



BOARD OF DIRECTORS
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AGENDA

MONITORING COMMITTEE

Chairman Chris Orlando, Dave Druker, Rocky Chavez, Bill Horn
Staff Committee Liaison: Brian Graham

Thursday, April 3, 2008 - 8:30 AM
311 South Tremont Street, Oceanside, California

1. Open Meeting
2. Changes to the Agenda
3. Owner Controlled Insurance Program (OCIP) Contract for Final Audited Builder's Risk Insurance Premium
4. Maintenance-of-Way Facility Lease Extension
5. ADA Improvements
6. Smart Card Update (Oral Presentation)
7. Amendment to SANDAG Staff Support MOU on the SPRINTER Project
8. Extension to COASTER Wireless Mesh Network
9. Extension to On-Site IT Support Services
10. Right-of-Way Consulting Services (Materials provided at the meeting)
11. Safety and Risk Update (Oral Presentation)
12. SPRINTER Start-Up Report (Oral Presentation)
13. Develop Plan/Program for Maintaining Viable Infrastructures (Discussion)
14. Other Matters
15. Public Comment
16. Next Meeting: Thursday, **May 1, 2008**, 8:30 a.m., 311 South Tremont, Oceanside, CA
17. 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: OWNER CONTROLLED INSURANCE PROGRAM (OCIP) CONTRACT
FOR FINAL AUDITED BUILDER'S RISK INSURANCE PREMIUM**

Time Sensitive Consent

**STAFF
RECOMMENDATION:**

That the NCTD Board of Directors authorize an increase of \$115,894 to the OCIP contract with Willis Risk & Insurance Services of San Diego to pay the final audited additional builder's risk insurance premium for the SPRINTER construction project.

**BACKGROUND
INFORMATION:**

On July 15, 2004, the Board authorized the Executive Director to implement an Owner Controlled Insurance Program (OCIP) for the SPRINTER construction project. Willis Risk & Insurance Services of San Diego had previously provided insurance brokerage and administrative services. Insurance was subsequently placed on the following lines of coverage: builder's risk (i.e., course of construction/property); workers' compensation; general liability; excess liability; and railroad protective liability.

The builder's risk coverage was placed with RLI Insurance Company. The policy term ran from November 3, 2004 through November 3, 2007 and provided limits of \$50 million per occurrence with a \$25,000 per occurrence deductible. The \$561,000 premium for the three-year term was calculated on anticipated hard construction costs of \$200 million. In November 2006, an additional \$89,295 premium was paid to add the light rail vehicles. As of November 3, 2007, the hard construction costs (excluding the light rail vehicles) had increased to \$246,122,264.

When auditing the policy following its recent termination, RLI determined that an additional \$115,894 premium is due. The increase in hard construction costs is about 23% (\$246,122,264 versus the original figure of \$200,000,000). The increase in the final audited premium is approximately 21% (\$676,894 versus \$561,000). Willis independently conducted its own calculations and has concurred that the additional premium is justified.

Relative to loss history, a total of five claims have been filed against the builder's risk policy. Paid claims to date amount to \$985,322. There is one claim still open and the total cost is not known at this time.

We recommend that the Board authorize the increase of \$115,894 to the SPRINTER OCIP in order to pay RLI Insurance for the final audited builder's risk insurance premium.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this request is \$115,894. The SPRINTER project (709507) OCIP funds have a remaining budget of \$262,364.47, and with board approval, may be used to pay the additional builder's risk premium.

