



## **BOARD OF DIRECTORS**

Chairman Ed Gallo  
Vice-Chair Dave Roberts  
Bob Campbell  
David Druker  
Bill Horn  
Julianne Nygaard  
Chris Orlando  
Jerome Stocks  
Jim Wood

Karen King, Executive Director  
C. Michael Cowett, General Counsel

## **AGENDA**

### **MONITORING COMMITTEE**

Chairman Dave Druker, Bob Campbell, Chris Orlando, Jim Wood  
Staff Committee Liaison: Brian Graham

**Thursday, September 6, 2007- 8:30 AM**  
**311 South Tremont Street, Oceanside, California**

1. Open Meeting
2. Changes to the Agenda
3. KTU+A On-Call Contract 0410-OS to SANDAG and MTS
4. Executive Director's Change Order Authority Pool for SPRINTER Construction Contracts
5. Mobile Command Vehicle
6. Legal Services Provider Panel Contract
7. Monthly SPRINTER Update (No staff report)
8. Other Matters
9. Public Comment
10. Next Meeting: Thursday, **October 4, 2007**, 8:30 a.m., 311 South Tremont, Oceanside, CA
11. Adjournment

*For individuals with disabilities, we will provide assistive services. To obtain such services or copies of documents in an alternate format, please call or write, a minimum of 72 hours prior to the event, to request these needed reasonable modifications. We will make every attempt to accommodate requests that do not give 72 hour notice. Please contact our Customer Service Supervisor at (760) 966-6503.*

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**STAFF REPORT TO THE  
MONITORING COMMITTEE**

**Agenda Item #  
3**

**TITLE: KTU+A ON-CALL CONTRACT 04010-OS TO SANDAG AND MTS**

**STAFF RECOMMENDATION:** **That the Board approve an increase of the contract value from \$475,000.00 to \$1,025,000.00 to allow for an assignment of \$250,000 to both SANDAG and MTS and \$50,000 for potential future District work.**

**BACKGROUND INFORMATION:** One of the major tasks under the current On-Call contract with KTU+A is for land use planning, market and financial analysis and development and facilitation of public processes; for the Master Plans for Carlsbad Village Station, Escondido Transit Center and Oceanside Transit Center.

SANDAG and MTS have requested that the District assign a portion of the On-Call contract to them to allow SANDAG to complete specific tasks that interface with the NCTD's Master Plans, and for MTS to separately develop Master Plans for some of their stations and other real estate assets.

In order to assign specific contract values to both SANDAG and MTS, the On-Call contract needs to be increased from its current value of \$475,000, of which \$465,390.62 has been encumbered to a new value of \$1,025,000. That would provide \$250,000 each for SANDAG and MTS and an additional \$50,000 for potential District planning needs to supplement staff resources outside of the Master Plans project scope in the remaining 18 months of the contract.

The assignment to SANDAG and MTS would allow both agencies to contract directly with KTU+A. Use of the assignment clause of RFP 04010-OS reduces overall regional costs, increases efficiencies, and is supported by the cooperative consolidation framework between SANDAG, MTS and NCTD.

**ATTACHMENT:** None

**FISCAL IMPACT:** NCTD's portion of this contract will be funded by a transit planning grant (account # 806011.741000.442400) that has a remaining budget of \$56,000.

**COMMITTEE  
REVIEW:**  
9/6/07

**STAFF CONTACT:** Lance Schulte  
Economic Development Administrator  
E-mail: lschulte@nctd.org Phone: 760/966-6683



**STAFF REPORT TO THE  
MONITORING COMMITTEE**

**Agenda Item #  
4**

**TITLE: REPLENISH EXECUTIVE DIRECTOR'S CHANGE ORDER  
AUTHORITY POOL FOR SPRINTER CONSTRUCTION CONTRACTS**

**STAFF  
RECOMMENDATION:** **That the Board reauthorize \$5.0 million in delegated contractual  
change order signature authority to the Executive Director solely for  
the construction contracts on the SPRINTER projects.**

**BACKGROUND  
INFORMATION:** Over the past two and a half years, the Board has awarded approximately \$234 million in construction contracts on the SPRINTER project. Due to the nature of large construction projects such as the SPRINTER, the potential exists for unforeseen field conditions to arise which may require an immediate response by the Contractor based on a Field Work Directive issued by the District. In order to ensure the District is able to respond quickly and efficiently to SPRINTER construction issues as they develop, the Board previously delegated a special procurement authority change order pool to the Executive Director solely for change orders on construction contracts on the SPRINTER project. To date, the Board has authorized additions to the pool as follows:

