipment	\$ 300,000.00	811310	2.2%
Special Needs Transportation	\$ 57,500.00	485991	0.4%
<b>Total</b>	<b>\$ 13,542,972.00</b>		<b>100.0%</b>

IV. Goal Methodology

a. Step 1: Determination of Base Figure (26.45)<sup>1</sup>

To establish AVTA's Base Figure of the relative availability of DBEs relative to all comparable firms (DBE and Non-DBE) available to bid or submit proposals on AVTA's FTA-assisted contracting opportunities projected to be solicited during the triennial goal period, AVTA followed the prescribed federal methodology to determine relative availability. This was accomplished by assessing the California Unified Certification Program (CUCP) DBE Database of Certified Firms and the 2019 U.S. Census Bureau County Business Patterns Database within AVTA's market area, defined as Los Angeles and San Bernardino counties for each of the categories of work defined in Table 2.

The Federal DBE program requires agencies to implement the DBE program based on information from the relevant geographic market area-the area in which the agency spends the substantial majority of its contracting dollars.

AVTA's local market for contracts consists of a geographic area that:

- is where a large majority of contracting dollars is expended, and
- is where a substantial number of contractors and subcontractors are located and available to submit bids or quotes.

The AVTA's bidder's list was reviewed and it confirms this market area.

In accordance with the formula listed below, the Base Figure is derived by:

- dividing the number of ready, willing and able DBE firms identified for each NAICS work category by the number of all firms identified within AVTA's market area for each corresponding work category (relative availability),
- weighting the relative availability for each work category by the corresponding work category weight from Table 2 (weighted ratio), and
- adding the weighted ratio figures together.

$$\text{Base Figure} = \sum \frac{\text{(Number of Ready, willing and Able DBEs)}}{\text{(Number of All Ready, willing and Able Firms)}} \times \text{Weighted Ratio}$$

For the Numerator: CUPC Database of Certified Firms

For the denominator: 2019 U.S. Census Bureau County Business Patterns Database

A concerted effort was made to ensure that the scope of businesses included in the numerator were as close as possible to the scope included in the denominator.

---

<sup>1</sup> 26.45 represents Title 49 CFR Part 26 regulatory goal setting methodology reference.

The result of the Base Figure calculation is shown in Table 3 as follows:

Category of Work	NAICS Code	Commodity Weight	All Firms <sup>2</sup>	DBEs <sup>3</sup>	Relative Availability	Weighted Ratio
Power, distribution, and specialty transformer manufacturing	335311	0.7%	10	2	20%	0.1%
Audio and video equipment manufacturing	334310	6.7%	34	2	6%	0.4%
Transportation Equipment and Supplies	423860	0.7%	169	31	18%	0.1%
Office Machinery and Equipment	532420	11.4%	47	8	17%	1.9%
Engineering Services	541330	0.9%	1942	444	23%	0.2%
Administrative Management & Management Consulting	541611	3.7%	4079	825	20%	0.7%
Security Systems Services	561621	2.2%	233	19	8%	0.2%
Other Miscellaneous Electrical Equipment	335999	3.7%	34	10	29%	1.1%
Commercial Building Construction	236220	61.3%	1127	203	18%	11.0%
Other Computer Related Services	541519	0.4%	256	169	66%	0.3%
Computer Systems Design Services	541512	2.1%	1985	291	15%	0.3%
Computer and Computer Peripheral Equipment and software merchant	423430	1.5%	441	24	5%	0.1%
Industrial Truck Trailer, and Stacker manufacturing	333924	0.1%	12	0	0%	0.0%
Service Establishment Equipment and Supplies	423850	0.3%	204	21	10%	0.0%
Machine Tool Manufacturing	333517	1.5%	68	2	3%	0.0%
Commercial and industrial machinery and Equipment	811310	2.2%	554	14	3%	0.1%
Special Needs Transportation	485991	0.4%	146	9	6%	0.0%
<b>Base Figure (i.e., Sum of Weighted Ratios for all Work Categories)</b>						<b>16.7%</b>

<sup>2</sup> From the 2019 US Census Bureau of Certified Firms

<sup>3</sup> From the CUCP Database of Certified Firms

b. Step 2: Adjusting the Base Figure

Upon establishing the Base Figure, AVTA reviewed and assessed other known evidence potentially impacting the relative availability of DBEs within the market area, in accordance with prescribed narrow tailoring provisions as set forth under 49 CFR Part 26.45: Step 2, DBE Goal Adjustment Guidelines.

Evidence considered in making adjustments to the Base Figure included Past DBE Goal Attainments and Other Evidence, as follows:

1) Past DBE Goal Attainments

Historical DBE participation attainments provide demonstrable evidence of DBE availability and capacity to perform on AVTA projects. The projects anticipated to be awarded during the triennial period are substantially similar to those awarded in the recent past. AVTA proceeded to calculate past DBE participation attainments for the three (3) federal fiscal years, for which DBE attainment data is available. The table below reflects the demonstrated capacity of DBEs (measured by actual historical DBE participation attainments) on FTA- assisted contracts awarded by AVTA within the last three (3) federal fiscal years.

**Table 4**

<b>Federal Fiscal Year (FFY)</b>	<b>FTA DBE Goal Attainment %</b>
2017/2018	1.1%
2018/2019	3.0%
2019/2020	1.75%
<b>Median DBE Attainment Within the Last Three (3) Years</b>	<b>1.75%</b>

The median established for the past three years was derived from limited participation of DBEs in the market area, it is significantly lower than the Base Figure derived from Step 1. Therefore, an adjustment to the Base Figure based on AVTA's past DBE goal attainments has been made. The adjustment is calculated by averaging the Base Figure with the median DBE Past Attainment, as shown below.

Base Figure (A)	16.7%
Median DBE Attainment (B)	1.75%
<b>Adjusted Base Figure [(A+B)/2]</b>	<b>9.23%</b>

2) AVTA’s Bidder’s List

AVTA will continue to capture Bidders List information for the identification and potential use in meeting future DBE goal determinations.

3) Disparity Study

AVTA has reviewed the recent Los Angeles Metro disparity study. After careful consideration, AVTA has determined that the scope of work was substantially different than what AVTA provides. Therefore, AVTA has not adjusted the based figure due to a local disparity study.

AVTA uses a strictly race-neutral DBE program since the Westerns States decision. If AVTA fails to reach its goal for one more complete federal fiscal year, AVTA will re-evaluate its DBE program to determine whether contract goals are necessary to achieve the overall goal. If after re-evaluation AVTA believes a race-conscious program is necessary, as required by Western States, AVTA will gather evidence to determine if discrimination in the transportation contracting industry is present. AVTA will make a determination at that time what type of evidence gathering is appropriate, based on DOT regulations and case law.

4) Other Available Evidence

AVTA is not in possession of other information that would have an impact on the DBE goal assessment.

V. Proposed Overall DBE Goal

The Final Proposed Overall DBE Goal for FFY 2022-2024 for AVTA's FTA-assisted contracts is 9%<sup>4</sup>. The DBE Goal based on the federal share is a Race Neutral goal and AVTA will implement race neutral measures to achieve this goal, as generally described in the following section. As a part of the prescribed goal-setting methodology, AVTA must project the percentage of its Proposed Overall DBE Goal that can be met utilizing race-neutral and race-conscious measures.

**Race-Conscious & Race-Neutral Projection**

AVTA intends to continue to use race-neutral methods to meet the overall DBE goal of 9% for FFY 2022-2024 in accordance with Title 49 CFR Part 26.51.

<b>Race/Gender-Conscious &amp; Race/Gender-Neutral Projections</b>	
Overall DBE Goal	9%
Race/Gender-Conscious Component	0%
Race/Gender-Neutral Component	9%

VI. Race-Neutral Implementation Measures

AVTA is currently implementing a number of race- and gender-neutral remedies to outreach and promote the participation of DBEs and small businesses in AVTA's FTA-assisted contracting program. AVTA plans to continue or implement the following race-neutral measures for FFY 2022-2024 and

---

<sup>4</sup> Rounded to a whole number

will continue to explore other options for consideration based on AVTA' success in meeting its overall DBE goals based on these efforts:

- AVTA will encourage DBE and other small business contracting community to register and receive solicitation notices through its on-line procurement website:  
<https://www.planetbids.com/portal/portal.cfm?CompanyID=25014s> .
- AVTA will host and participate in workshops for the DBE and small business contracting community. AVTA will attend and participate in vendor fairs hosted by unrepresented groups and other public agencies.
- AVTA will unbundle solicitations, provide pre-bid/pre-proposal conferences to afford networking opportunities for primes and subcontractors. AVTA will promote and encourage teaming opportunities between prospective prime contractors and the DBE and small business contracting community. Arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation.
- Structure solicitations to remove barriers such as the inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing).
- AVTA will solicit DBEs and other small businesses participation by carrying out information programs through use of advertisement and other communication methods on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate).
- As a supportive service to help develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses, AVTA will actively promote the small business conferences, programs, and support services offered by other agencies that have established DBE and other small business programs. AVTA will also begin conducting “How to do Business with AVTA” and DBE workshops.
- AVTA will advise its contracting community of the online directory of certified DBEs, found at the California Unified Certification Program website:  
[http://www.dot.ca.gov/hq/bep/find\\_certified.htm](http://www.dot.ca.gov/hq/bep/find_certified.htm).
- AVTA will also advise the contracting community of the available small businesses certified by the California Department of General Services (DGS) and found at:  
<http://www.dgs.ca.gov/pd/Programs/eprocure.aspx> .
- AVTA will advise the DBE and small business community to participate in Caltrans’ related bidding/proposal opportunities at <http://www.dot.ca.gov/hq/esc/oe/>. AVTA will also encourage DBEs and small businesses to seek the assistance and training through the U.S. Small Business Administration at [www.sba.gov](http://www.sba.gov) .

### **Fostering Small Business Participation<sup>5</sup>**

AVTA has implemented several strategies to foster small business participation in its contracting process. These include the following:

- Advertise and push out solicitation notifications thru AVTA's new procurement system website.
- Conducting "How to do Business with AVTA" and DBE workshops.
- On larger prime contracts requiring the prime contractor to consider subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
- Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.
- Ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.
- Provide outreach to current AVTA contractors or past AVTA contractors who may qualify for DBE-certification by encouraging them to seek and obtain DBE-certification.

#### **VII. Public Participation and Facilitation**

In accordance with Public Participation Regulatory Requirements of Title 49 CFR Part 26, minority, women, local business associations, and community organizations within the AVTA market area were consulted and provided an opportunity to review the triennial goal analysis and provide input.

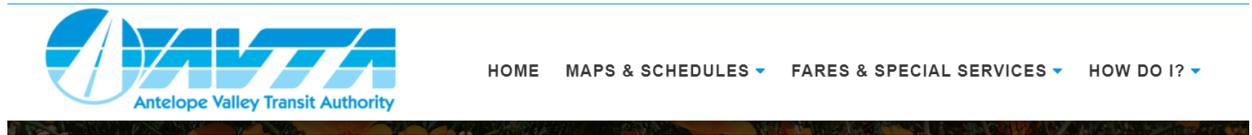
AVTA issued a Public Notice on AVTA's website (Attachment 1) publishing the AVTA Draft Proposed FTA Overall DBE Goal-Setting Methodology for FFY 2022-FFY 2024. The notice informed the public that the proposed goal and rationale were available for inspection at AVTA' principal office during normal business hours and that AVTA would accept comments on the goal analysis for 45 days from the date of the Public Notice.

AVTA reached out to a total of three (3) local minority, women, and community business organizations to provide them information on the AVTA DBE program and specifically the Draft Proposed FTA Overall DBE Goal-Setting Methodology for FFY 2019-2021. Each organization was contacted multiple times by email. A summary of all contact made in an attempt to receive input as a part of this process can be found in Attachment 2.

---

<sup>5</sup> See Title 49 CFR Part 26 Section 26.39 "Fostering Small Business Participation"

## Attachment 1: Website Notification



June 8, 2021

### AVTA Invites Feedback on Our DBE Participation Goal

AVTA receives federal financial assistance from the Department of Transportation (DOT) and, as a condition of receiving this assistance, AVTA has signed an assurance that it will comply with Title 49 CFR, Part 26, Participation by Disadvantaged Business Enterprises (DBE) in DOT Financial Assistance Programs.