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**STAFF REPORT TO THE
MONITORING COMMITTEE**

**Agenda Item #
4**

TITLE: MAINTENANCE-OF-WAY FACILITY LEASE EXTENSION

Time Sensitive Consent

**STAFF
RECOMMENDATION:**

That the NCTD Board of Directors:

- 1) Approve an amendment to extend the term of the Maintenance-of-Way Facility lease at 4113 Avenida de la Plata until May 31, 2012; and**
- 2) Authorize the Executive Director to execute all necessary and related documents.**

**BACKGROUND
INFORMATION:**

NCTD leases a 17,000 square foot building for its Maintenance-of-Way (MOW) Department located at 4113 Avenida de la Plata in Oceanside. The MOW facility houses the work trucks, specialized vehicles, some signal equipment and a large inventory of spare railroad parts. There are several offices, a conference room and two locker rooms. Workers arrive in private vehicles, receive their assignments, and are deployed to work sites along 100 miles of track that NCTD maintains.

Originally, NCTD owned an MOW facility aboard Camp Pendleton, just outside the Camp Del Mar Gate. However, that facility reverted to Department of Navy ownership in 2005 as part of the larger Stuart Mesa Facility Property Agreement. As a result, NCTD has had to lease a facility while continuing to pursue various options to acquire a NCTD-owned facility.

Among the options considered have been:

- Construction of a permanent facility in south Carlsbad, on Avenida Encinas, on property NCTD owns adjacent to the tracks. Preliminary design was undertaken, but the estimated cost to construct an entire new facility greatly exceeded available or foreseeable funding.
- Purchase an existing properly-zoned industrial building – This option was explored with three separate Oceanside-area properties but price and/or terms could not be agreed to. NCTD’s capital funds for that potential purchase were subsequently shifted to purchase the site for the San Luis Rey Transit Center.

While historically, NCTD’s practice has been to own rather than rent facilities, financial constraints and a lack of suitable alternatives to purchase prompted NCTD staff to investigate extending the current lease further.

The original lease term was two years in duration, commencing June 1, 2005 and terminating May 31, 2007. Prior to occupying the building, tenant improvements were constructed at a cost of approximately \$ 75,000. Throughout the lease term, NCTD invested further in the improvements, making the space suitable for its intended use. The lease contained two (2) one-year options. NCTD exercised both options, extending the termination date until May 31, 2009.

Several key staff negotiated with the property owner to arrive at the amendment. Key terms of the extension are as follows:

- The base term would be extended three (3) years by this amendment until May 31, 2012
- NCTD could choose to extend two (2) additional years to 2014.
- Monthly rent 6/09-5/10: \$13,648; 6/10-5/11: \$14,057; 6/11-5/12: \$14,479

ATTACHMENT: None

FISCAL IMPACT: The current rent for the property is \$13,475 per month or \$161,700 on an annual basis and is included in the FY 08 and FY 09 operating budgets in account 510.512105. The fiscal impact of this item in the first year of the extension is \$163,776. This amount would be budgeted in the FY 10 annual operating budget. Throughout the term of the second amendment and the options, the rental rate increases each subsequent year by 3.0% over the prior year.

**COMMITTEE
REVIEW:**
4/3/08

STAFF CONTACT: **Tom Lichterman**
Director of Rail Services
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STAFF REPORT TO THE MONITORING COMMITTEE

Agenda Item # 5

TITLE: ADA IMPROVEMENTS

Time Sensitive Consent

STAFF RECOMMENDATION:

That the NCTD Board of Directors award a construction contract to CDM Construction, Inc. for ADA improvements and authorize the Executive Director to exercise options and change orders as appropriate to equal the project budget.

BACKGROUND INFORMATION:

In 2003 NCTD commissioned Equal Access, ADA Consulting Architects, Inc. to survey/audit NCTD-owned and operated facilities to determine if any architectural barriers existed per the requirements of Title II of the Americans with Disabilities Act (ADA). There were 235 issues identified and evaluated for inclusion in a multi-year correction plan, which would transition NCTD facilities into substantial compliance with accessibility norms.

The identified areas were included in the District's ADA Transition Plan and were scheduled to be completed between 2005 and 2010. The majority of the identified problems were minor in nature and have already been corrected. Examples include height adjustments of fixtures, addition of signs, parking lot layout changes, handrail modifications, elevator modifications, door closer adjustments, drinking fountain adjustments, etc.

