



## MARIN COUNTY TRANSIT DISTRICT BOARD OF DIRECTORS

Join on Zoom: <https://www.zoom.us/j/87972683373>

Webinar ID: 879 7268 3373

Monday, October 5, 2020

In compliance with local and state shelter-in-place orders, and as allowed by Governor Newsom's Executive Order N-29-20, until further notice the Marin County Transit District meetings will not be providing an in-person meeting location for the public to attend. Members of the Board of Directors and staff may participate in this meeting electronically or via teleconference. Members of the public are encouraged to participate remotely as described below.

### **How to watch the meeting:**

**Zoom:** To join Webinar visit <https://www.zoom.us/j/87972683373>

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**Teleconference:** Members of the public wishing to participate via teleconference, can do so by dialing in to the following number at **10:00 A.M. October 5, 2020: +1 669 900 6833**; Access Code: **879 7268 3373**.

### **How to provide comment on agenda items:**

- To provide written public comment prior to or during the meeting, please email [info@marintransit.org](mailto:info@marintransit.org) (if intended to be read aloud as public comment, please state "Public Comment" in subject line). Please email your comments no later than **9:00 A.M. Monday, October 5, 2020** to facilitate timely distribution to the Board of Directors. Please include the agenda item number you are addressing and include your name and address. Your comments will be forwarded to the Board of Directors and will be placed into the public record.
- During the meeting (only): Use the comment form available at <https://www.marintransit.org/meetings> to submit your meeting-related comments on this agenda. Your comments will become part of the public record.
- During the meeting (only): Ensure that you are in a quiet environment with no background noise (traffic, children, pets, etc.) To raise your hand on Zoom press **\*9** and wait to be called upon by the President or the Clerk to speak. You will be notified that your device has been unmuted when it is your turn to speak. You will be warned prior to your allotted time being over. Your comments will also become part of the public record.



## MARIN COUNTY TRANSIT DISTRICT BOARD OF DIRECTORS

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### AGENDA

Monday, October 5, 2020

#### **10:00 a.m. Convene as the Marin County Transit District Board of Directors**

1. Open Time for Public Expression (limited to three minutes per speaker on items not on the Transit District's agenda)
2. Board of Directors' Matters
3. General Manager's Report
  - a. General Manager's Oral Report
  - b. Monthly Monitoring Report: July 2020
  - c. Healthy Transit Plan Monthly Metrics Report
4. Consent Calendar
  - a. Minutes for September 14, 2020
  - b. Fifteenth Amendment to Agreement with TransTrack to Develop the Marin Access Travel Navigator Eligibility Platform
  - c. Revised Marin Transit Procurement Policies and Procedures
  - d. Marin Transit Free Fare Promotional Campaign During 2020 Election

#### **Recommended Action: Approve.**

5. Electric Bus Pilot Project Results and Analysis

#### **Recommended Action: Accept report.**

6. Purchase Agreement with Gillig, LLC for Four Battery Electric Buses

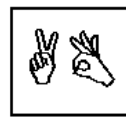
#### **Recommended Action: Authorize General Manager to complete the purchase of four Battery Electric Buses from Gillig, LLC, and approve Budget Amendment 2021-04.**

(Continued)

7. Public Hearing on Marin Transit’s Participation in the Metropolitan Transportation Commission’s Clipper START Program

**Recommended Action: 1. Hold public hearing to receive public comment on Marin Transit’s participation in the regional Clipper START pilot program, and review Title VI Fare Equity Analysis; and 2. Consider authorizing the Board President to sign a resolution committing the District to the pilot program to provide a 50 percent discount to eligible low-income riders on the Clipper electronic fare payment system.**

**Adjourn**



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**Late agenda material can be inspected in the office of Marin Transit, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. The office is located at 711 Grand Avenue, Suite 110, San Rafael, CA 94901.**

In case of Zoom outage dial 515-604-9094. Meeting ID: 142-334-233

Todas las reuniones públicas de Marin Transit se llevan a cabo en lugares accesibles. Están disponibles copias de los documentos en formatos accesibles, a solicitud. Si usted requiere ayuda con la traducción, intérpretes de Lenguaje Americano de Señas, dispositivos de ayuda auditiva, u otras adaptaciones para participar en esta reunión, puede solicitarlas llamando al (415) 226-0855 (voz) o comunicarse con el Servicio California Relay marcando al 711 para conectarse al número de teléfono mencionado. **Las solicitudes deben recibirse a más tardar cinco días laborables antes de la reunión para ayudar a asegurar la disponibilidad.** Para obtener información adicional, visite nuestro sitio web en <http://www.marintransit.org>

**Material de agenda de última hora puede ser inspeccionado en la oficina de Marin Transit, entre las horas de 8:00 am y 5:00 pm. La oficina está ubicada en 711 Grand Avenue, Suite 110, San Rafael, CA 94901.**

En caso de interrupción de Zoom, marque al 515-604-9094. ID de Reunión 142-334-233



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October 5, 2020

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: General Manager Report – Monthly Report: July 2020**

**board of directors**

Dear Board Members:

dennis rodoni  
president  
supervisor district 4

**RECOMMENDATION:** This is a recurring information item.

kate colin  
vice president  
city of san rafael

**SUMMARY:** The attached monthly report provides an overview of Marin Transit operations for the monthly period ending July 31, 2020. The monthly reports summarize statistics on the performance of Marin Transit services and customer comments.

judy arnold  
2nd vice president  
supervisor district 5

Overall ridership in July 2020 decreased by 58.9 percent compared to July 2020. Ridership on fixed-route services decreased significantly by 58.2 percent. Ridership on Marin Access services decreased by 72.8 percent. No yellow bus services was provided due to school closures throughout the entire month. July 2020 was the fifth month of ridership affected by the ongoing COVID-19 global pandemic.

damon connolly  
director  
supervisor district 1

Additional detailed analyses of system performance and trends are provided in separate quarterly and annual reports, including route-level statistics and financials. These reports are available on the District's website at <http://marintransit.org/monitoringreports.html>.

eric lucan  
director  
city of novato

**FISCAL/STAFFING IMPACT:** None associated with this report.

katie rice  
director  
supervisor district 2

Respectfully submitted,

kathrin sears  
director  
supervisor district 3

Nancy Whelan  
General Manager

Attachments

FISCAL YEAR

2021

### Year-to-Date Ridership Trends

Fixed-Route Passengers (incl. Yellow Bus) by Month



Demand Response Passengers by Month

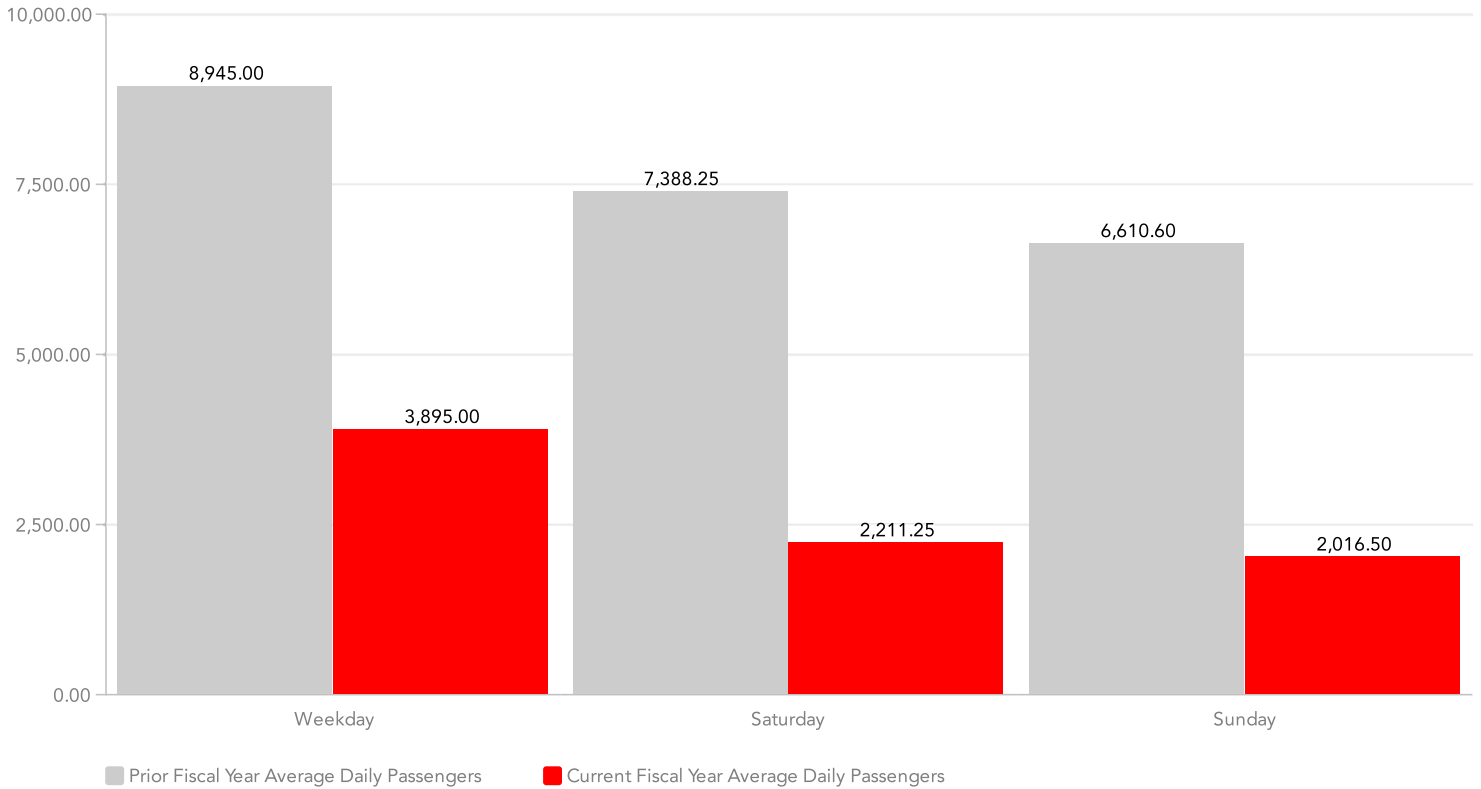


## Monthly Statistics

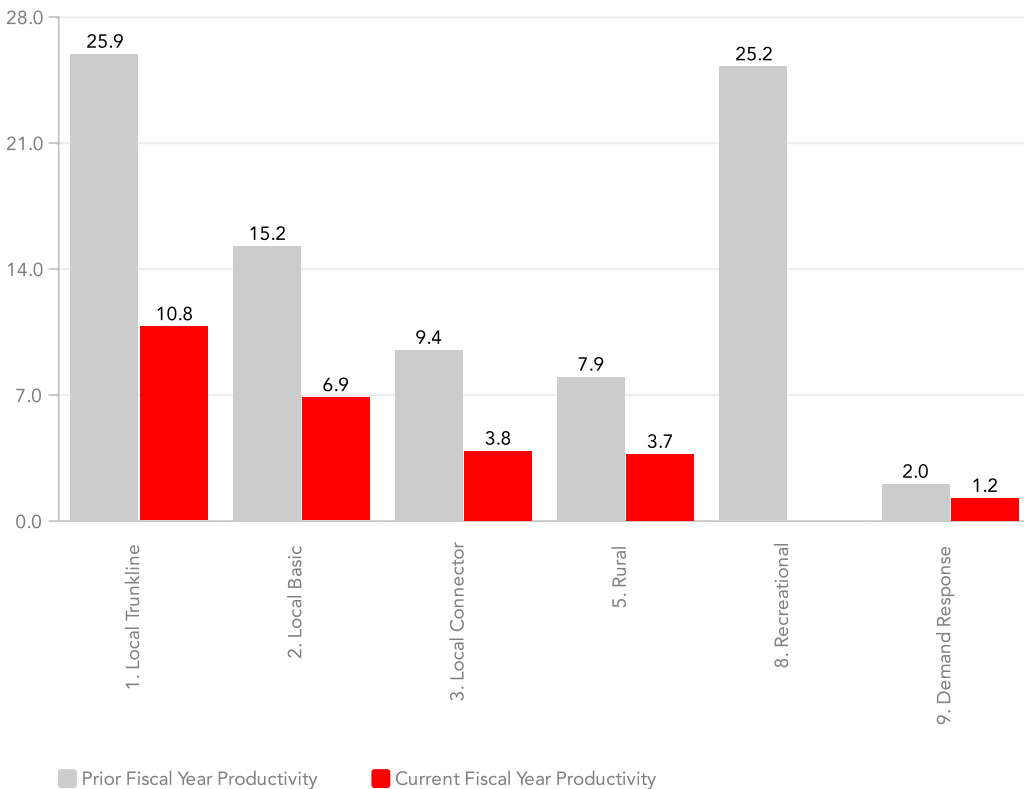
MONTH

July

Average Systemwide Daily Passengers



Productivity (pax/hr) by Typology



### Route Typologies

- 1. Local Trunkline:  
Routes 35, 36, 71X
- 2. Local Basic:  
Routes 17, 22, 23, 23X, 29, 49
- 3. Local Connector:  
Routes 219, 228, 233, 245, 251, 257
- 5. Rural:  
Routes 61, 68
- 8. Recreational:  
Routes 66/66F
- 9. Demand Response:  
Local Paratransit, Novato Dial-A-Ride, Rural Dial-A-Ride



Month: July 2020

Category	Program							Total
	Fixed-Route Local	Fixed-Route Shuttle	Stagecoach & Muir Woods	Supplemental & Yellow Bus	Demand Response	Mobility Management	Systemwide	
<b>Commendation</b>	0	0	0	0	0	1	0	1
<b>Service Delivery Complaint</b>	14	4	5	0	0	0	1	24
Accessibility	0	0	0	0	0	0	0	0
Driver Conduct Complaint	6	1	3	0	0	0	0	10
Driving Complaint	3	2	1	0	0	0	1	7
Early Trip	0	0	0	0	0	0	0	0
Equipment Issue	0	0	0	0	0	0	0	0
Farebox	0	0	0	0	0	0	0	0
Late Trip	0	0	0	0	0	0	0	0
Missed Connection	0	0	0	0	0	0	0	0
Missed Trip	0	0	0	0	0	0	0	0
No-Show	0	0	0	0	0	0	0	0
Off-Route	1	0	0	0	0	0	0	1
Pass-Up Complaint	4	1	1	0	0	0	0	6
<b>Service Structure Complaint</b>	1	0	0	0	9	6	1	17
Bus Stop Improvement Request	0	0	0	0	0	0	0	0
Fares	0	0	0	0	5	6	1	12
Other Complaint	1	0	0	0	3	0	0	4
Scheduling Complaint	0	0	0	0	0	0	0	0
Service Improvement Suggestion	0	0	0	0	1	0	0	1
<b>Safety Complaint</b>	0	0	0	0	0	0	0	0

<b>Total Service Hours</b>	10,668	3,682	1,401	-	2,307	-	18,058	18,058
Commendations per 1,000 Hours	0.0	0.0	0.0	-	0.0	-	0.0	0.1
Complaints per 1,000 Hours	1.4	1.1	3.6	-	3.9	-	0.1	2.3

<b>Total Passengers</b>	87,731	14,143	5,127	-	2,759	1,208	110,968	110,968
Commendations per 1,000 Passenger	0.0	0.0	0.0	-	0.0	0.8	0.0	0.0
Complaints per 1,000 Passengers	0.2	0.3	1.0	-	3.3	5.0	0.0	0.4



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October 5, 2020

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Healthy Transit Plan Monthly Metrics Report**

Dear Board Members:

**board of directors**

dennis rodoni  
president  
supervisor district 4

kate colin  
vice president  
city of san rafael

judy arnold  
2nd vice president  
supervisor district 5

damon connolly  
director  
supervisor district 1

eric lucan  
director  
city of novato

katie rice  
director  
supervisor district 2

kathrin sears  
director  
supervisor district 3

**RECOMMENDATION:** This is a recurring information item.

**SUMMARY:** In accordance with Marin Transit Board of Directors' Resolution No. 2020-05, staff collects and reports health metrics related to the COVID-19 pandemic on a monthly basis.

The data collection period for this report is September 10, 2020 – October 9, 2020

**Table 1: Health Transit Plan Metrics Report**

<b>Customer Facing</b>	% Properly Wearing Face Coverings	98%
	% Vehicle Capacity for Safe Distancing	97%
<b>Employee Facing</b>	% Properly Wearing Face Coverings	98%
	% of Contact Tracing for Infected Employees	N/A

This information will be transmitted to the Metropolitan Transportation Commission and is available on the Metrics Dashboard at <http://dashboard.healthytransitplan.com/>. It will also be posted on the COVID-19 page of Marin Transit's website.

**FISCAL/STAFFING IMPACT:** None associated with this report.

Respectfully submitted,

Nancy Whelan  
General Manager



## REGULAR MEETING OF THE MARIN COUNTY TRANSIT DISTRICT BOARD OF DIRECTORS

Held Monday, September 14, 2020 at 9:30 A.M.

### Roll Call

**Present:** President Rodoni, Second Vice President Arnold, Director Colbert, Director Connolly, Director Lucan, Director Rice, Director Sears

**Absent:** Vice President Colin

### **Director Colbert was in attendance as a non-voting member**

In compliance with local and state shelter-in-place orders, and as allowed by Governor Newsom's Executive Order N-29-20, until further notice the Marin County Transit District meetings will not be providing an in-person meeting location for the public to attend. Members of the public are encouraged to participate remotely via Zoom.

### **Vice President Rodoni opened the meeting at 9:31 A.M.**

1. [Open Time for Public Expression \(limited to three minutes per speaker on items not on the Transit District's agenda\)](#)

Board President Rodoni asked if any member of the public wished to speak. Seeing none he called for Board of Directors' Matters.

2. [Board of Directors' Matters](#)

President Rodoni asked if any member of the Board wished to speak.

Director Lucan recognized Marin Transit staff for their quick response to shelter maintenance requests by constituents in the City of Novato.

President Rodoni called for the General Manager's Report.

3. [General Manager's Report](#)

#### Staff Report

- a. [General Manager's Oral Report](#)
- b. [Monthly Monitoring Report for June](#)

General Manager Nancy Whelan provided an update on the COVID-19 vehicle capacity constraints and their impacts on the transit system. Current state and local requirements require a minimum of six feet of distance between passengers and drivers. Vehicle capacity has been reduced by 75 percent, and this has resulted in increased pass ups. Passenger pass ups have decreased by half since

the District launched supplemental service on Routes 117, 122, 135 and 171 on August 10<sup>th</sup>. The District added 1,650 hours of service to these routes and reduced wait times by about half. Staff anticipates that pass ups are likely to increase over time as more people use transit. Marin Transit services are at capacity during peak hours due to space constraints on buses.

Overall ridership in June 2020 decreased by 61.7 percent compared to June 2019. Ridership on fixed-route services decreased by 61.3 percent from the same month last year. Ridership on Marin Access services decreased by 70.5 percent. June 2020 was the fourth month of ridership affected by the ongoing COVID-19 global pandemic.

{Director Colin present at 9:41 AM}

4. [Consent Calendar](#)
  - a. [Minutes for August 3, 2020](#)
  - b. [Marin Transit Quarterly Performance Report for the Fourth Quarter of FY 2019/20](#)
  - c. [Set Public Hearing on Marin Transit's Participation in Region's Clipper START Program](#)

**Recommended Action: Approve.**

M/s: President Arnold – Director Sears

Ayes: President Rodoni, Director Connolly, Vice President Colin, Second Vice President Arnold, Director Lucan, Director Rice, Director Sears

Noes: None

Absent: None

5. [Fifth Amendment to Agreement with Marin Senior Coordinating Council for Operation and Maintenance of Paratransit and Demand Response Services](#)

[Staff Report](#)

General Manager Nancy Whelan requested authorization to execute the fifth amendment to the contract with Marin Senior Coordinating Council to reimburse Whistlestop for costs associated with enhanced cleaning from July 1, 2020 through June 30, 2021. The amendment will also compensate the contractor for reduced service demand and extend a minimum level of variable/billable hours compensation to support continued driver retention during the COVID-19 public health crisis from July 1, 2020 to September 30, 2020.

Director Colin asked if peer agencies are extending a minimum level of variable/billable hours to their paratransit operators. Ms. Whelan answered

that few peer agencies are compensating their paratransit providers in that way. Most peer agencies are compensating based on actual hours operated.

Director Rice expressed appreciation for the District's approach to compensation. Ms. Rice asked about the types of trips most impacted by COVID-19. Ms. Whelan responded that there is no data on trip types, and paratransit trips are provided regardless of purpose. The District conducts annual Marin Access passenger surveys that indicate trip purpose.

Director of Operations and Planning Robert Betts stated that the number of riders going to group day programs typically account for approximately 50 percent of ridership. Those programs are closed due to COVID, and this is the trip purpose that has been primarily affected. As reflected in transit use, Ms. Rice remarked that it is worth understanding how socializing and programmatic support for that population has been limited.

Chief Operating Officer of Vivalon Nancy Geisse expressed concern regarding the fiscal impact the proposed minimum level of billable hours will have on the organization.

**Recommended Action: Authorize General Manager to execute a fifth amendment to the contract with Marin Senior Coordinating Council dba Whistlestop Wheels (recently renamed Vivalon) for operation and maintenance of paratransit and demand response services to 1) Extend the reimbursement period for added costs associated with cleaning due to COVID-19; and 2) Extend the minimum level of compensation for drivers (variable/billable hours) until September 30, 2020.**

M/s: Director Rice – Director Lucan

Ayes: President Rodoni, Director Connolly, Vice President Colin, Second Vice President Arnold, Director Lucan, Director Rice, Director Sears

Noes: None

Absent: None

6. [First Amendment to Agreement with Golden Gate Bridge, Highway and Transportation District for Paratransit Services](#)

[Staff Report](#)

General Manager Nancy Whelan requested authorization to negotiate and execute the first amendment to the agreement with Golden Gate Bridge, Highway and Transportation District (GGBHTD) for contract oversight of paratransit services. This amendment will reimburse Marin Transit for unoperated service compensation paid to Whistlestop Wheels from the period

of July 1, 2020 through September 30, 2020 and added cleaning fees between July 1, 2020 and June 30, 2021.

President Rodoni commented on the difficulty of the decisions made during COVID-19 and expressed appreciation to staff for continuing to review decisions with contractors.

**Recommended Action: Authorize General Manager to negotiate and execute the first amendment to the contract with Golden Gate Bridge, Highway and Transportation District (GGBHTD) for the contract oversight of paratransit services. This amendment will reimburse Marin Transit for unoperated service compensation paid to Whistlestop Wheels from the period of July 1, 2020 through September 30, 2020 and the added cleaning fees between July 1, 2020 and June 30, 2021.**

M/s: Director Sears – Director Colin

Ayes: President Rodoni, Director Connolly, Vice President Colin, Second Vice President Arnold, Director Lucan, Director Rice, Director Sears

Noes: None

Absent: None

7. [Marin Transit Financial Status Update](#)

[Staff Report](#)

Director of Finance and Capital Programs Lauren Gradia provided an update on the short-term and potential long-term fiscal impacts of the COVID-19 pandemic. Ms. Gradia summarized the District's financial status and outlook since adoption of the FY2020/21 budget. Staff will continue to monitor revenue receipts and projections and makes service adjustments as needed. Staff will present the next financial update at the November Board meeting.

Director Colin expressed appreciation to staff for the comprehensiveness and clarity of the financial status update.