- December 2004 - \$2 million
- November 2005 - \$2 million
- July 2006 - \$3 million
- September 2006 - \$3 million
- November 2006 - \$5 million
- February 2007 - \$5 million
- June 2007 - \$5 million

At this time, the current balance remaining in the change order pool after processing recent change orders is approximately \$750,000, and a number of significant change orders (identified below) are anticipated in the next two to three months. In order to keep the contractor moving and avoid processing-related delays, staff recommends a \$5 million reauthorization of the Executive Director's change order pool authority.

The special change order pool is established and funded from the project contingency and other related SPRINTER project accounts that fund construction activities. The Executive Director, by delegated special authority, is authorized to approve any change orders on the project from that pool. When the pool nears exhaustion, it is proposed to be replenished with additional amounts pursuant to subsequent Board agenda reports. The Board is notified by email of any changes exceeding \$100,000, and receives periodic updates on the status of the change order activity via the SPRINTER Project Quarterly Report.

**ATTACHMENT:** None

**FISCAL IMPACT:** This action has no direct fiscal impact in itself, but creates an administrative procedure for the approval of SPRINTER change orders in a manner that helps prevent project delays and potential delay claims. Based on the current SPRINTER budget, staff estimates that there will be sufficient budget available in the various SPRINTER project accounts to process the change orders contemplated under this item. It should be noted that not all change orders will be charged against the SPRINTER project budget; rather, some will be charged to reimbursable projects, while others will be charged against contract allowances in the existing construction contract.

**COMMITTEE  
REVIEW:**  
9/06/07

**STAFF CONTACT:** **Tom Lichterman**  
**Director of Rail Services**  
E-mail: tlichterman@nctd.org Phone: 760/967-2855

**EXTENDED  
BACKGROUND:** The following significant change order issues are anticipated to require funding in the next two to three months:

Buena Creek Bridge Quantity Revisions – The final installed quantities for structural excavation, structural backfill, structural concrete and miscellaneous concrete exceeded the bid price form quantities and will result in a cost increase of approximately \$700,000.

Escondido Avenue and Phillips Street – The redesign of Escondido Avenue and the station entrance at Phillips Street caused extra work that resulted in payment for a shoofly track through the crossing and station, added traffic control and out-of-sequence extra work that will result in a cost increase of approximately \$350,000.

Gangway Revisions – The final design for the tangent and curved station gangways is complete and the cost of the extra work is more than originally estimated by the engineer. In addition, the CPUC is insisting on further changes, resulting in an estimated total additional cost increase of approximately \$600,000.

Bypass Freight Track (BFT) – The close proximity of the trackbed and the creek in portions of the BFT will require installation of additional riprap armoring to prevent erosion during winter storms resulting in a cost increase of approximately \$300,000.

Export of Excess Material from Station Sites – As unsuitable material and other sub-surface unknown materials are discovered during excavation and construction, these materials are stockpiled at available station sites until they can be properly disposed. The disposal of this excess material will result in an additional cost of approximately \$250,000.

Asphalt Paving – The grade crossing AC paving section thickness and limits of work were revised causing a change in character of work that will result in an

adjustment of compensation of approximately \$400,000.

College Station Pedestrian Bridge – The ped-bridge foundation location conflicted with an existing sewer requiring a temporary bypass to be constructed that will result in an increased cost of approximately \$100,000.

Oceanside Reimbursable Fencing - The City requested a portion of the right-of-way fence be constructed using black vinyl coated fencing products in lieu of the standard chain link style fence. This change resulted in a cost increase of approximately \$60,000 that will be reimbursed by the City.

The anticipated change orders described above and other smaller known items will exceed \$3.5 million and there will be on-going unknowns which will need to be addressed through the pool. Therefore, staff is recommending that the Board authorize augmenting the pool by a total of \$5 million.