This contract is designed to complete all of the remaining major work associated with the plan including, but not limited to, concrete ramp and sidewalk slope corrections, restroom stall configurations, and customer service window height modifications. Once this contract is complete, the transition plan will be substantially complete.

IFB 08038 was advertised to potential bidders for this work on January 22, 2008. A bid opening was held on March 25, 2008 and three bids were received:

- CDM Construction Inc. - \$215,000
- Harbor Bay Inc - \$232,000
- Valley Coast Construction - \$597,600

CDM Construction Inc. has been determined to be the lowest responsive and responsible firm for this procurement.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this ADA Transition Plan request is \$215,000. \$289,340.66 is available specifically for the ADA Transition Plan in Capital Project 206020.

COMMITTEE

REVIEW:

4/3/08

STAFF CONTACT: **Brian Graham**
Director, Bus Operations and Maintenance
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STAFF REPORT TO THE MONITORING COMMITTEE

Agenda Item # 7

TITLE: AMENDMENT TO SANDAG STAFF SUPPORT MOU ON THE SPRINTER PROJECT

Time Sensitive Consent

STAFF RECOMMENDATION:

That the NCTD Board of Directors authorize the Executive Director to execute an Amendment to the Memorandum of Understanding with SANDAG for staff and consultant assistance on the SPRINTER project, increasing the maximum reimbursement amount by \$250,000.

BACKGROUND INFORMATION:

In September 2006, the Board approved an amendment to previous MOU's with SANDAG to obtain engineering and project management support on the SPRINTER project, in the amount of \$1,500,000. This was in response to an urgent need to obtain additional engineering assistance on the project as construction activity ramped up. SANDAG staffing and consultant levels assigned to the project have fluctuated since that date. Currently, SANDAG is providing one full-time staff engineer who is serving as design configuration manager, two consultants who support various engineering issues on the project, and project oversight assistance through the SANDAG Director of Engineering and Construction.

Based on a review of remaining funding authorization in the previous MOU amendment, and a projection of the remaining duration for which we will need these staff and consultant resources, NCTD and SANDAG staff are recommending a further amendment to this MOU to increase the total value by an additional \$250,000. This increase would cover the anticipated costs through December 2008 to assist with closing out remaining issues.

The justification and need for this increase is due to the following factors:

- Consultant support for Design Support for stormwater compliance.
- Management support of the As-Built documentation process which has been delayed due to design support for stormwater issues and redesigns mandated by the CPUC.
- Working with the Construction Manager to support overall project close-out.
- Providing on-going coordination with other agencies for issues that arise in the early months of SPRINTER operations.
- Manage the preparation of design and construction documents for the repairs to the slope failure along the creek near Crouch Street Station.

ATTACHMENT: None.

FISCAL IMPACT: The fiscal impact of this item is \$250,000. This expense would be charged to the SPRINTER Project Administration budget, JB# 709506. The current Estimate at Completion for this budget line item is \$9,400,000, of which \$7,215,472 has been expended to date.

**COMMITTEE
REVIEW:**
4/3/08

STAFF CONTACT: **Tom Lichterman**
Director of Rail Services
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**STAFF REPORT TO THE
MONITORING COMMITTEE**

**Agenda Item #
8**

TITLE: EXTENSION TO COASTER WIRELESS MESH NETWORK

Time Sensitive Consent

**STAFF
RECOMMENDATION:**

That the NCTD Board of Directors authorize the Executive Director to increase the contract with Datel Systems under RFP 6072-OS in the amount of \$600,000.

**BACKGROUND
INFORMATION:**

In 2006 NCTD issued an RFP and contract for the installation of a wireless mesh network along the coastal right-of-way. The first contract for the COASTER mesh network was authorized for \$300,000, with additional contract extensions to be issued as funds became available. The first contract authorized the installation of the wireless mesh network on ten miles of the coastal rail right-of-way, as well as nodes at all rail stations. Testing has indicated that the technology works well, and that it would be desirable to extend the network over the remaining right-of-way.