Director Colbert requested that staff consider the perspective that normal conditions may not return. Mr. Colbert suggested that staff implement counterfactual proformas as a way of helping to determine the long-term sustainability of the District. Ms. Gradia replied that staff need to be prepared for all scenarios. The process of projecting when sectors such as schools or national parks will reopen is constantly changing. Setting reopening targets is important for planning purposes. Mr. Colbert asked if staff have considered the potential impact of the upcoming flu season combined with COVID-19 that will potentially delay reopening until Spring 2021. Ms. Gradia responded that staff are preparing for as many circumstances as possible. If sectors and services do

not restart, staff will distribute service hours accordingly based on changing needs for at least the next two years based on reserves.

Ms. Whelan remarked that there are a lot of variables to consider and constraints on vehicle capacity has been one of the most challenging.

Director Sears requested that staff return to the Board in December with considerations for alternative scenarios on reopening of services versus the continued closure of services. Ms. Sears noted that there is a possibility of schools reopening while school transit ridership will be low.

Peter Mendoza of the Marin Center for Independent Living and the Paratransit Coordinating Council expressed concern that Item 5, the fifth amendment to the contract agreement with Marin Senior Coordinating Council and Marin Transit, had not been reviewed by the Marin Paratransit Coordinating Council or the Marin Mobility Consortium. Mr. Mendoza requested more discussion regarding the recommendation. He commented on the importance of the Marin Access suite of services and expressed concern over possible layoffs to Vivalon staff because of the minimum service hours.

Mr. Mendoza asked if Item 5 was adopted by the Board. President Rodoni confirmed that Item 5 was approved with the understanding that the conversation will remain open because of the importance of the services affected. Mr. Mendoza requested that both the Marin Mobility Consortium and the Paratransit Coordinating Council receive more information prior to future amendment adoptions.

General Manager Nancy Whelan confirmed that staff will review the amendment with the Marin Mobility Consortium and the Paratransit Coordinating Council. Ms. Whelan clarified that the action taken by the Board will not reduce the availability of any mandated paratransit services. The action will ensure that all requested paratransit trips are provided now and into the future and that additional compensation is provided to retain operators not currently driving through September 30.

**Recommended Action: Information only.**

8. [Adopt Resolution 2020-05 to Endorse Riding Together: Bay Area Healthy Transit Plan](#)

[Staff Report](#)

General Manager Nancy Whelan requested the Board adopt the Riding Together: Bay Area Healthy Transit Plan (plan). The plan was developed by a Blue Ribbon Transit Recovery Task Force established by The Metropolitan Transportation Commission (MTC) to advise the Commission on the distribution of federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding

for transit operations, transit recovery plans, and developing a transformative action plan for transit in the Bay Area.

The plan describes the shared commitment of Bay Area transit operators to their employees and customers to ensure a healthy transit system. It also outlines a communication plan for reaching out to transit customers as operations resume. The plan commits the District to implement the plan and adhere to a set of health and safety measures and metrics that operators will report on monthly.

Director Connolly noted that the plan is intended to provide a set of minimum standards that recognize that transit agencies are best positioned to come up with plans and precautions that make sense for their areas. Mr. Connolly noted that concerns were raised at a MTC Board meeting regarding the proposed three feet distancing on transit vehicles derived from an international standard. Transit worker unions provided feedback stating the distancing requirement should be kept at the current state six feet standard. Concerns were also raised regarding Personal Protective Equipment (PPE) and whether transit operators should provide masks on all vehicles. MTC will withhold funds from agencies that do not comply with the set of standards in the plan. Mr. Connolly emphasized that education is key to upholding the minimum standards.

Ms. Whelan confirmed that staff will continue to report monthly ridership data, including information of pass ups.

Director Arnold asked for clarification on the current physical distancing requirement on transit vehicles. Director Connolly confirmed the current distancing requirement on transit vehicles is six feet.

President Rodoni asked if there is a timeline for changing the physical distancing requirements. Ms. Whelan replied that staff are working with local and regional transit agencies and County health departments to limit passenger pass ups, decrease transmission, and increase safety precautions.

**Recommended Action: Adopt Resolution 2020-05 endorsing the Riding Together: Bay Area Healthy Transit Plan and direct staff to report the required monthly metrics to the Metropolitan Transportation Commission and your Board.**

M/s: Director Arnold – Director Sears

Ayes: President Rodoni, Director Connolly, Vice President Colin, Second Vice President Arnold, Director Lucan, Director Rice, Director Sears

Noes: None

Absent: None

Adjourn President Rodoni adjourned the meeting at 10:41 A.M.

SINE DIE

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PRESIDENT

ATTEST:

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CLERK



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October 5, 2020

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Fifteenth Amendment to Agreement with TransTrack to Develop the Marin Access Travel Navigator Eligibility Platform**

**board of directors**

dennis rodoni  
president  
supervisor district 4

kate colin  
vice president  
city of san rafael

judy arnold  
2nd vice president  
supervisor district 5

damon connolly  
director  
supervisor district 1

eric lucan  
director  
city of novato

katie rice  
director  
supervisor district 2

kathrin sears  
director  
supervisor district 3

Dear Board Members:

**RECOMMENDATION:** Authorize General Manager to execute an amendment to the End User and Maintenance Agreement with TransTrack to develop the Marin Access Travel Navigator eligibility platform.

**SUMMARY:** On July 13, 2020, your Board approved an agreement to develop and implement the Marin Access Travel Navigator eligibility platform based on a procurement from written quotes. Staff subsequently determined that an amendment to the End User License and Maintenance Agreement is more appropriate. Amending the End User License and Maintenance Agreement is more appropriate because this project is an extension of the current TransTrack project and will rely on the existing product that has been developed under the original agreement and amendments.

This change is an administrative action as the project will have the same scope and value as that presented and approved on July 13, 2020.

Staff requests that your Board authorize the General Manager to execute an amendment to agreement #91011, End User Software License, Training, and Implementation Support Agreement with TransTrack to develop the Marin Access Travel Navigator eligibility platform.

**FISCAL/STAFFING IMPACT:**

There is no additional fiscal or staffing impact beyond what was approved on July 13, 2020. The original cost of the agreement remains unchanged at an amount not to exceed \$84,600 for development and \$10,560 for annual maintenance fees. This amount includes a project contingency amount of \$9,000.

The District's FY20/21 budget anticipated these costs and funding for the project will be allocated from Measure B funds.



Respectfully submitted,

A handwritten signature in black ink that reads "Joanna Huitt". The signature is written in a cursive, flowing style.

Joanna Huitt  
Senior Mobility Planner

Attachment: 202102 Fifteenth Amendment TransTrack Travel Navigator Eligibility Platform

#202102

**FIFTEENTH AMENDMENT TO AGREEMENT**  
**BY AND BETWEEN THE**  
**MARIN COUNTY TRANSIT DISTRICT AND TRANSTRACK DATED OCTOBER 5, 2020**

THIS AMENDMENT is made and entered into this 5<sup>th</sup> day of October 2020, by and between the MARIN COUNTY TRANSIT DISTRICT, (hereinafter referred to as "Marin Transit" or "District") and TransTrack (hereinafter referred to as "Contractor").

RECITALS

WHEREAS, the District and the Contractor entered into an agreement on September 21, 2009 (#91011); and

WHEREAS, the parties amended the agreement to extend the term of the agreement to June 30, 2011 (#101113); and

WHEREAS, the parties amended the agreement to extend the term of the agreement to June 30, 2012 (#122212); and

WHEREAS, the parties amended the agreement to extend the term of the agreement to June 30, 2013 (#121319); and

WHEREAS, the parties amended the agreement to extend the term of the agreement to June 30, 2014 (#131437); and

WHEREAS, the parties amended the agreement to implement new TranStat Passenger imports (#131485); and

WHEREAS, the parties amended the agreement to extend the term of the agreement to June 30, 2015 (#141503); and

WHEREAS, the parties amended the agreement to extend the term of the agreement to June 30, 2016 (#151601); and

WHEREAS, the parties amended the agreement to extend the term of the agreement to June 30, 2017 (#151692); and

WHEREAS, the parties amended the agreement to upgrade the software to provide the following features; (1) integration of Golden Gate Transit's Advanced Communication and Information System (ACIS) data; (2) access to a new report writing tool to allow staff to develop custom reports; and (3) upgraded interface with the Golden Gate Transit customer service database (#161723); and

WHEREAS, the parties amended the agreement to extend the term of the agreement to June 30, 2018 (#171807); and

WHEREAS, the parties amended the agreement to extend the term of the agreement to June 30, 2019 (#171886); and

WHEREAS, the parties amended the agreement to implement vehicle license fee inputs (#171887); and

WHEREAS, the parties amended the agreement to implement customer feedback inputs, inspection types, additional passenger statistics, additional annual maintenance indicators, and additional paratransit indicators (#181936); and

WHEREAS, the parties amended the agreement to extend the term of the agreement to June 30, 2020 (#181965); and

WHEREAS, the parties amended the agreement to implement daily operations reports and configure basic analytics (#192075); and

WHEREAS, the parties amended the agreement to develop and implement paratransit specific analytic reports (#192076); and

WHEREAS, the parties amended the agreement to import Golden Gate Transit Pass-up data (#202123); and

WHEREAS, on July 13, 2020, the District's Board of Directors approved an agreement to develop and implement the Marin Access Travel Navigator eligibility platform based on a procurement from written quotes. The parties mutually agree to amend the existing End User License and Maintenance agreement for development and maintenance of the Marin Access Travel Navigator eligibility platform per Exhibit F and G (attached); the scope and value remain the same as what was approved by the District's Board of Directors on July 13, 2020 and is reflected in Exhibit F and G.

NOW, THEREFORE, the parties hereby agree to the following amendment as set forth below:

#### AGREEMENT

- 1) Except as otherwise provided herein all terms and conditions of the agreement shall remain in full force and effect.
- 2)  Updated Certificate of Insurance(s) attached hereto
- 3) Exhibit F: Fee Schedule of the Agreement with the Contractor is amended to include updated Fee and Payment Schedule Information as shown below.
- 4) Exhibit G: Scope of the Services is added to the Agreement with the Contractor to reflect the Scope of Services related to this amendment.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum

on the day first written above.

CONTRACTOR:

MARIN COUNTY TRANSIT DISTRICT:

By \_\_\_\_\_

\_\_\_\_\_



APPROVED AS TO FORM:

\_\_\_\_\_  
County Counsel

**Exhibit "F"****FEES AND PAYMENT SCHEDULE**

DISTRICT shall pay CONTRACTOR as follows:

- (1) BASE CONTRACT FEE. DISTRICT shall pay CONTRACTOR a contract fee not to exceed \$84,600 for development and \$10,560 annually for maintenance fees during the term of the contract. CONTRACTOR shall submit requests for payment via invoice net 30 days following provision of services.
- (2) MILEAGE. DISTRICT shall not pay CONTRACTOR for travel by private, leased, or hired vehicles as required by this Contract.
- (3) TRAVEL COSTS. DISTRICT shall not pay CONTRACTOR for meals, lodging, or other travel costs not included in this Contract.
- (4) AUTHORIZATION REQUIRED. Services performed by CONTRACTOR and not authorized in this Contract shall not be paid for DISTRICT. Payment for additional services shall be made to CONTRACTOR by DISTRICT if, and only if, this Contract is amended by both parties in advance of performing additional services.
- (5) MAXIMUM CONTRACT AMOUNT. The maximum amount payable to Contractor under this Contract for the term of this Contract shall not exceed \$84,600 for development and \$10,560 annually for maintenance fees for each year of maintenance.

## Exhibit “G”

### SCOPE OF SERVICES

TransTrack will develop an eligibility platform for use by the Marin Access Travel Navigators and create the required views containing the fields noted on the worksheets in the TN Database Fields Excel Workbook. The edit screen for each view created will contain text entry, drop down menu selections, calendar control, check boxes and customer information, as necessary. The drop-down menu fields will have a corresponding look-up view so MCTD can update the selections as needed. There are 38 drop down fields, in total for all the views. The 2 drop down/CSR name will be auto-populated based on the login information. The check boxes will all be a Yes/No field, if the box is checked the answer is a Yes. A list of the fields, the field type, if it is required and if it would get loaded into PASS is shown, for each view, starting on Page 4. Where possible TransTrack will utilize customer/volunteer look-up pop-up windows to allow for search and selection of individuals.

Included in this work will also be the development of pop-up window forms which will be leveraged to create a workflow between the different views. Since this is new functionality for TransTrack, this work will be done at a reduced rate of \$100/hour as this functionality will be useful for other applications in the future.

#### View 1: Contact Log

TransTrack will create a Contact Log view for Marin to track incoming calls. The edit screen for this view will contain 17 fields. TransTrack will program this view to log non-client calls without the person being added to the client database. If the caller chooses to proceed with the Client Intake, selecting “Yes” for the Intake field will automatically open a pop-up form of the Client Intake questions. The information entered in the pop-up form will be saved in the Client Intake view. **Add-on option:** If Marin chooses, they can add a customer feedback pop-up to record compliments and complaints directly from this view (Item 15 in pricing).

#### View 2: Client Intake

TransTrack will create a Client Intake view for Marin to collect potential customer information. MCTD shall provide final view content prior to programming commencing. Note that any future updates to questions, outside of drop-down selections, will require additional programming time to complete. The edit screen for this view will contain 78 fields. Upon saving the record:

- Intake ID will be automatically assigned based on MCTD’s schema
- Age will automatically calculate based on the birthdate entered
- Annual income will automatically calculate based on income entries and whether per month or year is selected

Upon saving in the Client Intake form if the LIFA is checked a pop-up window with the LIFA form will open. After the LIFA form is completed if the “Paratransit Application” is checked then the Paratransit Evaluation Questions will open in a new pop-up window for completion.

The Client Intake can be completed in the edit screen within the view as well if it was not completed within the pop-up in the Contact Log view. Any follow-up items or edits to a record would be done in the Client Intake view (i.e. the administrative questions).

### View 3: Paratransit Evaluation Questions

In addition to the Paratransit Evaluation Questions pop-up window TransTrack will create a Paratransit Evaluation Questions view. It will contain the records created from the pop-up form during the intake process. The view will also allow for editing of those records and creation of new records. Marin Transit shall provide TransTrack with the final questions they want prior to programming commencing. Note that any future updates to questions, outside of drop-down selections, will require additional programming time to complete. The edit screen for this view will contain 44 fields.

### View 4: Low Income Fare Assistance (LIFA)

In addition to the LIFA pop-up window TransTrack will create a Low Income Fare Assistance (LIFA) view. It will contain the records created from the pop-up form during the intake process. The view will also allow for editing of those records and creation of new records. Marin Transit shall provide TransTrack with the final questions they want prior to programming commencing. Note that any future updates to questions, outside of drop-down selections, will require additional programming time to complete. The edit screen for this view will contain 18 fields.

### View 5: Volunteer Driver Reimbursement

TransTrack will create a Volunteer Driver Reimbursement (VDP) view to track reimbursements paid to volunteers. The payments will be calculated based on the parameters Marin Transit provides, prior to any programming commencing. Within the VDP Program look-up view Marin Transit will define the reimbursement rate and the maximum amount the program reimburses per month (controlled with date ranges to allow for updates over time). The records will be tied to the applicable customer record. The edit screen for this view will contain 24 fields.

### Other/Additional Information

For each of the views MCTD will confirm which fields in each edit screen and pop-up form they want required before the save function will work. This will help eliminate incomplete records from being saved.

TransTrack will program 3 reports (not including view working reports) for this project:

1. Paratransit Intake Questions Report
2. Eligibility Expiration with the ability to filter on clients with eligibility expiring in 90-days, 60-days, and 30-days
3. Volunteer Driver Reimbursement Report

TransTrack has included a one-time import of the client database that currently resides on the Travel Navigator Access database.

TransTrack and MCTD will develop a mutually agreed upon schedule to complete all tasks in a phased fashion.

TransTrack will work with Marin Transit and TripSpark staff to identify best way to pass client data from TransTrack to TripSpark to maintain the eligible riders within the scheduling system. The effort to complete this piece can vary widely depending on the methodology chosen and what would need to be programmed on the TransTrack end to accomplish the data push. TransTrack has included a Time & Materials budget of 80 hours to complete this task in the optional pricing section (Item 14).

TransTrack has included a project contingency amount of \$9,000 (60 hours) as an option on this project (Item 13) to account for any unforeseen out of scope items on either the part of TransTrack or Marin Transit. TransTrack will provide estimates for any needed use of the project contingency at an hourly rate of \$150/hour, and Marin Transit will authorize it prior to any out of scope work commencing.

Work will be progressively billed monthly for each of the tasks until the project is complete, and annual maintenance will commence in year that work is completed on a monthly prorated basis.

#### View 1: Contact Log

Fields	Field Type	Required
Navigator	Drop down menu selection	Y
Call date	Calendar control	Y
Contact ID	Text/number format	Y
Contact type	Drop down menu selection	Y
Purpose	Drop down menu selection	Y
# Hours	Text/number format	
Marin Access ID	Auto-populate based on customer chosen	
First name	Text	
Last name	Text	
Call not from client	Check box	Y
Notes	Text	
Reason for voicemail	Drop down menu selection	
# Attendees	Text/number format	
# Interactions	Text/number format	
# Intakes completed	Text/number format	
Event Name	Drop down menu selection	
Intake	Yes/no	Y



## View 2: Client Intake

Fields	Field Type	Required
Intake date	Calendar control	Y
Navigator	Drop down menu selection	Y
Marin Access ID	Auto-populate with number	Y
First name	Text	Y
Last name	Text	Y
Date of Birth	Text – date format	Y
Age	Auto-calculate based on birthdate entered	Y
Phone	Text – number format	Y
Cell phone	Text – number format	
TDD/TTY	Check box with text field – number format next to it	
Email	Text	
Best way to send information	Drop down menu selection	Y
Accessible format	Drop down menu selection	Y
Primary language	Drop down menu selection	Y
Race/Ethnicity	Drop down menu selection	Y
Gender	Drop down menu selection	Y
Physical address 1	Text	Y
Physical address 2	Text	Y
Physical City	Text	Y
Physical State	Text	Y
Physical Zip code	Text – number format	Y
Mailing address same	Check box	Y
Mailing address 1	Text	
Mailing address 2	Text	
Mailing city	Text	
Mailing state	Text	
Mailing zip code	Text – number format	
Emergency contact name	Text	Y
Emergency contact relationship	Text	Y
Emergency contact phone	Text – number format	Y
Emergency contact email	Text	
Local emergency contact	Check box	Y
Uses wheelchair	Check box	Y
Mobility device type	Check box	Y
Clipper	Check box	Y
Access to a computer	Check box	Y
Internet access	Check box	Y
Smartphone	Check box	Y
Service animal	Check box	Y

Uses Fixed Route	Check box	Y
Still driving	Check box	Y

Fields	Field Type	Required
Vision issues	Check box	Y
Memory issues	Check box	Y
Apply for LIFA	Check box	Y
Identifies as disabled	Check box	Y
Paratransit Application	Check box	Y
Notes	Text	
Application type	Drop down	
Used translation line	Check box	
Used translation line – language	Check box	
Proof of age	Check box	
Proof of residence	Check box	
Medi-Cal verified	Check box	
Medi-Cal verified date	Calendar control	
Marin Access eligible	Check box	
Paratransit eligible	Check box	
Paratransit eligible type	Drop down	
Paratransit eligibility category	Drop down	
LIFA eligible	Check box	
LIFA local bus pass	Check box	
RED ID	Text/number format	
Trapeze ID	Text/number format	
Marin Access alerts	Check box	
Marin Access alerts types	Multi-select	
Marin Access alerts method	Multi-select	
Marin Access passenger portal	Check box	
Inactive	Check box	
Inactive reason	Drop down	
Referral from community partner	Drop down	
LIFA local bus pass created	Check box	
LIFA local bus pass mail date	Calendar control	
Volunteer driver 1	Drop down	
Volunteer driver 2	Drop down	
Travel training – in person	Calendar control	
Travel training – video	Calendar control	
Attended orientation	Calendar control	
Connect account set-up	Check box	
Connect code	Text	

## View 3: Paratransit Evaluation Questions

Fields	Field Type	Required
Marin Access ID	Auto populate with number	Y
First Name	Text	Y
Last Name	Text	Y
Question 1	Text	
Question 2	Text	
Question 3	Drop down	
Question 4	Drop down	
Question 5	Drop down	
Question 5b	Text	
Question 6	Drop down	
Question 7	Text	
Question 8	Drop down	
Question 8b	Text	
Question 9		
Question 10		
Question 11		
Question 12		
Question 12b		
Question 13		
Question 13b		
Question 14	Drop down	
Question 14b	Text	
Question 15	Drop down	
Question 15b	Text	
Question 16	Drop down	
Question 16b	Text	
Question 17a	Drop down	
Question 17a1	Text	
Question 17b	Drop down	
Question 17c	Drop down	
Question 17d	Drop down	
Question 18	Drop down	
Question 19	Text	
Travels with PCA	Checkbox	
Complete App Received	Calendar control	
Determination Date	Calendar control	
Determination Letter Mailed	Calendar control	
Visitor	Checkbox	

Eligible from	Calendar control	
---------------	------------------	--

Fields	Field Type	Required
Eligible to	Calendar control	
Recert Date	Calendar control	
Space Type	Drop down	Y
First Eligibility Date	Calendar Control	
Paratransit permanent	Check box	

View 4: Low Income Fare Assistance (LIFA)

Fields	Field Type	Required
Navigator	Drop down/CSR name	Y
Date	Calendar control	Y
Marin Access ID	Auto-populate based on customer chosen	Y
First Name	Text	Y
Last Name	Text	Y
LIFA Year	Drop down	
Medi-Cal	Check box	Y
Medi-Cal ID Number	Text/number format	
Medi-Cal Issue Date	Calendar control	
Date of Birth	Calendar control	
Income Stated	Check box	
Annual Income	Text/dollar format	
Income Level	Drop down	
Living Situation	Drop down	
LIFA Local Bus Pass	Check box	Y
Income Documentation Type	Drop down	
LIFA Eligible	Drop down	Y
Recertification Date	Calendar control	

View 5: Volunteer Driver Reimbursement

Fields	Field Type	Required
Marin Access ID	Auto-populate based on customer chosen	Y
First Name	Text	Y
Last Name	Text	Y
Address 1	Text	Y
Address 2	Text	Y
City	Text	Y
State	Text	Y
Zip	Text/number format	Y
Reimbursement Month	Drop down	Y
Reimbursement Year	Drop down	Y
Volunteer 1 - # of trips	Text/number format	Y
Volunteer 1 - # of miles	Text/number format	Y
Volunteer 1 - Name	Drop down	Y
Volunteer 2 - # of trips	Text/number format	Y
Volunteer 2 - # of miles	Text/number format	Y
Volunteer 2 - Name	Drop down	Y
Reimbursement Method	Drop down	Y
Date Processed	Calendar control	Y
Date Mailed	Calendar control	Y
Notes	Text	Y
Reimbursement Subtotal	Text/number format	
Admin Fee	Text/number format	Y
Reimbursement Total	Text/number format	
VDP Program	Drop down	



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**board of directors**

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president  
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city of san rafael

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supervisor district 1

eric lucan  
director  
city of novato

katie rice  
director  
supervisor district 2

kathrin sears  
director  
supervisor district 3

October 5, 2020

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Revised Marin Transit Procurement Policies and Procedures**

Dear Board Members:

**RECOMMENDATION:** Approve Revised Marin Transit Procurement Policies and Procedures.

**SUMMARY:**

Staff recommends that your Board adopt revisions to the Marin Transit Procurement Policies and Procedures.

