

REGULAR MEETING CALIFORNIA VANPOOL AUTHORITY

Board of Directors

1340 North Drive * Hanford, California 93230
(559) 852-2711

Meeting Date: May 9, 2013

Time: 10:00 AM

Place: Kings County Association of Governments
CalVans office at 1340 North Drive, Hanford, CA 93230

This Meeting may also be attended at the following locations:

- Association of Monterey Bay Area Governments, 147 Fourth Street, Community Room, Gonzales, CA 93936
- Fresno Council of Governments, Huron City Hall, Council Chambers, 36311 Lassen Avenue, Huron, CA 93234
- Kern Council of Governments, Conference Rm. 336 Pacific Ave., Shafter, CA 93263, **and second location of** 1401 19th Street, Board Room, Bakersfield, CA 93301
- Madera County Transportation Commission, Citizens Business Bank, Room 101, 2001 Howard Road, Madera, CA 93637
- Merced County Association of Governments, Conference Room, 369 West 18th Street, Merced, CA 95340
- Napa County Transportation and Planning Agency, 707 Randolph Street, Suite 100, Napa, CA 94559
- Sacramento Area Council of Governments, Sutter Buttes Room, 1415 L Street, Suite 300, Sacramento, CA 95814
- Santa Barbara County Association of Governments, Solvang City Hall, 1644 Oak Street Solvang, Ca. 93463
- Tulare County Association of Governments, Conference Room, 210 N Church St., Suite B, Visalia, CA 93291
- Southern California Association of Governments, 950 County Square Drive, Suite 101, Ventura, CA 93003

The call in number for this meeting is 1-866-244-8528, Password 574681

Please note that the Brown Act requires that Board members calling in do so from one of the above locations noted above. Please contact Ronald Hughes the Executive Director at least 72 hours before the meeting date and time if you plan on calling in from another location.

A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the Authority to provide a disability-related modification or accommodation in order to participate in any public meeting of the Authority. Such assistance includes appropriate alternative formats for the agendas and agenda packets used for any public meetings of the Authority. Requests for such assistance and for agendas and agenda packets shall be made in person, by telephone, facsimile, or written correspondence to Ron Hughes, at the office of the California Vanpool Authority, at least 48 hours before a public Authority meeting.

A G E N D A

<u>Item #</u>	<u>Description</u>	<u>Action</u>
1.	CALL TO ORDER	
	Roll Call – Clerk of the Board	
2.	PUBLIC COMMENT (Unscheduled Appearances)	
	The public may address the Board of Directors on any item relevant to the Authority. To comment on an agenda item, speakers should notify the Board or Staff member at the meeting location, when the agenda item is announced. The Board or Staff member will indicate whether speakers are to make their comments before or after any staff comment or report. Public comment shall precede discussion of the item by the Board of Directors. Comments by individuals and entities will be limited to five minutes or as may be reasonable as determined by the conducting officer.	
3.	Consent Items:	Approval
	All items listed as consent items are considered routine and will be enacted by one motion. For any discussion of any consent item, it will be removed at the request of any Board member and made a part of the regular agenda.	
	A. Minutes of April 11, 2013 meeting B. Review DBE Plan	
4.	System Update	Information
	a. JARC Grant Submittal	
	b. Presentation at Caltrans training session	
	c. Update on LA Metro review process	
	d. Revised One-Year Update flyer	
5.	Review CalPERS approval process	Information
6.	Reclassify Account Clerk I/II position to ¾ time	Action
7.	Review final 13/14 budget	Action
8.	Miscellaneous Comments	Information
9.	Adjournment	

Attachments:

<u>Item</u>	<u>Page</u>	<u>Description</u>
A-	5	Board Minutes of April 11, 2013
B-	11	TAC Minutes of April 25, 2013
C-	17	Power-Point Presentation-Attached as separate file
D-	23	Letter from vRide
E-	25	Letter from Enterprise
F-	27	Letter from LA Metro
G-	29	One-Year Update flyer
H-	31	DBE Plan
I-	51	Final 13/14 Budget

STAFF REPORT

3. Minutes of April 11, 2013

- A. The attached minutes are from the last meeting and are ready for approval, pending any changes from the members.
- B. As a condition of receiving Federal funds CalVans needs to adopt a DBE (Disadvantaged Business Enterprise) Program. The Federal funds being received are the State of Good Repair funds that CalVans will use to buy 30 CNG Ford 15-passenger vans that will be added to its fleet. The attached plan reflects the agencies DBE goals and outlines how it will seek the involvement of disadvantaged business.