Every three years, staff reviews the Authority's DBE program and participation goal and updates where necessary to meet changing circumstances before submission to the FTA. The review requires a public hearing be opened for a period of no less than forty-five (45) days to allow for outreach and public comment. The public hearing will take place at the regularly scheduled AVTA Board meeting on July 27, 2021. [You may view the document here.](#)

Comments, feedback, and questions may be submitted via:

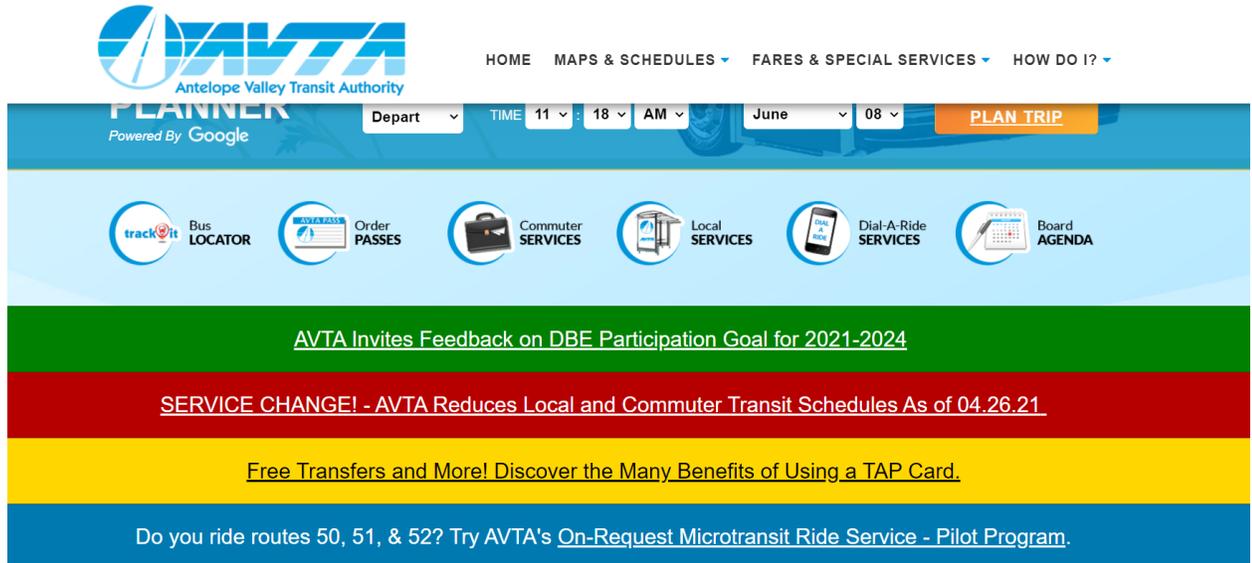
- Email to [kmiller@avta.com](mailto:kmiller@avta.com)
- In writing to 42210 6th Street West, Lancaster, CA 93534, Attn: Kelly Miller
- By phone at (661)729-2203, or
- At the public hearing at AVTA on July 27, 2021 at 10:00 a.m.

## Fares

- [Commuter Fares and Passes](#)
- [Local Transit Fares and Passes](#)
- [Dial-A-Ride Fares and Reservations](#)
- [Order Passes](#)
- [The Benefits of TAP](#)
- [Reduced Fare Eligibility](#)

## Rider Alerts

EFFECTIVE 06/07/2021 THROUGH 06/14/2021  
The route 9 West is unable to service the stop on



## Attachment 2: Consultative Process Summary

The following local special-interest groups were contacted via email on June 3, 2021, for consultation on the AVTA 2022-2024 DBE Goal Methodology:

Antelope Valley Black Chamber of Commerce – Arthur Calloway [Arthur.calloway@gamil.com](mailto:Arthur.calloway@gamil.com)

Antelope Valley Hispanic Chamber of Commerce – Liz Medina [avhispanicchamber@gmail.com](mailto:avhispanicchamber@gmail.com)

Antelope Valley NAACP – Pastor Jacob D.R. Johnson [info@avnaacp.org](mailto:info@avnaacp.org)

A response was received from Arthur Calloway at the AV Black Chamber of Commerce on June 15, 2021, and email correspondence continued over a period of two weeks ending on June 30, 2021. Mr. Calloway's feedback was that overall he had no issues with the DBE Goal Methodology, but asked if any requirements regarding the number of years in business could be waived for a certified DBE to participate. It was explained to him that while there is no specific requirement from AVTA on the number of years a contractor has been in business, knowing how long the contractor has been engaged in the type of work helps to demonstrate the contractor's experience and knowledge of the scope of work in the proposal. Mr. Calloway also inquired about the DBE-certified contractors/vendors who are located in the Antelope Valley, and a list was provided to him.

No other responses, feedback, questions or comments were received during the 45-day publication period of the DBE Goal Methodology.

### **Attachment 3: Publication/Outreach Meeting**

The public comment period for the 2022-2024 DBE Goal Methodology was from May 25, 2021 to July 8, 2021 (45 days), and the document was published on the AVTA website during that time. The public hearing date was held on July 27, 2021. Staff recommended to the Board of Directors that they:

1. Consider any public comments received;
2. Close the public comment period;
3. Approve the new DBE Program, Overall Goal-Setting Methodology, and DBE Participation Goal of 9%;
4. Adopt Resolution No. 2021-004, a Resolution of the Board of Directors of the Antelope Valley Transit Authority approving the revised Federal Transit Administration required DBE Program and Overall Goal-Setting Methodology for FFY's 2022 through 2024.

Resolution No. 2021-004, a Resolution of the Board of Directors of the Antelope Valley Transit Authority approving the revised Federal Transit Administration required DBE Program and Overall Goal-Setting Methodology for FFY's 2022 through 2024, was adopted by the Board of Directors on July 27, 2021 during the regularly scheduled Board meeting.

RESOLUTION NO. 2021-004

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY APPROVING THE REVISED FEDERAL TRANSIT ADMINISTRATION (FTA) REQUIRED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND OVERALL GOAL- SETTING METHODOLOGY FOR FEDERAL FISCAL YEARS 2022 THROUGH 2024**

THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY RESOLVES AS FOLLOWS:

Section 1. Following a noticed public hearing process and the Board’s consideration of comments, the Board authorizes and approves the Federal Transit Administration required Disadvantaged Business Enterprise (DBE) Program, and Goal-Setting Methodology and annual goal of 9%.

Section 2. The Secretary of the Board shall certify to the adoption of this resolution.

PASSED, APPROVED and ADOPTED this 27<sup>th</sup> day of JULY, 2021 by the following vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Marvin Crist, Chairman

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen S. Darr, Clerk of the Board

\_\_\_\_\_  
Allison E. Burns, General Counsel

I, Karen S. Darr, Clerk of the Board for Antelope Valley Transit Authority, Lancaster, CA, do hereby certify that Resolution No. 2021-004 was duly passed, approved, and adopted by the Board of Directors of the Antelope Valley Transit Authority on the 27<sup>th</sup> day of July, 2021, for which the original is on file in my office.

Date: \_\_\_\_\_

\_\_\_\_\_  
Karen S. Darr, Clerk of the Board



---

**Regular Meeting of the Board of Directors**

**Tuesday, June 22, 2021**

**10:00 a.m.**

Antelope Valley Transit Authority Community Room  
42210 6<sup>th</sup> Street West, Lancaster, California  
www.avta.com

**UNOFFICIAL MINUTES**

**CALL TO ORDER**

Chairman Crist called the meeting to order at 10:00 a.m.

**PLEDGE OF ALLEGIANCE**

Vice Chair Knippel led the Pledge of Allegiance.

**ROLL CALL:**

PRESENT

Chairman Marvin Crist, Vice Chair Dianne Knippel, Director Steve Hofbauer, Director Richard Loa, Director Raj Malhi, Director Michelle Flanagan

**APPROVAL OF AGENDA**

**Motion: Approve the agenda as comprised.**

Moved by Director Loa, seconded by Vice Chair Knippel

Vote: Motion carried (6-0-0-0)

Ayes: Chairman Crist, Vice Chair Knippel, Directors Hofbauer, Loa, Malhi, Flanagan

Nays: None

Abstain: None

Absent: None

**PUBLIC BUSINESS – AGENDIZED AND NON-AGENDIZED ITEMS:**

Michael Rives – Commended the actions the Board and staff took during the COVID-19 crisis as well as the safety protocols AVTA implemented. He stated he was elected to both the Antelope Valley Hospital and College Boards and suggested that citizens contact the president of the College and CEO of the Hospital if they needed to reach him.

James Stouvenel – Suggested that city and county employees ride the bus for free so they could be educated on the service.

**SPECIAL REPORTS, PRESENTATIONS, AND REQUESTS FOR DIRECTION (SRP):**

**SRP 1 PRESENTATION TO TRANSDEV OPERATOR AND EMPLOYEE OF THE MONTH FOR MAY 2021**

Transdev General Manager Tracy Craghead presented a plaque to the Employee of the Month Silvia Flamenco and announced Francisco Medrano as the Operator of the Month. Mr. Medrano was unable to attend the meeting.

**SRP 2 PRESENTATION TO ANTELOPE VALLEY TRANSPORTATION SERVICES (AVTS) EMPLOYEE OF THE MONTH FOR MAY 2021**

AV Transit Management President Art Minasyan presented the Employee of the Month award to Christina Miguel.

**SRP 3 LEGISLATIVE REPORT FOR JUNE**

Chief Financial Officer Judy Vaccaro-Fry presented an update regarding California's proposed FY 2021/2022 Budget, the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP), Surface Transportation Reauthorization INVEST in America Act – H.R. 3684, Federal Transit Administration's Earth Day 2022 Challenge that will promote and showcase how transit agencies reduced greenhouse gas emissions, America Jobs Plan, proposed Fareless System Initiative, Coronavirus Aid, Relief, Economic Security (CARES) Act Funds, and Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Stimulus Funds.

Ms. Vaccaro-Fry explained that the Authority was initially awarded \$48.7 million in CARES Act funds but was subsequently required to return \$20 million to the Metropolitan Transit Authority for Metrolink operations. She added that the CARES Act funds will be used for AVTA's operational costs and that state funds have been deferred for the High Speed Rail project.

**SRP 4 OPERATIONS KEY PERFORMANCE INDICATORS (KPI) REPORT**

Chief Operating Officer Martin Tompkins presented the report.

**SRP 5 MAINTENANCE KPI REPORT**

Maintenance Compliance Manager Cecil Foust presented the report. The Board discussed AVTA's fleet availability and service coverage area compared to other transit agencies. Chairman Crist directed Mr. Foust to provide additional information comparing AVTA's fleet availability/total service miles with its peers.

**SRP 6 ESTIMATING THE NATIONAL IMPACT OF GOING ELECTRIC**

Mr. Foust presented the report. Chairman Crist noted that the Antelope Valley is the most impacted area in Los Angeles County from particulate matter 2.5. Director Hofbauer added that the majority of the air pollution comes from outside the Antelope Valley.

**CONSENT CALENDAR (CC):**

**CC 1 BOARD OF DIRECTORS MEETING MINUTES OF MAY 25, 2021**

Approve the Board of Directors Regular Meeting Minutes of May 25, 2021.

**CC 2 FINANCIAL REPORT FOR MAY 2021**

Receive and file the Financial Report for May 2021.

**CC 3 SOLE SOURCE CONTRACT #2021-76 TO WEIDEMAN GROUP, INC. FOR CALIFORNIA GOVERNMENT RELATIONS CONSULTANT/ADVOCACY SERVICES**

Authorize the Executive Director/CEO to execute Sole Source Contract #2021-76 for California Government Relations Consultant/Advocacy Services to Weideman Group, Inc., Sacramento, CA, for a one (1) year period for an amount of \$90,000.

**CC 4 ANNUAL REVIEW AND UPDATE OF THE PUBLIC TRANSPORTATION AGENCY SAFETY PLAN**

Adopt the updated Public Transportation Agency Safety Plan (PTASP) to comply with the Federal Transit Administration (FTA) bus transit safety plan requirements; and adopt Resolution 2021-007, adopting the updated PTASP.

**CC 5 AMENDMENT NO. 2 TO CONTRACT #2020-37 WITH COMPLETE COACH WORKS FOR TRANSIT BUS DRIVER PROTECTION BARRIERS**

Authorize the Executive Director/CEO to execute Amendment No. 2 to Contract #2020-37 with Complete Coach Works, Riverside, CA, to purchase ten (10) additional transit bus driver protection barriers, that will aid in protecting our drivers from COVID-19, for an amount not to exceed \$63,906.30, plus applicable sales tax.

**CC 6 RESOLUTION NO. 2021-008, AUTHORIZING THE EXECUTIVE DIRECTOR/CEO AND/OR THE CHIEF FINANCIAL OFFICER TO EXECUTE ALL REQUIRED DOCUMENTS OF THE FEDERAL TRANSIT ADMINISTRATION (FTA) AS REQUIRED BY THE DEPARTMENT OF TRANSPORTATION'S (DOT) PROGRAM FOR FISCAL YEAR 2021/2022 (FY 2022)**

Adopt Resolution No. 2021-008, a Resolution authorizing the Executive Director/CEO and/or the Chief Financial Officer to execute all required documents of the FTA as required by the DOT's Program for FY 2022.