Your Board originally adopted Procurement Policies and Procedures in April 2012 to ensure full and open competition and conform to applicable federal, state, and local law. In June 2018, your Board updated these policies to reflect requirements under the Federal Transit Administration (FTA) Circular 2 CFR part 200. This third revision makes the following changes:

- 1) Adds section 4.5 to explicitly state that Marin Transit will accept the metric system to the extent feasible. This was added in response to a comment on a subrecipient audit conducted by Golden Gate Bridge Highway and Transportation District.
- 2) Increases the threshold for federally funded micro-purchases from \$3,500 to \$10,000 (section 2.1.1) to reflect the federal OMB-OM-18-18 "Implementing Statutory Changes to Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance." At this time, the updated policy does not include an allowed increase to the small purchase threshold from \$150,000 to \$250,000 to retain consistency with the Buy America requirements.
- 3) Increases the General Manager's contracting approval authority from \$25,000 to \$50,000 and increases the Director level approval from \$5,000 to \$10,000 (section 2.1.4). All contracts above \$50,000 or of public interest will continue to go to the Marin Transit Board for review and approval. Marin Transit formally adopted the original approval limits in 2012. Since that time, Marin Transit's annual operations budget has grown from

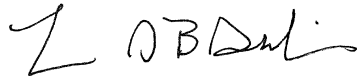
\$25 million to \$35 million and FTA has increased the micro and small purchase limits. Relative to peer agencies, Marin Transit will still maintain a low staff approval level to ensure transparency and Board discussion of procurements. The higher limits will enable staff to more efficiently and quickly process small contracts. Among the District’s contracts from last fiscal year, only one was between \$25,000 and \$50,000 at the range that would now be eligible for General Manager approval. This was an amendment to renew a contract for scheduling software for \$29,000.

A comparison of Marin Transit’s current approval limits to the proposed level and to peer agencies is in the following table:

Agency	General Manager	Director level (or equivalent)
Marin Transit Current	\$25,000	\$5000
Marin Transit Proposed	\$50,000	\$10,000
SMART	\$100,000	\$50,000
Golden Gate Bridge Highway and Transportation District	\$250,000	\$10,000
Contract Costa Transit Authority	\$100,000	
Eastern Contra Costa Transit Authority	\$100,000	\$50,000

**FISCAL/STAFFING IMPACT:** There is no fiscal impact associated with adopting the revised *Marin Transit Procurement Policies and Procedures*.

Respectfully submitted,



Lauren Gradia  
 Director of Finance and Capital Programs

Attachment



**MARIN TRANSIT**

**PROCUREMENT POLICIES AND PROCEDURES**

Policy #:	PU-02
Subject:	Procurement
Effective Date:	April 30, 2012
1 <sup>st</sup> Revision Date:	May 7, 2018
2 <sup>nd</sup> Revision Date:	October 5, 2020



TABLE OF CONTENTS

**1. APPLICABILITY** ..... 1

1.1. Governance ..... 1

1.2. Contracts Outside the Scope of This Policy ..... 1

1.2.1. Real Property ..... 1

1.2.2. Other Acquisitions ..... 1

1.2.3. Revenue Contracts ..... 2

1.2.4. Employment Contracts ..... 2

**2. CONTRACTING AUTHORITY AND CONTRACT APPROVAL** ..... 2

2.1. Contract Approval Requirements ..... 2

2.1.1. Purchasing Thresholds ..... 2

2.1.2. Board of Marin Transit Approval ..... 2

2.1.3. General Manager Approval ..... 2

2.1.4. Director of Finance and Capital Programs Approval ..... 2

2.1.5. Delegations ..... 3

2.1.6. Change orders ..... 3

2.1.7. Emergencies ..... 3

**3. GENERAL PROCUREMENT STANDARDS** ..... 3

3.1. Standards of Conduct ..... 3

3.2. Economic Purchasing ..... 4

3.3. Specifications ..... 4

3.4 Procurement Process and Oversight Responsibilities ..... 5

3.5 Joint Procurement ..... 6

3.6 Record Keeping ..... 6

3.7 Use of Existing Contracts ..... 6

3.7.1 GSA, State of California, and Local Government Purchasing Schedules .... 6

3.7.2 Acquisition Through Assigned Contract Rights “Piggybacking” ..... 7

3.7.3 Options ..... 7

3.7.4 Impermissible Contract Actions ..... 7

3.7.4.1 Improper Contract Expansion ..... 7

3.7.4.2 Cardinal Change ..... 8

3.8 Protests ..... 8

3.9 Contract Period ..... 8

**4. FULL AND OPEN COMPETITION** ..... 8

4.1. Competition ..... 9

4.2. Restrictions on Competition ..... 9

4.3. Geographic Preferences ..... 10

4.4 Record of Procurement Transactions ..... 10

**5. CONTRACT TYPES** ..... 11

5.1. Typical Contract Types ..... 11

5.1.1. Firm Fixed Price ..... 11

5.1.2. Cost Reimbursement and Cost plus Fixed Fee ..... 11

5.2. FTA Prohibited or Restricted Contract Types ..... 11

5.2.1. Cost Plus a Percentage of Cost – Prohibited ..... 11

5.2.2. Percentage of Construction Cost - Prohibited ..... 11

5.2.3. Time and Materials – Restricted..... 11

**6. METHODS OF PROCUREMENT**..... 12

6.1. Micro-purchases..... 12

6.2. Small Purchases ..... 12

6.3 Purchase by Sealed Bids (formal advertising) ..... 13

6.4 Competitive Solicitations (IFB and RFP)..... 15

6.4.1 General Standards for Either IFB or RFP ..... 15

6.4.2 Advertising ..... 15

6.4.3 Pre-Qualification ..... 15

6.4.4 Selection Procedures..... 16

6.4.5 Amendments ..... 16

6.4.6 Invitation for Bid (IFB) ..... 16

6.4.7 When to use IFB ..... 16

6.4.8 IFB Procedures ..... 17

6.4.9 Single Bid ..... 18

6.4.10 Request for Proposal (RFP)..... 18

6.4.11 When to use RFP ..... 18

6.4.11.1 Contract Type for RFP..... 18

6.4.11.2 Evaluation Factors ..... 18

6.4.13 Revised Proposals..... 19

6.4.14 Best and Final Offer ..... 19

6.4.15 Special Procurement Considerations ..... 19

6.4.15.1 Two-Step Procurement Procedures..... 19

6.4.15.2 Architectural and Engineering (A&E) and Other Professional Services ..  
20

6.4.15.3 Design Build..... 21

6.4.16 Sole Source ..... 21

6.4.16.1 Justification for Sole Source ..... 21

6.4.16.2 Documentation..... 23

6.4.17 Options ..... 23

6.4.18 Electronic Commerce ..... 24

**7 CONTRACT COST AND PRICE ANALYSIS**..... 25

7.1 Requirement ..... 25

7.2 Independent Cost Estimate ..... 25

7.3 Cost Analysis ..... 25

**8 CONTRACT PROVISIONS** ..... 26

8.1 Federal Contract Provisions ..... 26

8.2 Disadvantaged Business Enterprise (DBE)..... 27

8.3 Liquidated Damages..... 27

8.4 Bonding Requirements ..... 27

8.4.1 Construction ..... 27

8.4.2 Non-Construction ..... 28

8.4.3 Alternate Method of Security ..... 28

8.5 Industry Contracts ..... 28

8.6 Levine Act ..... 28

8.7 Non-Collusion Declaration ..... 28

8.8 Payment Provisions ..... 29

8.8.1 Advance Payments ..... 29

8.8.2 Progress Payments ..... 29

**9 RECEIPT AND EVALUATION OF BIDS AND PROPOSALS ..... 29**

9.1 Sealed Bids ..... 29

9.2 Competitive Proposals ..... 30

9.3 Responsiveness Review ..... 30

9.4 Responsibility Review ..... 30

9.5 Evaluations ..... 31

9.5.1 General ..... 31

9.5.2 Options ..... 31

9.5.3 Evaluators ..... 31

**10 CONTRACT ADMINISTRATION ..... 32**

10.1 Contract Administration ..... 32

10.2 File Contents ..... 32

**11 CHANGE ORDERS ..... 33**

11.1 Definition ..... 33

11.2 Submittal ..... 33

11.3 Evaluation ..... 33

11.4 Documentation ..... 34

**12 CONTRACT CLOSEOUT ..... 34**

APPENDIX A - Applicability of Federal Contract Provisions ..... 30

APPENDIX B - Federal Certifications Reports and Forms ..... 32

## 1. APPLICABILITY

This document sets forth Marin Transit's requirements for solicitation, award, and administration of its procurement actions. The purpose of these policies and procedures is to ensure competitive procurements and conform to applicable Federal, State, and local law.

These policies and procedures apply to all Marin Transit contracts and purchases regardless of funding sources, except as specifically stated.

### 1.1. Governance

Marin Transit's procurement actions are primarily governed by the California Government Code Section 54201-54205 and by the Federal Transit Administration (FTA) Circular 4220.1F (C 4220.1F) and Super Circular, 2 CFR part 200. Additionally, as required under California Public Contract Code Division 2, of Part 3, of Chapter 1, of Article 12, Marin Transit shall purchase all supplies, equipment and materials, and construction of facilities and works, in the same manner, procedure and subject to the same limitations applicable to the County of Marin.

In all procurements using any amount of Federal funds, Federal requirements shall generally supersede State law. Where no Federal funds are involved, procurement actions shall be governed by applicable State law. References to statutes or regulations in this document shall be deemed to refer to any subsequent revisions or amendments which may be enacted from time to time.

### 1.2. Contracts Outside the Scope of This Policy

#### 1.2.1. Real Property

Procurements of real property consisting of land and any existing buildings and structures on that land are beyond the scope of this policy. However, this policy does apply to construction of buildings, structures, or appurtenances that were not on land when that land was acquired. This policy also applies to any alterations or repairs to building or structures existing on that land when that land was acquired, to transactions in support of real property acquisition such as real estate consultants, and to leases.

#### 1.2.2. Other Acquisitions

This policy shall not apply to: joint development projects (except construction); purchases from government-regulated entities such as public utilities that are granted market exclusivity by the regulating agency; purchases of professional subscriptions, memberships, seminars, and expenses in connection with industry meetings and conferences; travel

and living expenses on Marin Transit business; and other similar expenditures incidental to the routine conduct of Marin Transit's business.

### 1.2.3. Revenue Contracts

Revenue contracts are not subject to this policy. A revenue contract is one in which Marin Transit provides access to public transportation assets for the primary purpose of either producing revenues in connection with a public transportation-related activity or creating business opportunities involving the use of Marin Transit property. Where feasible, a competitive process suitable to the type and scope of the activity involved and the availability of competition shall be conducted, for example where there are several potential competitors for a limited opportunity (such as advertising space associated with Marin Transit assets). Where the nature of an opportunity allows reasonably unlimited access for all competitors, the opportunity shall be made available to all such parties without restriction.

### 1.2.4. Employment Contracts

Employment contracts are not subject to this policy, as they involve individuals becoming employees of Marin Transit.

## 2. **CONTRACTING AUTHORITY AND CONTRACT APPROVAL**

### 2.1. Contract Approval Requirements

#### 2.1.1. Purchasing Thresholds

Micro-purchases are purchases of \$25,000 or less if no Federal funds are involved and \$10,000 or less if Federal funding is present.

Small purchases are purchases valued at more than the micro-purchase limit but less than the Federal Transit Administration small purchase threshold, currently \$150,000.

#### 2.1.2. Board of Marin Transit Approval

All contracts for goods or services in excess of \$25,000 must be awarded by approval of the Board of Marin Transit.

#### 2.1.3. General Manager Approval

All contracts valued at less than \$50,000 but over \$10,000 shall be approved by the General Manager in writing.

#### 2.1.4. Director Approval

Purchases under \$10,000 may be approved by the Director of Finance and Capital Programs or the Director of Operations and Planning.

#### 2.1.5. Delegations

The authorizations specified above may be delegated in whole or in part, by written direction of the holder of the authority.

#### 2.1.6. Change orders

The above authorizations apply to both new procurements and to change orders.

#### 2.1.7. Emergencies

The General Manager may authorize the award of contracts or change orders exceeding Marin Transit's threshold for approval in the following cases:

- When emergency action is required to prevent loss of life, damage to property, a threat to public safety or the environment, or the disruption of transit service or other essential functions of Marin Transit.
- Where an emergency has been declared by local, State or national officials affecting Marin Transit's service area, directly or indirectly, or a request for waiver of regulatory requirements has been entered on FTA's Emergency Docket.

All emergency procurements must be documented in writing.

### **3. GENERAL PROCUREMENT STANDARDS**

#### 3.1. Standards of Conduct

The Marin Transit Board of Directors has adopted a separate written code of conduct that conforms to FTA Circular 4220.1F. This sets forth the required standards of conduct relating to all procurement activities. The standards of conduct cover conflicts of interest and govern the actions of employees engaged in the selection, award, or administration of contracts.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of Marin Transit may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct provides for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of Marin Transit.

In addition, under the California Political Reform Act, all public agencies are required to adopt a conflict of interest code that designates positions required to file Statements of Economic Interests (Form 700).

### 3.2. Economic Purchasing

Marin Transit shall avoid acquisition of unnecessary or duplicative items. From time to time, Marin Transit shall review procurement activity to determine if certain classes of purchases should be consolidated or broken out to obtain more economical pricing. Where appropriate, analysis shall also be made of lease versus purchase alternatives or any other appropriate methodology to determine the most economical approach. Marin Transit shall enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

The District shall use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs. Marin Transit shall use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

### 3.3. Specifications

All solicitations shall have a clear and accurate description of the technical requirements for the material, product, or service to be procured. These descriptions shall not, in competitive procurements, contain features that unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, describe minimum essential characteristics and standards to which the product or services must perform. Whenever practical, requirements shall be described in terms of functions to be performed or level of performance required, including the range of acceptable characteristics or minimum acceptable standards. Detailed product specifications are to be avoided if at all possible. When it is impractical or uneconomical to write a clear and accurate description of the technical requirements, a “brand name or equal” description may be used as a means to define the performance;

however, when this method is used, the specification must set forth the salient characteristics that the product must meet, and vendors shall be allowed to offer “equal” products meeting the salient characteristics. Specifications for bid solicitations, whether by small purchase or formal procurement, shall be sufficiently detailed to ensure that bidders may submit pricing on like products. Specifications or scopes of services for negotiated procurements may be more general and accommodate the possibility of alternative solutions or products.

### 3.4 Procurement Process and Oversight Responsibilities

Marin Transit shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(i) Marin Transit shall maintain records sufficient to detail the history of procurement. These records will include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j) (1) Marin Transit may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to Marin Transit is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract will set a ceiling price that the contractor exceeds at its own risk. Further, Marin Transit will assert a high degree of oversight of the contract to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) In accordance with good administrative practice and sound business judgment, Marin Transit shall be entirely responsible for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to source evaluation, protests, disputes, and claims. These standards do not relieve Marin Transit of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for Marin Transit's unless the matter is primarily a



Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

### 3.5 Joint Procurement

When appropriate, Marin Transit shall consider combining or “pooling” their procurements to obtain better pricing. In general, joint procurements are often more desirable than procurements through assignment (see 3.6.2 below) because an assignment does not represent the combined buying power of more than one purchaser at the time when prices are established. A joint procurement may also offer the advantage of permitting Marin Transit to acquire property and services more closely responsive to the District’s material requirements than would be available through assignment of existing contract rights.

### 3.6 Record Keeping

Marin Transit shall maintain records detailing the history of a procurement in a manner consistent with the size, complexity and cost of the contract. Federal regulations require these records to be maintained for three years after Marin Transit has made final payment and all other pending matters are closed. At a minimum, the procurement history must include the following information:

- Rationale for the method of procurement (i.e. IFB, RFP, sole source.)
- Sole source justification for any purchase that is not competitive
- Selection of contract type (i.e. fixed price, cost reimbursement)
- Reasons for contractor selection or rejection
- Written responsibility determination for the successful contractor
- Basis for contract price (i.e. cost/price analysis)

### 3.7 Use of Existing Contracts

#### 3.7.1 GSA, State of California, and Local Government Purchasing Schedules

Both the U.S. General Services Administration (GSA) and the California Department of Governmental Services maintain purchasing schedules or purchasing contracts for various commodities and services. Marin Transit may use contracts of this type in accordance with the governing law and regulations of the agency establishing them.

Marin Transit may also use other state or local government purchasing schedules. In this instance a state or local government has made an

arrangement with several vendors in which those vendors agree to provide essentially an option to the state or local government, and its subordinate government entities, to acquire specific property or services in the future at established prices. The state or local government then, with the agreement of the vendor, provides the listed property or services to others. The CalACT/MBTA Vehicle Purchasing Cooperative would be an example of this procurement method.

### 3.72 Acquisition Through Assigned Contract Rights “Piggybacking”

Marin Transit may use contract rights assigned from another agency when that agency finds that it has inadvertently acquired contract rights in excess of its needs (sometimes referred to as “piggybacking”). A number of FTA requirements must be met before such a contract may be used. FTA requires that the existing contract contain an assignability clause and all required FTA contract clauses and certifications; these clauses cannot be added by Marin Transit as part of its use of the existing contract. All quantities acquired by assigned contract rights must be within the original contract quantities (including options) and acquired within the term of the existing contract. Marin Transit must determine that the agency with the contract complied with all FTA requirements relating to competition and performance of a cost or price analysis. Marin Transit must also perform its own cost or price analysis to determine that the prices it shall pay are fair and reasonable. Marin Transit staff shall ensure all appropriate documentation from the original awarding agency is retained in the procurement file for that acquisition.

### 3.7.3 Options

Marin Transit may include options in its contracts to ensure the future availability of property or services. An option is a unilateral right such that for a specified time the District may acquire more equipment, supplies, or services than originally procured. An option may also extend the term of the contract.

### 3.7.4 Impermissible Contract Actions

The following contract actions are not permitted on projects funded with Federal assistance.

#### 3.7.4.1 Improper Contract Expansion

A contract shall not be expanded when it includes a larger scope, greater quantities, or options beyond the original reasonably anticipated needs. A contract shall not be expanded when excess capacity has been added primarily to permit assignment of those contract rights to another entity.

### 3.7.4.2 Cardinal Change

A significant change in contract work (property or services) that causes a major deviation from the original purpose of the work or the intended method of achievement, or causes a revision of contract work so extensive, significant, or cumulative that, in effect, the contractor is required to perform very different work from that described in the original contract, is a cardinal change. Such practices are sometimes informally referred to as “tag-ons”. A change within the scope of the contract (sometimes referred to as “in-scope” change) is not a “tag-on” or cardinal change.

Recognizing a cardinal change to a contract can be difficult. FTA has not developed a finite list of acceptable contract changes. Tests to determine if a change is a cardinal change involve the nature and extent of the work to be performed, the amount of effort involved, whether the change was originally contemplated at the time the original contract was entered into, or the cumulative impact on the contract’s quantity, quality, costs and delivery terms.

In the case of rolling stock, a major change in quantity or a substitution of major end items not contemplated when competition for the original award took place would generally be a cardinal change. Additional guidance on cardinal changes can be found on page V-7 and V-8 of the FTA Circular 4220.1F and in the FTA Best Practices Procurement Manual, section 9.2.1- Contract Scope and Cardinal Changes.

### 3.8 Protests

Marin Transit has adopted a bid protest policy to provide remedy for supplier protests that cannot be informally resolved.

### 3.9 Contract Period

The period of contract performance for rolling stock and replacement parts cannot exceed five years, inclusive of options, as defined in FTA Circular 4220.1F. The length of all other contracts shall be based upon sound business judgment, including consideration of issues such as the nature of the item being purchased, the need to afford the contractor a reasonable opportunity to recapture any start-up costs, the need to afford competing vendors the opportunity to do business with Marin Transit, and the relative benefit to Marin Transit of a longer or shorter contract term. All contracts must specify a contract period of performance, either in the form of delivery schedules for contract deliverables such as commodities, or a specific end date for service contracts.

## **4. FULL AND OPEN COMPETITION**

#### 4.1. Competition

All procurement transactions shall be conducted in a manner intended to maximize full and open competition. Full and open competition means that all responsible sources are permitted to compete. In implementing this standard, staff members are expected to be aggressive in identifying potential vendors for each procurement. At a minimum, each procurement expected to cost above \$150,000 (the FTA small purchase threshold) shall be posted on Marin Transit website's procurement page for downloading, and known vendors shall be directly informed of the project and encouraged to respond to the solicitation. In addition, each competitive procurement above the small purchase threshold may be advertised in local, and, as appropriate, regional, national and trade publications. The advertisement and notice should provide the solicitation title, the date of any pre-bid or pre-proposal conference, and the date and time for receipt of responses to the solicitation. Advertisements and notices shall be issued at the beginning of the solicitation period or as soon after as practical to accommodate the advertising schedules of publications. For procurements within the small purchase threshold formal advertising is not required but may be used if appropriate.

#### 4.2. Restrictions on Competition

All procurement transactions over \$10,000 shall be conducted in a manner providing full and open competition, without providing an unfair competitive advantage to any potential vendor. Some of the situations considered to be restrictive of competition include, but are not limited to:

- Unreasonable requirements placed on firms in order for them to qualify to do business.
- Unnecessary or excessive experience, excessive bonding, insurance, warranty or similar requirements which affect an otherwise qualified firm's ability to compete. Such requirements must also, however, be established in a manner consistent with protection of Marin Transit's interests.
- Noncompetitive pricing practices between firms or between affiliated companies.
- Noncompetitive awards to any person or firm on retainer contracts.
- Organizational conflicts of interest.
- Specifying only a "brand name" product, without specifying that equivalent products shall be accepted and providing salient characteristics or other descriptive information sufficient to allow bidders to identify and propose such equivalent products.

- The use of specification requirements and evaluation criteria that unnecessarily favor an incumbent contractor.
- Any arbitrary action in the procurement process.

#### 4.3. Geographic Preferences

This section is applicable only to FTA-funded procurements.

Procurement transactions shall be conducted in a manner that prohibits the use of statutory or administratively imposed state, local, or tribal geographical preferences in the solicitation and evaluation of bids or proposals, except in those cases where applicable Federal statutes or regulations expressly mandate or permit geographic preference. This does not preempt State or local licensing laws. However, geographic location may be a selection criterion in procurements for architectural and engineering (A&E) services, provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

#### 4.4 Record of Procurement Transactions

Marin Transit shall use written procedures for procurement transactions. These procedures ensure that all solicitations:

- Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features that unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications shall be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description shall be used to define the performance or other salient requirements of procurement. The specific features of the named brand that must be met by offers shall be clearly stated; and
- Identify all requirements that the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

Marin Transit shall ensure that all prequalified lists of persons, firms, or products that are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, Marin Transit will not preclude potential bidders from qualifying during the solicitation period.

#### 4.5 Metric Measurements

Marin Transit will accept property and services with dimensions expressed in metric measurements, to the extent practicable and feasible.

### 5. CONTRACT TYPES

#### 5.1. Typical Contract Types

##### 5.1.1. Firm Fixed Price

A firm fixed price contract includes a price that remains fixed irrespective of the contractor's cost experience in performing the contract. A firm fixed price contract may include an economic price adjustment provision, incentives, or both.