4. System Update

a. JARC Grant Submittal

The JARC applications were submitted to Caltrans for the following areas for the amount shown.

Kern County	\$100,000
Merced	\$50,000
Sutter County	\$50,000
Tulare	\$50,000
Yolo	\$50,000

In each case the grants reflect 50% federal funding matched with 50% in toll credits. If approved, the grant funds will be available next January. Staff is currently administering 5 JARC grants in the following Counties:

Madera	\$50,000
Monterey	\$100,000
Santa Barbara	\$101,000
Ventura	\$50,000
Yuba	\$50,000

The grant in Monterey is an older grant that is closing down; the others started providing vouchers to new riders in January. These vouchers provided by these grants are instrumental in getting new riders to start vanpooling.

b. Presentation at Caltrans training session

I have attached the Power Point presentation I used at the Caltrans training session in Visalia last month. The presentation went well with a number of questions from those in attendance. The presentation was filmed and will be placed on the CalVans website in the near future.

c. Update on LA Metro review process

Several months ago Staff responded to a call for proposals for the receipt of \$400 a month for a vanpool traveling in or out of the LA Metro area. Initial approval was granted but pulled after a protest was

submitted by vRide. The protest argues that giving the vanpool subsidy to vanpools provided by CalVans would be in violation of the Federal Capital Cost of Contracting rules. Staff disagrees and is waiting for the review by LA Metro staff. The vans provided to individuals traveling in or out of the LA Metro area would be lease/purchased and paid for out of the vanpool's revenue, not with Federal funds. CalVans Staff understands that any van purchased with Federal funds would not be eligible to receive the \$400 monthly rider subsidy.

Recently, LA Metro Staff asked for permission to share the proposal CalVans submitted. It seems they received a public request letter from Enterprise asking for all information related to the RFP and the proposals that were submitted. Staff granted permission and answered several follow-up questions from LA Metro staff.

Late last week Staff received a letter from LA Metro advising Staff that they were going to proceed and allow CalVans the ability to provide the subsidy to its vanpool participants. It appears that the funds they are using for the program are local not Federal. For this reason the protest filed by vRide was without merit, as they are not using Federal funds.

d. Revised One-Year Update

The One-Year update that was prepared by staff has been condensed, per the recommendation of the Board, to a two page flyer. It does not contain the information that was in the original flyer but is easier to read and covers the main points. A copy is attached it for comments.

5. Review CalPERS approval process

Last week Staff received notification that CalPERS will be issuing a formal opinion that CalVans will not be allowed to join CalPERS. This action is frustrating since it has taken 18 months to get to this point and we still do not know exactly why we do not qualify. Discussion with CalPERS Staff was very positive when the process began, with them saying the process should take no more than 3-5 months.

CalPERS will also be advising KCAPTA that any contributions made through them will be backed out to the December 2011 date, which was when CalVans Staff first started working for the agency. This also means any contributions made into CalPERS will not be recognized. Several employees will lose their vesting in CalPERS as they will now have less than five years of contributions in CalPERS.

Staff has contacted PARS (Public Agency Retirement Services) regarding establishing a retirement package similar to CalPERS. The PARS trust was founded in 1990 by a coalition of public employees as a local governmental Internal Revenue Code Section 401 (a) qualified multiple-employer retirement system. PARS is the third largest public retirement system in California after PERS and STRS. PARS includes over 600 public agencies in California – cities, school districts, community colleges, counties and special districts, covering over 270,000 public employees. The retirement benefits offered by the PARS Trust are 401(a) tax qualified and thus receive favorable tax treatment from the IRS.

PARS has indicated that CalVans can be a member and is taking the necessary steps to accomplish enrollment by July 1st. Besides PARS, there are few other public agency options available that CalVans could join. PARS is an established firm that serves a large number of other public agencies. Unlike CalPERS, it does not have a lot of State agencies representing State employees.

Staff is working with PARS Staff to recognize the contributions made over the last 18 months paid into CalPERS. The goal is to establish the PARS contract retroactive to the December 2011 date. This way the employees will not lose their vesting or contributions. The actuarial studies are being done and must be made public 15 days before the Board can take action to join PARS. Staff is recommending that the June Board

meeting be pushed back to the 27th to allow time for posting of the notice. On the 27th, the Board would approve all necessary agreements, allowing for the joining of PARS. There would not be a meeting in July.