**CC 7 RESOLUTION NO. 2021-009, AUTHORIZING THE EXECUTIVE DIRECTOR/CEO AND/OR THE CHIEF FINANCIAL OFFICER TO EXECUTE ALL REQUIRED DOCUMENTS OF THE STATE OF CALIFORNIA (CALTRANS) AS REQUIRED BY THE DEPARTMENT OF TRANSPORTATION'S (DOT) PROGRAM FOR FISCAL YEAR 2021/2022 (FY 2022)**

Adopt Resolution No. 2021-009, a Resolution authorizing the Executive Director/CEO, and/or the Chief Financial Officer to execute all required documents of Caltrans as required by the State's DOT Program for FY 2022.

**Motion: Approve the Consent Calendar.**

Moved by Vice Chair Knippel, seconded by Director Malhi

Vote: Motion carried (6-0-0-0)

Ayes: Chairman Crist, Vice Chair Knippel, Directors Hofbauer, Loa, Malhi, Flanagan

Nays: None

Abstain: None

Absent: None

**NEW BUSINESS (NB):**

**NB 1 FY 2022 PROPOSED BUDGET**

Ms. Vaccaro-Fry presented the staff report. The Board discussed the growth of the Authority since its inception and funding for bus stop improvements, particularly relocating bus stops at the AV Mall. Ms. Vaccaro-Fry will provide information showing the growth of the Authority over the past 30 years.

**Motion: Approve the FY 2022 Proposed Budget.**

Moved by Director Hofbauer, seconded by Vice Chair Knippel

Vote: Motion carried (6-0-0-0)

Ayes: Chairman Crist, Vice Chair Knippel, Directors Hofbauer, Loa, Malhi, Flanagan

Nays: None

Abstain: None

Absent: None

**NB 2 RESOLUTION NO. 2021-006, AMENDING BYLAWS – REMOVAL OF TRANSIT ADVISORY COMMITTEE (TAC)**

Executive Director/CEO Macy Neshati presented the staff report. The Board discussed the citizens' advisory committee (CAC), and the advantages and disadvantages of disbanding the TAC and forming an ad hoc CAC. Director Hofbauer expressed his concerns with disbanding the TAC and removing it permanently from the Bylaws suggesting instead that the new Executive Director/CEO make the determination. Mr. Neshati ensured the Board that the CAC will include representatives from each jurisdiction, and local hospitals, veterans, seniors and ADA groups.

**Motion: Not to disband the TAC.**

Moved by Director Hofbauer

Discussion continued. Chairman Crist stated Director Hofbauer's motion died due to the lack of a second.

**Motion: Adopt Resolution No. 2021-006, amending the Bylaws to: (1) remove Section 5.0 entitled "TRANSIT ADVISORY COMMITTEE" establishing the Transit Advisory Committee; and (2) revise Sections 7.10 and 7.30 to delete references to the Transit Advisory Committee.**

Moved by Vice Chair Knippel, seconded by Director Malhi

**Substitute Motion: Not to approve the Resolution.**

Moved by Director Hofbauer

Chairman Crist stated the substitute motion died due to the lack of a second.

**Motion: Adopt Resolution No. 2021-006, amending the Bylaws to: (1) remove Section 5.0 entitled "TRANSIT ADVISORY COMMITTEE" establishing the Transit Advisory Committee; and (2) revise Sections 7.10 and 7.30 to delete references to the Transit Advisory Committee.**

Moved by Vice Chair Knippel, seconded by Director Malhi

Vote: Motion carried (5-1-0-0)

Ayes: Chairman Crist, Vice Chair Knippel, Directors Loa, Malhi, Flanagan

Nays: Director Hofbauer

Abstain: None

Absent: None

**NB 3 SOLE RESPONDENT CONTRACT #2021-60 TO BYD COACH AND BUS LLC FOR FOUR (4) USED 35-FOOT BATTERY ELECTRIC LOCAL TRANSIT BUSES**

Procurement and Contracts Officer Lyle Block presented the staff report.

**Motion: Authorize the Executive Director/CEO to execute Sole Respondent Contract #2021-60 with BYD Coach and Bus LLC, Los Angeles, CA, to purchase outright four (4) 35-foot battery electric buses for an amount not to exceed \$1,885,051.96, plus applicable sales tax.**

Moved by Vice Chair Knippel, seconded by Director Loa

Vote: Motion carried (6-0-0-0)

Ayes: Chairman Crist, Vice Chair Knippel, Directors Hofbauer, Loa, Malhi, Flanagan

Nays: None

Abstain: None

Absent: None

**NB 4 LEVEL III ELECTRIC CHARGERS FOR AVTA'S PROPERTY LOCATED AT 40235 170<sup>TH</sup> ST. E., LANCASTER, CA 93591 (AVTA EAST)**

Mr. Block read staff's recommended action.

**Motion: Authorize the Executive Director/CEO to execute multiple contracts for breakroom, installation of Level III electric chargers and security fencing for AVTA's property located at 40235 170<sup>th</sup> St. E., Lancaster, CA 93591 (AVTA East) for an amount not to exceed \$280,000.**

Moved by Vice Chair Knippel, seconded by Director Flanagan

Vote: Motion carried (6-0-0-0)

Ayes: Chairman Crist, Vice Chair Knippel, Directors Hofbauer, Loa, Malhi, Flanagan

Nays: None

Abstain: None

Absent: None

**REPORTS AND ANNOUNCEMENTS (RA):**

RA 1 REPORT BY THE EXECUTIVE DIRECTOR/CEO

Mr. Neshati provided an update regarding the bus bay expansion project, improvements to the existing bus bays, Request for Proposals for contracted transit services, bringing contracted transit services in-house and the MCI commuter bus procurement.

**MISCELLANEOUS BUSINESS – NON-AGENDA BOARD OF DIRECTORS ITEMS:**

There were no miscellaneous business items presented.

**ADJOURNMENT:**

Chairman Crist adjourned the meeting at 11:10 a.m. to the Regular Meeting of the Board of Directors on July 27, 2021 at 10:00 a.m. in the Antelope Valley Transit Authority Community Room, 42210 6<sup>th</sup> Street West, Lancaster, CA.

PASSED, APPROVED, and ADOPTED this 27<sup>th</sup> day of JULY 2021

---

Marvin Crist, Chairman of the Board

ATTEST:

---

Karen S. Darr, Clerk of the Board

Audio recordings of the Board of Directors Meetings are maintained in accordance with state law and AVTA's Records Retention Policy. Please contact the Clerk of the Board at (661) 729-2206 to arrange to review a recording.



**DATE: July 27, 2021**  
**TO: BOARD OF DIRECTORS**  
**SUBJECT: Financial Report for June 2021**

---

**RECOMMENDATION**

That the Board of Directors receive and file the Financial Report for June 2021.

**FISCAL IMPACT**

	<b>June</b>
PAYROLL	\$330,792
CASH DISBURSEMENTS	\$3,243,037

**BACKGROUND**

To comply with the provisions required by Sections 37202, 37208 and 6505.5 of the Government Code, the Chief Financial Officer in conjunction with the Controller, provides a monthly payroll total and cash disbursements. The Executive Director/CEO and Treasurer certify the availability of funds.

**I, Macy Neshati, Executive Director/CEO of AVTA, declare that the above information is accurate.**

Prepared by:

Submitted by:

---

Judy Vaccaro-Fry  
Chief Financial Officer

---

Macy Neshati  
Executive Director/CEO



**DATE: July 27, 2021**

**TO: BOARD OF DIRECTORS**

**SUBJECT: FY 2020/2021 (FY 2021) Fourth Quarter Los Angeles County Sheriff's Department Report (April 1 – June 30, 2021)**

---

**RECOMMENDATION**

That the Board of Directors receive and file the FY 2021 Fourth Quarter Los Angeles County Sheriff's Department Report for the period covering April 1 through June 30, 2021.

**FISCAL IMPACT**

No fiscal impact at this time.

**DISCUSSION**

Deputy Maselli and his K-9 partner Doc worked a total of 550 hours during the fourth quarter of FY 2021.

At the beginning of each shift, Deputy Maselli contacted bus operators to ascertain if there were any concerns or problems to report, as well as anything that was reported from the previous day. On average, Deputy Maselli made contact with an estimated 25-30 buses/bus operators per day.

Deputy Maselli monitored various locations that had reported problems. These locations included: Sgt. Steve Owen Memorial Park (OMP), Lancaster Senior Center, 6th Street East & Palmdale Boulevard, Palmdale Transportation Center (PTC) and the Lancaster Metrolink Station.

Deputy Maselli and Doc conducted high visibility K-9 terrorism and explosives deterrence sweeps at the Antelope Valley Transit Authority (AVTA) office, AVTA transfer centers, on AVTA buses and at random bus stop locations throughout the Antelope Valley.

On April 8, Deputy Maselli responded to AVTA bus stop (Rancho Vista/Sears) regarding a Found Critical. She was transported to Atrium Senior Living via a Palmdale unit.

On May 13, Deputy Maselli was flagged-down at OMP regarding a Disturbance-Business call. AVTA staff claimed disturbing party was blocking the AVTA bus stop and was refusing to move. Contacted the disturbing party, who was verbally uncooperative. Disturbing party left location without incident.

On June 1, Deputy Maselli was flagged-down by AVTA bus operator at 10th Street West/Technology Drive regarding Disturbance-Business on AVTA bus 60708 Route 1 N/B. The operator stated that the subject was preventing him from driving the bus safely. Deputy Maselli contacted the subject and subject alighted the bus and left the location without incident.

On June 4, Deputy Maselli responded to AVTA regarding Bomb Call. The pipe bomb was located in the AVTA Safety and Training office. Los Angeles County Arson and Explosives Detail also responded. The pipe bomb was determined a fake that was used for training.

On June 16, Deputy Maselli responded to the AVTA bus stop located at Sierra Hwy/Lancaster Blvd regarding a Lost Property Call. He recovered a passenger's walking cane and returned it to AVTA Dispatch/Lost and Found.

On June 29, Deputy Maselli responded to 10th Street West/Ave K-8 OMP regarding a Disturbance call. No disturbance.

On June 30, Deputy Maselli responded to AVTA regarding a Disturbance call. Subject stated he was at location to discuss relationship. Verbal disturbance only.

The following is a list of misdemeanors, infractions and arrest warrants included on citations issued from April 1 through June 30, 2021. All citations were issued at transit centers or at bus stops in the AVTA service area.

Citations	Apr 21	May 21	June 21
Suspended or Unlicensed Driver	0	0	0
Expired Registration	0	0	0
Registration Not in Vehicle	0	0	0
No Proof of Insurance	0	0	0
Drinking in Public ( Bus Stops)	0	1	0
Failure to Have Both License Plates on Vehicle	0	0	0
Failure to Obey Posted Signs at Transit Centers	0	0	0
Impounded Vehicle	0	0	0

Outstanding Warrant Arrest	0	0	0
Driver License Not in Possession	0	0	0
Using Cell Phone/Texting While Operating Vehicle	0	0	0
Defective Front Windshield	0	0	0
Unlawful Parking (Handicapped)	0	0	0
Non-Aggravated Assault Arrest	0	0	0

During the month of April, Deputy Maselli warned and advised several persons regarding disobeying posted signs, smoking in prohibited areas, and traffic related incidents at OMP and PTC.

During the month of May, Deputy Maselli issued one (1) citation. He warned and advised several persons regarding disobeying posted signs, smoking in prohibited areas, and traffic related incidents at OMP and PTC.

During the month of June, Deputy Maselli warned and advised several persons regarding disobeying posted signs, smoking in prohibited areas, and traffic related incidents at OMP and PTC.

Prepared by:

Submitted by:

---

Kelly Miller  
DBE/EEO Compliance Officer

---

Macy Neshati  
Executive Director/CEO



**DATE:** July 27, 2021  
**TO:** BOARD OF DIRECTORS  
**SUBJECT:** Dedicating and Naming AVTA Transit Centers

---

## **RECOMMENDATION**

That the Board of Directors adopt: 1) Resolution 2021-010, approving the dedicating and naming of the Antelope Valley College Transit Center as the Dianne Knippel Transit Center; 2) Resolution 2021-011, approving the dedicating and naming of the South Valley Transit Center as the Tom Lackey Transit Center; Resolution 2021-012, approving the dedicating and naming of the Boulevard Transit Center as the Scott Thomas Wilk Transit Center; and 4) Resolution 2021-013, approving the dedicating and naming of the Lake Los Angeles Transit Center as the Kathryn Barger Transit Center.