##### 5.1.2. Cost Reimbursement and Cost plus Fixed Fee

A cost plus fixed fee contract provides that the contractor shall be reimbursed for its labor and material costs and for its direct expenses, plus a fixed fee for profit that is paid regardless of any overrun or under-run of the total costs established at time of contract award. The intent is to provide the contractor with an incentive to work as efficiently as possible in order that the fee shall represent a higher percentage of its costs. This type of contract may also provide for other types of fee as incentives for improved performance.

#### 5.2. FTA Prohibited or Restricted Contract Types

##### 5.2.1. Cost Plus a Percentage of Cost – Prohibited

Contracts that are structured with payment provisions based on the incurrence and payment of actual costs, such as direct labor, with a fixed percent mark-up on the actual costs incurred for (a) profit, (b) indirect costs, (c) or both, are prohibited by Federal statute.

##### 5.2.2. Percentage of Construction Cost - Prohibited

##### 5.2.3. Time and Materials – Restricted

A time and material contract or change order is one in which a clear scope cannot be defined, due to unknown conditions or circumstances affecting the work. Typically, this shall involve an emergency situation. Since such contracts provide no incentive for the contractor to work efficiently or in a cost-effective manner, FTA restricts their use to situations in which no other type of contract is feasible. Such contracts shall specify a ceiling price (a limitation of funding) that the contractor shall not exceed except at its own risk. The contractor's accounting system must be verified to ensure that it is adequate to properly segregate and bill costs and

thorough oversight is required to verify the amount of work performed and materials used. Every effort shall be made to limit the scope of a time and materials contract or change order until another type of contract or change order can be established.

## 6. METHODS OF PROCUREMENT

### 6.1. Micro-purchases

Micro-purchases are purchases of \$10,000 or less if Federal funds are involved, or \$25,000 for projects entirely funded without Federal funds. Micro-purchases can be made without obtaining competitive quotations. These purchases are exempt from FTA's Buy America requirements. Davis–Bacon prevailing wage requirements, however, shall apply to Federal construction contracts exceeding \$2,000. Micro-purchases shall be distributed equitably among qualified suppliers. Purchases shall not be divided or reduced in size merely to come within the micro-purchase limit.

The only documentation requirement for micro-purchases is a determination that the price is fair and reasonable and a description of how this determination was made. The documentation shall state that: "The price(s) paid for items are determined to be fair and reasonable, based on the following:"

- Adequate competition (two or more quotes received with an award made to lowest)
- Current price lists or off-the-shelf pricing
- Catalog price
- Prices found reasonable on recent previous purchases
- Advertisements
- Similar items in a related industry
- Independent price estimate (attach documentation)
- Other (cite basis)

### 6.2. Small Purchases

Small purchases are relatively simple and informal solicitations for services, supplies, or other property valued at more than the micro-purchase limit but less than the FTA small purchase threshold, currently \$150,000. These purchases are exempt from FTA's Buy America requirements.

The following procedures apply to small purchases:

- Price or rate quotes must be obtained from an adequate number of qualified sources.
- Purchases shall not be divided or reduced in size merely to come within the small purchase limit.
- The request for quotes and the actual quoted prices must be documented in the procurement file.

### 6.3 Purchase by Sealed Bids (formal advertising).

a) Bids are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction if the conditions in paragraph (c)(1) of this section apply.

b) For sealed bidding to be feasible, the following conditions should be present:

- (i) A complete, adequate, and realistic specification or purchase description is available;
- (ii) Two or more responsible bidders are willing and able to compete effectively for the business; and
- (iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

c) If sealed bids are used, the following requirements apply:

- (i) Bids shall be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
- (ii) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;
- (iii) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids shall be opened publicly;



- (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- (v) Any or all bids may be rejected if there is a sound documented reason.
- (d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
- (1) Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
  - (2) Proposals shall be solicited from an adequate number of qualified sources;
  - (3) Marin Transit shall have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
  - (4) Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
  - (5) Marin Transit may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.
- (e) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
- (1) The item is available only from a single source;
  - (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from Marin Transit; or

(4) After solicitation of a number of sources, competition is determined inadequate.

## 6.4 Competitive Solicitations (IFB and RFP)

### 6.4.1 General Standards for Either IFB or RFP

#### 6.4.2 Advertising

The intent of advertising a solicitation is to make every reasonable effort to inform potential vendors of the business opportunity. Each such solicitation shall be posted on the procurement page of Marin Transit's website. If deemed appropriate the solicitation shall be published in appropriate local, regional, national, and trade media designed to reach the target vendor pool or posted on applicable trade association or other websites.

#### 6.4.3 Pre-Qualification

Pre-qualification or other methods of restricting responses shall not ordinarily be used unless required for security or public safety reasons or by law. If vendors are to be pre-qualified for a specific procurement, the following requirements apply:

- The qualifications standards must be limited to those essential for the procurement.
- Any pre-qualification list used is current.
- The prequalification process must include enough qualified sources to provide maximum full and open competition.
- Potential bidders or offerors must be permitted to qualify during the solicitation period (from the issuance of the solicitation to its closing date). However, a particular solicitation need not be held open to accommodate a potential supplier that applies for approval before or during that solicitation, nor must prequalification evaluations of bidders, offerors, or property presented for review during the solicitation period be expedited or shortened to conform to the solicitation period.

- Any prequalification testing, or testing of potential approved equal products, must take into account (1) the frequency of solicitations for an item; if an item is solicited on a regular basis, the testing may allow the provider to participate in future solicitations; if the solicitation is unique or rare, more consideration should be given to allowing completion of the testing process for that procurement; (2) the length of time required to reasonably test the item to verify acceptability; and (3) the cost to Marin Transit of conducting a testing process.

#### 6.4.4 Selection Procedures

Marin Transit shall have written selection procedures that ensure fair, unbiased evaluation of competing offers for all types of competitive procurement transactions.

If Marin Transit intends to reserve its right to award to other than the low bidder or offeror, this information shall be stated in the solicitation document.

If Marin Transit intends to reserve its right to reject all bids or offers, this information shall be stated in the solicitation document.

#### 6.4.5 Amendments

Responses to any questions from prospective sources, or any amendments to the solicitation, shall be distributed to all parties known to have received the solicitation, and posted on the Marin Transit website. Should the amendment substantially change the terms of the solicitation, the period for receipt of offers shall be extended to allow offerors to revise their submittals accordingly.

#### 6.4.6 Invitation for Bid (IFB)

Bids in excess of the small purchase limit are publicly solicited through a formal Invitation for Bids (IFB) and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the IFB is lowest in price.

Competitive sealed bidding is the preferred method of procurement for acquiring property, construction, and other services.

#### 6.4.7 When to use IFB

A sealed bid (IFB) should be used when the following circumstances are present:

- A complete, adequate, precise, and realistic specification or purchase description is available.
- Two or more responsible bidders are willing and able to compete effectively for the business.
- The procurement generally lends itself to a fixed price contract.
- The successful bidder can be selected on the basis of price and those price-related factors listed in the solicitation including, but not limited to, transportation costs, life cycle costs, and discounts expected to be taken. Apart from responsibility determinations contractor selection may not be determined on the basis of other factors whose costs cannot be measured at the time of award.
- Discussions with one or more bidders after bids have been submitted are expected to be unnecessary as award of the contract shall be made based on price and price-related factors alone. However, a pre-bid conference with prospective bidders before bids have been received can be useful.

#### 6.4.8 IFB Procedures

The following procedures apply to sealed bid procurements:

- The invitation for bids is publicly advertised.
- Bids are solicited from an adequate number of known suppliers.
- The invitation for bids, including any specifications and pertinent attachments, describes the property or services sought in sufficient detail that a prospective bidder shall be able to submit a proper bid.
- Bidders are allowed sufficient time to prepare bids before the date of bid opening.
- All bids are publicly opened at the time and place prescribed in the invitation for bids.
- A firm fixed price contract is usually awarded in writing to the lowest responsive and responsible bidder, but a fixed price incentive contract or inclusion of an economic price adjustment provision can sometimes be appropriate. When specified in the bidding documents, factors such as transportation costs and life cycle costs affect the determination of the lowest bid; payment discounts are used to determine the low bid only when prior experience indicates that such discounts are typically taken.

- Any or all bids may be rejected if there is a sound, documented business reason.

#### 6.4.9 Single Bid

In the event that a single responsive bid is received from a responsible bidder, Marin Transit may negotiate with the bidder to ensure that a fair and reasonable price is obtained. If the responsive bid from the lowest responsible bidder exceeds available funds, Marin Transit may negotiate with the apparent low bidder to obtain a contract price within available funds, provided that Marin Transit has established, in writing conditions and procedures for such negotiations prior to issuance of the IFB and summarized them therein. Marin Transit may not, as part of a negotiation process, modify or alter the scope and specification defined in the IFB in a manner that might have attracted additional bidders if incorporated in the solicitation.

#### 6.4.10 Request for Proposal (RFP)

The competitive negotiation procurement process is conducted through a formal Request for Proposals (RFP). This method of procurement is generally used when the nature of the procurement does not lend itself to sealed bidding and Marin Transit expects more than one source shall be willing and able to submit an offer or proposal.

#### 6.4.11 When to use RFP

The competitive negotiation method (RFP) of procurement is appropriate when the following conditions exist:

- A complete, adequate, and realistic specification or purchase description is not available.
- The selection of the successful offeror requires consideration of factors other than price.
- Discussions with offerors are anticipated to be needed.

##### 6.4.11.1 Contract Type for RFP

Either a fixed price or cost reimbursable type contract may be awarded under this process.

##### 6.4.11.2 Evaluation Factors

Each RFP must include a description of the factors other than price by which proposals shall be evaluated. Evaluation factors and sub factors shall be listed in order of their relative importance. Evaluation factors

may include, but are not limited to, technical design, technical approach, length of delivery schedules, quality of proposed personnel, past performance, and management plan.

#### 6.4.13 Revised Proposals

The most common tool used by procurement officials in competitive negotiations is a request for a revised proposal. Typically, the deficiencies of a proposal are listed and explained. A complete revised proposal, including price (except under the Brooks Act) is requested from each offeror in the competitive range. Unless explicitly stated otherwise, the revised offer extinguishes the prior offer. The proposer should identify all changes in the revised offer. The submission of the revised offers can trigger another round of evaluations, determination of a new competitive range, and discussions. This cycle may be repeated as many times as necessary to obtain the most advantageous offers.

#### 6.4.14 Best and Final Offer

A best and final offer (BAFO) may be requested of each offeror in the competitive range at the conclusion of discussions (negotiations) with those offerors. A "best and final offer" is requested from those offerors in the competitive range. If the other offers have no viable chance of being made competitive by this time, a BAFO may be requested from only one proposer; recognizing that there is little competitive pressure under those circumstances. If any offeror does not respond to this request, their most recent offer shall be considered the best and final offer.

#### 6.4.15 Special Procurement Considerations

##### 6.4.15.1 Two-Step Procurement Procedures

This is a procurement method involving the submittal of unpriced technical proposals in the first step, and a price submittal in the second step. This method can be used in both sealed bid and competitively negotiated procurements.

The first step is a review of the prospective contractors' technical approach to Marin Transit's request and technical qualifications to carry out that approach. Marin Transit may then narrow the competitive range to prospective contractors that demonstrate a technically satisfactory approach and have satisfactory qualifications.

The second step consists of soliciting and reviewing complete bids (sometimes referred to as —two-step sealed bidding) or proposals

(as in —competitive negotiations), including price, submitted by each prospective contractor determined to be qualified. Absent exceptional circumstances, Marin Transit should attempt to solicit bids or proposals from at least three qualified prospective contractors. Unlike qualifications-based procurement procedures required for A&E services, Marin Transit shall consider all bid or proposal prices submitted as well as other technical factors, rather than limiting reviews to the most qualified bidder or offeror.

#### 6.4.15.2 Architectural and Engineering (A&E) and Other Professional Services

Marin Transit shall use qualification-based competitive proposal procedures based on the Brooks Act, of the United States Code.

Qualifications-based procurement procedures must be used not only when contracting for A&E services, but also for other services listed in 49 U.S.C. § 5325(b)(1) that are directly in support of, directly connected to, directly related to, or lead to construction, alteration, or repair of real property. For example, a contractor performing program management, project design, construction management, or engineering services in which that contractor would select the finished products to be acquired for an FTA assisted construction project must be selected through qualifications-based procurement procedures.

Marin Transit is prohibited by FTA from using qualifications-based procurement procedures to acquire other types of services if those services are not directly in support of, directly connected to, directly related to, or do not lead to construction, alteration, or repair of real property. Even if a contractor has performed services listed herein in support of a construction, alteration, or repair project involving real property, selection of that contractor to perform similar services not relating to construction may not be made through the use of qualifications-based procurement procedures.

A project involving construction does not always require that qualifications-based procurement procedures be used. Whether or not qualifications-based procurement procedures may be used depends on the actual services to be performed in connection with the construction project. For example, the design or fabrication of message signs, signals, movable barriers, and similar property that shall become off-the-shelf items or shall be fabricated and delivered as final end products for installation in an FTA assisted construction project are not services for which qualifications-based procurement procedures may be used. Nor are actual construction, alteration, or repair to real property the type of services for which qualifications-based procurement procedures may be used.

The following procedures apply to qualifications-based procurements:

- An offeror's technical qualifications are evaluated to determine contract award.
- Price is excluded as an evaluation factor.
- Negotiations are first conducted with only the most qualified offeror.
- Only after failing to agree on a fair and reasonable price may negotiations be conducted with the next most qualified offeror. Then, if necessary, negotiations with successive offerors in descending order may be conducted until contract award can be made to the offeror whose price Marin Transit believes to be fair and reasonable.

When no Federal funds are involved in funding a procurement for professional services, Marin Transit shall comply with the requirements of California Government Code §4525, which defines a process similar to the Brooks Act to be used for all professional service procurements.

#### 6.4.15.3 Design Build

The design-build procurement method consists of contracting for design and construction simultaneously with contract award to a single contractor, consortium, joint venture, team, or partnership that shall be responsible for both the project design and construction. Information on selecting the appropriate procurement method and selection process can be found in FTA Circular 4220.1F pages VI-14-VI-16.

Design build projects must also comply with any State of California Requirements.

#### 6.4.16 Sole Source

Non-competitive (sole source) procurements are accomplished through solicitation and acceptance of a proposal from only one source. A contract amendment or change order that is not within the scope of the original contract is considered a sole source procurement that must comply with this section. Guidance as to what is “outside the scope” of a contract may be found in section 1.2 of this document.

##### 6.4.16.1 Justification for Sole Source

Sole source procurement may be used when only one source is practicably available, and the award of a contract is infeasible under competitive small purchase procedures, sealed bids, or proposals and at least one of the following circumstances applies:



The item is available only from one responsible source because:

- It involves a unique or innovative concept or capability not available from another source. Unique or innovative concept means a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted and is available to Marin Transit only from one source and has not in the past been available to Marin Transit from another source.
- Patents or Restricted Data Rights. Patent or data rights restrictions preclude competition.
- Substantial Duplication Costs. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition.
- Unacceptable Delay. In the case of a follow-on contract for the continued development or production of highly specialized equipment or major component thereof, award to another contractor would result in unacceptable delays in fulfilling Marin Transit's needs.
- A single bid or proposal was received in response to a solicitation and competition was determined to be inadequate.
  - Adequate Competition. Competition is adequate when the reasons for few responses were caused by conditions beyond Marin Transit's control. Many unrelated factors beyond the District's control might cause potential sources not to submit a bid or proposal. If the competition can be determined adequate, the competition requirements shall be fulfilled, and the procurement shall qualify as a valid competitive award.
  - Inadequate Competition. Competition is inadequate when, caused by conditions within the District's control. For example, if the specifications used were unduly restrictive.
- An unusual and urgent need for the property or services exists such that Marin Transit would be seriously injured unless it were permitted to limit the solicitation. Marin Transit may also limit the solicitation when an urgent public need or emergency shall not permit a delay resulting from competitive solicitation for the property or services.

- FTA authorizes noncompetitive negotiations (e.g., in the original grant application and approval process).
- Substantial Duplication Costs. In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition.

Sole source is not justified based on a failure to plan.

#### 6.4.16.2 Documentation

When less than full and open competition is available the following procedures apply:

- A written sole source justification must be prepared justifying the decision based on the criteria in section 6.4.16 above.
- A cost analysis must be prepared or obtained verifying the proposed cost data, the projections of the data, and the evaluation of the costs and profits.

#### 6.4.17 Options

An option is a unilateral right in a contract by which, for a specified time, Marin Transit may elect to purchase additional or alternative equipment, supplies, or services called for by the solicitation and/or contract, or may elect to extend the term of the contract. The use of options must be limited to quantities of goods or services that are reasonably anticipated to be required by Marin Transit during the term of the contract; options may not be included solely with the intent of assigning them to another entity in the future; however, contracts may include a provision allowing assignment to other agencies in the event of a change in Marin Transit's anticipated requirements, in accordance with FTA regulations and guidance.

The option quantities or periods must be defined in the solicitation; contained in the offer upon which a contract is awarded; and evaluated as part of the initial award process; i.e., the options must be evaluated in combination with prices for the base quantity to determine the low bidder. When an option has not been evaluated to determine the low bidder for award of the contract, exercise of the option shall be considered a sole source procurement and must be justified as such.

The exercise of an option must be in accordance with the terms and conditions of the option as stated in the initial contract, and an option may not be exercised unless it is determined that the option price is

better than prices available in the market or that the option is the more advantageous offer at the time the option is exercised, cost and other factors considered.

If sequential options (e.g., a series of one-year extensions) exist, the failure to timely and properly exercise any option shall void all subsequent options.

Marin Transit may exercise options in contracts of other public agencies (“piggybacking”) in accordance with FTA regulations and guidance. This process requires the following:

- A documented verification that the contract containing the option was procured in accordance with all FTA requirements, including obtaining copies of the relevant documents from the procuring agency.
- A separate contract or purchase order should be entered into between the vendor and Marin Transit.
- Where purchases are made from State or local purchasing schedules or contracts which do not include all FTA requirements, the necessary contract terms, representations and certifications may be added by agreement of the parties. However, the contract may not be modified to substantively change the product or services being acquired.

#### 6.4.18 Electronic Commerce

Marin Transit may employ electronic commerce to conduct procurements; specifically electronic bidding or reverse auctions. In advance of using this procurement method written procedures must be established in compliance with FTA Circular 4220.1F, Chapter III, §3. f.

#### 6.5 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

(a) Marin Transit must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

## **7 CONTRACT COST AND PRICE ANALYSIS**

### **7.1 Requirement**

A cost or price analysis must be performed for every FTA-funded procurement action, including change orders in excess of the Simplified Acquisition Threshold of \$150,000. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation. FTA's "Pricing Guide for Grantees" provides guidance in performing the appropriate degree of cost or price analysis.

### **7.2 Independent Cost Estimate**

Any cost or price analysis must be based on an independent cost estimate, which should be developed before a solicitation is issued, but in no event after the receipt of bids or proposals. For change orders, the independent estimate must be prepared without knowledge of the contractor's proposed pricing.

### **7.3 Cost Analysis**

A cost analysis must be performed when the offeror is required to submit the elements (i.e., labor hours, overhead, materials, etc.) of the estimated cost. A cost analysis is not required when the pricing reflects a catalog or market price of a commercial product sold in substantial quantities to the general public or is based on prices set by law or regulation.

A cost analysis shall be necessary when adequate price competition is lacking, including sole source procurements (including change orders), unless

price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or on the basis of prices set by law or regulation. Where change orders involve items for which unit prices are included in the contract, a cost analysis is not required.

Profit is to be negotiated as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration should be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, and industry profit rates in the surrounding geographical area for similar work.

Costs or prices based on estimated costs for contracts shall be allowable only to the extent that costs incurred, or cost estimates included in negotiated prices are consistent with Federal cost principles allowable under Subpart E—Cost Principles of Part 200—Uniform Administrative Requirements, Cost Principles, and Audit Requirements For Federal Awards Price Analysis

A price analysis looks at the price as a whole without examination of its various components.

Several techniques may be used in performing a price analysis:

- Comparing prices to those obtained for previous procurements.
- Comparing prices to those obtained by other agencies for like items.
- Comparing the range of prices received for the procurement involved, a price more than 10 percent higher or lower than the other prices received may raise questions as to whether the bidder interpreted the bid requirements differently than did the other bidders and may render the bid price unreasonable.
- Requiring each bidder to certify that the prices offered are no higher than those charged other customers for items of similar quality and quantity.

A price analysis may be used in all instances where a cost analysis is not required to determine the reasonableness of the proposed contract price.

Adequate price competition may be determined to exist when the perception of competition exists, even if only one bid or proposal is received; conversely, the receipt of multiple bids or proposals with widely differing prices may not constitute adequate price competition.

## **8 CONTRACT PROVISIONS**

### **8.1 Federal Contract Provisions**

To the greatest extent possible, Marin Transit shall employ appropriate standard contract provisions for each type of procurement. Contract provisions are usually contained in a set of General Conditions, which are standard for all procurements of that type, and in a set of Special Provisions, which are customized to either: add to, delete, or modify portions of the General Conditions. Each contract shall include all Federally-mandated provisions, in accordance with the matrix contained in FTA Procurement Circular 4220.1F (“Circular”), Appendix D, and in Appendix A to the FTA Best Practices Procurement Manual, (“BPPM”).

## 8.2 Disadvantaged Business Enterprise (DBE)

In accordance with Marin Transit’s Disadvantaged Business Enterprise Policy, DBE firms shall have an opportunity to participate in awards of contracts and subcontracts. Solicitations shall state if there is a DBE goal for the project, and outreach shall be made to DBE firms and the DBE community.

## 8.3 Liquidated Damages

Marin Transit may use liquidated damages when it reasonably expects to suffer damages through delayed contract completion or lack of contractor performance. The rate and measurement standards shall be calculated to reasonably reflect Marin Transit’s costs should the standards not be met and shall be specified in the solicitation and contract. The assessment for damages is often established at a specific rate per day for each day beyond the contract’s delivery date or performance period. A measurement other than a day or another period of time, however, shall be established if that measurement is appropriate. The procurement file should include a record of the calculation and rationale for the amount of damages established. Any liquidated damages recovered on a Federally-funded project must be credited to the project account involved unless FTA permits otherwise.

## 8.4 Bonding Requirements

### 8.4.1 Construction

Marin Transit shall require bid, performance, and payment bonds in compliance with requirements for construction-related procurements as defined in FTA Circular 4220.1F, Chapter IV, §2. h, if Federal funds are involved. FTA requires, for all construction contracts in excess of the Federal small purchase threshold (currently \$150,000), that the contractor provide a bid bond equal to 5 percent of the bid amount; a performance bond for 100 percent of the contract price; and a payment bond equal to 100 percent of the contract price. A payment bond is executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided

for in the contract. On award, the security of an unsuccessful bidder shall be returned in a reasonable period of time, but in no event shall that security be held by the District beyond 60 days from the time the award is made.

#### 8.4.2 Non-Construction

For non-construction contracts, bonding requirements are discouraged except where applicable law or regulation provides for such bonding, or Marin Transit determines that such a requirement is necessary as part of the overall risk management plan for a project. In making this determination, consideration should be given to the additional project costs to be expected, and the potential effect of limiting the vendor pool.