6. Reclassify Account Clerk I/II position to ¾ time

One of the individuals in the accounting department has been working an alternate schedule for the past several months due to child care issues that only allow them to work a maximum of 6 hours a day. The individual is responsible for billing the agricultural vanpools. The individual has been with the program since the beginning and has helped in developing the system that bills out the vouchers to the growers, whose workers use the vans. The individual's skill set is such that Staff would like to accommodate the individual's revised schedule as opposed to trying to find a replacement. The 6 hours a day allows the individual to oversee and complete the weekly billing for the agricultural vanpools. It is anticipated the child care issues will resolve themselves within the next 18 months.

Staff recommends the reclassification of one Account Clerk I/II position to ¾ time.

7. Review final 13/14 budget

The final budget has been attached. The \$30,000 in marketing funds has been included. In addition, to the marketing funds, Staff has increased the budget by \$167,400 to make funds available for upgrading the MDTs (Mobil Data Terminals) on the vans. We have been notified that the 2G system our present units operate on will be phased out over the next 18 months to a 4G system. This is an industry wide change affecting all cell towers and will require replacing all our older units at a cost of about \$300,000.

Staff recommends its adoption of the attached budget.

California Vanpool Authority (CalVans)

Minutes of Board Meeting

A regular meeting of the California Vanpool Authority was called to order by Joe Neves, Chairman of the Board at 10:00 a.m. on April 11, 2013, in the conference room of CalVans, 1340 North Drive, Hanford, CA. 93230

California Vanpool Authority Members

AMBAG – Association of Monterey Bay Area Governments
Fresno COG – Fresno Council of Governments
KCAG – Kings County Association of Governments
Kern COG – Kern Council of Governments
MCTC – Madera County Transportation Commission
MCAG – Merced County Association of Governments
NCTPA – Napa County Transportation & Planning Agency
SACOG – Sacramento Area Council of Governments
SBCAG – Santa Barbara County Association of Governments
TCAG – Tulare County Association of Governments
VCTC – Ventura County Transportation Commission

1. CALL TO ORDER

Roll Call – Clerk of the Board

Directors present:

AMBAG	Scott Funk	Primary
KCAG	Joe Neves	Primary
Kern COG	Jon Johnston *joined @ 10:02	Primary
MGAC	Jerry O'Banion	Primary
MCTC	Robert Poythress	Primary
SACOG	Sharon Sprowls	Alternate
SBCAG	Jim Richardson	Primary
VCTC	James White	Primary

Directors absent:

Fresno COG	Sylvia Chavez/ Gary Yep
NCTPA	Keith Caldwell/ Tom Roberts
TCAG	Rudy Mendoza/Janet Hinesly

Counsel present: Zack Smith

Staff/Visitors in attendance:

Ron Hughes, Heather Corder, Georgina Cardenas and Trish Barberick from CalVans.

Also in attendance were Terri King, Angie Dow, Kent Epperson and Lori Flanders.

2. UNSCHEDULED APPEARANCES:

There were no unscheduled appearances.

3. CONSENT CALENDAR:

A. Minutes of February 14, 2013

Motion was made, seconded Poythress/Funk and carried to approve the consent calendar A: Approval of minutes of February 14, 2013. Jerry O'Banion and James White abstained.

4. SYSTEM UPDATE.

a. JARC Grant implementation in four areas.

Ron reported that the JARC application is now being offered in Madera, Santa Barbara, Ventura and Yuba Counties. The funds will support approximately 80 new riders or 8 vanpool groups of 11 riders for a year. The funds will be dispersed 6 months at a time and renewed for a second 6 month period. The funding is for a two year period. The funding is available to both general and agricultural vanpools.

Staff is working on the new JARC applications that will be submitted later this month for those Counties not receiving approval in the last round of applications.

b. Filling of Staff vacancy in Ventura/Santa Barbara office.

Staff received 23 applications for the Transit Coordinator position in the Santa Barbara/Ventura area. 5 met the qualifications and were interviewed. 3 in the Hanford office and 2 in the Ventura office. Tomas Hernandez has been selected and is in the pre-employment processing stage. His estimated start date is May 13, 2013.

Kent Epperson questioned if the new employee would be housed in Santa Barbara and Ventura.

Ron replied that the new employee would be working out of both locations.

c. Preparation of on-line public vanpool training course.

Ron explained that the CTAA (Community Transportation Association of America) requested assistance in putting together an on-line course for public transit agencies that wish to start a vanpool project.

The goal is to have something completed in 4 weeks. The course will consist of several modules that would explain the steps, costs and benefits related with starting and operating a program. The work will be in collaboration with other agencies that presently provide public vanpools. Our agricultural focus and the ability to provide vans to anyone with a valid driver's license is something the CTAA wants to include in the training course.

d. Working with Ag Innovative Network on a housing and transportation plan.