**STAFF REPORT TO THE  
MONITORING COMMITTEE**

**Agenda Item #  
5**

**TITLE: MOBILE COMMAND VEHICLE**

**STAFF RECOMMENDATION:** **That the Board award a contract to Gerling and Associates to design and build an emergency mobile command vehicle, in an amount not-to-exceed \$115,985.**

**BACKGROUND INFORMATION:** Critical incidents that NCTD has experienced, as well as inter-agency disaster training, require close field coordination between NCTD and other outside agencies. This also includes the coordination and mobilization of personnel and equipment. This is best accomplished through the on-site use of a mobile command center providing a central location for command, control, and communications. It also provides a focal point for media and community interface and multiple jurisdiction coordination for major emergencies and events as part of the Field Incident Command interface. The Mobile Command Vehicle will be utilized in a variety of roles including critical transit and rail response issues; natural and other disasters; and other large-scale events.

In order to meet these needs, NCTD included a Mobile Command Vehicle in its Department of Homeland Security FY 05 Transit Security Grant Program funding request. This grant was approved in 2006 and provides adequate funding for the acquisition of the Mobile Command Vehicle.

Following solicitation of proposals from six manufacturers of specialized vehicles, proposals were received from the following firms:

1. Gerling and Associates, Sunbury Ohio: \$115,985.00.
2. Capistrano Ford, San Juan Capistrano, CA: \$145,979.00

An evaluation of both proposals resulted in a determination that Gerling and Associates, was the most responsive and responsible bidder.

**ATTACHMENT:** None

**FISCAL IMPACT:** The fiscal impact of this item is \$115,985. A total of \$145,000 has been budgeted for this purpose in JB#406047, none of which has been expended or encumbered, leaving an available balance of \$145,000.

**COMMITTEE  
REVIEW:**

9/6/07

**STAFF CONTACT:** **Tom Lichterman**  
**Director of Rail Services**  
E-mail: tlichterman@nctd.org Phone: 760/967-2885



**STAFF REPORT TO THE  
MONITORING COMMITTEE**

**Agenda Item #  
6**

**TITLE: LEGAL SERVICES PROVIDER PANEL CONTRACT**

**STAFF  
RECOMMENDATION:**

**That the Board award a change order to RFP 06008 (Personal Injury and Property Damage Legal Services Provider Panel) in the amount of \$600,000.**

**BACKGROUND  
INFORMATION:**

In the spring of 2006, staff issued Request for Proposal (RFP) 06008 which established a personal injury and property damage legal services provider panel for a five-year period. Following Board approval on July 20, 2006, separate contracts were established with the top three ranked attorneys who submitted proposals. Litigated cases have been assigned to each of these contractors over the past year. The attorneys and the firms they work for are:

- Tracy Richmond of Worden Williams;
- Roger Bingham of Wheatley, Bingham and Baker;
- Mark Brisebois of the Law Offices of Mark T. Brisebois.

A purchase order in the amount of \$625,000 was issued at the start of the contract based upon actual legal fees and costs that were paid in the preceding three fiscal years. The combined expenses averaged just under \$125,000 per year due to the frequency and severity of third party liability claims experienced during that time frame. Hence, this was the basis for establishing a total contract amount of \$625,000 for the five years.

Due to an increase in litigation activity in the current fiscal year, it has become apparent that \$625,000 will not be adequate for the remainder of the contract. Therefore, staff is recommending that we increase the purchase order for RFP 06008 by an additional \$600,000.

**ATTACHMENT:** None

**FISCAL IMPACT:** The proposed FY 2008 Budget Amendment includes an additional \$100,000 for liability/property damage attorney fees and costs for FY 2008.

**COMMITTEE  
REVIEW:**  
9/06/07

**STAFF CONTACT:** **Susan Lockwood**  
**Manager of Safety, Risk & Training**  
E-mail : slockwood@nctd.org Phone : 760/967-2847

September 6, 2007

TO: North County Transit District Board Members  
FROM: Clerk of the Board  
SUBJECT: POSTING OF BOARD AGENDA

In Compliance with the Ralph M. Brown Act, As Amended, the following information is provided.

The Agenda for this meeting of the Monitoring Committee was posted as follows:

Meeting Date and Time:	September 6, 2007; 8:30 a.m.
Posted At:	810 Mission Avenue, Oceanside, CA and 311 So. Tremont, Oceanside, CA
Date & Time of Posting:	August 31, 2007; 5:00 p.m.
Posted By:	Clerk of the Board