#### 8.4.3 Alternate Method of Security

To the extent permitted by applicable law and regulation, Marin Transit may permit substitution of cash, a cashier's check made payable to the district, a certified check made payable to the district, or a bond executed by an admitted surety insurer made payable to the district.

No bond may be required unless the requirement is specifically identified in the solicitation document.

#### 8.5 Industry Contracts

Marin Transit shall take special care when using an industry developed contract or contract that is provided by a bidder or offeror. Not only may that contract lack the required Federal provisions, but its terms may also be unfavorable to Marin Transit. This policy does not prohibit the use of industry forms, specifications, or contract terms when their use would benefit the District and would accommodate Federal requirements.

#### 8.6 Levine Act

All solicitations shall include the following statement:

*California Government Code § 84308, commonly referred to as the "Levine Act," precludes an officer of a local government agency from participating in the award of a contract if he or she receives any political contributions totaling more than \$250 in the 12 months preceding the pendency of the contract award, and for three months following the final decision, from the person or company awarded the contract.*

#### 8.7 Non-Collusion Declaration

California PUC Section 7106 requires bidders on all public works contracts to declare under penalty of perjury that the bidder has not participated in various

collusive activities. This declaration is required for every bid on every public works contract. This declaration must also include a representation that the person executing the declaration on behalf of a corporation or other entity is fully empowered to execute the declaration.

## 8.8 Payment Provisions

### 8.8.1 Advance Payments

The use of FTA funds for payments in advance of the incurrence of costs by the contractor is generally prohibited, without prior written approval from FTA. FTA does permit advance payments from FTA funds for those purchases where advance payment is customary in the commercial marketplace such as utility services, rents and subscriptions. FTA approval of such advance payments is required when the amount exceeds \$100,000. Marin Transit should not make advance payments using other funds (including local match funds) except where (a) it is customary in the industry, or (b) there are sound business reasons (e.g. to enable a more cost-effective pricing structure) for doing so; in the latter case, the file shall be documented to fully justify the advance payment. In making this determination, consideration should be given to factors such as the additional cost of requiring a vendor to fund the purchase of costly equipment and materials for a custom-built piece of equipment, and the potential for restricting competition.

### 8.8.2 Progress Payments

Progress payments are to be made only for costs incurred and value received in the performance of the contract. "Value received" requires that Marin Transit must obtain title or other adequate security interest in the items paid for in the progress payment, through a bill of sale, or other documented security interest sufficient to establish ownership and exclude the items from any bankruptcy or other seizure of assets. In the case of studies or design contracts, this requirement may be satisfied by receipt and acceptance of a preliminary or final document. A contract involving progress payments must specify that all documents, designs, working papers and other materials for which a progress payment is made, complete or incomplete, become the property of Marin Transit. Progress payments for construction contracts may be made on a percentage of completion basis; this method may not be used for non-construction contracts.

## **9 RECEIPT AND EVALUATION OF BIDS AND PROPOSALS**

### 9.1 Sealed Bids

Sealed bids must be received prior to the exact time specified in the IFB. Late bids are not acceptable and shall be returned to the bidder unopened. The



envelope of each bid received shall be stamped with the date and time of receipt, to verify timeliness. Bids shall be publicly opened, and the bid prices read. Each bid should be recorded in writing, including the name of the bidder and the bid price.

### 9.2 Competitive Proposals

Proposals must be received prior to the exact time specified in the RFP. Proposals are not publicly opened. A list of proposals shall be made available, including the name of the proposer and the number of copies received.

### 9.3 Responsiveness Review

Both bids and proposals are subject to requirements of responsiveness. Usually the requirement of responsiveness for a bid is more complex than for a proposal. This is because a bid is “locked in” at the time of receipt, and proposals are subject to discussions and negotiations. As a result, many items required with a sealed bid need not be submitted with a proposal. Responsiveness looks at the submittal as of the time it was received, and an offeror cannot later correct a deficiency. Any defect in an area of responsiveness requires the rejection of the bid or proposal. Consequently, only items essential to the award should be specified as matters of responsiveness. The submittal of product samples, for example, is usually better treated as a matter of responsibility. Generally, matters of responsiveness include timeliness of receipt, proper signatures for a commitment by the offeror to provide the items solicited, required DBE submittals, and, where required, bid bonds. Proper completion of the pricing form is a matter of responsiveness for sealed bids; any exception to the terms and conditions of an IFB renders a bid non-responsive.

### 9.4 Responsibility Review

Contractors must be capable of successfully performing under the terms and conditions of the proposed contract. The responsibility review considers the following:

- **Technical Capacity:** The necessary organization, experience, accounting, and operational controls, and technical skills, or the ability to obtain them to perform the project successfully within the allocated time. This evaluation looks at the contractor’s staffing, management systems, equipment, and ability to accurately track costs and submit proper invoices. Possession of any required licenses should also be verified.
- **Financial Resources:** The necessary capital to finance the contract performance. This evaluation looks at the contractor’s financial statements, banking relationships and financial and credit history. Prior financial difficulties or even bankruptcies do not necessarily render a

contractor non-responsible but require a deeper look at its current financial situation.

- Past Performance: Any prior default or other failure to complete a contract should be investigated.
- Integrity and Ethics: Compliance with applicable laws and regulations, including affirmative action and DBE requirements, and other public policies. Any debarment or suspension at the Federal or State level should be investigated; Marin Transit shall not award a contract to a firm currently debarred or suspended by the Federal government or the State of California. The file for every procurement above the small purchase limit shall include documentation that the awardee is not listed on the U.S. General Services Administration's Excluded Parties List System or the State of California Department of Labor Standards Enforcement (DLSE) list of debarments found at <http://www.epls.gov> .

## 9.5 Evaluations

### 9.5.1 General

When evaluating bids or proposals, all evaluation factors specified in the solicitation documents should be considered, and the bids or offers should only be evaluated based on the evaluation factors included in those solicitation documents. Evaluation factors may not be modified after bids or proposals have been submitted without re-opening the solicitation.

### 9.5.2 Options

In awarding the contract that shall include options, the following standards apply:

- Evaluation Required. In general, Marin Transit shall evaluate bids or offers for any option quantities or periods contained in a solicitation if it intends to exercise those options after the contract is awarded.
- Evaluation Not Required. Marin Transit need not evaluate bids or offers for any option quantities if it determines that evaluation would not be in its best interests. An example of a circumstance that may support this determination not to evaluate bids or offers for option quantities is when Marin Transit is reasonably certain that funds shall not be available to permit it to exercise the option.

### 9.5.3 Evaluators

In addition to evaluators with experience in technical or public policy matters related to the procurement, other evaluators may also include auditors and financial experts to the extent that Marin Transit determines

would be necessary or helpful. Evaluation duties may be assigned to Marin Transit staff or to outside (including contracted) evaluators based on the proposal complexity and size.

## **10 CONTRACT ADMINISTRATION**

### **10.1 Contract Administration**

Contract administration ensures that Marin Transit and its contractors comply with the terms, conditions, and specifications of their contracts and applicable Federal, State and local requirements.

### **10.2 File Contents**

For sealed bid procurements and competitive negotiations, the contract administration file should include the following:

- The executed contract and notice of award;
- Performance and payment bonds, bond-related documentation, and correspondence with any sureties;
- Contract-required insurance documentation;
- Post-award (pre-performance) correspondence from or to the contractor or other Governmental agencies;
- Notice to proceed;
- Approvals or disapprovals of contract submittals required by the contract and requests for waivers or deviations from contractual requirements;
- Modifications/changes to the contracts including the rationale for the change, change orders issued, and documentation reflecting any time and or increases to or decreases from the contract price as a result of those modifications;
- Documentation regarding settlement of claims and disputes including, as appropriate, results of audit and legal reviews of the claims and approval by the proper authority (i.e., city council, board of directors, executive director) of the settlement amount;
- Documentation regarding stop work and suspension of work orders and termination actions (convenience as well as default); and
- Documentation relating to contract close-out.

For small purchases and micro-purchases documentation may only need to consist of standard purchasing documents.

## **11 CHANGE ORDERS**

### **11.1 Definition**

A change order means an order authorized by Marin Transit directing the contractor to make changes, pursuant to contract provisions for such changes, with or without the consent of the contractor. There are two general types of change orders: (1) changes within the general scope of the contract; and (2) cardinal changes. A cardinal change means a major deviation from the original purpose of the work or the intended method of achievement, or a revision of contract work so extensive, significant, or cumulative that, in effect, the contractor is required to perform very different work from that described in the original contract. (An example of the difference would be a contract to build a garage: adding a window would be within the general scope of the contract, while adding a house would not.) A cardinal change can also be created by a series of incremental change orders that have the cumulative effect of changing the scope beyond the original intent of the parties. See section 3.6.4 for changes which are impermissible under Federal contracting requirements.

### **11.2 Submittal**

Change orders may be initiated by either Marin Transit or the contractor. In either case, the formal process begins with a request by Marin Transit for the contractor to submit a proposal identifying both the scope and cost of the proposed change. The request should be detailed enough for the contractor to submit a firm fixed price, or hourly rates on a not-to-exceed basis if the original contract was on a reimbursable-cost basis. If the proposed change shall affect the contract's insurance requirements, the change should be addressed in the request for a change proposal. Occasionally in construction, the precise scope of the work cannot be reasonably determined until the work is undertaken; in those cases, the change order may be issued on the basis of payment for time and materials, including a markup for overhead and profit. This pricing formula, however, should be used only when absolutely necessary, and the scope should only extend to the point where a firm price can be established.

### **11.3 Evaluation**

The contractor's proposal should be reviewed and approved using the same evaluation process as was used in determining contractor responsiveness and responsibility in the original contract award. Responsiveness would address primarily whether the changed proposal adequately addresses the requested scope; responsibility issues would include price reasonableness (a cost or price analysis is required for every contract action, including change orders), schedule impacts; impact on the DBE goal, and the qualifications of the personnel or subcontractors proposed to perform the work. If the change

is outside the scope of the contract, it is considered a sole source procurement, and must be justified as such. Marin Transit must investigate whether other sources for the changed work are reasonably available and document the file accordingly. The same process should be followed for in-scope changes if the contractor's price cannot be determined to be fair and reasonable. Change orders are subject to negotiation.

#### 11.4 Documentation

A separate file for change orders containing the documentation described above must be maintained as part of the procurement record.

### **12 CONTRACT CLOSEOUT**

Prior to authorizing final payment on a project, it should be established that the work under the contract has been completed and the contract is ready for closeout. A contract is complete only after all deliverable items and services called for under the contract have been delivered and accepted by Marin Transit. These deliverable items include such things as reports, spare parts, warranty documents, and proof of insurance (where required by the contract terms).

## APPENDIX A –

**APPLICABILITY OF THIRD-PARTY CONTRACT CLAUSES**  
*(excluding micro-purchases, except for construction contracts over \$2,000)*

CLAUSE	TYPE OF PROCUREMENT				
	Professional Services/A&E	Operations/ Management/ Subrecipients	Rolling Stock Purchase	Construction	Materials & Supplies
No Federal government obligations to third parties by use of a disclaimer	All	All	All	All	All
Program fraud and false or fraudulent statements and related acts	All	All	All	All	All
Access to Records	All	All	All	All	All
Federal changes	All	All	All	All	All
Civil Rights (EEO, Title VI & ADA)	All	All	All	All	All
Incorporation of FTA Terms	All	All	All	All	All
Energy Conservation	All	All	All	All	All
Termination Provisions (not required of states)	>\$10,000	>\$10,000	>\$10,000	>\$10,000	>\$10,000
Debarment and Suspension	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000
Buy America			>\$150,000	>\$150,000	>\$150,000 (for steel, iron, manufactured products)
Provisions for resolution of disputes, breaches, or other litigation	>\$150,000 (see Note)	>\$150,000 (see Note)	>\$150,000 (see Note)	>\$150,000 (see Note)	>\$150,000 (see Note)
Lobbying	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Air	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Water	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Cargo Preference			Involving property that may be transported by ocean vessel	Involving property that may be transported by ocean vessel	Involving property that may be transported by ocean vessel

**APPLICABILITY OF THIRD-PARTY CONTRACT CLAUSES**  
(excluding micro-purchases, except for construction contracts over \$2,000)

CLAUSE	TYPE OF PROCUREMENT				
	Professional Services/A&E	Operations/ Management/ Subrecipients	Rolling Stock Purchase	Construction	Materials & Supplies
<i>Fly America</i>	<i>Involving foreign transport or travel by air</i>	<i>Involving foreign transport or travel by air</i>	<i>Involving foreign transport or travel by air</i>	<i>Involving foreign transport or travel by air</i>	<i>Involving foreign transport or travel by air</i>
<i>Davis Bacon Act</i>				<i>&gt;\$2,000 (including ferry vessels)</i>	
<i>Copeland Anti-Kickback Act Section 1 Section 2</i>				<i>All &gt;\$2,000 (including ferry vessels)</i>	
<i>Contract Work Hours &amp; Safety Standards Act</i>		<i>&gt;\$100,000</i>	<i>&gt;\$100,000</i>	<i>&gt;\$100,000 (including ferry vessels)</i>	
<i>Bonding (not required of states)</i>				<i>&gt;\$100,000 (including ferry vessels)</i>	
<i>Seismic Safety</i>	<i>A&amp;E for new buildings &amp; additions</i>			<i>New buildings &amp; additions</i>	
<i>Transit Employee Protective Arrangements</i>		<i>Transit operations funded with Section 5307, 5309, 5311 or 5316 funds</i>			
<i>Charter Service Operations</i>		<i>All</i>			
<i>School Bus Operations</i>		<i>All</i>			
<i>Drug and Alcohol Testing</i>		<i>Transit operations funded with Section 5307, 5309 or 5311 funds</i>			
<i>Patent Rights</i>	<i>Research &amp; development</i>				

**APPLICABILITY OF THIRD-PARTY CONTRACT CLAUSES**  
*(excluding micro-purchases, except for construction contracts over \$2,000)*

<b>CLAUSE</b>	<b>TYPE OF PROCUREMENT</b>				
	<b>Professional Services/A&amp;E</b>	<b>Operations/ Management/ Subrecipients</b>	<b>Rolling Stock Purchase</b>	<b>Construction</b>	<b>Materials &amp; Supplies</b>
<i>Rights in Data and Copyrights requirements</i>	<i>Research &amp; development</i>				
<i>Special DOL EEO clause for construction projects</i>				<i>&gt;\$10,000</i>	
<i>Disadvantaged Business Enterprises (DBEs)</i>	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>	<i>All</i>
<i>Prompt Payment</i>	<i>All if threshold for DBE program met</i>	<i>All if threshold for DBE program met</i>	<i>All if threshold for DBE program met</i>	<i>All if threshold for DBE program met</i>	<i>All if threshold for DBE program met</i>
<i>Recycled Products</i>		<i>Contracts for items designated by EPA, when procuring \$10,000 or more per year</i>		<i>Contracts for items designated by EPA, when procuring \$10,000 or more per year</i>	<i>Contracts for items designated by EPA, when procuring \$10,000 or more per year</i>
<i>ADA Access</i>	<i>A&amp;E</i>	<i>All</i>	<i>All</i>	<i>All</i>	
<i>Special Notification Requirements for States</i>	<i>Limited to states</i>	<i>Limited to states</i>	<i>Limited to states</i>	<i>Limited to states</i>	<i>Limited to states</i>



## APPENDIX B – FEDERAL CERTIFICATIONS REPORTS AND FORMS

CERTIFICATIONS, REPORTS, AND FORMS	COMMENTS
Bus Testing Certification	All procurements of new model transit buses and vans and existing models being modified with major changeover changes.
TVM Certification	All rolling stock procurements.
Buy America Certification	Procurements of steel, iron or manufactured products exceeding \$100,000.
Pre-award Review	FTA Annual Certification for any rolling stock procurement.
Pre-award Buy America Certification	Rolling stock procurements exceeding \$100,000.
Pre-award Purchaser's Requirement	All rolling stock procurements.
Post Delivery Review	FTA Annual Certification for any rolling stock procurement.
Post Delivery Buy America Certification	Rolling stock procurements exceeding \$100,000.
Post Delivery Purchaser's Requirement	All rolling stock procurements to the extent required by Federal law and regulations.
On-Site Inspector's Report	Rolling stock except for procurements of: <ul style="list-style-type: none"> <li>• 10 or fewer vehicles</li> <li>• 20 or fewer vehicles serving rural areas or small urbanized areas</li> <li>• Any amount of primary manufactured standard production and unmodified vans that after visual inspection road testing meet the contract specifications</li> </ul>
Federal Motor Vehicles Safety Standards Pre-award Review and Post Delivery	Motor vehicle procurements
Lobbying	Procurements exceeding \$100,000
Standard Form LLL and Quarterly Updates (when required)	Procurements exceeding \$100,000 where contractor engages in lobbying activities.



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October 5, 2020

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Marin Transit Free Fare Promotional Campaign  
During 2020 Election**

Dear Board Members:

**board of directors**

dennis rodoni  
president  
supervisor district 4

kate colin  
vice president  
city of san rafael

judy arnold  
2nd vice president  
supervisor district 5

damon connolly  
director  
supervisor district 1

eric lucan  
director  
city of novato

katie rice  
director  
supervisor district 2

kathrin sears  
director  
supervisor district 3

**RECOMMENDATION:** Authorize staff to develop and implement a Countywide promotional campaign to offer free fares during the national election from October 31 through November 3, 2020.

**SUMMARY:**

In May 2020, your Board authorized staff to develop a one-day promotional campaign to offer free fares during the national election on November 3, 2020. Due to COVID-19 pandemic, County of Marin Elections Department has reduced the number of polling places throughout the county and extended the Election Day and polling places will be open for four days. The polling locations will be open from October 31 through November 3, 2020.

Based on this change, staff recommends extending the fare free promotional campaign to a four-day countywide campaign that offers voters a free transportation option to the polls. These are the advantages of the extension of the Fare Free Election campaign:

- The four-day campaign will distribute the rider demand over four days rather than one single day, and minimize the risk of capacity constraints due to required physical distancing and potential pass-ups;
- The free fare days will provide a touchless boarding process without the need to navigate fare payment and reduce dwell times at bus stops; and
- Free fares will eliminate a potential barrier for riders and provide an additional incentive for voters to take public transit to polls.

Staff recommends that your Board authorize Marin Transit to develop and implement a countywide promotional campaign to offer free fares during the four days of the November election from October 31 through November 3, 2020. Demand response services (paratransit, Catch-A-Ride, Dial-A-Ride, and Connect) will be exempt from the free fare offerings.

If approved by your Board, Marin Transit will work closely with its On-Call Outreach and Marketing Consultant to develop a detailed strategy and timeline to implement the campaign and coordinate with partners to cross-promote transit services during the November election. Staff will monitor performance on the fare free days and evaluate the impact on operations.

**FISCAL/STAFFING IMPACT:** Staff estimates that this promotional campaign will cost the District \$25,800. This amount includes the anticipated loss in fare revenue and administrative support. The anticipated loss in fare revenue is based on projected ridership and fare revenues during the COVID-19 pandemic. The calculation assumes ridership at 60 percent of normal with a corresponding 40 percent decline in fare revenue. The table below shows the estimated cost for each element of the four-day campaign.

Item	Free Ride to Election Polls (Oct 31 through Nov 3, 2020)
Fare Revenue loss	\$13,800
Staff Time, Consulting Support, Marketing and Direct Costs	\$12,000
<b>Total</b>	<b>\$25,800</b>

Staff's initial estimate for a one-day fare-free campaign for Election Day 2020 was \$12,600. The additional cost and fare revenue loss from the four-day campaign is within Marin Transit's adopted budget.

Respectfully submitted,



Aida Banihashemi  
Planning Manager



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October 5, 2020

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Electric Bus Pilot Project Results and Analysis**

Dear Board Members:

**board of directors**

dennis rodoni  
president  
supervisor district 4

kate colin  
vice president  
city of san rafael

judy arnold  
2nd vice president  
supervisor district 5

damon connolly  
director  
supervisor district 1

eric lucan  
director  
city of novato

katie rice  
director  
supervisor district 2

kathrin sears  
director  
supervisor district 3

**RECOMMENDATION:** Accept report.

**SUMMARY:**

On November 21, 2016, your Board approved the purchase of two BYD Battery Electric Buses for a pilot project for Marin Transit staff and contractors to gain experience with this developing technology. Though the buses arrived in late September 2018, the buses were not put in service until July 2019 due to manufacturing issues. This report focuses on the performance of the two electric buses from July 1, 2019 to June 30, 2020 towards meeting the goals of the pilot program. These include performance metrics, reliability, cost, and scalability.

**BACKGROUND:** The two BYD buses are maintained and operated by Golden Gate Transit. Each vehicle was initially scheduled for no more than 80 miles per day to ensure they operated within the identified maximum vehicle range. Experience quickly indicated that the vehicles could travel farther. The vehicles operated on routes and “work blocks,” or vehicle assignments, as specified by Marin Transit and scheduled by Golden Gate Transit. Generally, they were scheduled during peak hours for a morning and/or an afternoon shift. The vehicles mostly operated on Routes 23X/29 and traveled within Central Marin at relatively low speeds. The vehicles also operated on Routes 17, 23, and 71X, with higher service speeds and longer distances. These routes operate on a relatively flat terrain.

Staff used an onboard monitoring software, Viriciti, to collect the data used in this report. Golden Gate Transit staff provided maintenance and energy cost data.

*Route Profiles*

The vehicles most frequently operated in service on Routes 23, 23X and 29. These routes have an elevation change of 96 meters. Average speed on these routes is around 16 mph. Staff expected that these routes would support the best performance due to lower speeds, and more stopping that allows for regenerative braking.

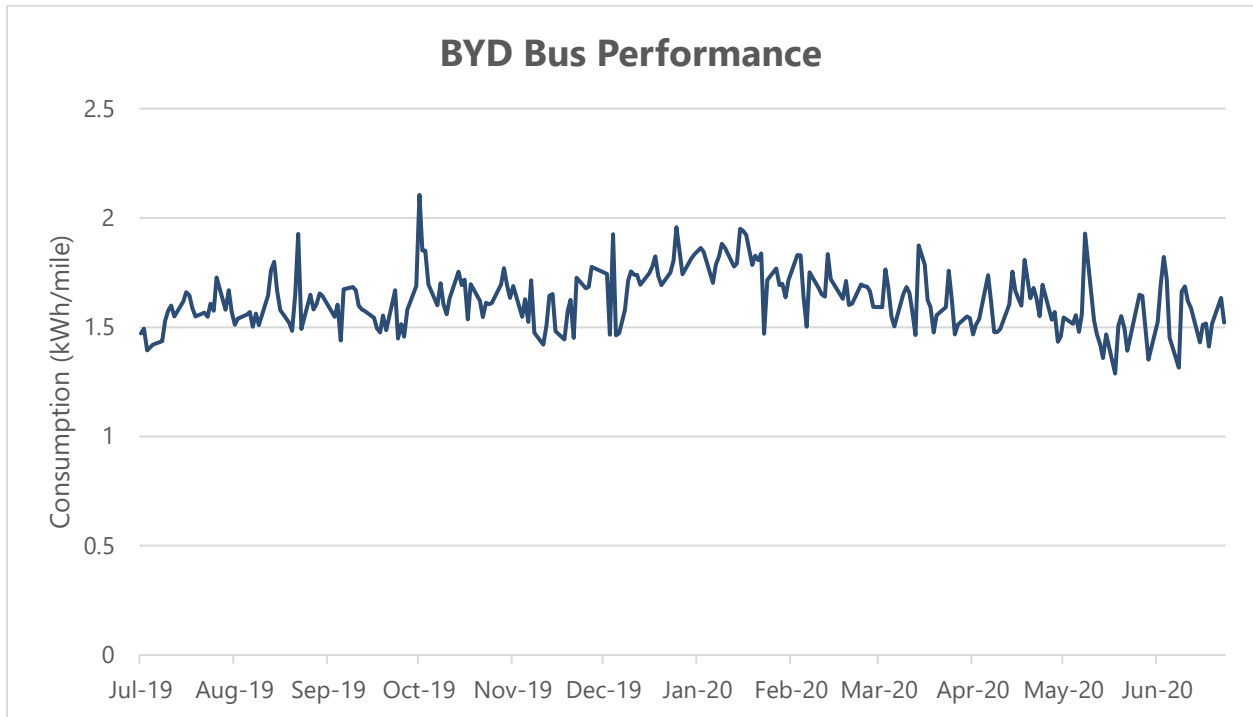
Route 17 extends from San Rafael to Sausalito through Mill Valley. This is the flattest route that the buses travel with an elevation change of 60 meters. Average speed on this route is 19 mph.

