



## BOARD OF DIRECTORS

Chairman Dave Roberts  
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Bob Campbell  
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Chris Orlando  
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Matthew Tucker, Executive Director  
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## AGENDA

### MONITORING COMMITTEE

Chairman Chris Orlando, Carl Hilliard, Rocky Chavez, Bill Horn  
Staff Committee Liaison: Richard Hannasch

**Thursday, January 8, 2009 - 8:30 AM**  
**311 South Tremont Street, Oceanside, California**

1. Open Meeting
2. Changes to the Agenda
3. Reduction of Retainage from SPRINTER Mainline Contract
4. Simon Wong Engineering Supplemental Agreement for Construction Management Services on the SPRINTER Project
5. Contract Award to Marina Landscape for Temporary Maintenance of Inland Rail Trail Areas
6. Amendment to Voice Over Internet Protocol (VOIP) Telephony Agreement
7. On-Site Information Technology Support Services
8. COASTER Wireless Mesh Network
9. Quarterly Capital Project Report (Attachment 9A)
10. SPRINTER Revenue Service Report (Oral Report)
11. Other Matters
12. Public Comment
13. Next Meeting: Thursday, **February 5, 2009**, 8:30 a.m., 311 South Tremont, Oceanside, CA
14. 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 Clerk of the Board at (760) 967-2808.*

*Persons with hearing impairment please use the California Relay Service (CRS): 800-735-2929 using TTY; 800-735-2922 using voice; 800-735-0373 for CRS Customer Service; 800-855-3000 for Spanish.*

*Any writings or documents provided to a majority of the members of the NCTD Board of Directors regarding any item on this agenda will be made available for public inspection in the department of the Clerk of the Board located at 810 Mission Avenue, Oceanside, CA 92054, during normal business hours.*



STAFF REPORT TO THE MONITORING COMMITTEE

TITLE: REDUCTION OF RETAINAGE FROM SPRINTER MAINLINE CONTRACT

Time Sensitive  Consent

STAFF RECOMMENDATION:

That the Board of Directors find that sufficient and satisfactory progress has been made on the SPRINTER Mainline Project to authorize the Executive Director to amend the contract, as necessary to release retention withheld from progress payments. The amount retained will be at least 150% of the estimated value of any remaining, incomplete or disputed work.

BACKGROUND INFORMATION:

The SPRINTER Mainline Construction contract contains provisions for retainage that comply with Public Contract Code 9203. Retainage, or retention, is typically withheld from each construction progress payment for use in disputed or incomplete work which the contractor fails to perform. It also provides an incentive to complete punch list work at the completion of the project in a timely manner. Release of final retention typically can not be made until a certificate of completion is filed after the work has been accepted.

Retention is required by Public Contract Code section 9203, which specifically requires that no less than 5% be withheld from progress payments. Public Contract Code section 9203 also permits a legislative body, such as NCTD's Board of Directors, to make progress payments in full, for actual work completed, upon 50% completion of the project, if the Board finds that satisfactory progress on the project is being made.

At the initiation of this contract, NCTD withheld 10% retention from each invoice, and placed these funds in an escrow account in accordance with applicable law. West Coast Rail Constructors (WCRC) requested a reduction of this retention to 5% in June of 2006 and this request was approved by the Board. A second request for retention reduction to the level of 2.5% was granted by the Board in January of 2008. WCRC has now requested a further reduction of retention based on their progress in meeting our operational goals and substantial completion of the work.

NCTD staff recommends that the SPRINTER Mainline contract be amended, as necessary, and that the necessary actions be taken to reduce retention to the minimum amounts permitted by the Public Contract Code. Since completing work necessary for the commencement of revenue operations in March of 2008, WCRC has been working directly with NCTD to complete all punch list and contractual close out issues.

When considering retention reduction, the major factors typically evaluated are: (1) work progress and schedule, (2) potential disputes, and (3) quality of work. NCTD finds schedule and quality to be acceptable. Currently, while there are disputes between WCRC and some of their subcontractors, there are currently

no formal disputes or claims directly with NCTD. Negotiations are now underway with the goal of final close out in the next two months. As stated above, Public Contract Code Section 9203 requires that the Board make a finding that "satisfactory progress is being made." It is staff's opinion that WCRC has made satisfactory progress to warrant further retention reduction, and that, in fact, the project is substantially complete.