## **FISCAL IMPACT**

None

## **BACKGROUND**

Dianne Knippel has served on the Antelope Valley Transit Authority Board since 2013 and was elected as Vice Chair in 2014. She is a proven community leader who has demonstrated continuous support of AVTA's clean air transportation solutions in the greater Antelope Valley community as well as the health and well-being of Antelope Valley residents.

Vice Chair Knippel is the Executive Director of the Antelope Valley College Foundation where she is responsible for fundraising to support the college and its students. She has doubled the endowment, which has provided over \$1 million in student scholarships, since joining the Foundation in August 2015.

Vice Chair Knippel has 39 years of business development and governmental affairs experience. Her tireless deeds and actions show that she values and recognizes the hard work and dedication of both the employees and students at the organizations she represents. It is therefore fitting that the Antelope Valley College Transit Center be dedicated and named the Dianne Knippel Transit Center.

Assemblyman Tom Lackey served as a Director on AVTA's Board from 2012 until 2014 when he was elected by an overwhelming margin to the California State Assembly representing the 36th Assembly District encompassing the Antelope and Santa Clarita Valleys. Before joining the Assembly, Tom served on the Palmdale Elementary School District Board of Trustees and the Palmdale City Council.

During his time as a State Legislator, Assemblyman Lackey has championed successful efforts to combat the growing problem of drugged driving and to provide increased state funding to support programs for individuals with developmental disabilities. Assemblyman Lackey also served on the California Highway Patrol for 28 years with 18 of the 28 years in the Antelope Valley. His selfless and outstanding service to the residents of the Antelope Valley warrants dedicating and naming the South Valley Transit Center as the Tom Lackey Transit Center.

Senator Scott Wilk represents the 21st Senate District that includes the Antelope, Santa Clarita and Victor Valleys. Prior to his election to the Senate in 2016, and reelection in 2020, he served two terms in the California State Assembly. Born and raised in Lancaster, Senator Wilk grew up in a working class family in the Antelope Valley, the epi-center of the aerospace/aviation industry in California, where Scott's family lived through the boom and bust times of that industry. He served as a City of Palmdale Library Trustee and is an inductee to the Antelope Valley High School Hall of Fame.

Senator Wilk has focused on policies to promote economic growth and understands that a helping hand can be the difference between struggling and success. He has focused his legislative priorities on giving a voice to those that need help, including the disabled community, the homeless and foster youth. Senator Wilk's fervent advocacy and commitment to the residents of the Antelope Valley warrants dedicating and naming the Lancaster Boulevard Transit Center as the Scott Thomas Wilk Transit Center.

Kathryn Barger began her career in public service as a college intern for former Supervisor Michael Antonovich. She became his chief deputy in 2001 where she served until her election to the Board of Supervisors in 2016. Supervisor Barger proudly serves the residents of the 5th District, which includes the communities in the Antelope Valley. Barger is committed to keeping our region safe and is an advocate for improving the environment and the quality of life for the citizens she represents.

Supervisor Barger is also committed to expanding access to and improving mobility options for all residents of the 5th District, including the incorporated cities and unincorporated communities of the Antelope Valley. To that end, she has been instrumental in the prioritization and allocation of more than \$200 million in improvements to the Metrolink Antelope Valley Line. She has championed tens of millions of dollars in grant funding to meet AVTA's goal of a zero emission fleet and

to implement critical grade separations and upgrades to pedestrian and bicycle facilities throughout the Antelope Valley. She has supported micro transit pilots to expand mobility options and upgrades to Access Services, while fiercely fighting to protect local transportation revenues and local control over transportation priorities. Supervisor Barger's passionate support and dedication to the Antelope Valley warrants that the Lake Los Angeles Transit Center be dedicated and named as the Kathryn Barger Transit Center.

Prepared by:

Submitted by:

---

Karen Darr  
Clerk of the Board

---

Macy Neshati  
Executive Director/CEO

Attachments: A – Resolution No. 2021-010 (Dianne Knippel Transit Center)  
B – Resolution No. 2021-011 (Tom Lackey Transit Center)  
C – Resolution No. 2021-012 (Scott Thomas Wilk Transit Center)  
D – Resolution No. 2021-013 (Kathryn Barger Transit Center)

**RESOLUTION #2021-010**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY APPROVING DEDICATING AND NAMING THE ANTELOPE VALLEY COLLEGE TRANSIT CENTER AS THE DIANNE KNIPPEL TRANSIT CENTER**

**WHEREAS,** Dianne Knippel is the Executive Director of the Antelope Valley College Foundation where she is responsible for fundraising to support the college and its students; and

**WHEREAS,** Ms. Knippel has doubled the endowment, which has provided over \$1 million in student scholarships, since joining the Foundation in August 2015; and

**WHEREAS,** Ms. Knippel has 39 years of business development and governmental affairs experience; and

**WHEREAS,** in 2013 Dianne Knippel became an AVTA Board Member and was subsequently elected as the Vice Chair in 2014; and

**WHEREAS,** Vice Chair Dianne Knippel (“Vice Chair Knippel”) has shown to be a proven community leader who has demonstrated continuous support of AVTA’s clean air transportation solutions in the greater Antelope Valley community as well as the health and well-being of Antelope Valley residents; and

**WHEREAS,** the Board of Directors recognizes that Vice Chair Knippel’s tireless deeds and actions show that she values and recognizes the hard work and dedication of both the employees and students at the organizations she represents and warrant the naming of the Antelope Valley College Transit Center in honor of Vice Chair Dianne Knippel.

**NOW, THEREFORE, BE IT RESOLVED** the Board of Directors of the Antelope Valley Transit Authority authorizes and approves dedicating and naming the Antelope Valley College Transit Center as the Dianne Knippel Transit Center.

PASSED, APPROVED AND ADOPTED this 27<sup>th</sup> day of JULY 2021.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Marvin Crist, Chairman of the Board

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen S. Darr, Clerk of the Board

\_\_\_\_\_  
Allison E. Burns, General Counsel

**RESOLUTION #2021-011**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY APPROVING DEDICATING AND NAMING THE SOUTH VALLEY TRANSIT CENTER AS THE TOM LACKEY TRANSIT CENTER**

**WHEREAS**, Assemblyman Tom Lackey (“Assemblyman Lackey”) served as a Director on AVTA’s Board from 2012 until 2014 when he was elected by an overwhelming margin to the California State Assembly representing the 36th Assembly District encompassing the Antelope and Santa Clarita Valleys; and

**WHEREAS**, before joining the Assembly, Tom served on the Palmdale Elementary School District Board of Trustees and the Palmdale City Council; and

**WHEREAS**, during his time as a State Legislator, Assemblyman Lackey has championed successful efforts to combat the growing problem of drugged driving and to provide increased state funding to support programs for individuals with developmental disabilities; and

**WHEREAS**, Assemblyman Lackey served on the California Highway Patrol for 28 years with 18 of the 28 years in the Antelope Valley; and

**WHEREAS**, the Board of Directors recognizes that Assemblyman Lackey’s selfless and outstanding service to the residents of the Antelope Valley warrants the naming of the South Valley Transit Center in honor of Assemblyman Tom Lackey.

**NOW, THEREFORE, BE IT RESOLVED** the Board of Directors of the Antelope Valley Transit Authority authorizes and approves dedicating and naming the South Valley Transit Center as the Tom Lackey Transit Center.

PASSED, APPROVED AND ADOPTED this 27<sup>th</sup> day of JULY 2021.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Marvin Crist, Chairman of the Board

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen S. Darr, Clerk of the Board

\_\_\_\_\_  
Allison E. Burns, General Counsel

**RESOLUTION #2021-012**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY APPROVING DEDICATING AND NAMING THE LANCASTER BOULEVARD TRANSIT CENTER AS THE SCOTT THOMAS WILK TRANSIT CENTER**

**WHEREAS,** Senator Scott Wilk (“Senator Wilk”) represents the 21st Senate District that includes the Antelope, Santa Clarita and Victor Valleys; and

**WHEREAS,** prior to his election to the Senate in 2016, and reelection in 2020, he served two terms in the California State Assembly; and

**WHEREAS,** born and raised in Lancaster, Senator Wilk grew up in a working class family in the Antelope Valley, the epi-center of the aerospace/aviation industry in California, where his family lived through the boom and bust times of that industry; and

**WHEREAS,** Senator Wilk has focused on policies to promote economic growth and understands that a helping hand can be the difference between struggling and success; and

**WHEREAS,** Senator Wilk has focused his legislative priorities on giving a voice to those that need help, including the disabled community, the homeless and foster youth; and

**WHEREAS,** the Board recognizes that Senator Wilk’s fervent advocacy and commitment to the residents of the Antelope Valley warrants the naming of the Lancaster Boulevard Transit Center in honor of Senator Scott Wilk.

**NOW, THEREFORE, BE IT RESOLVED** the Board of Directors of the Antelope Valley Transit Authority authorizes and approves dedicating and naming the Lancaster Boulevard Transit Center as the Scott Thomas Wilk Transit Center.

PASSED, APPROVED AND ADOPTED this 27<sup>th</sup> day of JULY 2021.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Marvin Crist, Chairman of the Board

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen S. Darr, Clerk of the Board

\_\_\_\_\_  
Allison E. Burns, General Counsel

RESOLUTION #2021-013

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY APPROVING DEDICATING AND NAMING THE LAKE LOS ANGELES TRANSIT CENTER AS THE KATHRYN BARGER TRANSIT CENTER**

**WHEREAS**, Kathryn Barger began her career in public service as a college intern for former Supervisor Michael Antonovich and became his chief deputy in 2001 where she served until her election to the Board of Supervisors in 2016; and

**WHEREAS**, Supervisor Kathryn Barger (“Supervisor Barger”) proudly serves the residents of the 5th District, which includes the communities in the Antelope Valley. Barger is committed to keeping the region safe and is an advocate for improving the environment and the quality of life for the citizens she represents; and

**WHEREAS**, Supervisor Barger is committed to expanding access to and improving mobility options for all residents of the 5th District, including the incorporated cities and unincorporated communities of the Antelope Valley; and

**WHEREAS**, Supervisor Barger has been instrumental in the prioritization and allocation of more than \$200 million in improvements to the Metrolink Antelope Valley Line and has championed tens of millions of dollars in grant funding to meet AVTA’s goal of a zero emission fleet and to implement critical grade separations and upgrades to pedestrian and bicycle facilities throughout the Antelope Valley; and

**WHEREAS**, Supervisor Barger has supported micro transit pilots to expand mobility options and upgrades to Access Services, while fiercely fighting to protect local transportation revenues and local control over transportation priorities; and

**WHEREAS**, the Board of Directors recognizes that Supervisor Barger’s passionate support and dedication to the Antelope Valley warrants the naming of the Lake Los Angeles Transit Center in honor of Supervisor Kathryn Barger.

**NOW, THEREFORE, BE IT RESOLVED** the Board of Directors of the Antelope Valley Transit Authority authorizes and approves dedicating and naming the Lake Los Angeles Transit Center as the Kathryn Barger Transit Center.

PASSED, APPROVED AND ADOPTED this 27<sup>th</sup> day of JULY 2021.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Marvin Crist, Chairman of the Board

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen S. Darr, Clerk of the Board

\_\_\_\_\_  
Allison E. Burns, General Counsel



**DATE: July 27, 2021**

**TO: BOARD OF DIRECTORS**

**SUBJECT: WAVE Quote Dated June 7, 2021 for Twenty-Eight (28) Bus Side WAVE Inductive Receiving Pads**

---

## **RECOMMENDATION**

That the Board of Directors authorize the Executive Director/CEO to issue a Purchase Order to WAVE for the purchase of twenty-eight (28) WAVE bus side pads for new buses (Quote - Attachment A). We have ordered as follows: ten (10) K11M 60-foot buses, four (4) K8M 35-foot buses, six (6) K7M-ER 30-foot buses and eight (8) K9M 40-foot buses in an amount of \$2,226,000.00, plus applicable sales tax. In addition, staff is asking for \$142,360, plus applicable sales tax, for the installation on eighteen (18) buses. The 60-foot buses will require a pilot installation and will be addressed separately.

## **FISCAL IMPACT**

Sufficient funds have been awarded in multiple grants for these units and are included in the FY 2022 Budget.

## **BACKGROUND**

In January 2016, the Board of Directors adopted a goal to procure and operate a 100% battery electric fleet. Since that time, staff has installed WAVE inductive charging stations at four strategic locations around the Antelope Valley to allow opportunity charging and thereby extend the range of the buses to run full shifts without returning to the depot.

Continuing to equip all new buses with the WAVE receptors builds on the foundation of enroute opportunity charging allowing our fleet to perform at optimal efficiency. Once this contract is approved by the Board, AVTA will issue a Request for Proposals for the installation of these WAVE units.