Route 71X is an express route that provides service between Novato and Sausalito. This route travels the highest speeds at up to 60 mph on US Highway 101 and averages 30 mph over the course of the trip. The 71X is also relatively flat with a total elevation change of about 80 meters. Staff anticipated that this route would have the worst performance due to the higher speeds and fewer number of stops to recover energy through regenerative braking.

Maps for each of these routes are included as an attachment to this report.

**PERFORMANCE:** Marin Transit evaluated several factors to identify their impact on the performance of the buses. For this study, performance is measured by the consumption of energy used to travel a mile. Unless specified, staff combined data for both buses for this analysis. The average performance of the buses for the period is shown in Figure 1 below. When the bus consumes less energy, that indicates that is traveling more efficiently. Higher energy consumption indicates less efficiency. The average vehicle performance was 1.63kWh/mile, giving the vehicles a theoretical range of 133 miles assuming usage of 80% of the battery capacity. In comparison, the vehicle manufacture advertised a range for the vehicles of 145 miles.

**Figure 1 – Bus Performance**



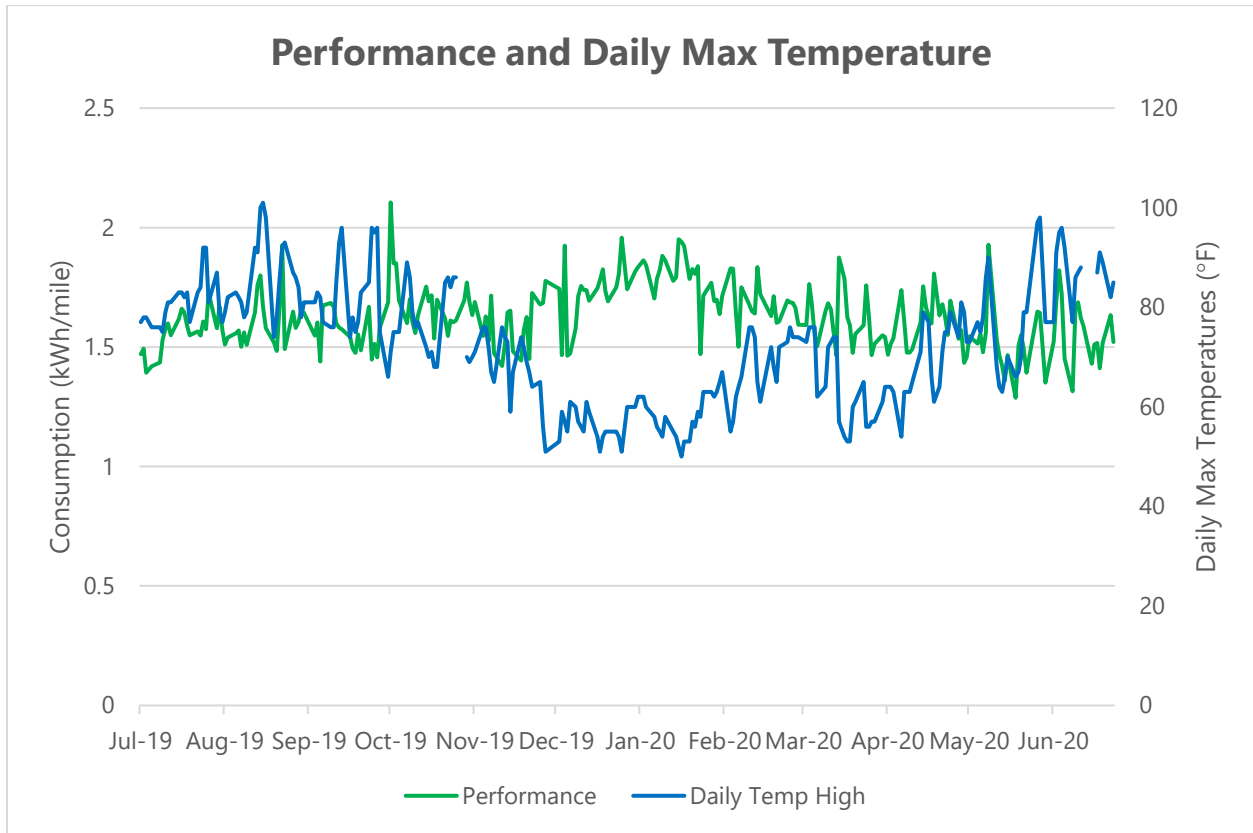
*Temperature*

HVAC systems such as heating and air conditioning impact the performance of battery electric buses due to the additional energy they require. To analyze HVAC impacts, staff used average daily consumption in kWh per mile compared to daily temperature highs (Figure 2). Staff expected that higher summer temperatures will lower energy consumption and improve performance because the heater would not be in use. When graphed, this result would provide

a mirror image of daily temperature highs and consumption per mile. Figure 2 shows this relationship from December 2019 to April 2020, the coldest months of the year. The rest of the year, the opposite appears to be true. This is likely due to the impact of the air conditioner on the battery.

Over the coldest months, heater use appears to reduce efficiency by 0.09kWh or approximately seven miles per charge.

**Figure 2 – Performance vs. Daily Max Temperature**



**Speed and Elevation**

Staff found that speed and elevation do not significantly impact performance. The pilot project included routes with limited elevation changes. Therefore, the pilot was not a good test of elevation impacts on every efficiency. During the pilot, speed did vary between highway and neighborhood operations. However, no relationship was found between average speed and power consumption. Initial findings related to speed and elevation indicate that acceleration and road incline may have more significant impacts on vehicle performance than speed and elevation. Staff need additional data to confirm this finding.

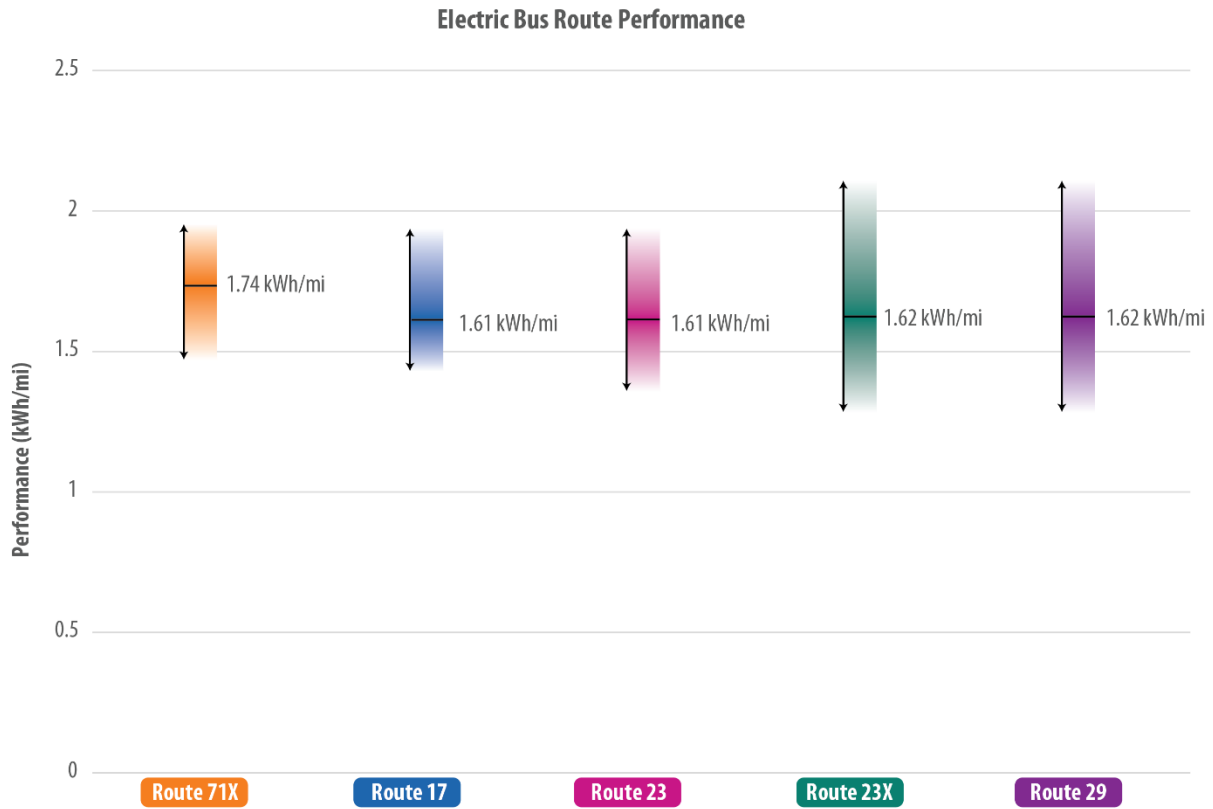
**Routing**

The black horizontal line in Figure 3 below shows the average performance of the buses on different routes. The arrows extend to the minimum and maximum performance noted during the period of study.

The buses primarily traveled on Routes 23X and 29 in a combined vehicle work block. While the average is very similar to performance on Routes 23 and 17, the 23X and 29 combination

resulted in the widest range in vehicle performance. Route 71X has the highest consumption rate average at 1.74 kWh/mile. This matches staff predictions that the vehicles would have the poorest performance on the 71X. However, the wide range of energy consumption patterns on Routes 23X and 29 indicate that there are additional factors influencing performance.

Figure 3 – Performance vs. Vehicle Routing



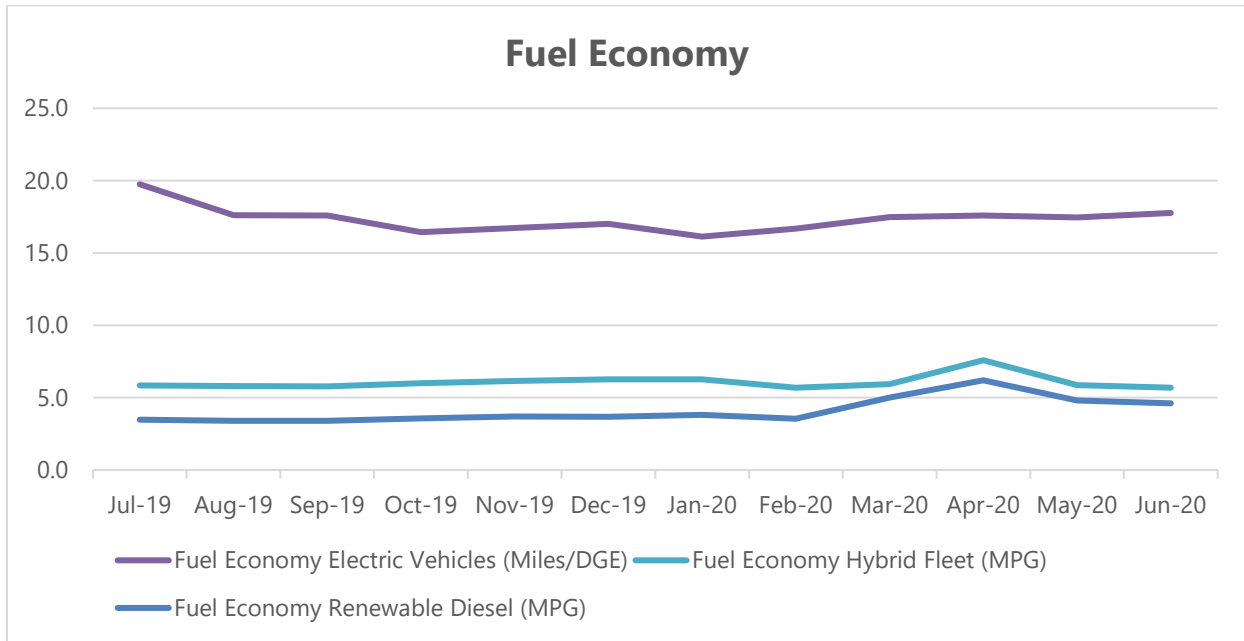
**Vehicle Operator**

The bus industry acknowledges that the vehicle operator has an impact on battery electric bus performance. However, Marin Transit was not able to analyze this impact due to the nature of its agreement with Golden Gate Transit. Over time the vehicles had relatively stable consumption rates. This indicates that changes in drivers did not have a noticeable impact on bus performance though staff hopes to track this variable in the future.

**Fuel Economy**

Staff compared the performance of the BYD buses to the District’s diesel and hybrid fleet to identify the relative performance and efficiency of the different bus technologies. As shown in Figure 4, staff converted the BYD fleet fuel economy to a miles per diesel gallon equivalent. Staff plotted this against the miles per gallon for the hybrid and diesel fleets. The battery electric bus fleet had a consistently higher fuel economy than the diesel or hybrid fleets. This indicates that BYD electric buses uses energy more efficiently.

Figure 4 – Fuel Economy



**Reliability**

Reliability is measured by how often the bus is available for service and how many road calls the vehicle required.

Though BYD delivered the two buses in September 2018, it was almost a year before Marin Transit operated the buses in regular service. This was primarily due to manufacturing issues. The buses were missing passenger heating units, and the manufacturer delayed delivery of required training, vehicle manuals, and diagnostic software.

Neither BYD bus required road calls during the year. They were held back from service for regular maintenance, inspections, and for delays in getting a replacement when a mirror was broken on one of the buses. There were a few incidents when the bus pulled out in the morning on one block of work and did not have enough range to do another block of work in the afternoon. This was due to more energy used on the first block than was anticipated.

Staff compared the number of days the vehicles operated in service to the number of days they were available i.e., not out of service due to maintenance. The buses were placed into service about 62 percent of the time they were available. This is relatively low and primarily because they are not assigned to operate on weekends due to the length of weekend vehicle operating blocks. Golden Gate Transit also may have kept the buses out of service when they did not have a driver trained to operate the vehicle or comfortable driving it.

**Cost**

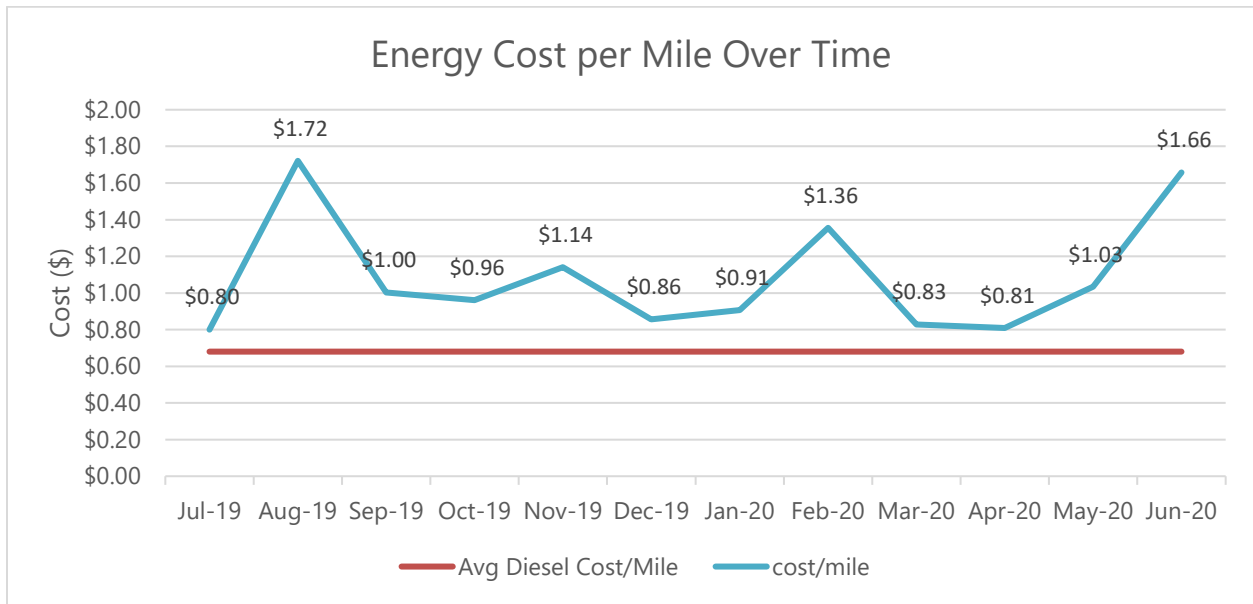
Due to the electric utility rate structure, the BYD bus energy cost per mile is more variable than for traditional diesel fuel buses. Electricity is subject to demand charges. Utility demand charges are incurred based on the highest amount of energy pulled at a given moment during the billing period. If the buses are charged once a month, there is demand charge fee placed on the utility bill no matter how many miles the vehicles traveled during that period. Marin Transit deliberately chose vehicles that can charge slowly overnight when demand charges are lower. Due to this



rate structure, initial energy per mile costs were very high (as much as \$8.88 per mile) when the buses were not yet in regular service or traveling long distances. This is the reason for the peak charge at \$1.72 per mile in August 2019. As the buses entered regular service, this cost averaged \$1.09 per mile over the year compared to the average cost of diesel at \$0.68 per mile. Figure 5 shows the cost of energy per mile for the BYD buses compared with the average diesel bus cost per mile.

Marin Transit also benefits from Golden Gate Transit's electricity usage. Marin Transit pays only the difference between peak usage at the Golden Gate Facility and peak usage when the BYD buses are plugged in, up to 160 kW. That is the maximum potential pull from the chargers. Typically, usage ranges between 80kW and 140kW. In June 2020, the difference between Golden Gate Facility peak usage, and peak usage when the buses were plugged did not exceed 160kW. This was due to lower GGT regular power usage at night. As a result, Marin Transit paid a higher demand charge and a significantly higher cost per mile in June. This also represents the full energy cost that Marin Transit would pay if the buses were metered separately from Golden Gate Transit's facility.

**Figure 5 – Energy Cost**



**Emission Reductions**

The two BYD buses traveled 30,287 miles from July 2019 to June 2020. During this time, Marin Transit experienced a savings in vehicle emissions of 5,285 kg of CO<sub>2</sub>, 127,260 grams of NO<sub>x</sub>, and 3,182 grams of particulate matter compared to operating two diesel buses. Combined, this is equivalent to 5.4 metric tons of CO<sub>2</sub> saved, and the amount of carbon sequestered by seven acres of U.S. forests in one year according to the EPA.

**Scalability**

The buses have performed well and proven reliable despite the limitations of the technology, including range. Marin Transit has learned how to best deploy the buses. Staff is comfortable with recommending a larger investment in this technology. Range will remain a limiting factor that will determine how the buses are deployed. Marin Transit anticipates there will be future

technology improvements and will phase the deployment of additional electric buses to mitigate the impact of those limits.

With additional battery electric buses in the fleet, there is an increased possibility of high utility demand charges due to more vehicles plugged in at the same time. Marin Transit will invest in managed charging technology to decrease this cost. Managed charging will ensure that Marin Transit gets the lowest pricing possible for electricity by phasing charging of buses and limiting peak energy pull.

## **CONCLUSION**

The two BYD electric buses performed well during the pilot period. Based on the collected data from the onboard Viriciti system, the buses average performance was 1.63 kW/mile with an effective range of 133 miles per 80 percent charge. This was within ten miles of the advertised 145 mile range. The performance was lower during periods of lower temperatures. The usage of the heater appears to reduce performance about 0.09 kWh/mile, approximately seven miles per charge.

The buses were reliable though not as versatile as diesel vehicles. Golden Gate Transit was able to quickly resolve availability issues, and the most time consuming service incident was unrelated to the electric battery. Range limitations restricted operation of the vehicles weekdays when vehicle work blocks were shorter. Staff initially limited the vehicles to operating 80 miles per day and expanded the range limit to 125 miles per day with sufficient operational experience and performance data showed they could reliably travel farther. A typical 40ft diesel transit bus can be expected to travel over 600 miles per tank and can be easily refueled during the day.

Overall, the electric buses were consistently more expensive to fuel than the District's traditional fleet during the study period. Due to the electrical rate structure, the cost per mile of fueling the vehicles varied significantly based on usage per month. The dominant cost was the monthly electrical demand charge based on the peak electrical draw within a month. This was a known factor and the major reason why overnight charging was used as fees lower at night. In months when the vehicles were consistently in operation, the flat demand charge is spread across more miles. For months with limited operation of the vehicles, the cost per mile quickly doubled. As the District adds electric buses to the fleet, the impact of a bus going out of service will be lessened and energy costs will stabilize. Managed charging will be essential to further limit demand charge costs as the fleet increases over time.

## **FISCAL/STAFFING IMPACT:**

There is no fiscal impact associated with this report.

