

**Board Report**

File #: 2018-0608, **File Type:** Contract

Agenda Number: 18.

**PLANNING AND PROGRAMMING COMMITTEE
NOVEMBER 14, 2018**

SUBJECT: METRO BIKE SHARE GREENHOUSE GAS REDUCTION FUND GRANT

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. EXECUTE Modification No. 8 to Contract No. PS272680011357 with Bicycle Transit Systems, Inc. (BTS) for the Metro Countywide Bike Share Greenhouse Gas Reduction Fund (GGRF) Grant in the amount of \$6,342,126, increasing the total contract value from \$89,001,735 to \$95,343,861;
- B. APPROVE the increase of the Phase III Expansion Life of Project (LOP) budget by \$2.83M increasing total LOP from \$10.5M to \$13.33M; and
- C. NEGOTIATE and EXECUTE a Memorandum of Understanding (MOU) amendment to set the terms of fiscal and administrative responsibility as described in the January 2015 Receive and File (accessed at http://media.metro.net/board/items/2015/01_january/20150114p&pitem25.pdf) with the City of Los Angeles as it relates to the GGRF Grant award.

ISSUE

Board authorization is currently needed to purchase and maintain equipment affiliated with the GGRF grant award of \$2.546M. This equipment will be located in the service area adjacent to downtown Los Angeles, supplementing the Board-approved Phase III Expansion.

BACKGROUND

In January 2014, the Board authorized the CEO to procure, contract, and administer a countywide bike share program through Motion 58. At the June 2015 meeting, the Board awarded a contract to BTS for the provision, installation and maintenance of equipment, and operation of the Metro Countywide Bike Share Program. The contract includes phases for expanding bike share to other cities throughout the County. The Board has since authorized expansion phases twice, in October 2016 and May 2018. In July 2016, the Metro Bike Share program was initiated with the downtown Los Angeles Pilot. In 2017, the program implemented Phase II Expansion and currently, efforts are underway for Phase III Expansion.

DISCUSSION

In June 2018, the California Transportation Commission allocated GGRF grant funds to Metro in the amount of \$2.546M for additional expansion of the Metro Bike Share Program in the service area adjacent to downtown Los Angeles (\$2.287M for infrastructure and \$259K for non-infrastructure). This continued expansion will provide additional convenience for patrons and augment ridership for Metro Bike Share and connections to transit. The GGRF grant will also introduce new electric-assist or “e-bike” technology. E-bike technology will expand the catchment area for the Metro Bike Share network and may attract new users traveling longer distances or over hilly terrain.

The downtown Los Angeles service area is currently the largest in the Metro Bike Share Program with 65 stations and approximately 700 bicycles. Contiguous expansion offers great benefits for users. Expansion efforts are currently underway with new stations anticipated in operation in fall/winter 2018. The GGRF grant will focus on supplementing ongoing expansion efforts in adjacent service areas with high bike share suitability. The City of Los Angeles has expressed strong interest in expanding Metro Bike Share to such communities and city council action took place in April 2018 in support of this. Launch is anticipated in mid-2019.

DETERMINATION OF SAFETY IMPACT

The Metro Countywide Bike Share GGRF grant will not have any adverse safety impacts on Metro employees and patrons.

FINANCIAL IMPACT

Approval of this request will increase the Metro Bike Share LOP by \$2.83M for Phase III capital and pre-launch operations, maintenance and Metro labor costs, under Project 210119. Since this is a multi-year contract, the cost center manager and Chief Planning Officer will be responsible for budgeting the cost in future years, including any future phase(s) the Board authorizes to be exercised.

Impact to Budget

There is no impact to the FY19 budget. Funding for the total LOP of \$13.33M of Metro’s share will include allocations from the GGRF grant, user fees, PC 25%, and Measure M 2% Active Transportation. These funds are not eligible for bus and rail operations and capital.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendations support Metro Bike Share Program expansion and serve to implement the following Metro Vision 2028 Strategic Plan Goals:

- Goal 1: Provide high-quality mobility options that enable people to spend less time traveling; and
- Goal 3.3: Genuine public and community engagement to achieve better mobility outcomes for the people of LA County.

ALTERNATIVES CONSIDERED

The Board may choose not to exercise the contract phases and utilize the allocated grant funds. This alternative does not allow the Bike Share Program to respond to past performance, customer feedback, and current conditions and is not in line with previous Board direction.