Prepared by:

Submitted by:

---

Lyle Block  
Procurement and Contracts Officer

---

Macy Neshati  
Executive Director/CEO

Attachment: A – WAVE Quote dated June 7, 2021

**NB 2 - ATTACHMENT A**



4752 WEST CALIFORNIA AVENUE  
SUITE B-400 • SALT LAKE CITY, UT

Quote

To: Macy Neshati  
42210 6th. St. W  
Lancaster CA, 93534

Date: June 7, 2021  
Expiration: September 5, 2021

Description	Unit Price	Quantity	Line Total*
<b>250kW Secondary - BYD K11M</b> Includes all vehicle-side equipment.	\$79,500	10	\$795,000
<b>250kW Secondary - BYD K8M</b> Includes all vehicle-side equipment.	\$79,500	4	\$318,000
<b>250kW Secondary - BYD K7M-ER</b> Includes all vehicle-side equipment.	\$79,500	6	\$477,000
<b>250kW Secondary - BYD K9M</b> Includes all vehicle-side equipment.	\$79,500	8	\$636,000
<b>Subtotal:</b>			<b>\$2,226,000</b>

Parts and Service Coverage Options	Unit Price	Years	Line Total
<b>Option 1</b>			
<b>Parts Only Coverage</b> WAVE's sole obligation with respect to	\$33,390	5	\$166,950
<b>Option 2</b>			
<b>Parts and Service Coverage</b> WAVE's sole obligation with respect to	\$66,780.00	5	\$333,900.00

\* Price does not include shipping and site specific installation costs, including but not limited to, site preparation, construction or installation. WAVE System Includes 1 Year of Warranty. FOB Salt Lake City

THIS QUOTATION SHEET IS AN INDICATION OF THE PRICING THAT WIRELESS ADVANCED VEHICLE ELECTRIFICATION, INC. ("WAVE") IS WILLING TO OFFER BASED ON ITS CURRENT UNDERSTANDING OF THE PROJECT AND EXPECTATIONS AS TO TERMS OF ANY ENGAGEMENT WITH THE PARTY RECEIVING THIS QUOTATION SHEET. IN NO EVENT SHALL WAVE BE BOUND BY ANY OBLIGATION TO HONOR THE PRICING OR OTHER TERMS SET FORTH HEREIN UNLESS AND UNTIL AN ACCEPTABLE, BINDING COMMERCIAL AGREEMENT HAS BEEN FULLY EXECUTED BY BOTH PARTIES HERETO



Renovation • Parts • Modification

July 12, 2021

Antelope Valley Transit Authority  
42210 6<sup>th</sup> Street West  
Lancaster, CA 93534  
Attention: Macy Neshati

Reference: Installation of WAVE Charging Units on 30ft, 35ft, 40ft and 60ft Buses

Dear Macy,

Complete Coach Works (CCW) appreciates the opportunity to provide you with a quote to install WAVE charging units on AVTA BYD electric buses.

Complete Coach Works' quote for WAVE installation is as follows:

Installation on 30ft, 35ft and 40ft buses 76hrs @ \$95.00 per hour	\$7,220.00 each bus
Installation on 60ft bus (prototype unit) Not to Exceed 130 hours @ \$95.00 per hour	\$12,350.00

Once installation is complete on 60ft prototype, Complete Coach Works will submit a subsequent per bus quote for the remaining 60ft WAVE installations.

This quote is based on work being performed at CCW's Riverside Facility with AVTA providing transportation of the buses to and from Riverside. Parts to be provided by AVTA / WAVE. Any modifications required will be quoted separately as extra work.

Complete Coach Works appreciates the opportunity to provide you with this quote. We look forward to your favorable response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brad Carson', is written over a blue horizontal line.

Brad Carson  
Director of Sales and Marketing

BC/pr





July 21, 2021

Dale Carson  
Complete Coach Works  
1863 Service CT  
Riverside, CA 92507

To Whom It May Concern:

Wireless Advanced Vehicle Electrification (WAVE) hereby declares that Complete Coach Works (CCW) is certified to install WAVE equipment.

WAVE, a subsidiary of Ideanomics Inc, an American public company, focuses on creating practical and economical solutions for on-road (medium-and heavy-duty trucks and buses), and off-road industrial electric vehicle markets worldwide.

Our inductive charging systems enable medium- and heavy-duty vehicle fleet operators and mass transit agencies to overcome battery limitations to make the transition to electric vehicles and allow for the removal of internal combustion engine vehicles from their fleets.

Free of moving parts and fully automated, WAVE's charging systems deliver a lower total cost of ownership, provide unmatched reliability, and have the lowest operational impact when compared to legacy charging systems. Unlike conventional plug-in and overhead charging systems that require time-consuming, hands-on intervention, clutter the ground, and require excessive maintenance, WAVE's ruggedized pads are embedded in the roadway and hidden. Crucially, WAVE chargers completely remove tripping hazards and repetitive motion injuries associated with plugging and unplugging dozens of cumbersome charging cables every shift, and cable/connector damage from vehicle runaway. Also, inductive charging removes the potential of bacterial and viral contamination due to multiple individuals handling connectors.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Masquelier". The signature is fluid and cursive.

Michael Masquelier  
Chief Executive Officer  
WAVE, Inc.  
(773) 962-1135  
michael@waveipt.com



**DATE: July 27, 2021**

**TO: BOARD OF DIRECTORS**

**SUBJECT: Sole Source Contract #2022-05 with Avail Technologies, Inc. for Intelligent Transportation System (ITS) Equipment Upgrades**

---

### **RECOMMENDATION**

That the Board of Directors authorize the Executive Director/CEO to award Sole Source Contract #2022-05 with Avail Technologies, Inc. for Information Technology System (ITS) Equipment for an amount not to exceed \$1,203,403.26, plus applicable sales tax (Attachment A).

### **FISCAL IMPACT**

Sufficient grant funds are available from the FY 2022 Business Plan to pay for this service.

### **BACKGROUND**

In 2013, AVTA contracted with Avail Technologies, Inc. for their Intelligent Transportation System (ITS) which provide many features and benefits that improve our daily operations. This contract will upgrade the existing in-vehicle technology to the latest non-proprietary hardware. The new platform offers many additional capabilities beyond the existing platform and enables AVTA to transition the vehicle fleet to the latest generation system. This upgrade includes:

- Upgrade entire current vehicle fleet to the latest vehicle hardware
- Provide and install Avail in-vehicle hardware on 24 vehicles not yet added to the AVTA fleet
- Add Message Point Media (MPM) wayside signs to all Transit Centers
- Convert AVTA's existing on-premise FleetNet Software to Avail's ETMS cloud framework

To continue the partnership between Avail and AVTA, at no additional cost, Avail has agreed to provide the following features:

- Operator Behavior. Provides live feedback to the operator to maximize the operating range of the vehicle by minimizing hard acceleration and deceleration. The operator will be able to visualize in a form of a bar color coded to indicate the severity of the change in acceleration:

- 20% Acceleration



- 50% Acceleration



- Full Acceleration



- 360 Apollo camera integration. Capability to share GPS location to camera vendor to remove the need for additional GPS receivers on the vehicle.
- Yard Map. Customized map outlining AVTA's bus parking location to assist and identify vehicle location, parking assignment and improve timely departures from AVTA.
- Proposed development of integration with Optibus, Wave and IO System. Combined efforts between the four companies to monitor charging opportunities and provide live feedback to the dispatchers.

Prepared by:

Submitted by:

---

Geraldina Romo  
Planning Manager

---

Macy Neshati  
Executive Director/CEO

Attachment: A – Avail Technologies, Inc. Proposal



July 15, 2021

Martin Tompkins  
Chief Operating Officer  
Antelope Valley Transit Authority (AVTA)  
42210 6th Street West  
Lancaster, CA. 93534

***Re: Combined Avail Technology Initiatives***

Dear Mr. Martin,

Thank you for your continued interest in Avail Technologies as your ITS equipment and services provider. AVTA is a valued transit partner, and we appreciate the continued opportunity to partner with you to enhance your operational ITS environment. Included in this proposal, Avail has provided scope and pricing to:

- Upgrade your entire current vehicle fleet, total of 96, to our latest vehicle hardware
- Add Message Point Media (MPM) wayside signs
- Convert AVTA's existing on-premise FleetNet software to Avail's ETMS cloud framework
- Implement Yard Map functionality within myAvail

Based on our conversation on June 23, AVTA agreed to move forward with this proposal in full, in return Avail agreed to provide the following at no additional cost:

- Operator Behavior
- Provide Apollo with the Avail In-Vehicle API for Avail 360 camera integration
- Proposed development of integration with Optibus, Wave and IO Systems
- Proposed development of Yard Map with IO ELMS
- 

This offer shall remain valid for 45 days from date of the offer. Should you have any questions or would like to discuss these options in more detail, we would be happy to do that. Please feel free to contact me, at (801) 879-2126 or email at [nbyrd@availtec.com](mailto:nbyrd@availtec.com). We appreciate this opportunity and look forward to speaking with you soon.

Respectfully,

A handwritten signature in blue ink that reads "Nathan Byrd".

Nathan Byrd  
Sales Specialist

# 1 SCOPE OF WORK & DELIVERABLES

## 1.1 VEHICLE UPGRADES

Avail technologies is pleased to provide you with this quote for upgrading AVTA's existing in-vehicle technology to our latest non-proprietary hardware. The new platform offers many additional capabilities beyond your existing platform and enables AVTA to transition your vehicle fleet to our latest generation system. This offer will upgrade your vehicles to our latest technology that is compatible with all your backend software and enables AVTA to take advantage of many new system features such as:

- Latest generation VLU, which now runs all the software, eliminating the need for other processors in our MDT.
- New 10" color touch screen driver interface that eliminates a proprietary MDT and offers a larger display and new features
- Enhanced Features including more efficient bulk downloads, API available from IVU and Ethernet interface
- Integration ready for Mobile Ticketing, Infotainment, Cameras, etc.
- Text-to-Speech announcements
- Driver-initiated ADA Volume Adjustment
- Driver-initiated Safety Announcements

### 1.1.1 AVAIL RESPONSIBILITIES

1. Avail will schedule a vehicle survey for the fleet to ensure equipment accuracy and placement.
2. Avail will create acceptance test procedures to be performed during fleet upgrade to ensure proper networking configurations.
3. For the entire fleet of 90 vehicles, Avail shall install IVU3, 10" driver displays, and new CCMs based on the following assumptions:
  - a. Remove during upgrade:
    - i. IEB/IVU1 slide plate, any Mackenzie, existing MDT, GPS antenna, vehicle cabling as necessary
  - b. Install during upgrade
    - i. IVU3, slide plate & cabling including - PA AMP, Power Filter, Back-up Battery, Simma J1708 Controller, J1708 Block, CCM with Covert VoIP, 10" Display, GPS antenna (44UB)
    - ii. VHM cabling
    - iii. Change the In-Vehicle configuration to use the existing Mobile Gateway Router's cellular data for two-way communications.
  - c. Unchanged ITS equipment:
    - i. Cellular data modem, APC Gateway, APC door sensors, Hanover interior sign



4. Avail is responsible for hiring and managing a third-party subcontractor to complete the removal and installation of vehicle equipment.

### **1.1.2 AVTA RESPONSIBILITIES**

1. The maintenance and operations teams need to assist us with making the necessary vehicles available as needed
2. Agency will configure the Mobile Gateway routers to connect to the vehicle Wi-Fi network when in range. TCP/UDP Traffic will be directed to the servers listed in the previous bullet. When In range the of the WI-FI network the Mobile Gateway Router should use the WI-FI network as the primary communications path.
3. Agency maintenance is responsible for maintaining the In-Vehicle Local Area network (LAN) and communications of the In-Vehicle Avail equipment. This includes the Avail IVU networking and CCM-VoIP boards configuration.
4. If Agency installs managed switches for In-Vehicle networking, they will be responsible for the setup, configuring, and maintenance to ensure the In-Vehicle network communications remain as designated.
5. Responsible for any network related maintenance and troubleshooting including any 3rd party customer supplied networking equipment.
6. Support and coordinate with Avail acceptance testing of all networked In-Vehicle Avail equipment and 3rd party customer equipment to ensure design.

### **1.1.3 COMPLETION REQUIREMENTS**

1. Avail shall perform training for maintenance staff. This will include a sign-off sheet of attendees and testing to ensure knowledge retention. This step is considered complete upon the sign-off of the employee supervisor designated by AVTA.
2. Upon installation, vehicles will be vetted with a pre- and post- check and functionality tested. These checks will be signed by a designated member of AVTA. Once each vehicle is signed off, the vehicle will be considered complete. Once all vehicles have been signed off, the project will be considered complete.
3. Installed new Simma Device to perform all J1708 and J1939 communications.
4. IVU Announcements can be uploaded via the cellular Interface and played in the vehicle.
5. IVU Text To Speech Functionality can be used to Play IVU Announcements.