Pursuant to Public Contract Code section 7107 and the contract, NCTD will withhold a minimum of 150% of the amount of punch list work until all issues are resolved. NCTD is currently estimating the value of this punch list work and will have this final number before this item goes to the full Board.

Separate from the release of retention, there is still approximately \$10 million in billings for completed work which is still being processed. Should any claims or back charge issues arise, withholding from this amount is available as an option to NCTD.

**ATTACHMENT:** None

**FISCAL IMPACT:** None. The amounts withheld for retention are for work already performed, and are deposited by NCTD into an escrow account. A portion of these retained funds would simply be released to the contractor in accordance with this recommendation.

**COMMITTEE  
REVIEW:**  
1/08/09

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**Director of Operations**  
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**STAFF REPORT TO THE  
MONITORING COMMITTEE**

**Agenda Item #  
4**

**TITLE: SIMON WONG ENGINEERING SUPPLEMENTAL AGREEMENT  
FOR CONSTRUCTION MANAGEMENT SERVICES ON THE  
SPRINTER PROJECT**

Time Sensitive  Consent

**STAFF  
RECOMMENDATION:**

**That the Board of Directors authorize the Executive Director to approve an extension of the existing Construction Management (CM) services contract with Simon Wong Engineering through completion of project close-out.**

**BACKGROUND  
INFORMATION:**

NCTD contracts with consultant engineering firm Simon Wong Engineering (SWE) to provide comprehensive construction management services for the SPRINTER project, including:

- Owner’s representative in all official dealings with the Contractors
- Field construction inspection, testing, and quantity verification
- Design constructability reviews
- Construction contract management, including issuance of Field Work Directives and negotiation of Change Orders
- Estimating, scheduling, and cost analysis and forecasting
- Payment application analysis and processing
- Review of Time Impact Analyses (TIA’s) and other support documentation in determining merit of payments on global settlement to WCRC.

As previously reported in prior Construction Management contract amendment requests, the level of effort of the services provided by SWE is based on both core contractual management issues (i.e. pay application processing, inspections, testing, etc.) as well as specific issue management. Since the beginning of the project, a significant amount of their resources have been devoted to tasks related to managing scope changes.

Of particular note is the need to track, analyze and negotiate force account work. Payment by force account analysis is a method provided for in the contract which allows previously unidentified scope to be monitored in the field, then evaluated for merit and cost after the fact. Much of the current effort being expended by the CM staff is related to the processing of this force account work.

Additionally, in the last few months, a great deal of effort has been devoted to negotiating close out issues with the prime contractor and many of the sub contractors. This process has taken longer than expected due to the volume of issues to resolve. The CM/NCTD team is currently attempting to conclude remaining contractual issues by April of 2009.

Another vital CM task which has required more effort is that of claim

mitigation. Considerable effort has been put forth by the CM team to meticulously maintain project schedule data and to develop "issue" files used for analysis and response to requests for additional compensation or impact claims. Continuing this effort until final close out is a necessary task to mitigate potential risk.

**ATTACHMENT:** None

**FISCAL IMPACT:** The fiscal impact of this action is still being negotiated but will be known by the January 22, 2009 Board meeting. The majority represents CM costs charged to the SPRINTER project, with the balance representing CM costs that will be charged to reimbursable projects included in the SPRINTER Mainline contract, such as the Inland Rail Trail and Oceanside Detention Basins, and work for the Cities of Vista and San Marcos. The estimated allocation of CM costs between SPRINTER and reimbursable projects is 95% and 5%, respectively.

The current SPRINTER project-wide estimate at completion (EAC) totals \$479.3 million. The total project budget is \$484.1 million.

**COMMITTEE  
REVIEW:**  
1/08/09

**STAFF CONTACT:** **Tom Lichterman**  
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STAFF REPORT TO THE MONITORING COMMITTEE

Agenda Item # 5

TITLE: CONTRACT AWARD TO MARINA LANDSCAPE FOR TEMPORARY MAINTENANCE OF INLAND RAIL TRAIL AREAS

Time Sensitive [X] Consent [ ]

STAFF RECOMMENDATION: That the Board of Directors authorize the Executive Director to issue a Supplemental Agreement to DOC 9012-OS (Marina Landscape) in an amount not-to-exceed \$35,000 for the purpose of temporarily maintaining landscape along the San Marcos Inland Rail Trail.