Respectfully submitted,



Anna Penoyar  
Senior Capital Analyst

Attachment A: Routes operated by BYD Battery Electric Bus



Route 23



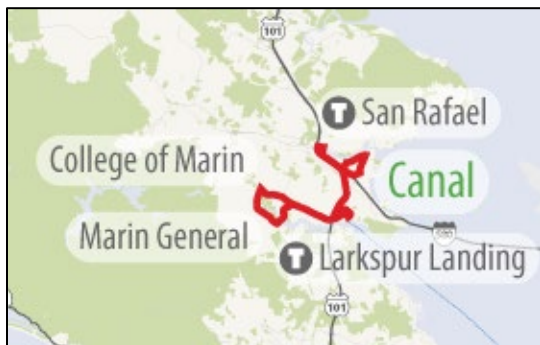
Route 23X



Route 17



Route 71X



Route 29



# Electric Bus Pilot Project

Board of Director's Meeting

October 5, 2020



# Overview

- Background
- Performance
- Reliability
- Cost
- Expansion



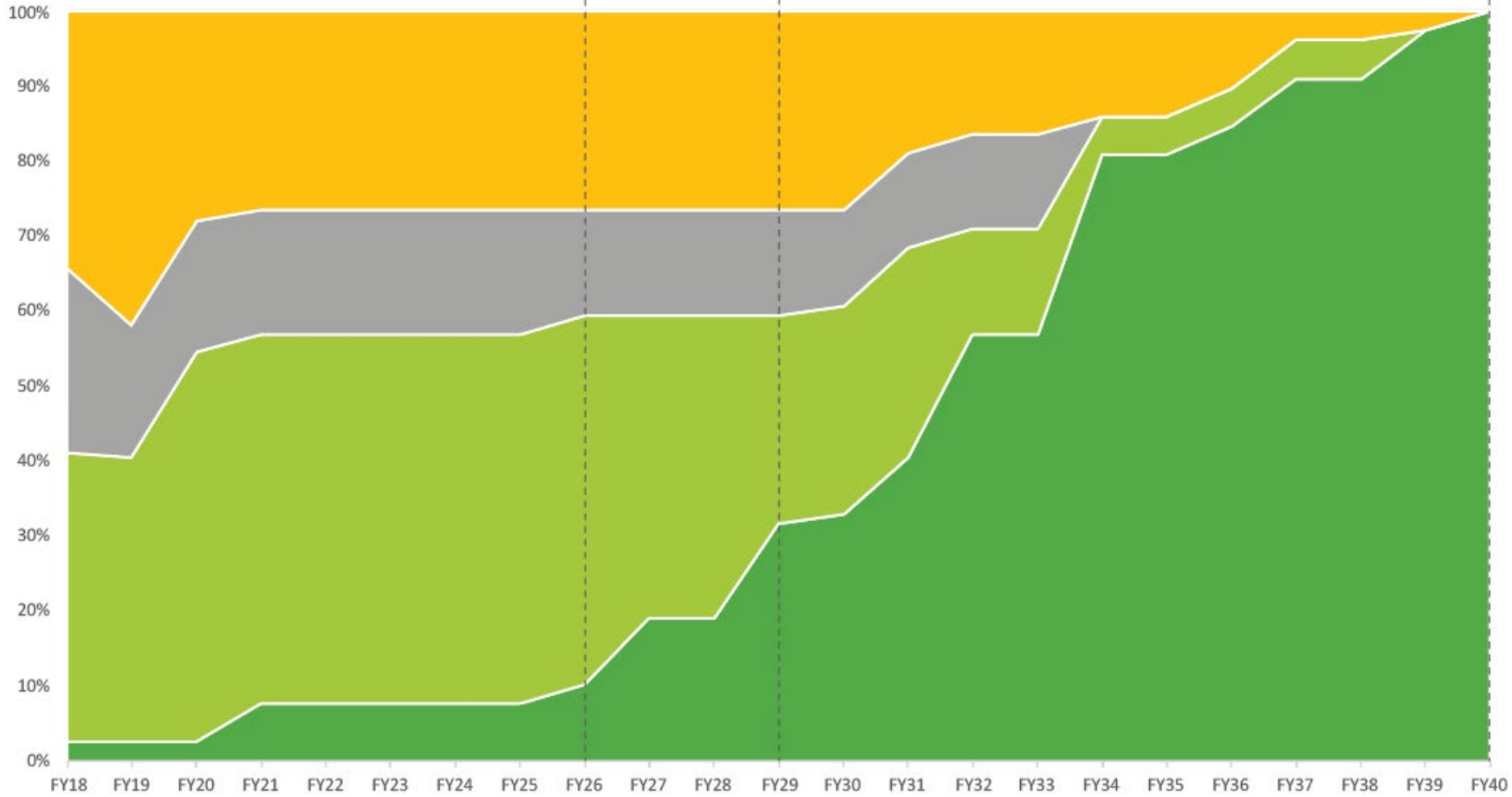
# Background – Zero Emission Fleet Plan

California Air Resources Board  
Innovative Clean Transit Rule

25% of Purchases  
Zero Emission

100% of Purchases  
Zero Emission

100% of Vehicles  
Zero Emission



Electric



Hybrid



Gasoline



Diesel

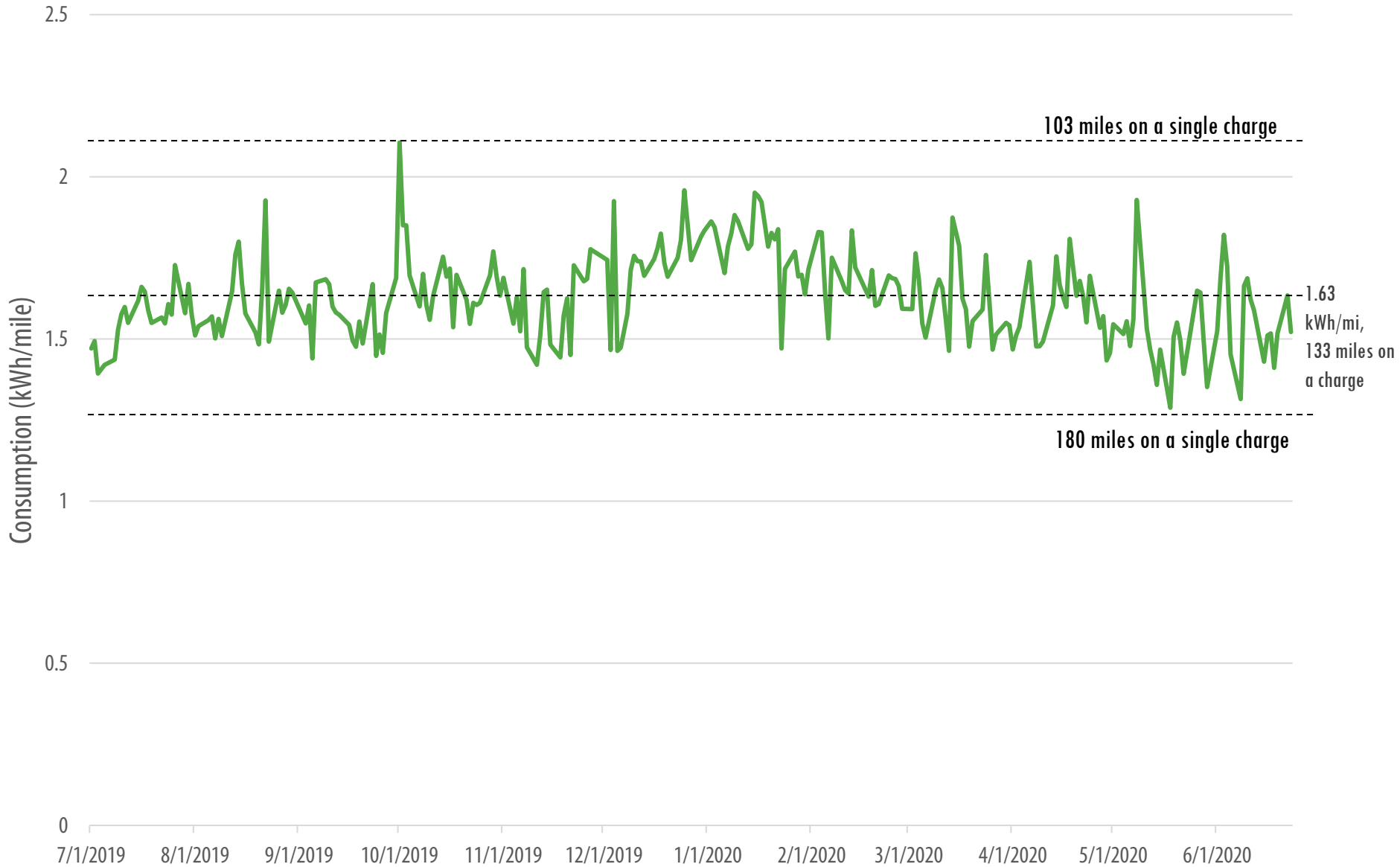


# Background - Timeline



<b>2014-2016</b>	<b>Established Partnership with MCE, GGT</b>
<b>2016</b>	<b>Purchase Approved by Board</b>
<b>2018</b>	<b>Vehicles delivered</b>
<b>2018-2019</b>	<b>Mechanical Issues Delayed Service</b>
<b>2019</b>	<b>Both entered service in 2019</b>
<b>7/2019 – 6/2020</b>	<b>Observation period, data collection with Viriciti software</b>

# Vehicle Performance over Time

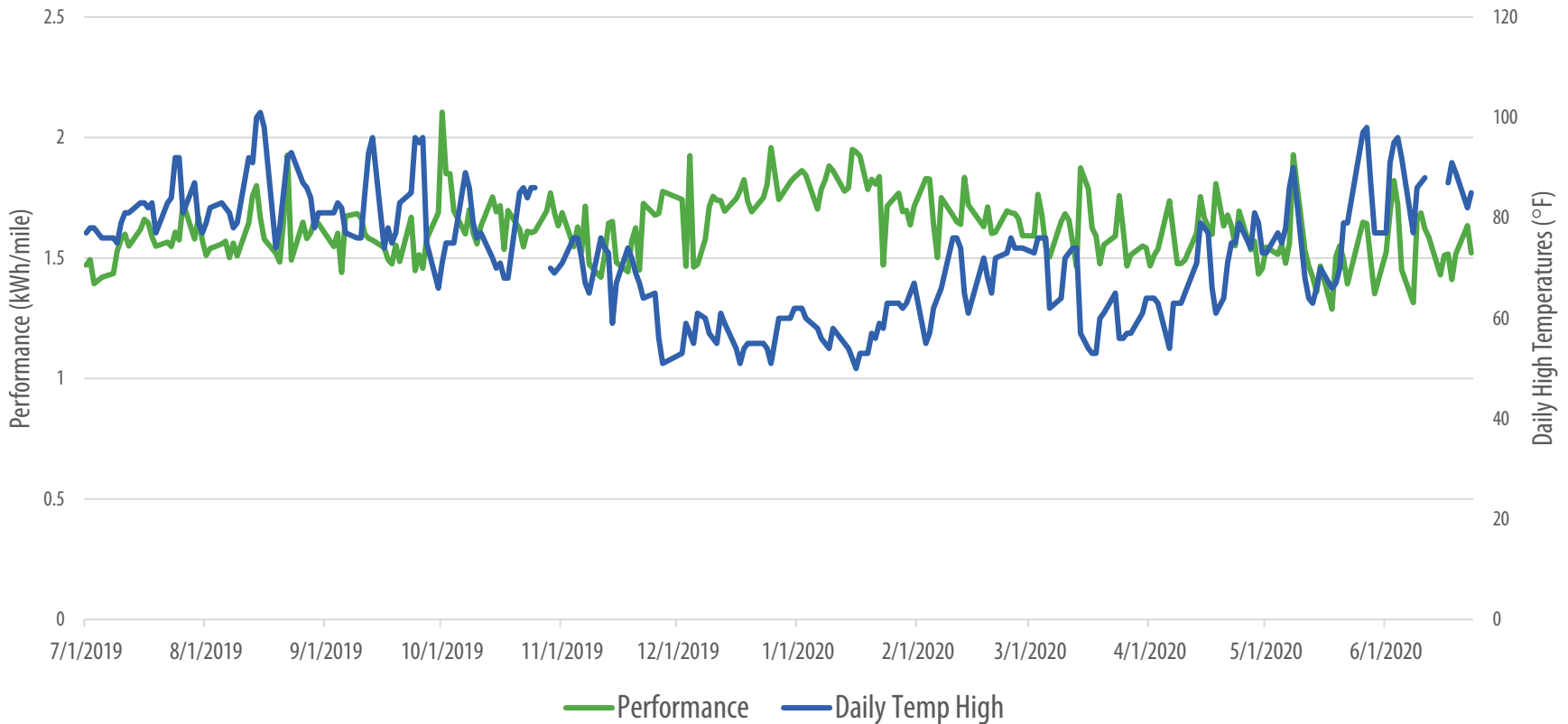




# Vehicle Performance and Temperature

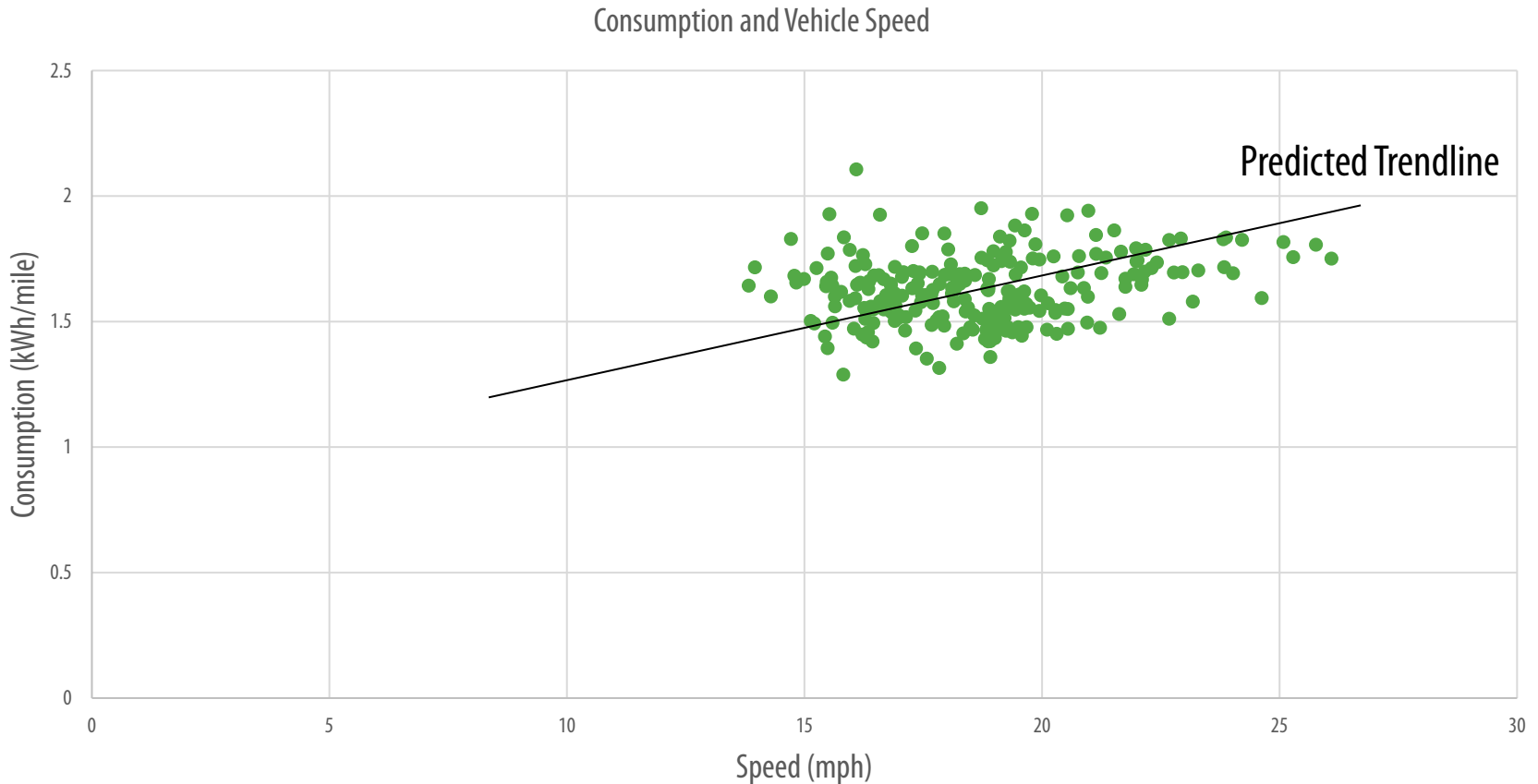
Predicted that lower temperatures would correlate with worse performance because of heater use

### Battery Electric Bus Performance vs. Daily High Temperature

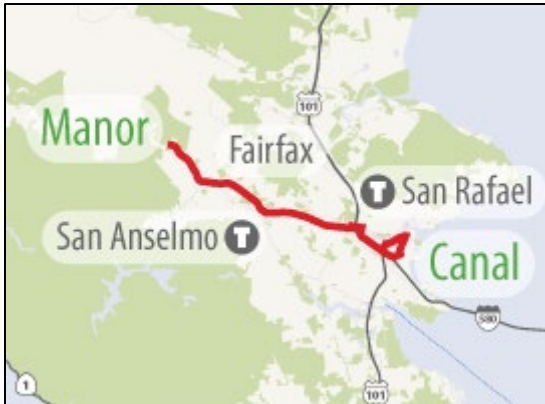


# Vehicle Performance and Speed

- Predicted that at higher speeds, performance would be worse
- No relationship seen



# Vehicle Routing



Route 23X



Route 23



Route 29

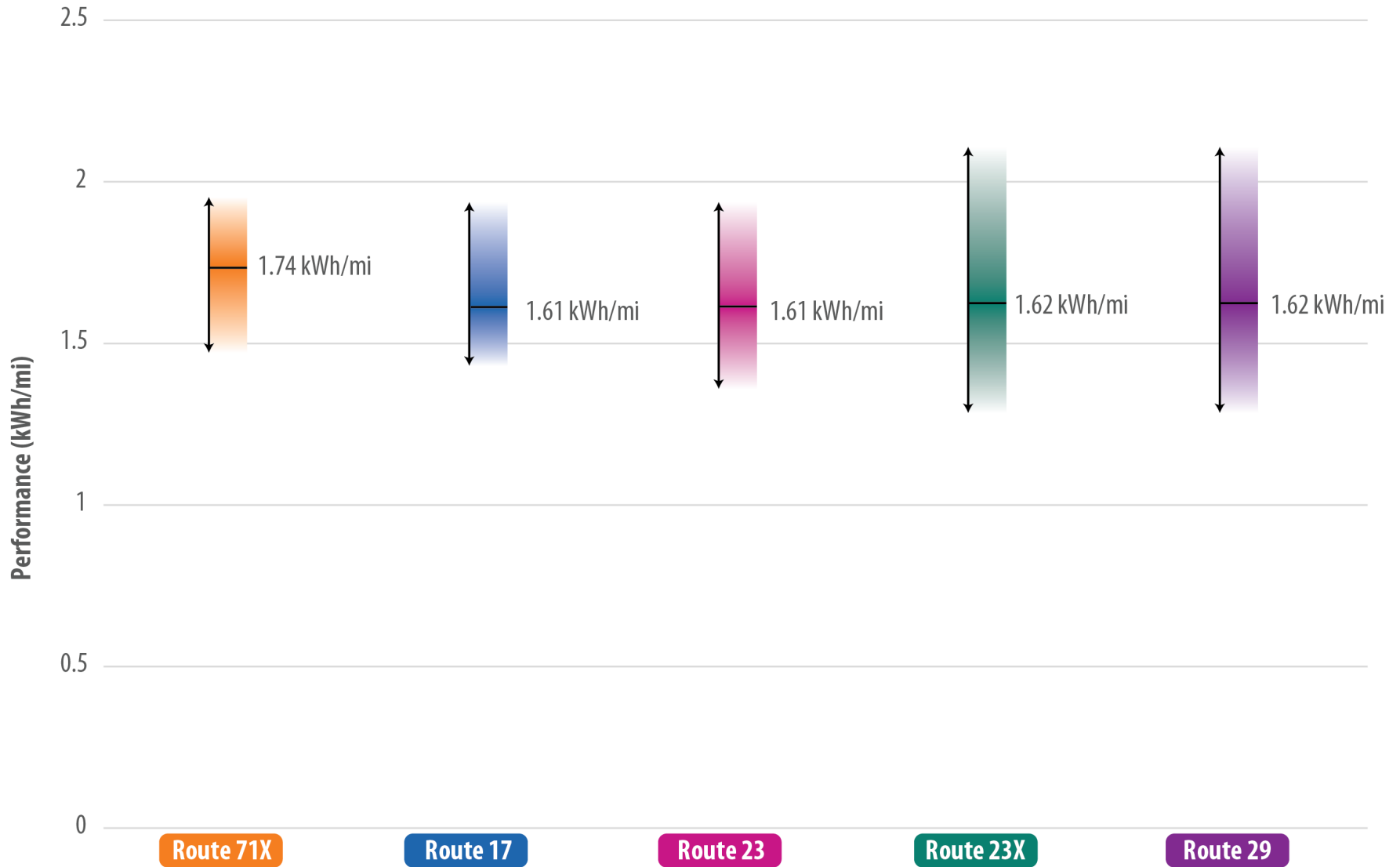


Route 17



Route 71X

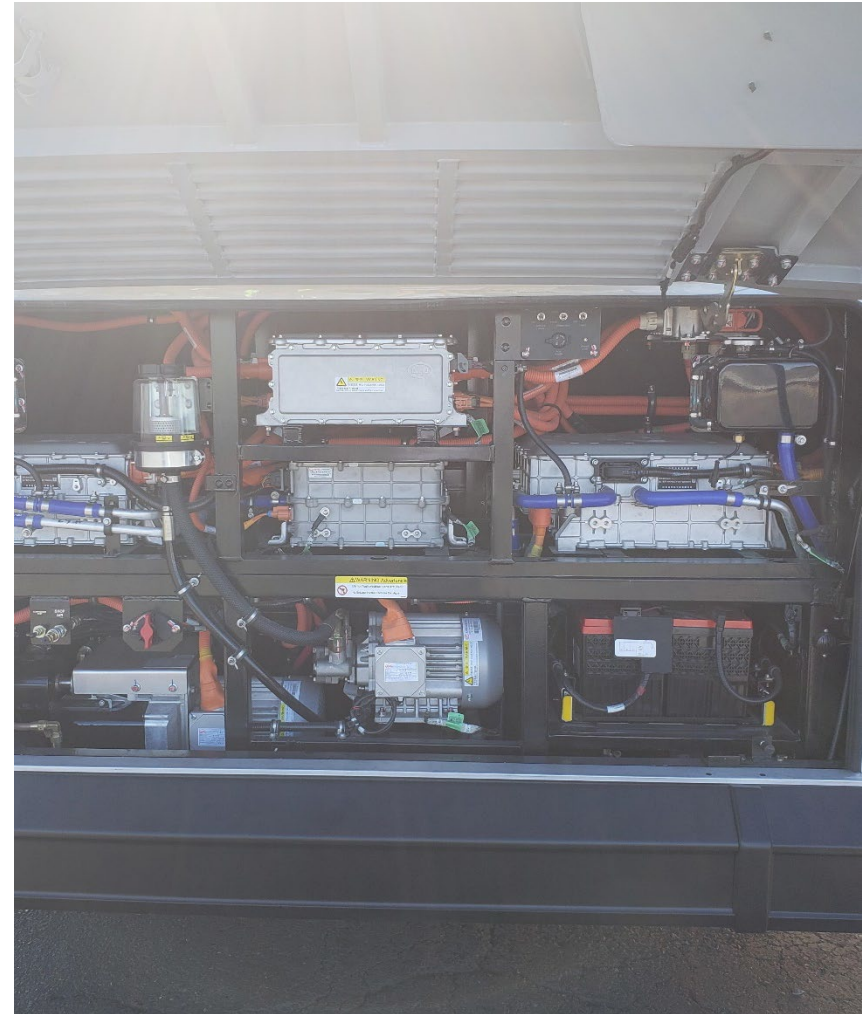
# Vehicle Performance and Routing



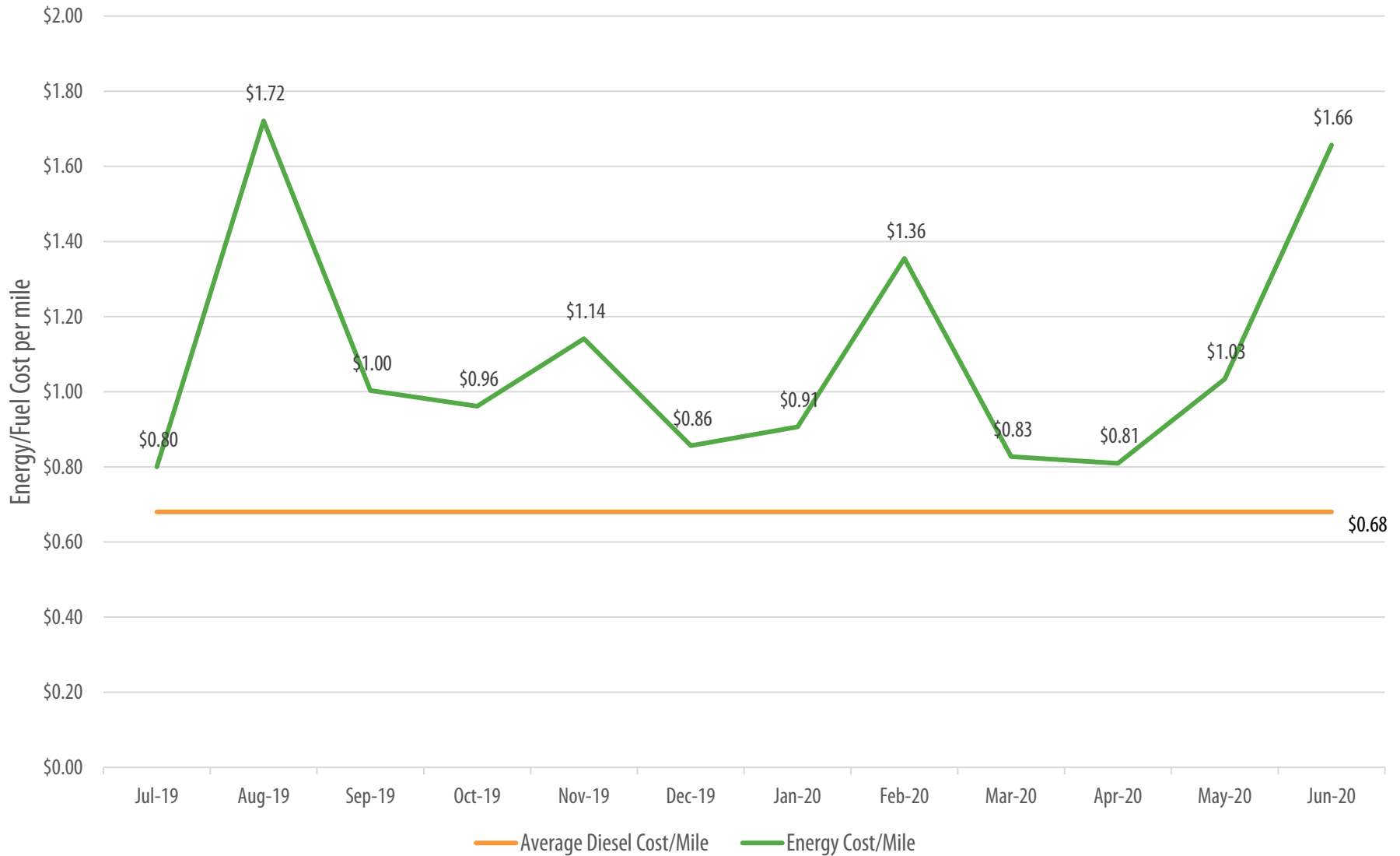
# Vehicle Reliability and Availability

- Range: 120 miles!
- No Roadcalls
- In service 62% of the time that they were available
- Availability: Vehicles are operable