Staff was contacted by Dan Schurman asking for assistance on an Agricultural Workforce and Transportation Project focused on transportation and housing.

Staff will prepare information on farm workers with the skill sets found in different communities for different crops.

A Grower offered vouchers to over 130 farm workers in Madera, providing them with the ability to use our vans to travel to Kettleman City and Hollister to pick tomatoes because he said Madera farm workers did a better job. Firebaugh farm workers have the skill set to pick peppers.

5. REVIEW STATUS OF CALPERS AND DISCUSS OPTIONS.

Staff explained that the review period continues, but feedback for CalPERS Staff appears positive, or at least they seem to be advocating for our membership. Staff continues to get updates. E-mail received 4/3/13 estimated a decision would be made by the end of this week. An e-mail received the morning of 4/11/13, has an estimated decision by the end of the month. This has been on-going pattern for the past 18 months.

Staff believes it would be prudent to prepare a plan B or options in the event CalPERS does not get around to making a decision, the decision is not favorable or we reach the deadline with KCAPTA. Contributions for CalVans being paid through KCAPTA ends 6/30/2013. If CalPERS comes through we would drop plan B.

6. ESTABLISH FULL TIME TRANSIT AIDE POSITION IN SACOG AREA.

Staff has filled the Transit Aide position in the SACOG area as an extra help position. Given the increase in the number of vans and the area covered. Staff requested the Transit Aide position become permanent.

The position will represent an increase in cost over the extra help position but will be offset by the increased vanpooling activity in the covered area.

Motion was made, seconded Poythress/Funk and unanimously carried to establish a full time Transit Aide position in SACOG area.

7. RECLASSIFY ONE TRANSIT ASSISTANT POSITION TO ACCOUNT CLERK I/II.

The Transit Assistant position discussed is one that has been responsible for gathering and inputting the vehicle and passenger data into the NTD (National Transit Database).

The work functions have basically become an Accounting function as the individual works with some of the same information and formulas that other Account Clerks use in preparing the NTD reports.

Staff recommended the position be reclassified and filled as an Account Clerk I/II as opposed to being refilled as a Transit Assistant position. The pay range for both positions is identical; it is the primary duties that are different.

Commissioner Richardson inquired if the Transit Assistant position would become available at a later date. Ron replied that this Transit Assistant position would be eliminated.

Commissioner Johnston inquired if the same person would be the Account Clerk I/II that was the Transit Assistant. Ron replied that the person who held that position relocated to San Diego and the vacancy would be filled as an Account Clerk I/II.

Motion was made, seconded Johnston/O'Banion and unanimously carried to reclassify one Transit Assistant position to an Account Clerk I/II position.

8. REVIEW THE 2013-2014 DRAFT BUDGET.

Ron explained the CalVans budget for the coming year. Noting the biggest change in the budget is reflected in the rapid growth of agricultural vanpools. The program has grown by 26% over the past year with all available vans being assigned. An additional 65 vans will be added to the fleet, bringing the total of agricultural vans from 185 to 250. Ron explained the additional growth of 26% over the 27% increase from the previous year. For that reason, the increase in expenses is reflected in the fuel and maintenance cost as well as associated revenue.

Last year's average miles traveled were around 40,000 miles per week; presently the average is 60,000 miles per week.

The general vanpool program has also seen continued growth, with vans being placed in the Sacramento, Ventura/Santa Barbara areas. Currently, there are 3 vanpools in each group with several more going out next month.

With the exception of the additional full time position in the Sacramento region, Staff does not propose any new positions in next year's budget. No salary increases are proposed in the budget, other than normal step raises that employees receive in their range steps during the first 5 years of employment.

Outside contributions or reimbursements from agencies such as the Air District, CMAQ and Caltrans have been estimated on the conservative side. This is due to the fact that their payments do not come in on a timely basis and as a result, negatively affects our cash flow. It is estimated it takes 2-4 weeks for reimbursement. At the present time we need \$400,000 to \$500,000 in cash flow to cover existing reimbursement programs.

The TAC (Technical Advisory Committee) reviewed the 2013 - 2014 draft budget and recommended including \$30,000 for marketing. This has been done. Staff will be working with the TAC to develop a method for marketing the program.

Heather Corder, Accountant Auditor for CalVans explained in depth the fiscal year 2013 - 2014 budget and the differences from the previous fiscal year 2012 - 2013 budget. Heather noted the increase/decrease and percentage changes on the budget along with the trends, fuel expense, allotted H/R fees, utilities, IT, vouchers and Measure C funds.