NEXT STEPS

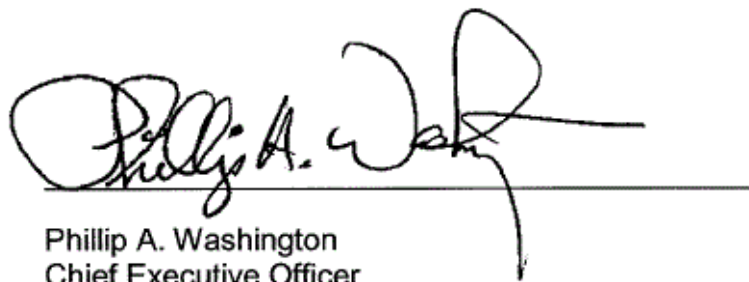
Staff will execute Modification No. 8 to Contract No. PS272680011357 with Bicycle Transit Systems, Inc., and amend the MOU with the City of Los Angeles to include equipment related to the GGRF Grant.

ATTACHMENTS

- Attachment A - GGRF Grant Award
- Attachment B - Procurement Summary
- Attachment C - Contract Modification/Change Order Log
- Attachment D - Funding and Expenditure Log
- Attachment E - DEOD Summary

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Phillip A. Washington
Chief Executive Officer

Memorandum

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To: CHAIR AND COMMISSIONERS

CTC Meeting: August 16-17, 2017

Reference No.: 4.26
Action

Published Date: August 4, 2017

From: SUSAN BRANSEN
Executive Director

Prepared By: Laurie Waters
Associate Deputy Director

Subject: **ADOPTION OF 2017 ACTIVE TRANSPORTATION PROGRAM – GREENHOUSE GAS REDUCTION FUNDS**
RESOLUTION G-17-26, AMENDING RESOLUTION G-16-32

ISSUE:

Should the California Transportation Commission (Commission) adopt the 2017 Active Transportation Program – Greenhouse Gas Reduction Funds as recommended by staff?

RECOMMENDATION:

Commission staff recommends that the Commission adopt the 2017 Active Transportation Program – Greenhouse Gas Reduction Funds in accordance with the attached resolution and the staff recommendations, noting any specific changes, corrections, or exceptions to staff recommendations.

In summary, staff recommends programming \$10,000,000 in Active Transportation Program – Greenhouse Gas Reduction Funds to three projects valued at \$16,274,000. This includes programming of \$7,100,000 to two projects that provide benefits to disadvantaged communities.

Commission staff recommends that the Commission adopt the following three projects into the 2017 Active Transportation Program – Greenhouse Gas Reduction Funds:

- 1) City of South Lake Tahoe – Sierra Boulevard Complete Streets Project
- 2) Los Angeles County Metropolitan Transportation Authority – Metro Bike Share USC/South Los Angeles/Expo Line Communities Expansion
- 3) San Gabriel Valley Council of Governments – Bike Share Expansion into the San Gabriel Valley

The Commission received 27 applications requesting funds from the 2017 Active Transportation Program – Greenhouse Gas Reduction Fund Program. These applications were reviewed and evaluated by Commission, California Department of Transportation (Caltrans), and California Air Resources Board staff. While Commission and Caltrans staff evaluated project applications based on all aspects of the Commission's adopted guidance, the California Air Resources Board staff limited their review to project eligibility, greenhouse gas reductions, and disadvantaged

community benefit criteria. Based on the evaluations conducted, it was determined that 17 projects did not meet the requirements of the Active Transportation Program – Greenhouse Gas Reduction Funds and were removed from the evaluation process.

Of the 10 eligible projects remaining, based on the evaluations conducted, Commission staff recommends funding the three projects identified above and detailed further in Attachment A.

Due to the limited programming capacity available for the successful applicants, staff recommends funding only \$4,554,000 of the \$6,850,000 requested by the San Gabriel Valley Council of Governments for the Bike Share Expansion into the San Gabriel Valley project. Commission staff will work with the San Gabriel Valley Council of Governments to determine if the project may be delivered with the funds available.

BACKGROUND:

Assembly Bill (AB) 1613 (Budget Act of 2016), signed by the Governor on September 14, 2016, appropriated Greenhouse Gas Reduction Funds totaling \$10 million for the Active Transportation Program necessitating an amendment to the 2017 Active Transportation Program Guidelines. The Commission adopted amendments to the Active Transportation Program Guidelines for the use of these funds at the October 2016 Commission meeting.