BACKGROUND INFORMATION: Marina Landscaping was the landscaping subcontractor for West Coast Rail Constructors on the Mainline SPRINTER contract. They were responsible for the installation and maintenance for the landscaping for the entire contract, including the work along the Inland Rail Trail (IRT). Their contract work and required maintenance period has been concluded for over six months.

NCTD has accepted their work as complete, but the transfer of the rail trail responsibilities to the City of San Marcos has not yet taken place. An initial sole source contract was issued to Marina for the purpose of maintaining the landscape from July 2008 until the present while this transfer of ownership was taking place. An extension cannot be executed without Board approval as the contract value will now exceed \$100,000.

Work under this Supplemental Agreement will be used only as needed to ensure landscaping is maintained until the transfer to the City is finalized.

The cost of this addendum is not to exceed \$35,000 and will increase the initial contract value from \$99,500 to \$134,500. Since the IRT is not a part of the SPRINTER project for budgetary purposes, costs associated with the IRT is the responsibility of SANDAG. SANDAG has been informed of this issue and the costs of this addendum will be included in the cost of the IRT.

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this action is not to exceed \$35,000. These costs are to be funded by the capital project budget for the IRT (which is being managed by NCTD on behalf of SANDAG), and are expected to be reimbursed by SANDAG.

COMMITTEE REVIEW: 1/08/09

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STAFF REPORT TO THE MONITORING COMMITTEE

TITLE: AMMENDMENT TO VOICE OVER INTERNET PROTOCOL(VOIP) TELEPHONY AGREEMENT

Time Sensitive [ ] Consent [X]

STAFF RECOMMENDATION:

That the Board of Directors authorize the Executive Director to issue a Supplemental Agreement to RFQ 8058 to add additional VOIP services up to a maximum cost of \$200,000, and to add long distance and other services that may be required up to a maximum cost of \$100,000.

BACKGROUND INFORMATION:

In February 2008, the Information Technology team began an evaluation of telephony solutions to replace the leased Centrex system provided by AT&T. Based on an extensive business case analysis, staff determined that a Voice Over Internet Protocol (VOIP) system could provide the agency with a much more cost-effective telephony solution.

In July 2008, staff issued an RFQ for an initial installation of a VOIP system for the Administrative Offices at 810 Mission Avenue, Oceanside, CA since the scope of work was valued at less than \$100,000. Four qualified vendors provided proposals and AT&T was awarded the contract. The installation of the initial system was completed in December 2008.

The system has proven successful, significantly reducing operating costs and support time and providing the District with more flexibility and functionality in the telephony system. Based on this success, staff recommends proceeding with installation of the VOIP technology at other District sites.

AT&T's proposal for VOIP was based on pricing from their State of California CALNET2 agreement which also allows the District to utilize preferential pricing for long distance and other services.

Staff recommends that the Board authorize the Executive Director to revise the existing AT&T VOIP contract to add scope and costs not-to-exceed \$200,000 to complete installation at all District sites and to allow the District to utilize the agreement for additional telephony services as budgeted for up to an additional \$100,000.

This request would increase the current contract value of \$95,899 by \$200,000 through December 2009 and \$100,000 through September 2013. The \$200,000 would be funded from an existing capital improvement project (320.109042) and a planned future capital project (320.510404). Additional costs not-to-exceed \$100,000 for long distance or other services would be secured out of each FY operating budget.

The VOIP project provides a significant reduction in operating costs, with an estimated one year return-on-investment.

**ATTACHMENT:** None

**FISCAL IMPACT:** The fiscal impact of these actions is \$300,000, \$200,000 of which is capital and \$100,000 of which is operating. A total of \$405,605 has been budgeted in two IT capital projects (JB#'s 109042 and 510404), for this purpose, including \$155,000 from NCTD's preliminary capital project budget for FY10. Of the total amount budgeted, \$7,829 has been expended and an additional \$29,114 has been encumbered, leaving an available balance of \$368,662.

Although none of the capital funding for FY 10 is immediately available, pre-award authority is applicable, which would allow NCTD to award contracts now and seek reimbursement for costs incurred in the near future. These funds are expected to be available by August 2009.