Commissioner Johnston wanted to know what page to find the van pool revenue on and the negative 11.92% decrease from the prior year. Heather responded the information was on page 23.

Heather also explained that the budget is broken down into units: Administration, General Vanpools, Agricultural Vanpools and All units.

Commissioner Richardson requested that the revenue and expenses be labeled on the budget. Staff agreed that the request would be made.

Commissioner White commented that the TAC had recommended to include \$30,000 in marketing funds was a great idea. Staff explained that the marketing funds were not reflected in the draft budget copies but would be an addition on the budget.

Commissioner Richardson requested the average mpg the vans were receiving. Staff responded that it depended on the size of the van. Large vans average 13.5 mpg and small vans average 20 mpg.

Motion was made, seconded Richardson/Johnston and unanimously carried to accept the 2013 - 2014 budget with the addition of \$30,000 for marketing.

9. MISCELLANEOUS COMMENTS FROM THE BOARD AND STAFF.

Commissioner Neves welcomed Jerry O'Banion, Commissioner from Merced Association of Governments to the Board. Commissioner O'Banion is looking forward to participating in the program

Commissioner Neves reminded everyone that the next meeting is scheduled for May 9th at 10:00 a.m.

Ron Hughes requested any Board member to contact him for more information, updates, questions or concerns.

Commissioner Neves stated Ron Hughes is very efficient.

The meeting was adjourned at 10:28 a.m.

Respectfully submitted,



Ronald H. Hughes
Executive Director

3/11/2013 tb

Technical Advisory Committee Minutes

An unofficial meeting of the California Vanpool Authority Technical Advisory Committee was held on April 25, 2013 at 1:33 p.m. in the conference room of CalVans, 1340 North Drive, Hanford, CA. 93230

California Vanpool Authority Members

AMBAG – Association of Monterey Bay Area Governments
Fresno COG – Fresno Council of Governments
Kern COG – Kern Council of Governments
KCAG – Kings County Association of Governments
MCTC – Madera County Transportation Commission
Merced COG – Merced County of Governments
NCTPA – Napa County Transportation & Planning Agency
SACOG – Sacramento Area Council of Governments
SBCAG – Santa Barbara County Association of Governments
TCAG – Tulare County Association of Governments
VCTC – Ventura County Transportation Commission

1. ROLL CALL AND ATTENDANCE

Ron Hughes, Heather Corder and Trish Barberick from CalVans.

Also attending were Suzanne Martinez, Lori Flanders, Alan Holmes, Christine Chavez and Angie Dow.

2. PUBLIC COMMENT

No comments were received.

3. CONSENT ITEMS

All items listed as consent items are considered routine and will be enacted by one motion. For any discussion of any consent item, it will be removed at the request of any Board member and made a part of the regular agenda.

A. Minutes of November 29, 2012 and March 23, 2013.

Motion was made, seconded Alan Holmes/Suzanne Martinez and unanimously carried to approve the minutes of November 29, 2012 and March 23, 2013.

4. SYSTEM UPDATE

A. JARC Grant submittal.

Ron explained the JARC applications have been submitted to Caltrans for the following areas and for the amount shown.

- Kern County \$100,000
- Merced County \$50,000
- Sutter County \$50,000
- Tulare County \$50,000
- Yolo County \$50,000

Ron commented that if approved the funds will be available next January. In each case the grants reflect 50% Federal funding matched with 50% in toll credits.

Christine Chavez thanked Ron for submitting the applications on their behalf.

B. Presentation at Caltrans training session.

Ron attended the Caltrans training session in Visalia. The presentation went well with a number of questions from those in attendance. This was an update from a presentation from a year and half ago.

A DVD of the presentation will be available and also on the web.

Alan Holmes thanked Ron for a presentation well done and he had already forwarded a copy of the session to his Commissioner.

C. Update on LA Metro review process.

Ron explained that several months ago Staff responded to a call for proposals for the receipt of \$400 a month for a vanpools traveling into and from the LA Metro area. After initial approval, the grant was pulled after a protest was submitted by vride. The protest stated that giving the vanpool subsidy to vanpools provided by CalVans would be in violation of the Federal Capital Cost of Contracting rules. Staff disagrees and is waiting for the review by LA Metro Staff. The vans provided to individuals traveling into and from the LA Metro area would be leased/purchased and paid

for out of the vanpool revenue, not with Federal funds. CalVans understands that any van purchased with Federal funds would not be eligible to receive the \$400 monthly rider subsidy.