As part of the planning for new locations for nodes, NCTD and Datel Systems conducted an extensive survey along the right-of-way. Because the survey required using two high-rail trucks along the rail, the work had to be scheduled on a Sunday, and was delayed twice between January and March 2008 due to inclement weather. The survey determined the need for 53 additional wireless nodes to complete the wireless network infrastructure.

To authorize installation of the wireless mesh network over the remaining rail right-of-way, we recommend that the contract value be increased by an additional \$600,000. Of this amount, \$179,616 can be funded through the Department of Homeland Security. (To ensure the availability of the Homeland Security funds before their expiration on December 31, 2007, the Executive Director authorized an emergency increase in the wireless mesh contract amount on December 10, 2007.) An additional \$321,500 can be funded through CIP project 508002 included in the FY 2008 CIP project. The remaining \$98,884 will be requested as part of a grant application with the Department of Homeland Security. Should the grant not be funded, then this portion of the contract extension would not be executed

ATTACHMENT: None.

FISCAL IMPACT: This request would increase the authorized contract amount by \$600,000, with funding allocated from capital improvement projects. There is no immediate impact to the operating budget, although beginning in FY 2010 there will be an incremental cost in on-going maintenance to ensure all mesh nodes operate effectively (for example, cleaning the solar panels and testing the network interface cards). The incremental increase to the FY 2010 operating budget is estimated to be approximately \$20,000.

COMMITTEE

REVIEW:

4/3/08

STAFF CONTACT:

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**STAFF REPORT TO THE
MONITORING COMMITTEE**

**Agenda Item #
9**

TITLE: EXTENSION TO ON-SITE IT SUPPORT SERVICES

Time Sensitive Consent

STAFF RECOMMENDATION: **That the NCTD Board of Directors authorize the Executive Director to amend the existing agreement with Datel Systems under RFP 6057 for an additional \$350,000.**

BACKGROUND INFORMATION: In August 2006 the Board authorized a contract for on-call IT network support services for \$600,000 for the three-year period ending in August 2009, with two one-year optional extensions of \$200,000 per year.

The agreement is consistent with NCTD's on-going evaluation of cost-effectively balancing internal staff with contracted on-call support. Available on-call services include, but are not limited to: design services; recommendations for upgrades and equipment; troubleshooting equipment; configuration; hardware and software replacement strategies.

The IT team appropriately leveraged this agreement to complete a variety of projects, including updating the network infrastructure, upgrading NCTD workstations, and installing a fiber network. The contract had previously been amended to add maintenance associated with SPRINTER network devices, as the SPRINTER has tripled the number of devices on the NCTD network.

Primarily due to the successful expansion of SPRINTER-related network devices, we recommend that the contract be increased by \$350,000 for IT network support through August 2009. At that time, NCTD will evaluate whether it would be desirable to exercise an optional one-year extension, or whether to issue a new contract. Funds for the contract increase will be provided from already budgeted operating funds and capital projects.

ATTACHMENT: None.

FISCAL IMPACT: This request would increase the authorized contract amount by \$350,000 through August 2009. The \$350,000 would be funded from SPRINTER operating funds in account 320.503316, and existing CIP funds from projects 107020 (Network Upgrades), 107021 (Server Upgrades), 107023 (Personal Computers), 105025 (Server Replacements), and in proposed CIP grants for FY 2009 109042 (Fiber Phase 2), 109043 (Network Monitoring), and 109032 (Personal Computers). There is no additional anticipated impact to the current operating budget.

COMMITTEE REVIEW:
4/3/08

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April 3, 2008

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:	April 3, 2008; 8:30 a.m.
Posted At:	810 Mission Avenue, Oceanside, CA and 311 So. Tremont, Oceanside, CA
Date & Time of Posting:	March 28, 2008; 5:00 p.m.
Posted By:	Clerk of the Board