## **1.2 WAYSIDE SIGNAGE**

### **1.2.1 OVERVIEW**

We have included pricing for the identified existing signage locations as well as additional new locations for your agency. This pricing includes project management, setup & configuration, cellular data connections all signs utilizing the MPM cellular network, equipment and installation. Installation pricing does NOT include Electrical, Permitting, or other public works infrastructure such as setting any foundation bolts, etc. in the concrete. It is assumed this will be done by AVTA's Contractors or Internal Staff.



### **1.2.2 AVAIL RESPONSIBILITIES**

- Order requested signage and options as scoped
- Facilitate introduction call with MPM and AVTA to hand-off the sign portion of implementation
- Contract with MPM to complete the physical installation of the signs at the selected locations
- Provide API and sign information for AVTA to MPM
- Support MPM in communications with AVTA
- Support MPM testing of dynamic bay assignment
- Complete final sign-off for signage acceptance with MPM and AVTA

### **1.2.3 AGENCY RESPONSIBILITIES**

- Responsible for all necessary electrical, sidewalk drilling, public works permitting, etc. at the selected sign locations
- Work with MPM on initial content creation and sign layout
- Complete final sign-off for signage acceptance with Avail and MPM

### **1.2.4 COMPLETION REQUIREMENTS**

- Delivery and installation of the signs at the selected locations
- Acceptance of the initial content and sign layout

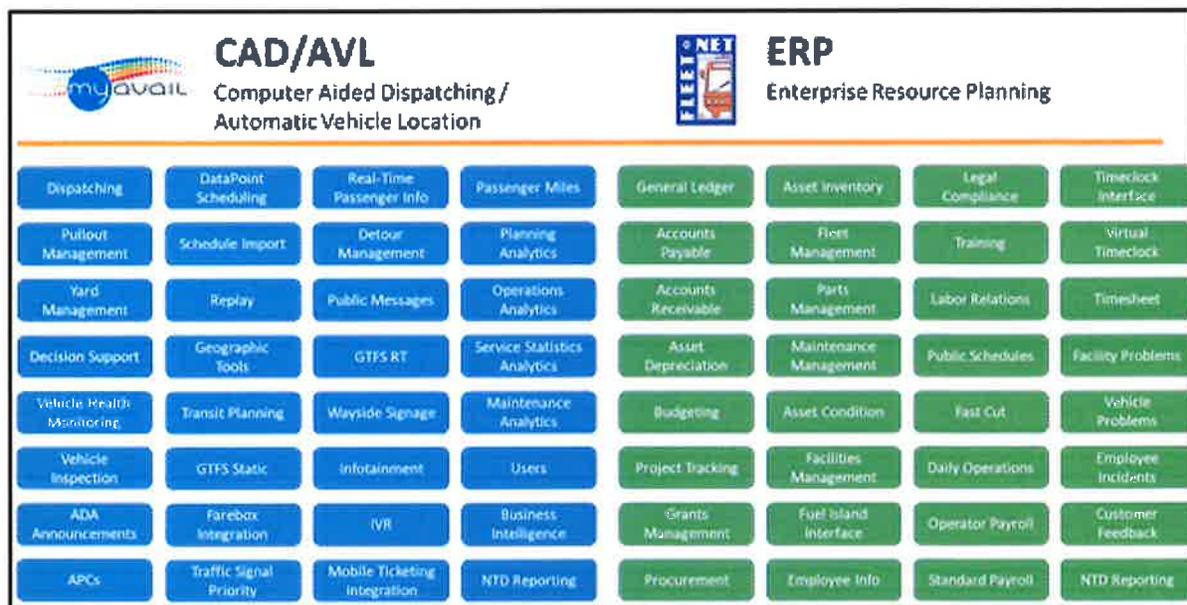
Product specification sheets for proposed signs will be provided with this proposal.



## 1.3 ETMS CONVERSION

### 1.3.1 OVERVIEW

Over the past twenty years, Avail Technologies has consistently looked to our customers to help develop our product. We have come to understand and respect that nobody knows what you need, better than the agency itself. We have had customers beta-test our products, be part of our development committees and user's conferences, and participate in our roundtable sessions. Our ETMS was established out of these collaborative sessions. In fact, roundtable, after roundtable, our customers demonstrated time and time again, that the public transit industry was looking for a product that merged ERP/EAM and CAD/AVL functionalities, and Avail Technologies answered this request. The following illustration depicts how our products used to be.



Our software engineers took these sixty-four modules' features and functions and through development, testing, validation, and deployment combined them into one solution (below) with seven suites and critical reporting elements (Business Intelligence and NTD Reporting) being at the center of each suite.





# Enterprise Transit Management Solution

Finance	Transit Assets	Human Resources	Planning & Scheduling	Operations	Compliance	Payroll
Accounts Payable	Asset Condition	Employees	Build & Deploy	Communications	Claims & Safety	Attendance
Accounts Receivable	Asset Inventory	Employee Self-Serve	Geographic Tools	Decision Support	Customer Feedback	Leave Scheduling
Asset Depreciation	Facilities	Labor Relations	GTFS	Detours	Employee Incidents	Operator Time
Budgeting	Fleet	Legal Requirements	Public Messages	Dispatch	Facilities Requests	Payroll
Grants	Maintenance	Position Control	Scheduling	Pullout Management	Vehicle Incidents	Timeslock
General Ledger	Parts	Recruitment	Transit Planning	Special Events		Timekeeping
Procurement		Training		Yard Management		Tax Reporting
Projects				Vehicle Systems		
Business Intelligence						
NTD Reporting						
System Administration						

As the following short video illustrates (<https://youtu.be/R1QUuzinPKM>), myAvail ETMS is the epitome of a flexible ITS. Whatever functions and features an agency desires to run their business, they can receive it by using our ITS. This version of myAvail was specifically designed with our customers in mind. We have encompassed all of the “wish list” requests that we have received from each one of our customers and designed this ETMS for them. What this means to every agency that partners and continues to partner with Avail is that they will receive an ITS solution that meets all their specific needs.

### 1.3.2 AVAIL RESPONSIBILITIES

1. Avail will assign a project manager to be the main point of contact for your agency.
2. Create Azure/Cloud Environment.
3. Run data migration scripts and produce a list of items for the data cleansing effort.
4. Provide Subject Matter Experts (SME) to work directly with Agency staff to fix data related issues.
5. Ensure all 3<sup>rd</sup> party integrations, as of the time of the migration, are operational.
6. Train Agency staff as needed on ETMS navigation (\*note\* this does not include application training).
7. Explain what data elements will be encrypted and how the technology is implemented.
8. Coordinate cut-over (go-live) date/time options.
9. Perform cutover and provide post upgrade support.

### 1.3.3 AGENCY RESPONSIBILITIES

1. Attend the kick-off meeting and provide a primary point of contact to Avail.
  - a. Provide a list of 3<sup>rd</sup> party integrations that need to be moved to ETMS



- b. Provide a list of custom reports that need to be moved to ETMS
  - c. Provide a list of custom data elements or programs currently in use.
2. Provide a complete ERP data backup for all modules to migrate to ETMS.
3. Support the data clean-up effort and provide prompt responses.
4. Work with Avail staff on the assignment of existing Fleet-Net users to new ETMS roles.
5. Participate in testing the applications and audit trail before final cut-over.
6. Provide final complete ERP data backup used for the go-live (the data will have changed since we started the testing).

### **1.3.4 COMPLETION REQUIREMENTS**

1. All customer data for migration has been identified and signed off as available after the clean-up effort.
2. Agency is accessing all data through the Cloud-hosting environment and Business Intelligence is pulling data in its reports.

## **1.4 VALUE ADD-ONS**

### **1.4.1 OPERATOR BEHAVIOR**

Avail's operator behavior system utilizes a dead reckoning antenna to measure the changes in acceleration of the vehicle, otherwise known as jerk. This data is then translated to the operator display to provide feedback to the operator on their current driving style, with color coding to communicate the level of acceleration or deceleration. This feedback mechanism enables an operator to continually improve their operating style to provide a smooth ride to the passenger and maximize the operating range of the vehicle by minimizing hard acceleration and deceleration.

The data is also logged for post operation analysis, as part of Avail's future product development.



The bar changes color to indicate the severity of the change in acceleration:

- Full Deceleration

The screenshot shows a user interface with a top navigation bar containing icons for RTT, PRTT, MSG, ANNC, MENU, and HOME. Below this is a main content area with two panels. The left panel, titled 'Decelerating', features a vertical bar that is almost entirely filled with red, indicating a full deceleration. The right panel, titled 'Information', displays trip details: Next Timepoint (Meridian&38thSB), Depart (13:34), Run (21243), Route (90), and Trip (1316 S). At the bottom, a status bar shows 'LOGGED ON', signal strength, a globe icon, and the time 13:42.

- 50% Deceleration

The screenshot shows the same user interface as above, but with a yellow bar in the 'Decelerating' panel, indicating a 50% deceleration. The 'Information' panel and the bottom status bar (showing 'LOGGED ON', signal strength, a globe icon, and the time 13:41) are identical to the previous screenshot.



- 20% Deceleration

Decelerating

Accelerating

Information

Next Timepoint	Meridian&38thSB
Depart	13:34
Run	21243
Route	90
Trip	1316 S

LOGGED ON

13 41

- 20% Acceleration

Decelerating

Accelerating

Information

Next Timepoint	Meridian&38thSB
Depart	13:34
Run	21243
Route	90
Trip	1316 S

LOGGED ON

13 39



- 50% Acceleration

RTT PRTT MSG ANNC MENU HOME

Decelerating

Accelerating

Information

Next Timepoint	Meridian&38thSB
Depart	13:34
Run	21243
Route	90
Trip	1316 S

LOGGED ON 13 39

- Full Acceleration

RTT PRTT MSG ANNC MENU HOME

Decelerating

Accelerating

Information

Next Timepoint	Meridian&38thSB
Depart	13:34
Run	21243
Route	90
Trip	1316 S

LOGGED ON 13 40



## 1.4.2 360 APOLLO CAMERA INTEGRATION

- Avail has the capability to share GPS location with the camera vendor to remove the need for additional GPS receivers on the vehicle and provide the camera system with location information for metadata.
- Avail can send a request to tag the video to the camera system from the following:
  - myAvail Dispatch Software
  - Avail MDT
  - In the case of a triggering event, currently speeding over threshold
- Avail can share service information with the camera system such as
  - Driver ID
  - Operational Status
  - Route information
  - Block/Run/Trip/Stop
- Avail can receive any camera system faults as alerts in the myAvail system like:
  - Hard drive faults
  - Camera faults
- Live look in

Avail will provide our in-vehicle API to Apollo to support this integration to achieve these features, should Apollo require any integration costs, they are not included as a part of this proposal.

## 1.4.3 PROPOSED DEVELOPMENT OF INTEGRATION WITH OPTIBUS, WAVE AND IO CONTROLS

Avail will be coordinating and providing the proposed integrations with Optibus, Wave and IO Controls as per the conference call held on 6/18. A detailed write up of the scope will be provided at a later date.

## 1.4.4 PROPOSED DEVELOPMENT OF INTEGRATION OF YARD MAP WITH IO ELMS

Avail shall also work with AVTA to facilitate potential integration of ELMS charging data available via API with Avail Yard Map solution.

## 2 DELIVERY SCHEDULE

Upon receipt of PO, Avail will schedule vehicle surveys, order all major vehicle & sign equipment, the assigned project manager will work with AVTA to develop and finalize a project schedule for the ITS upgrades and ETMS conversion.