AB 1532 (Pérez, Chapter 807, Statutes of 2012), Senate Bill (SB) 535 (De León, Chapter 830, Statutes of 2012), and SB 1018 (Budget and Fiscal Review Committee, Chapter 39, Statutes of 2012) provide the framework for how the Greenhouse Gas Reduction Funds must be appropriated and expended. Goals derived from AB 1532, established for the investment of auction proceeds, and SB 535, requirements for allocating funds to benefit disadvantaged communities, are:

- Reduce greenhouse gas emissions;
- Maximize economic, environmental, and public health benefits to the State;
- Foster job creation by promoting in-State greenhouse gas emission reduction projects carried out by California workers and businesses;
- Complement efforts to improve air quality;
- Direct investment toward the most disadvantaged communities and households in the State;
- Provide opportunities for businesses, public agencies, nonprofits, and other community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions; and
- Lessen the impacts and effects of climate change on the State's communities, economy, and environment.

Pursuant to AB 1613, the \$10 million appropriated from the Greenhouse Gas Reduction Fund for the Active Transportation Program must be allocated by the Commission no later than June 30, 2018 and liquidated by June 30, 2020.

Attachments:

- Attachment A: 2017 Active Transportation Program – Greenhouse Gas Reduction Funds: Staff Recommendations

- Attachment B: Resolution G-17-26

CALIFORNIA TRANSPORTATION COMMISSION

ADOPTION OF THE 2017 ACTIVE TRANSPORTATION PROGRAM

GREENHOUSE GAS REDUCTION FUNDS

RESOLUTION G-17-26

Amending Resolution No. G-16-32

- 1.1** **WHEREAS**, the Active Transportation Program was created by Senate Bill 99 (Chapter 359, Statutes of 2013) to encourage increased use of active modes of transportation, such as biking and walking; and
- 1.2** **WHEREAS**, Streets and Highways Code section 2384 requires the California Transportation Commission (Commission) to adopt a program of projects to receive allocations under the ATP; and
- 1.3** **WHEREAS**, Assembly Bill 1613, signed by the Governor on September 14, 2016, appropriated \$10 million from the Greenhouse Gas Reduction Fund for the Active Transportation Program; and
- 1.4** **WHEREAS**, Senate Bill 535, set forth that no less than 25% of Greenhouse Gas Reduction Funds must be allocated to projects that benefit disadvantaged communities; and
- 1.5** **WHEREAS**, not all programs utilizing Greenhouse Gas Reduction Funds can contribute towards the disadvantaged community requirements, certain programs are required to exceed the statutory minimum; therefore, the Administration specified a 50% funding target for the Active Transportation Program; and
- 1.6** **WHEREAS**, on October 20, 2016, the Commission adopted an amendment to the 2017 ATP Guidelines for the use of Greenhouse Gas Reduction Funds and issued a call for projects on June 1, 2017; and
- 1.7** **WHEREAS**, the Commission staff recommendations for the 2017 Active Transportation Program were published on July 31, 2017; and
- 1.8** **WHEREAS**, Streets and Highways Code section 2382(a) requires the California Transportation Commission (Commission) to develop guidelines for the Active Transportation Program; and

- 1.9** WHEREAS, the staff recommendations conform to the Fund Estimate and other requirements of the Active Transportation Program – Greenhouse Gas Reduction Funds; and
- 1.10** WHEREAS, the Commission considered staff recommendations and public testimony at its August 16-17, 2017 meeting.
- 2.1** NOW THEREFORE BE IT RESOLVED, that the Commission hereby adopts the 2017 Active Transportation Program – Greenhouse Gas Reduction Funds to include the program described in the staff recommendations, including the attachment to this resolution; and
- 2.2** BE IT FURTHER RESOLVED, that the Department will continue to work with project sponsors to resolve any project component eligibility and deliverability issues, and report back to the Commission with project specific programming recommendations to resolve those issues; and
- 2.3** BE IT FURTHER RESOLVED, that having a project included in the adopted 2017 Active Transportation Program – Greenhouse Gas Reduction Funds, is not authorization to begin work on that project. Contracts may not be awarded nor work begin until an allocation is approved by the Commission for a project in the adopted program; and
- 2.4** BE IT FURTHER RESOLVED, that if available funding is less than assumed in the Fund Estimate, the Commission may be forced to delay or restrict allocations using interim allocation plans, or, if available funding proves to be greater than assumed, it may be possible to allocate funding to some projects earlier than the year programmed.