LA Metro Staff asked for permission to share the proposal CalVans submitted. It seems they received a public request letter from Enterprise asking for all information related to the RFP and the proposals that were submitted. Staff granted permission and have not heard back from LA Metro Staff until this morning. Federal funds would not be used; the subsidy would be supplemented by Air District and local funds. Staff will respond back.

D. Review one year update flyer.

Ron explained that the One-Year update that was prepared by Staff has been condensed, per the recommendation of the Board. The two page update is easier to read and covers the main points.

Ron explained that all the member agencies were listed on the lower left bottom of the update on page 1.

Ron stated any feedback would be appreciated.

Suzanne Martinez stated the One-Year update looked good.

5. REVIEW CALPERS APPROVAL PROCESS.

The CalPERS review continues, but feedback appeared positive. Other individuals such as Allison Picard, H/R Director of Kings County and Tony Oliveria, previous CalPERS Board member have also helped in trying to get CalPERS Staff to come to a decision. The deadline of June 30th grows nearer and is creating concern.

Allison received the first negative feedback via e-mail in regard to CalVans membership into CalPERS, from that person's perspective. CalVans has had two positive e-mails and now one negative from third parties.

Ron commented that it is time to move forward with another retirement plan for CalVans employees. If CalPERS gives CalVans a favorable decision, the other retirement plan would be dropped.

6. REVIEW DBE PROGRAM.

Ron explained that as a condition of receiving Federal funds, CalVans needs to adopt a DBE (Disadvantaged Business Enterprise) Program.

The Federal funds being received are the State of Good Repair funds that CalVans will use to buy 30 CNG powered Ford 15-passenger vans that will be added to its fleet.

Ron commented that the DBE Program shouldn't affect CalVans too much as it doesn't have the traditional transit rider, most are farm workers just looking for a ride to and from work.

Angie Dow, Executive Director of KCAPTA, questioned the percentage of CalVans DBE Program goal. Stating CalVans would be held to that goal and a memo would be needed if that goal wasn't met. Ron replied that it may be a lofty goal but the number was correct.

Staff recommended the adoption of the DBE Program.

Alan Holmes inquired if the title page had been corrected. Ron replied that it had.

Motion was made, seconded Alan Holmes/Lori Flanders and unanimously carried to adopt the DBE program.

7. RECLASSIFY ONE ACCOUNT CLERK I/II POSITION TO ¾ TIME.

Ron explained that one of the Account Clerks has been working an alternate schedule for the past several months due to child care issues. This individual is responsible for billing the agricultural vanpools and has been with the program since the beginning. She has helped in developing the system that bills the vouchers to the growers. Staff would like to accommodate the individual's revised schedule to work six hours per day. It is anticipated the child care issues will resolve themselves within the next 18 months.

Staff recommended the reclassification of one full time Account Clerk I/II position to ¾ time.

Alan Holmes inquired if the budget had been amended. Heather Corder, Accountant Auditor, responded that the budget had been amended.

Motion was made, seconded Alan Holmes/Lori Flanders and unanimously carried to reclassify one full time Account Clerk I/II position to ¾ time.

8. REVIEW FINAL 2013-2014 BUDGET

Ron explained the final budget for 2013 – 2014 includes \$30,000 for marketing. Ron would like to see a group created by the TAC members to review, approve and distribute the funds accordingly.

Ron commented that CalVans needs a majority or 2/3 approval of the budget. A draft budget has been adopted to operate in case we do not have enough Board members present at the next meeting to approve the budget.

Staff recommended approval of the 2013 -2014 budget.

Christine Chavez inquired if the budget is approved here, if it still needs to go before the Board for final approval. Ron replied that it does need to go before the Board for final approval.

Alan Holmes inquired about 9171 General Vanpool expenses and the uptake for insurance and maintenance. Ron replied this was due to the upgrade of the radios for each van. Currently a 2G system is being used and will be eliminated; the upgrade will be to 4G.

Motion was made, seconded Christine Chavez/Alan Holmes and unanimously carried to approve the 2013 -2014 budget.

9. MISCELLANEOUS COMMENTS

Ron commented that there is more interest in the program in Santa Barbara, Ventura and Sacramento areas now. Companies are interested in providing alternate modes of transportation for their employees to and from work.

35 vans will be purchased for Fresno County residents through Fresno Rural Transit. The older vans will be given out to other residents in other areas.

Kings County will be purchasing CNG vans for Kings County residents. The new CNG vans will be offered to the oldest vanpool moving up the list.