### 3 PRICE PROPOSAL

Description	Price
<b>Implementation Labor</b>	
- Project Management	\$ 140,791.60
- Setup, Configuration, Testing	
- Travel Expense	
<b>Vehicle Equipment (96 kits)</b>	\$ 659,665.92
<b>Vehicle Installation s</b>	\$ 136,800.00
<b>Spare Equipment (9)</b>	
- IVU3, 10" display, CCM, PA Amp, Power Filter	\$ 31,603.68
<b>Support Credit (1-year hardware warranty)</b>	\$ (31,500.00)
<b>Total Vehicle Upgrades</b>	\$ 937,361.20
<b>Yard Management Setup</b>	\$ 3,289.28
<b>Yard Management License</b>	\$ 10,000.00
<b>License Credit</b>	\$ (10,000.00)
<b>Total Yard Management</b>	\$ 3,289.28
BLVD signs & equipment (4)	\$ 20,719.00
Owens signs & equipment (4)	\$ 27,247.00
Palmdale signs & equipment (5)	\$ 26,990.00
South Valley signs & equipment (4)	\$ 20,719.00
<b>Professional Services</b>	
- Project Management	\$ 75,240.90
- Configuration & Setup	
- Installation & Travel	
<b>Partnership Discount</b>	\$ (8,545.80)
<b>Support Discount</b>	\$ (10,000.00)
<b>Total Wayside Signage</b>	\$ 152,370.10
<b>Support &amp; Warranty Alignment</b>	
Sign Warranty & License - exp April 30, 2023	\$ 28,832.00
Yard Management Annual License - exp April 30, 2023	\$ 3,000.00
Cellular Data - Apollo Camera Live Look-in - 18 months	\$ 25,650.00
<b>Total Support &amp; Warranty</b>	\$ 57,482.00
<b>Grand Total ITS Upgrades</b>	\$ 1,150,502.58
ETMS Conversion - Not to Exceed	\$ 28,724.04
<b>Total ETMS Conversion</b>	\$ 28,724.04
ETMS Hosting - Year 1	\$ 10,812.45
ETMS hosting - Year 2	\$ 13,364.19
<b>Grand Total ITS Upgrades &amp; ETMS</b>	\$ 1,203,403.26

\*\*Pricing shown does not include any taxes, agency is responsible for all tax



## 4 SUPPORT & WARRANTY

Avail has included support and warranty for all features and functionality to align with the support agreement currently in effect, expiring April 30, 2023.

## 5 PAYMENT TERMS

To execute this request, please forward your Purchase Order electronically to [contracts@availtec.com](mailto:contracts@availtec.com). Avail shall invoice as follows, with payment due Net 30:

Milestone	%	Price	Invoice Due
Project Kick-off Meeting	25%	\$ 273,255.15	net 30
Delivery of Project Schedule	25%	\$ 273,255.15	net 30
Equipment Delivery to Avail	25%	\$ 273,255.15	net 30
Vehicle Installation Completion Sign-offs	15%	\$ 163,953.09	net 30
ITS Project Closure	10%	\$ 109,302.06	net 30
Sign Warranty & License - exp April 30, 2023	100%	\$ 28,832.00	net 30 - Completion of ITS Project
Yard Management Annual License - exp April 30, 2023	100%	\$ 3,000.00	net 30 - Completion of ITS Project
Cellular Data - Apollo Camera Live Look-in - 18 months	100%	\$ 25,650.00	net 30 - Completion of ITS Project
<b>Total ITS Project Price</b>	<b>100%</b>	<b>\$ 1,150,502.58</b>	
ETMS Conversion - Receipt of PO	50%	\$ 14,362.02	net 30
ETMS Hosting - Year 1	100%	\$ 10,812.45	net 30
ETMS Conversion - Completion of Conversion	50%	\$ 14,362.02	net 30 - Completion of ETMS Project
ETMS hosting - Year 2	100%	\$ 13,364.19	net 30 - April 1, 2022
<b>Total ETMS Project Price</b>	<b>100%</b>	<b>\$ 52,900.68</b>	
<b>Grand Total</b>	<b>100%</b>	<b>\$ 1,203,403.26</b>	

## 6 APPROVALS

By signing this agreement AVTA is agreeing to the price and payment terms listed in this offer.

**AVAIL Technologies, Inc.**

**Agency**

Signature:  \_\_\_\_\_

Signature: \_\_\_\_\_

Name: Kerry Couch

Name: \_\_\_\_\_

Title: Chief Financial Officer

Title: \_\_\_\_\_

Date: July 15, 2021

Date: \_\_\_\_\_





**DATE: July 27, 2021**

**TO: BOARD OF DIRECTORS**

**SUBJECT: I/O Controls Corporation Quote Dated May 13, 2021 - ELMS 2.0 Upgrade for up to 85 Buses**

---

**RECOMMENDATION**

That the Board of Directors authorize the Executive Director/CEO to enter into an agreement with I/O Controls Corporation for an amount not to exceed \$160,000.00 plus applicable taxes to upgrade the current ELMS system on our BYD buses to allow programming smart charging algorithms to take advantage and optimize charging at the depot (Attachment A). This smart charging is applicable now while on SEC rates by avoiding peak rates and will also be applicable once the solar field is operational by balancing daytime charging from the panels and night time charging from battery storage.

**FISCAL IMPACT**

Funds have been reserved in the current budget period to cover this expense.

**BACKGROUND**

As pioneers running a 100% all electric bus fleet, we are constantly striving to improve how the fleet operates and ensure we are harnessing technology to its fullest potential both to save money and increase efficiency. Ensuring buses are fully charged before their scheduled service pullout while also optimizing charging periods to occur at the lowest possible rate periods is a complex processes. By upgrading the existing hardware on the BYD buses to perform these algorithms and communicate wirelessly with both the dispatch and maintenance departments greatly improves our management oversight.

Prepared and Submitted by:

---

Macy Neshati  
Executive Director/CEO

Attachment: A – I/O Controls Corporation Quote dated May 13, 2021

**I/O Controls Corporation**

Dallas Sales Office  
101 East Park Blvd.  
Suite 817  
Plano, TX 75074  
Ph: 972-424-6488  
Fax: 972-578-2230

May 13, 2021

Mr. Macy Neshati  
Executive Director  
AVTA  
42210 6<sup>th</sup> Street West  
Lancaster, CA 93534

Subject: ELMS 2.0 Quote

Dear Macy,

This letter is in regards to the ELMS 2.0 quote that you requested from Y on May 12, 2021.

ELMS 2.0 has the ability to save AVTA a significant amount of money each month on AVTA's electric bill and labor bill.

- Automate Bus Charging: Plug the charging guns in, push "Start" and walk away. ELMS does the rest.
- Minimize "Demand Charge": Control the amount of power used by limiting the number of buses that can be charged at the same time during peak demand time when charging during peak demand is required.
- Peak-Time Avoidance: Set ELMS software to normally charge at off peak times when electricity costs are lower.
- Remote Monitoring: Via any PC with an internet connection monitor the charging of your fleet. If an issue occurs an alert can be sent (text or email) to the appropriate party for investigation. This ensures that your fleet is fully charged each morning.

Hardware purchased from IOC consists of two items. One of each item is required per BYD charger.

G4-CCCM-03 Charging Control Gateway @ \$1,800.00 each.

WIR-4106-3 Interface Cable @ \$35.00 each.

The total is \$110,100.00 for AVTA's 60 BYD chargers ((1,800+35)\*60).

Lead time is 8 - 12 weeks ARO. Terms are net 30 days.

If onsite Engineering support is required IOC will charge \$100.00/hour (4 hour minimum) per Engineer plus all travel expenses. The fee will include travel time to/from the project site.

There will be a monthly fee of \$10.00 per charger to cover our support costs for the AWS service and ongoing Engineering support for the AWS API. To reduce paperwork and Accounting support I/O Controls prefers this fee be paid by the year.

The standard installation mounts the NEMA enclosure with the Charging Control Gateway at each charger. An Ethernet connection is ran from each Charging Control Gateway to the Transit Authority's LAN. Through this connection the Charging Control Gateway connects to the cloud and IOC ELMS cloud based software.

Attached is AVTA ELMS 2.0 Quote\_051321-02 with the items to be supplied by IOC.

Attached is AVTA ELMS Quote Attachment A\_051321 that outlines the requirements for ELMS 2.0 and the responsibilities of AVTA, BYD and IOC.

In summary the total hardware cost for items supplied by IOC is \$110,100.00. The monthly fee of \$10.00/month per charger for cloud maintenance is \$7,200.00 per year (10\*60\*12). IOC will hold the \$10.00/month per charger through year five. Starting with year six IOC reserves the right to raise this fee.

After you have reviewed the above please advise any questions.

Best regards,



Rod Storer  
Contract Manager

cc: Y-Ping Chu – I/O Controls

## **Attachment A – AVTA ELMS Quote 051321-01 Requirements / Responsible Party**

### **Standard Option Hardware Requirements:**

- I/O Controls Charging Control Gateway (P/N G4-CCCM-03). One required for each BYD Charging Station. Supplied by IOC.
- I/O Controls 8' Interface Cable - Charging Control Gateway to BYD Charging Station (P/N WIR-4106-3). One required for each Charging Control Gateway. Supplied by IOC. Length and part number will vary between 80 kW and 200 kW chargers.
- Ethernet Switch (Example: TRENDnet Industrial P/N TI-G162 14 Port Gigabit Rail Switch).
- Standard Ethernet cable for each Charging Control Gateway connected to Ethernet switch.
- NEMA enclosure for the Charging Control Gateway at each charger.
- NEMA enclosure for Ethernet Switch if required. If Ethernet Switch is mounted remotely inside a building the NEMA enclosure may not be required.

### **Standard Option Infrastructure Requirements:**

- Ethernet connection from the "Local Area Network" supplied to the Ethernet Switch.
- AC power (110V) supplied to the Ethernet Switch.
- If required mount NEMA enclosure for the Ethernet Switch.

### **Other Requirements:**

- BYD bus firmware must be upgraded to provide correct information to BYD charging station for the ELMS software.
- BYD Charging Station firmware must be upgraded to receive correct information from BYD bus, to properly communicate with ELMS software and to provide correct information from the bus to the ELMS software.
- After the first year of service I/O Controls charges a monthly maintenance fee for each Charging Control Gateway / Charging Station combination to cover the cost of the AWS cloud service, ongoing I/O Controls Engineering support for the AWS API and use of the ELMS cloud based software. The fee is \$25.00/month/charger. The Transit Authority (End User) is responsible to pay this fee. This fee is billed on a yearly basis for each Charging Control Gateway / Charging station combination.

**Responsible Party:**

- BYD
  - Upgrade bus firmware and Charging Station firmware as required.
  - Route I/O Controls cable P/N WIR-4106-3 from outside to inside of the Charging Station and connect cable to the Charging Station.
  - Note: Some older models of the Charging Station may need the power supply upgraded. If required BYD to upgrade the power supply.
  
- AVTA
  - Supply hardwired Ethernet connection from “Local Area Network” to NEMA enclosure with charging control gateway at each BYD charger.
  - Supply 110 VAC power to NEMA enclosure for Ethernet switch.
  - Supply and mount NEMA enclosure with charging control gateway at appropriate location at Charging Station(s).
  - If required supply and mount NEMA enclosure with Ethernet switch. AVTA supplies the Ethernet switch.
  - Make all required connections for Ethernet switch and Charging Control Gateways inside of NEMA enclosure.
  - Note: Since local building codes vary and all local building codes have to be complied with it is suggested that AVTA consult local licensed contractors for running the required Ethernet cable and 110 VAC power to the NEMA enclosure and to properly mount the NEMA enclosure at the Charging Station location.
  - After the first year pay the yearly maintenance fee. For details of this fee see last item in above section “Other Requirements”.
  
- I/O Controls
  - After receipt of a purchase order supply the required Charging Control Gateways and 8’ interface cables.
  - Provide phone / internet support to assist in ELMS initial setup.
  - I/O Controls on-site Engineering support is available. Fee TBD.
  - Provide ongoing support for the AWS cloud service, AWS API and ELMS cloud based software.



**Date: July 27, 2021**

**To: Board of Directors**

**Subject: Contract #2021-72 to Toneman Development Corporation for Design Build of Bus Maintenance Facility Expansion**

---

### **RECOMMENDATION**

That the Board of Directors authorize the Executive Director/CEO to execute Contract #2021-72 with Toneman Development Corporation, Lancaster, CA, for a term of 180 days and an amount not to exceed \$2,992,500.00, plus applicable sales tax.

### **FISCAL IMPACT**

Sufficient funds to be included in the Fiscal Years 2021/2022 Budget to pay for this purchase.

### **BACKGROUND**

In January 2016, the Board of Directors adopted a goal to fund, procure and operate a 100% battery electric fleet. In addition, the Board of Directors has authorized the purchase of twenty-three (23) 60-foot articulated buses. The next step in this process would be to expand the maintenance building to safely service these buses. To this end, staff developed and circulated a Request for Proposals (RFP).

AVTA released a Request for Proposals (RFP) on May 7, 2021. The solicitation documents were posted to AVTA's website and advertisements were placed in the *Antelope Valley Press* and *Our Weekly Lancaster* newsletter. The local Chambers of Commerce were also notified via their respective newsletters and email lists, and 404 firms were notified via email with RFP instructions for downloading. Six (6) firms registered and downloaded the RFP. Four (4) addenda were issued with the last posting on May 14, 2021.

Three (3) proposals were submitted on June 9, 2021, in response to the RFP. Three staff members evaluated and ranked the submitted proposals on the following two part criteria: PART 1 – Technical Response: proposed solution (20%), similar projects (15%), proposer's information (15%), project schedule/benchmarks (20%) and personnel (10%); and PART 2 – Pricing Response: project budget (20%). There were 300 total possible points available.