**2017 Active Transportation Program - Greenhouse Gas Reduction Funds
(\$1,000's)
Staff Recommendations**

Application ID	Co	Project Title	DAC SB 535 (CES 2.0)	Total Project Cost	Total Fund Request	Funding Recommendation	17-18	CON	CON NI
3-South Lake Tahoe-1	ED	Sierra Boulevard Complete Streets Project		6,267	2,900	2,900	2,900	2,900	0
7-Los Angeles County Metropolitan Transportation Authority-2	LA	Metro Bike Share USC/South LA/Expo Line Communities Expansion	X	2,546	2,546	2,546	2,546	2,287	259
7-San Gabriel Valley Council of Governments-1*	LA	Bike Share Expansion into the San Gabriel Valley	X	7,461	6,850	4,554	6,850	6,577	273
		Totals		16,274	12,296	10,000	12,296	11,764	532

* Applicant requested \$6850. \$4554 was the remaining available funding. Commission staff will work with the applicant to determine if the project can be delivered with available ATP - GGRF funding

CES: CalEnviroScreen

CON: Construction Funding

DAC: Benefit to Disadvantaged Communities

NI: Non-Infrastructure

PROCUREMENT SUMMARY

METRO BIKE SHARE / PS272680011357

1.	Contract Number: PS272680011357		
2.	Contractor: Bicycle Transit Systems, Inc.		
3.	Mod. Work Description: Metro Countywide Bike Share Greenhouse Gas Reduction Fund (GGRF) Grant		
4.	Contract Work Description: Metro Bike Share Program		
5.	The following data is current as of: 10/23/18		
6.	Contract Completion Status		Financial Status
	Contract Awarded:	07/24/15	Contract Award Amount: \$11,065,673 Pilot Phase I – DTLA
	Notice to Proceed (NTP):	07/31/15	Total of Modifications Approved: \$77,936,062
	Original Complete Date:	Phase I 07/31/17 Phases II - V 07/29/22	Pending Modifications (including this action): \$6,342,126
	Current Est. Complete Date:	07/29/22	Current Contract Value (with this action): \$95,343,861
7.	Contract Administrator: Lily Lopez		Telephone Number: (213) 922-4639
8.	Project Manager: Basilia Yim		Telephone Number: (213) 922-4063

A. Procurement Background

This Board Action is to approve Contract Modification No. 8 issued in support of the Metro Countywide Bike Share GGRF grant.

This Contract Modification was processed in accordance with Metro's Acquisition Policy and the contract type is a firm fixed price.

On June 25, 2015, the Board approved a firm fixed Contract No. PS272680011357 to Bicycle Transit Systems, Inc. for the equipment, installation and operations of the Metro Bike Share Phase I Pilot in the amount of \$11,065,673 for a two-year period.

Refer to Attachment B – Contract Modification/Change Order Log.

B. Cost Analysis

The recommended price of \$6,342,126 has been determined to be fair and reasonable based upon an independent cost estimate (ICE), a cost analysis, and the technical analysis.

Proposal Amount	Metro ICE	Amount
\$6,342,126	\$6,107,262	\$6,342,126

The ICE did not adequately estimate the e-bike equipment as additional costs were identified for spare batteries and manual battery swaps.

CONTRACT MODIFICATION/CHANGE ORDER LOG

METRO BIKE SHARE / PS272680011357

Mod. No.	Description	Status (approved or pending)	Date	Amount
1	Addition of Sponsorship Broker Agreement	Approved	12/30/15	\$0
2	Additional Support for Phase I – Downtown Los Angeles	Approved	06/06/16	\$108,656
3	Addition of 2 Subcontractors	Approved	07/07/16	\$0
4	Extend Phase I (Downtown Los Angeles Pilot), expand and accelerate Phase II (Pasadena) and Phase III (Venice and Port of Los Angeles)	Approved	11/07/16	\$42,618,583
5	Update Exhibit A-1 Milestone Payment Schedule	Approved	03/22/17	\$0
6	Addition of TAP Integration Step 3	Approved	05/31/17	\$610,076
7	Extend and activate Phase III and Phase IV	Approved	10/08/18	\$34,598,747
8	Metro Countywide Bike Share Greenhouse Gas Reduction Fund (GGRF) Grant	Pending	12/06/18	\$6,342,126
	Modification Total:			\$84,278,188
	Original Contract:		07/24/15	\$11,065,673
	Total:			\$95,343,861