Christine Chavez inquired who purchased the CNG vans. Ron replied that KCAPTA was the applicant and approved matching funds, so that is why

the vans are going to be in Kings County. Ron replied if there is an avenue for future CNG applicants or CMAQ funding from Tulare for CNG vanpools for Tulare, to let him know. Ron also stated that CNG vans for the general vanpools would work well in Tulare County.

Alan Homes commented that there will be a one time change of venue address for the next meeting. It will be Southern California Association of Governments (SCAG) at the same address, suite number 101.

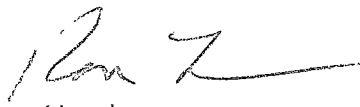
ANNOUNCE NEXT MEETING DATE

The next California Vanpool Authority Technical Advisory Committee meeting is scheduled for Thursday, May 23, 2013 at 1:30 p.m. in the CalVans conference room located at 1340 North Drive, Hanford, CA.

ADJOURNMENT

The meeting was adjourned at 1:51 p.m.

Respectfully submitted



Ron Hughes
Executive Director

4/25/13 tb



Jon W. Martz
Vice President, Government Relations

February 25, 2013

Ms. Linda Rickert
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza, 9th Floor
Los Angeles, CA 90012

re: **RFIQ No. PS12701049 and Contract No. PS12701049C**
Protest for Recommendation of Award to California Vanpool Authority

Dear Ms. Rickert:

As an awarded party to the above-referenced RFIQ and contract, vRide is protesting the recommendation for an award to the California Vanpool Authority ("CVA") on any and all of the following grounds:

- The proposal as submitted by the CVA is inconsistent with the Capital Cost of Contracting Policy (C 9030.1D, page III-13), as the policy is applied to the private capital being brought to the project not the public assets of another governmental entity;
- We have every reason to believe the assets of the CVA to be used to provide service under this Agreement have already been or will be purchased using public funding from other governmental agencies. Therefore, vRide protests the eligibility of the proposal because:
 - It constitutes an impermissible capital and/or operating subsidy to the vanpool groups brought to the program by the CVA; and/or
 - It creates an impermissible "double-dip" of federal capital dollars to be applied to the program on the part of the CVA.
- An award to the CVA contradicts federal law at 49 USC §5306 by reducing the participation of the private sector in the program through a reduction in the market available to private providers. Additionally, a loss of program participants by private providers enrolled in the program that move to participate through the CVA may constitute a taking requiring compensation under 49 USC §5323(a).

vRide is specifically NOT protesting the terms of award or contract to Enterprise Rideshare, nor the terms of award or contract to vRide.

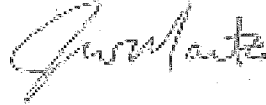
In lieu of a full protest resolution process, vRide would accept an independent pre-award audit of the CVA's proposed program budget and service delivery to ensure:

- Fully-allocated costs are being attributed to the project,
- CVA's vehicle acquisitions are being conducted consistent with federal rules on the eligible use of funding as it would apply to this contract award,
- The CVA's proposal does not create an impermissible operating subsidy, and
- An award to the CVA does not constitute a taking requiring compensation under 49 USC §5323.

The results of this pre-award audit, and any findings, would need to be provided to the involved parties, including Enterprise Rideshare and vRide, and its recommendations implemented in order for vRide to refrain from continuing a protest.

We would prefer not to have to make this request. However, it is critical that a level playing field on which to compete is afforded the private sector participants in this program.

Respectfully,



Jon W. Martz

Encl. (1)

Cc: Ann Fandozzi, President and CEO
John Plecha, Executive Vice President - Sales
Debbie Asbacher, Regional General Manager
Chris Simmons, Director - Government Relations (State and Local)

MAYER • BROWN

Mayer Brown LLP
350 South Grand Avenue
25th Floor
Los Angeles, California 90071-1503

Main Tel +1 213 229 9500
Main Fax +1 213 625 0248
www.mayerbrown.com

Andrew T. Kugler
Direct Tel +1 213 621 9462
Direct Fax +1 213 576 8126
akugler@mayerbrown.com

VIA ELECTRONIC MAIL

March 26, 2013

Ms. Linda Rickert
Contract Administrator
Los Angeles County Metropolitan Transportation
Authority
One Gateway Plaza
Los Angeles, CA 90012

Re: Document Request Relating to Vanpool Vehicle
Supplier Bench Contract Procurement

Dear Ms. Rickert:

This firm represents Enterprise Rent-A-Car Company of Los Angeles, LLC. We respectfully request that copies of the following documents relating to Metro's Vanpool Vehicle Supplier Bench Contract procurement, Contract No. PS12701049 ("RFIQ") be made available to me at 350 South Grand Avenue, 25th Floor, Los Angeles, CA 90071.