Contract #2021-72 to Toneman Development Corporation for Design Build Of Bus Maintenance Facility Expansion

July 27, 2021

Page 2

Submitted proposal were received from the following firm:

Part 1 – Technical Response		
Firm	Location	Score (240 Max)
AMG & Associates, Inc.	Santa Clarita, CA	229
Metro Builders & Engineers	Newport Beach, CA	224
Toneman Development Corporation	Lancaster, CA	227
Part 2 – Pricing Response		
Firm	Location	Score (60 Max)
AMG & Associates, Inc.	Santa Clarita, CA	37
Metro Builders & Engineers	Newport Beach, CA	43
Toneman Development Corporation	Lancaster, CA	59
Parts 1 and Parts 2 – Combined Scoring		
Firm	Location	Score (300 Max)
AMG & Associates, Inc.	Santa Clarita, CA	261
Metro Builders & Engineers	Newport Beach, CA	267
Toneman Development Corporation	Lancaster, CA	286

Toneman Development Corporation, Lancaster, CA, earned the highest score from the evaluation committee. In addition to their fair and reasonable pricing, they provided the best solution for AVTA. It was obvious that their past in depth transit agency experience gave them a clear insight into our requirements and mission. Staff is confident Toneman Development Corporation of Lancaster, CA, will provide an excellent building.

Prepared by:

Submitted by:

---

Lyle A. Block, CPPB  
Procurement and Contracts Officer

---

Macy Neshati  
Executive Director/CEO



**DATE: July 27, 2021**

**TO: BOARD OF DIRECTORS**

**SUBJECT: Contract #2022-04 to BYD Motors Inc. through the State of Georgia Contract #99999-001-SPD0000138-0008, for Six (6) K7M-ER 30-Foot Battery Electric Heavy-Duty Low Floor Transit Buses**

---

**RECOMMENDATION**

That the Board of Directors authorize the Executive Director/CEO to execute Contract #2022-04 to BYD Motors Inc. through the State of Georgia Contract #99999-001-SPD0000138-0008, for six (6) K7M-ER 30-foot battery electric heavy-duty low floor transit buses for an amount not to exceed \$4,309,312.45, plus applicable sales tax.

**FISCAL IMPACT**

Sufficient funds have been awarded in various grants and are included in the FY 2022 Budget.

**BACKGROUND**

The requested amount listed above is \$1,037,452.42 over the previous authorization granted by the Board of Directors on February 23, 2021. This request also includes an HVIP credit of \$138,000 per bus or \$828,000 for the complete order, if approved by the State of California.

On December 10, 2020, the Antelope Valley Transit Authority was granted permission to purchase six (6) - BYD Electric Buses under State of Georgia Statewide Contract No.: 99999-001-SPD0000138-0008 - BYD Motor Inc. (Attachment A). BYD Motors, Inc. is a successful respondent to the State of Georgia Cooperative purchasing agreement, has been included on the approved list of vendors satisfying the required procurement criteria and has agreed to comply with all federal terms and conditions.

Contract #2022-04 to BYD Motors, Inc. through the State of Georgia Contract #99999-001-SPD0000138-0008 for Six (6) K7M-ER 30-Foot Battery Electric Heavy-Duty Low Floor Transit Buses  
July 27, 2021  
Page 2

The buses to be purchased are listed under Category 3 Electric Bus Master / Item #: E- 17 / Line #: 3-9 / Line Item Description: 3-9: 30 ft.: 30 ft. to 34 ft., 11 in Heavy Duty Low Floor Transit Bus / Vehicle Description: BYD K7M-ER / FTA: Yes / Supplier BYD, Cost: \$661,000.

In addition to their fair and reasonable pricing, adding these extended range vehicles to the Authority's existing battery electric fleet provides the best overall solution for AVTA.

Prepared by:

Submitted by:

---

Lyle Block  
Procurement and Contracts Officer

---

Macy Neshati  
Executive Director/CEO

Attachments: A – Permission to Purchase from Georgia Statewide Contract No.:99999-001-SPD0000138-0008

B – BYD Motors, Inc. Quote in accordance with Georgia Statewide Contract No.:99999-001-SPD0000138-0008



Brian P. Kemp  
Governor

J. Alexander Atwood  
Commissioner

December 10, 2020

Lyle A. Block  
Antelope Valley Transit Authority (AVTA)  
44210 6<sup>th</sup> St. West  
Lancaster, CA 93534

Subject: Permission to purchase from Georgia Statewide Contract 99999-001-SPD0000138-0008 – BYD Motor Inc.

Dear Mr. Block:

Please be advised that the above referenced Statewide Contract was solicited internally by the Department of Administrative Services. The contract was awarded with a 2-year base term and 3 one-year renewal options. The following suppliers were awarded under this contract:

The Bus Center of Atlanta	99999-001-SPD0000138-0001
Alliance Bus Group	99999-001-SPD0000138-0002
Creative Bus Sales	99999-001-SPD0000138-0003
Tesco	99999-001-SPD0000138-0004
Prevost	99999-001-SPD0000138-0005
Motor Coach Industries	99999-001-SPD0000138-0006
Proterra	99999-001-SPD0000138-0007
BYD Motor Inc.	99999-001-SPD0000138-0008

This is an open schedule with no minimums or maximums. This statewide contract is in full compliance with the Fast Act. Per the Fast Act Section 3019, FTA permits transit providers to purchase from a state schedule outside of their state.

FTA policies allow grantees to use contracts awarded by State or local governments for the benefit of subordinate government entities. The FTA requirement for minimum and maximum quantities applies to grantees acting alone or jointly with other known grantees for a particular acquisition. In this case the contract must reflect the reasonably expected needs of the parties, and excess quantities may not be added for the purpose of allowing other agencies that are not part of the original buying group to "piggyback" the contract after award. When grantees use State Purchasing Schedules, FTA does not classify the action as "piggybacking," and rules established for "piggybacking" do not apply to State Purchasing Schedules. "Piggybacking" as used by FTA refers to the assignment of unanticipated excess contract rights by one agency to a grantee that was not known at the time of the original contract award.

The administrative fee amount for this statewide contract is one percent (1%) which is a pass-through.

Further, there is a 12-month schedule for bus production and delivery. Attached, please find the Statewide Information Sheet for BYD which includes ordering instructions.

We look forward to AVTA utilizing our Statewide Contract. Please let me know if you have any questions.

Page 2 of 2  
Sincerely,

Eric Mercier  
Contract Management Specialist

Copy: Dr. Carl A. Hall  
Contract Management Manager



**CONTRACT AMENDMENT # 2  
RENEWAL # 1  
REMAINING RENEWALS # 3**

This amendment by and between the Supplier and State Entity defined below shall be effective as of the date this Amendment is fully executed. To the extent the contract requires the State Entity to issue a Notice of Award Amendment for purposes of exercising the renewal option, this written document shall serve as such Notice of Award Amendment.

<b>STATE OF GEORGIA CONTRACT</b>	
<b>State Entity's Name:</b>	Department of Administrative Services ("DOAS")
<b>Supplier's Full Legal Name:</b>	BYD Motors LLC pka BYD Motors Inc.
<b>Contract No.:</b>	99999-001-SPD0000138-0008
<b>Solicitation No./Event ID:</b>	99999-001-SPD0000152
<b>Solicitation Title/Event Name:</b>	Supplemental Mass Transit and Transportation Related Vehicles and Related Equipment and Accessories
<b>Contract Award Date:</b>	June 28, 2018
<b>Current Contract Term:</b>	June 29, 2018 – June 30, 2020

**WHEREAS**, the Contract is in effect through the Current Contract Term as defined above; and

**NOW THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

- CONTRACT RENEWAL.** The parties hereby agree that the contract will be renewed/extended for an additional period of time as follows:

<b>NEW CONTRACT TERM</b>	
<b>Beginning Date of New Contract Term:</b>	July 1, 2020
<b>End Date of New Contract Term:</b>	June 30, 2021

The parties agree the contract will expire at midnight on the date defined as the "End Date of the New Contract Term" unless the parties agree to renew/extend the contract for an additional period of time.

2. **SUCCESSORS AND ASSIGNS.** This Amendment shall be binding upon and inure to the benefit of the successors and permitted assigns of the parties hereto.
3. **ENTIRE AGREEMENT.** Except as expressly modified by this Amendment, the contract shall be and remain in full force and effect in accordance with its terms and shall constitute the legal, valid, binding and enforceable obligations to the parties. This Amendment and the contract (including any written amendments thereto), collectively, are the complete agreement of the parties and supersede any prior agreements or representations, whether oral or written, with respect thereto.

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed by their authorized representatives.

**CONTRACTOR**

<b>Contractor's Full Legal Name: (PLEASE TYPE OR PRINT)</b>	BYD Motors LLC pka BYD Motors Inc.
<b>Authorized Signature:</b>	<i>Patrick Duan</i>
<b>Printed Name and Title of Person Signing:</b>	Patrick Duan, Vice President of Operations, BYD
<b>Date:</b>	04/01/2020
<b>Company Address:</b>	1800 S. Figueroa Street Los Angeles, CA 90015

**STATE ENTITY**

<b>Authorized Signature:</b>	<i>L. Eason</i>
<b>Printed Name and Title of Person Signing:</b>	Lisa Eason Deputy Commission – State Purchasing
<b>Date:</b>	<i>6-22-20</i>
<b>Company Address:</b>	200 Piedmont Avenue, S.E. Suite 1308, West Tower Atlanta, Georgia 30334-9010



**BYD Coach & Bus LLC**

Build Your Dreams

46147 7th St. West

Lancaster, CA 93534

Phone: (661)940-3250 Fax: (661)942-0587

Quotation

DATE 6/25/2021

Quotation # QJH06252021AT-1

Quotation For:

AVTA

Quotation valid until: 9/23/2021

Prepared by: Diana Zhang

Comments or Special Instructions: None

SALES MANAGER	P.O. NUMBER	SHIP DATE	SHIP VIA	F.O.B. POINT	Payment Term
James Holtz				Lancaster, CA	Net 30

Line	Qty	Description	UNIT PRICE	Total AMOUNT
0010	6	30' K7M-ER 266 kWh	\$ 661,000.00	\$ 3,966,000.00
0020	6	Add-on Specs	\$ 57,178.09	\$ 343,068.51
0030	1	40 hour of training included for order of <10 buses.	Inc	Inc
0040	1	1 set of Manuals included for order of <10 buses.	Inc	Inc
0050	1	Special Tools, Spare Parts, Additional Training Price Upon Request	TBD	TBD
0060	6	Delivery Fee	\$ 40.66	\$ 243.94
0070	6	HVIP deduction (if approved)	\$ (138,000.00)	\$ (828,000.00)
	1	ADA Non Taxable Amount (Included in Line 0010) - TBD	\$ -	\$ -

Notes:

1. Applicable tax will be charged at the tax rate at time of sale.
2. Quote provided through the State of Georgia Contract #99999-001-SPD0000138-0008, for six (6) K7M-ER 30 - Ft Battery Electric Heavy Duty Low Floor Transit Buses for 4,309,312.45, plus applicable sales tax.

SUBTOTAL	\$ 580,218.74	\$ 4,309,312.45
TAX RATE		
SALES TAX	\$ -	\$ -
TOTAL	\$ 580,218.74	\$ 4,309,312.45

## AVTA K7M-ER GA Contract Add-on Specs

6/25/2021

#	Item	Price per Bus
1	Apollo RoadRunner HDR DVR 2TB 8 Camera System & Audio	\$ 8,433.00
2	Q'Straint Q' Pod	\$ 3,085.75
3	I/O Controls Dinex LED Interior Lighting Kit	\$ 6,337.00
4	Recaro Ergo M -Drivers Seat	\$ 250.00
5	Fire Supression System amerex V-25lb ABC	\$ -
6	Avail system - Pre-wire	\$ 3,000.00
7	Ricon hidden frames	\$ -
8	Interior LED sign	\$ 1,005.68
9	WAVE Wireless	Delete
10	I/O Controls Destination Sign Amber (Front, Side and Rear)	\$ -
11	Custom Paint/Decal Design (Per Purchasers' Spec)	\$ 9,800.00
12	Sutrak HVAC	Delete
13	Grafitti film	\$ 520.00
14	Thermo Guard Windows	\$ 12,260.51
15	Trilogy 3 position Bike-Rack	\$ 2,671.20
16	Passenger Fabric Info	\$ 2,500.00
17	ELMS	\$ 942.00
18	Dash Fan	\$ 90.00
19	Pre-Wire for Kenwood Radio	\$ 200.00
20	VtoG and VtoL Functions	\$ 1,000.00
21	Openmatics Wifi on Board	\$ 2,763.20
22	Pre-Heating Function	\$ 500.00
23	Brochure Rack	\$ 250.00
	<b>Total Add-on</b>	<b>\$ 55,608.34</b>