BIKE SHARE FUNDING & EXPENDITURE PLAN FOR MODIFICATION 8

ATTACHMENT D

	Year 4 FY18/19	Year 5 FY19/20	Year 6 FY20/21	Year 7 FY21/22	Grand Total
Greenhouse Gas Reduction Fund Grant					
Capital Costs					
<i>Metro Contribution (0%)</i>	\$ -	\$ -	\$ -	\$ -	\$ -
<i>City of Los Angeles Contribution (0%)</i>	\$ -	\$ -	\$ -	\$ -	\$ -
<i>GGRF Grant (100%)</i>	\$ 2,286,904	\$ -	\$ -	\$ -	\$ 2,286,904
<i>Total</i>	\$ 2,286,904	\$ -	\$ -	\$ -	\$ 2,286,904
Pre-Launch Operations & Maintenance					
<i>Metro Contribution (35%)</i>	\$ 164,756	\$ -	\$ -	\$ -	\$ 164,756
<i>City of Los Angeles Contribution (65%)</i>	\$ 305,975	\$ -	\$ -	\$ -	\$ 305,975
<i>Total</i>	\$ 470,730	\$ -	\$ -	\$ -	\$ 470,730
On-going Operations & Maintenance					
<i>Metro Contribution (35%)</i>	\$ 91,344	\$ 376,340	\$ 387,630	\$ 399,259	\$ 1,254,573
<i>City of Los Angeles Contribution (65%)</i>	\$ 169,640	\$ 698,916	\$ 719,884	\$ 741,480	\$ 2,329,920
<i>Total</i>	\$ 260,984	\$ 1,075,256	\$ 1,107,514	\$ 1,140,739	\$ 3,584,493
Grand Total	\$ 3,018,618	\$ 1,075,256	\$ 1,107,514	\$ 1,140,739	\$ 6,342,126

DEOD SUMMARY

METRO BIKE SHARE / PS272680011357

A. Small Business Participation

Bicycle Transit Systems, Inc. (BTS) made a 22.37% Disadvantaged Business Enterprise (DBE) commitment. The project is 26% complete and the current DBE participation is 16.99%, a shortfall of 5.38%, a decrease of 1.26% from Modification No. 7, which was executed in May 2018. BTS explained that the shortfall is a result of high price equipment purchased from a non-DBE at the beginning of each expansion. BTS reported that DBE participation is achieved through staffing, which is a slower spending at first but increases each year. According to BTS' forecast, DBE participation is expected to exceed the current commitment at the end of year seven of the contract.

Notwithstanding, Metro Project Manager and Contract Administrator, will work in conjunction with DEOD to ensure that BTS is on schedule to meet or exceed its DBE commitment. If BTS is not on track to meet its small business commitment, Metro staff will ensure that BTS submits an updated mitigation plan. Additionally, key stakeholders associated with the contract have been provided access to Metro's tracking and monitoring system to ensure that all parties are actively tracking Small Business progress.

Small Business Commitment	22.37% DBE	Small Business Participation	16.99% DBE
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	DBE Subcontractors	Ethnicity	% Committed	Current Participation¹
1.	Accel Employment Services	Asian Pacific American	15.28%	10.64%
2.	Bike Hub	Asian Pacific American	5.48%	3.99%
3.	Toole Design Group, LLC	Caucasian Female	0.93%	1.30%
4.	Say Cargo Express	Hispanic American	0.68%	1.06%
5.	Delphin Computer Supply	Caucasian Female	Added	0.00%
	Total		22.37%	16.99%

¹Current Participation = Total Actual Amount Paid-to-Date to DBE firms ÷ Total Actual Amount Paid-to-date to Prime.

B. Living Wage and Service Contract Worker Retention Policy Applicability

The Living Wage and Service Contract Worker Retention Policy is not applicable to this Contract/ Modification.

C. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will continue to monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA). Trades that may be covered include: surveying, potholing, field, soils and materials testing, building construction inspection, construction management and other support trades.

D. Project Labor Agreement/Construction Careers Policy

Project Labor Agreement/Construction Careers Policy (PLA/CCP) is not applicable to this Contract. PLA/CCP is applicable only to construction contracts that have a construction contract value in excess of \$2.5 million.