Operating costs for this item are/will be provided for in the IT department's current and future operating budgets.

**COMMITTEE**

**REVIEW:**

1/08/09

**STAFF CONTACT:** **Richard Hannasch**  
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**STAFF REPORT TO THE  
MONITORING COMMITTEE**

**TITLE: ON-SITE INFORMATION TECHNOLOGY SUPPORT SERVICES**

Time Sensitive  Consent

**STAFF  
RECOMMENDATION:**

**That the Board of Directors authorize the Executive Director to issue a Supplemental Agreement to increase the value of the Agreement (6057-OS) with Datel Systems by an additional \$400,000.**

**BACKGROUND  
INFORMATION:**

In August 2006, the Board authorized a contract for on-call Information Technology (IT) network support services for a value of \$1,000,000 and for a five-year period ending in August 2011. In April 2007, the Board authorized the increase in the agreement value by \$350,000 due to the necessity for additional SPRINTER IT support services.

The agreement supports the on-going evaluation of cost-effectively balancing internal IT 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 workstations, and installing a fiber network. The agreement had previously been revised 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 and the role the IT team has now undertaken with the regional IT systems, staff recommends that the Board authorize the Executive Director to increase the existing Datel Systems agreement by an additional \$400,000.

If approved, this increase will raise the agreement value to \$1,750,000.

**ATTACHMENT:** None

**FISCAL IMPACT:**

This request would increase the authorized contract amount by \$400,000 through August 2011. The \$400,000 would be funded from the operating account 320.503316 budgeted in the amount of \$190,000 for FY 2009, and existing CIP funds from projects 109042 (Fiber Optic Project), 109043 (Network Monitoring), and 109044 (IT Backup Project). There is no additional anticipated impact to the current operating budget.

**COMMITTEE  
REVIEW:  
1/08/09**

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STAFF REPORT TO THE MONITORING COMMITTEE

TITLE: COASTER WIRELESS MESH NETWORK

Time Sensitive  Consent

STAFF RECOMMENDATION:

That the Board of Directors authorize the Executive Director to issue a Supplemental Agreement to increase the value of the agreement (6057-OS) with Datel Systems by an additional \$750,000.

BACKGROUND INFORMATION:

In 2006, NCTD issued a RFP and contract for the installation of a wireless mesh network along the coastal right-of-way (ROW). 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. In April 2008, an increase of \$600,000 was authorized by the Board for the completion of the mesh network infrastructure and the installation of cameras on the locomotives

The District was awarded a new grant by the US Department of Homeland Security in December 2008 in the amount of \$775,000. The purpose of this funding is to install fixed cameras attached to the wireless mesh infrastructure along the COASTER Right-of-Way for security monitoring, and to install wireless cameras within the COASTER vehicles for remote security monitoring.

If approved, this increase will raise the Agreement value to \$1,675,000.

ATTACHMENT: None

FISCAL IMPACT: There will be an increase to the IT operating budget of approximately \$30,000 for ongoing maintenance of the equipment, after installation, beginning in FY 2010.

COMMITTEE REVIEW: 1/08/09

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**STAFF REPORT TO THE  
MONITORING COMMITTEE**

**Agenda Item #  
9**

**TITLE: QUARTERLY CAPITAL PROJECT REPORT**

Time Sensitive  Consent

**STAFF RECOMMENDATION:** That the Board of Directors receive a status report on major NCTD and third-party projects affecting NCTD services

**BACKGROUND INFORMATION:** The Quarterly Project Status Report is provided to give the Board a brief synopsis regarding the current status of major capital projects that are currently under development by NCTD. In addition to NCTD projects, others which are being conducted by third parties affecting NCTD property or facilities are also reviewed.

**ATTACHMENT:** 9A – Quarterly Project Status Report

**FISCAL IMPACT:** None

**COMMITTEE REVIEW:**  
1/8/09

**STAFF CONTACT:** Tom Lichterman  
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January 8, 2009

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:	January 8, 2009; 8:30 a.m.
Posted At:	810 Mission Avenue, Oceanside, CA and 311 So. Tremont, Oceanside, CA
Date & Time of Posting:	January 2, 2009; 5:00 p.m.
Posted By:	Clerk of the Board