1. A complete, un-redacted copy of the proposal submitted by or on behalf of California Vanpool Authority ("Calvans") in response to the RFIQ.
2. All evaluation materials and scoring sheets relating to proposals submitted in response to the RFIQ including, without limitation, any summary or individual scoring sheets, evaluator notes, financial analyses and documents evidencing any reference checks conducted for the RFIQ.
3. Any documents evidencing a communication between Metro and Calvans or any of its agents, representatives or employees in connection with the RFIQ.
4. Any documents produced or used by the Selection Committee in its evaluation of the proposals submitted in response to the RFIQ.
5. Any documents provided to any member of the Metro Board of Directors relating to the RFIQ or the Selection Committee's evaluation of the proposals submitted in response to the RFIQ.
6. Any documents relating to federal or state grant funds that will be used to implement the Metro Vanpool Program.

Mayer Brown LLP

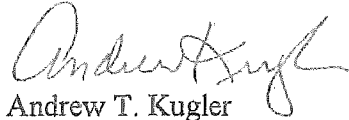
Ms. Linda Rickert

March 26, 2013

Page 2

Please contact me at (213) 621-9462 or akugler@mayerbrown.com to let me know when the documents will be ready. To the extent there are costs associated with making the copies, please let me know and we will be happy to make the appropriate payment. Thank you very much for your assistance.

Sincerely,



Andrew T. Kugler



Metro

April 29, 2013

Jon W. Martz
Vice President, Government Relations
vRide, Inc.
1220 Rankin Drive
Troy, Michigan 48083

via electronic mail to jon.martz@vride.com

Re: Metro Vanpool Program
PS12701049
Protest for Recommendation of Award to California Vanpool Authority
Dated February 25, 2013

Dear Mr. Martz,

I am in receipt of your correspondence dated February 25, 2013. Your letter protests California Vanpool Authority's ("CalVans") participation in the Metro Vanpool Program (the "Program"). After careful consideration, LACMTA hereby denies your protest for the reasons set forth below.

Procurement Background

LACMTA issued RFIQ No. PS12701049 on October 12, 2012. LACMTA received three responses to the RFIQ and determined that vRide, as well as Enterprise Rideshare and CalVans were qualified to participate in the Program. LACMTA staff therefore recommended award to all three qualified firms on February 14, 2013. Pursuant to LACMTA's procurement policy, LACMTA now responds to the arguments set forth in your protest letter.

Protest Arguments and LACMTA Response

Your protest letter identifies the three following arguments:

- 1) The proposal as submitted by [CalVans] is inconsistent with the Capital Cost of Contracting Policy(C 9030.1D, page III-13), as the policy is applied to the private capital being brought to the project not the public assets of another governmental entity;
- 2) We [vRide] have every reason to believe the assets of [CalVans] to be used to provide service under this Agreement have already been or will be purchased using public funding from other governmental agencies. Therefore, vRide protests the eligibility of the proposal because:
 - It constitutes an impermissible capital and/or operating subsidy to the vanpool groups brought to the program by [CalVans]; and/or

- It creates an impermissible "double-dip" of federal capital dollars to be applied to the program on the part of [CalVans].

3) An award to [CalVans] contradicts federal law at 49 USC §5306 by reducing the participation of the private sector in the program through a reduction in the market available to private providers. Additionally, a loss of program participants by private providers enrolled in the program that move to participate through [CalVans] may constitute a taking requiring compensation under 49 USC §5323(a).

All three arguments (and their subparts) quoted above are based on the premise that the Program is federally funded, such that the federal laws, guidelines and regulations referenced in your protest would apply. In prior years, the Program was federally funded. However, since Fiscal Year 2012 (July 1, 2011 through June 30, 2012), LACMTA has used only local funds, specifically Proposition C 25% Funds (the "Prop C Funds") for the Program. Prop C Funds are not subject to federal regulations. Further, the Program is budgeted to be funded with Prop C Funds through FY 2039-2040.

Prior RFIQ documents were used as a guide when drafting RFIQ No. PS12701049. Language regarding federal funding in the procurement documentation was inadvertently carried over from older RFIQ documents despite the fact that the Program is no longer federally funded. Upon receipt of your protest, LACMTA became aware of the oversight and determined that it was not a material defect to the procurement.

Therefore, because the Program is not federally funded, LACMTA has determined that your protest has no merit and will proceed with awarding the contract to vRide, Enterprise Rideshare and CalVans.

Sincerely,



Donald Dwyer
Deputy Executive Officer, Procurement

cc: J. Carrington
L. Rickert