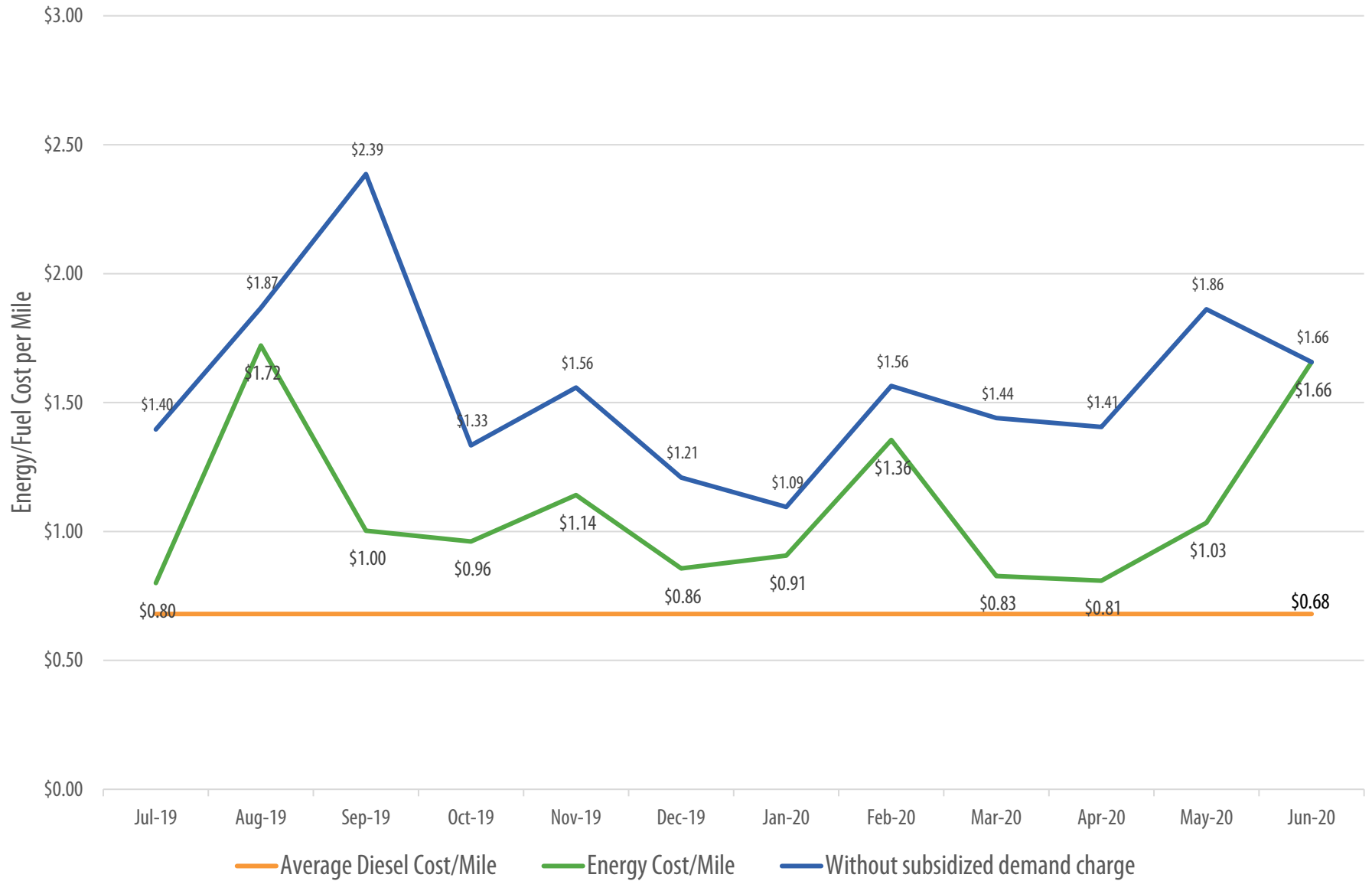
Vehicle	1801	1802
Days Used in Service:	216	210
Days Available:	338	352
Days Unavailable:	27	13



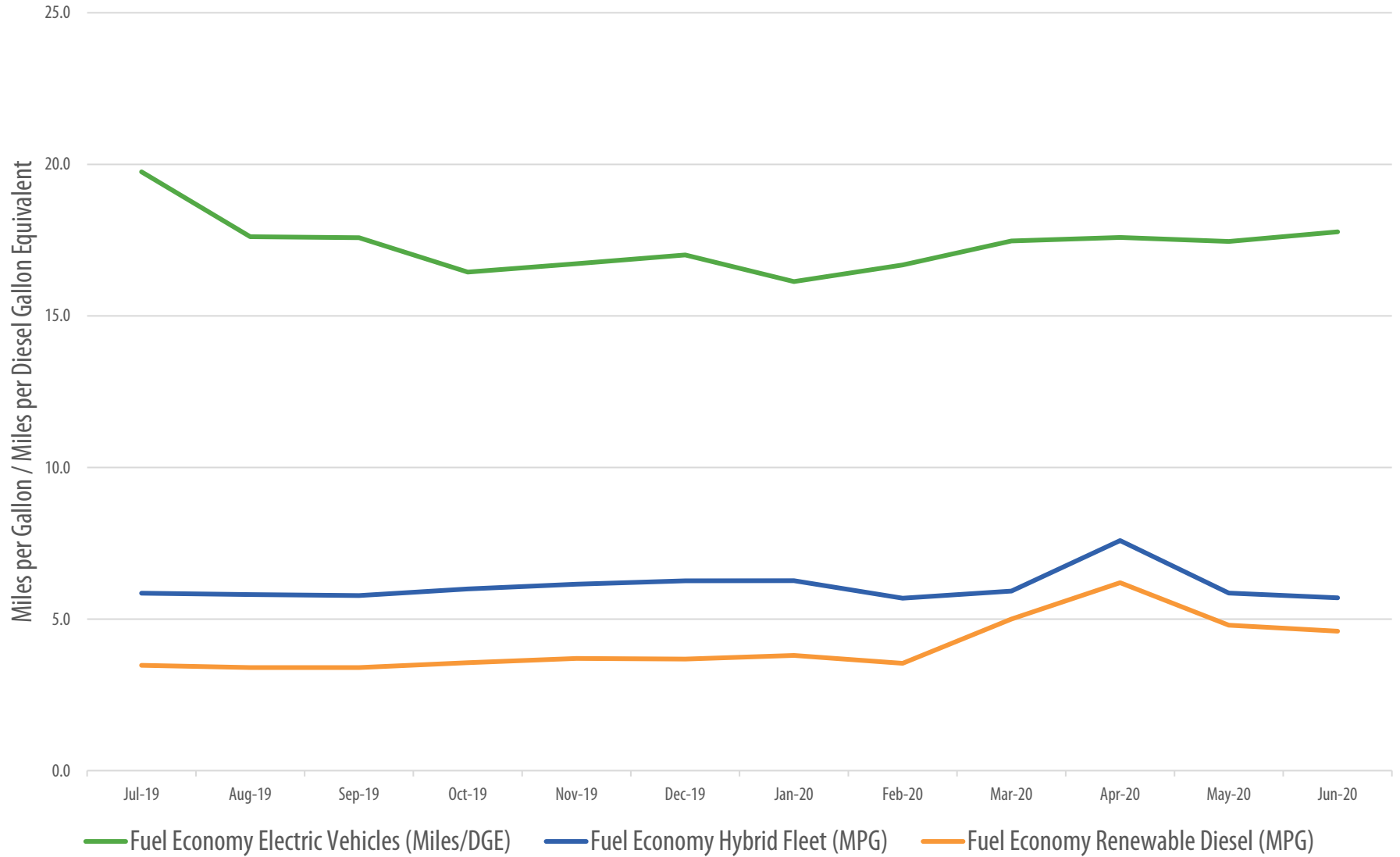
# Fuel Cost per Mile



# Fuel Cost per Mile without Subsidized Demand Charge



# Fuel Economy





# Emissions Savings – 1 year of service

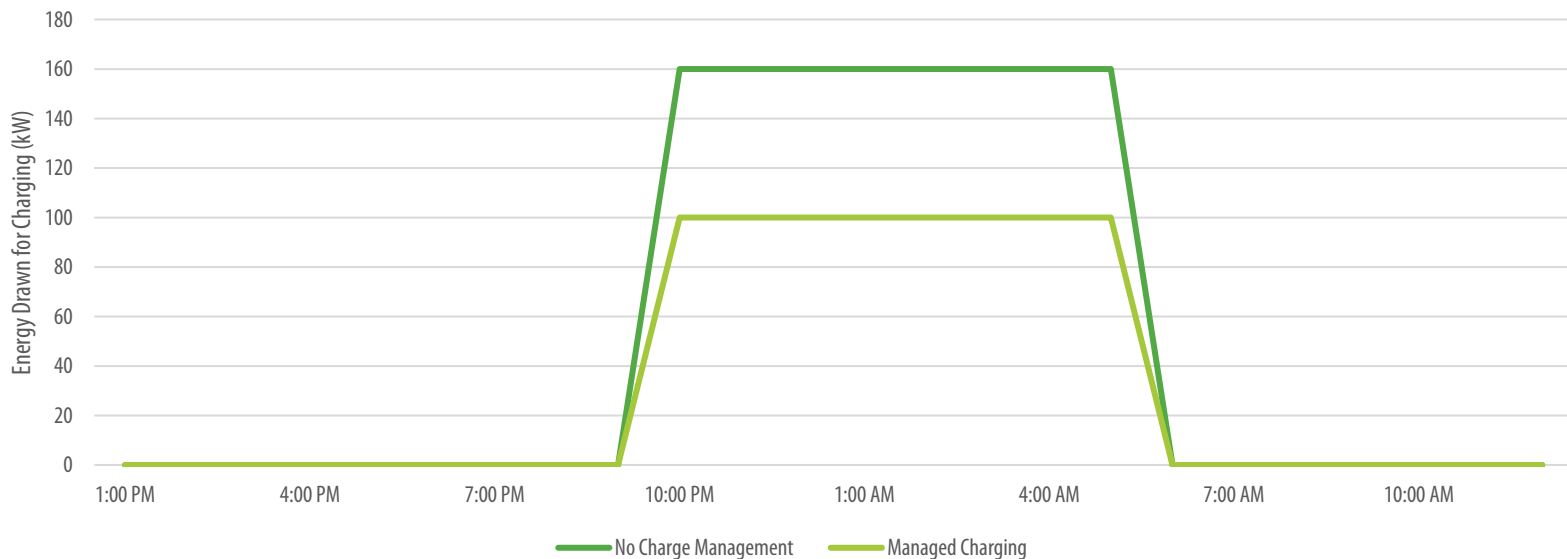
**5,285 kg of CO<sub>2</sub>**  
**127,000 g of NO<sub>x</sub>**  
**3,182 g of Particulate Matter**

Yearly carbon sequestration of  
**7 acres of forest**



- Technology has proven reliable, and suggests additional investment is prudent.
- Charging management system for additional buses
  - Can plug buses in, but charging is regulated by a system
  - Demand charges incurred by peak pull at any given time

Impacts of Managed Charging



# Battery Electric Bus Pilot Project Conclusions



Buses can travel 120 miles on a single charge



The technology is reliable



The buses use energy more efficiently than traditional fuel buses



Buses reduce emissions

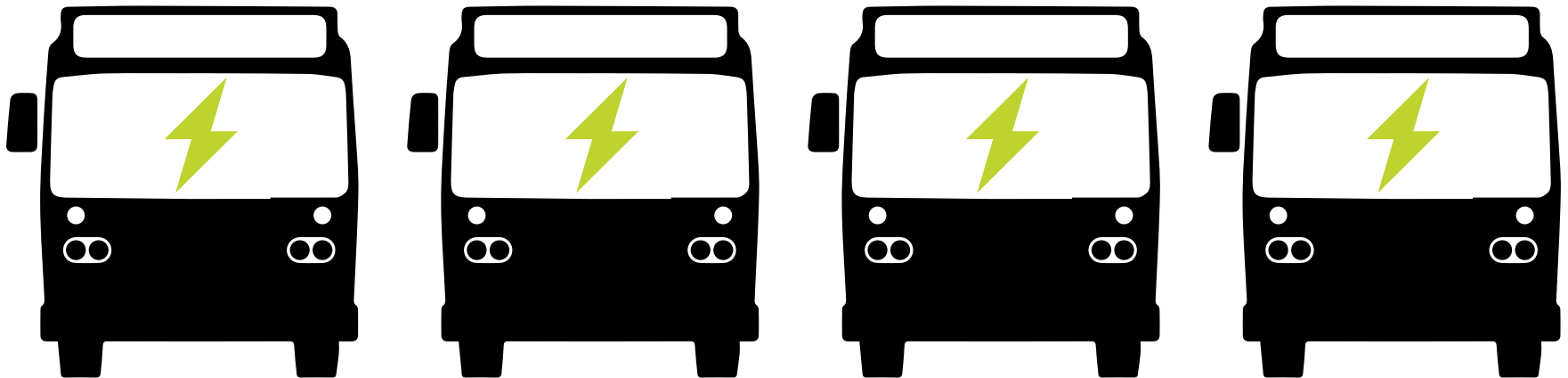


Fuel costs are higher



More analysis is needed

- Continue to monitor performance
- Test on routes with different profiles
- Expand to more routes
- Invest in more battery electric buses
- Purchase additional land for bus charging



# Discussion and Questions

**Anna Penoyar**

Senior Capital Analyst



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October 5, 2020

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Purchase Agreement with Gillig, LLC for Four Battery Electric Buses**

Dear Board Members:

**board of directors**

dennis rodoni  
president  
supervisor district 4

kate colin  
vice president  
city of san rafael

judy arnold  
2nd vice president  
supervisor district 5

damon connolly  
director  
supervisor district 1

eric lucan  
director  
city of novato

katie rice  
director  
supervisor district 2

kathrin sears  
director  
supervisor district 3

**RECOMMENDATION:** Authorize General Manager to complete the purchase of four Battery Electric Buses from Gillig, LLC, and approve Budget Amendment 2021-04.

**SUMMARY:**

Staff requests that your Board authorize the General Manager to procure four 40-foot Gillig zero-emission, battery electric buses. These vehicles will replace three articulated diesel buses the District retired in June 2020. Each vehicle carries 34 seated passengers and can operate on routes that have less than 120 miles per day.

*Background*

Marin Transit has committed to pursuing alternative technologies to reduce vehicle emissions in Marin County. Marin Transit's 2020-2029 Short Range Transit Plan includes the District's Transition to Zero Emission Plan. Staff developed this plan in accordance with the California Air Resource Board (CARB) Innovative Clean Transit Rule (ICT), which requires buses in California to be zero emission by the year 2040. The Transition to Zero Emission Plan includes this purchase that will transition three diesel articulated buses to four 40ft Battery Electric Buses in a seat for seat replacement.

Marin Transit made its first investment in alternative technology buses in 2010 with the purchase of seven hybrid diesel-electric buses. Marin Transit operates 39 hybrid buses, and these represent 67 percent of the District's heavy-duty bus fleet. Your Board approved the District's first zero-emission buses in 2016 with the purchase of two BYD Battery Electric buses. The BYD buses were put into service in 2019 and provided an opportunity for Marin Transit and our contractors to test the technology. With this experience, Marin Transit has gained confidence in the technology and is prepared to invest in four additional battery electric buses.

### *Vehicle Selection*

Marin Transit staff recommends the purchase of four Gillig battery electric buses from the Virginia State contract because of their range, fleet consistency, and customer support.

Staff evaluated several electric bus manufacturers for this purchase, including Gillig, BYD, and Proterra. A more complete analysis of the different vehicles and manufacturers is included as an attachment to this letter. While BYD and Proterra advertise longer ranges compared to the advertised range of the Gillig Bus, the effective range of all vehicle has been found to be 120-130 miles when 80% of battery capacity is used. This is also consistent Marin Transit's current BYD fleet.

Gillig is the manufacturer of the majority of the District's hybrid buses and this purchase will also support the goal of maintaining fleet consistency. Many of the components of the Gillig battery electric bus are the same as those in Marin Transit's current diesel hybrid-electric buses. This provides cost savings in stocking of spare parts, and maintenance staff will have familiarity with the vehicle components.

Staff recommends that the District purchase the Gillig battery electric bus for fleet consistency, customer support, and range. Peer agency references rate Gillig's excellent customer service as an important factor in electing to purchase their battery electric buses. As battery electric bus technology is relatively new, troubleshooting is anticipated. The District recognizes the importance of a manufacturer that will work through any potential issues.

### *Procurement*

The Virginia state contract was competitively bid and allows other government entities to make purchases without the full administrative burden of issuing a bid package. Use of this agreement reduces Marin Transit's costs and complies with federal statutes and regulations applicable to all third-party contracts.

### *Infrastructure*

Marin Transit plans to install depot charging infrastructure at the newly acquired parking facility at 600 Rush Landing Road in Novato. Staff are in the process of negotiating with PG&E to bring additional power to the site through PG&E's Fleet Ready program. This project will pay for the infrastructure costs related to bringing power to the site and provide subsidies for bus chargers. PG&E will install a separate meter for the buses and Marin Transit will provide PG&E with usage data throughout the five years of the program.

Marin Transit will be responsible for any infrastructure beyond the PG&E meter, including wiring and trenching. Funding for these costs is identified in the Marin Transit FY2020/21 Budget.

### *Operations*

Staff has identified several routes compatible with the range and geographic limitations of battery electric vehicles and that require a standard size bus to accommodate higher ridership levels. These are Routes 17, 17X, 22 and 49, currently operated by Marin Airporter. They are relatively flat and have scheduled work blocks that match the range requirements of the battery electric buses. Before the Gillig buses arrive, Marin Transit will meet with Marin Airporter staff to establish maintenance and monitoring requirements for this technology. Marin Transit will also secure training for maintenance staff and operators through the purchase order with Gillig.

**FISCAL/STAFFING IMPACT:**

The cost of the four 40ft Battery Electric Buses will not exceed \$3,994,716. The purchase order amount with Gillig will not exceed \$3,900,000. The remaining funds will pay for equipment consistent with the rest of Marin Transit's fleet including fareboxes, Clipper, and cameras.

In developing the FY 20/21 Budget, Marin Transit intended to take advantage of the California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Program (HVIP) and budgeted \$660,000 in HVIP funding for the project. The program is very popular and has been oversubscribed for several years. For this purchase, staff has anticipated that the District will be unable to secure funding from the HVIP voucher. Budget Amendment 2021-04 adds \$283,715 of Measure AA funding to the project to partially replace those funds. Marin Transit may still be able to take advantage of the program though this is not guaranteed. If HVIP does become available, the District will use those funds in place of Measure AA.

Funding for approximately 66 percent of this purchase comes from FTA 5307 formula funds for replacement vehicles. Matching funds are provided through FY19 and FY20 state Low Carbon Transit Operations Program funds and Measure AA.

Respectfully submitted,



Anna Penoyar  
Senior Capital Analyst

Attachment A – Manufacturer Evaluation  
Attachment B – Vehicle Description

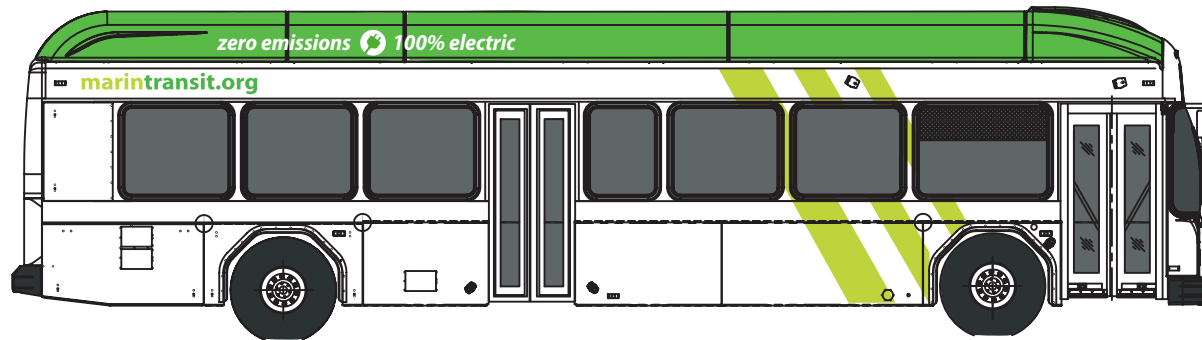


	BYD k9	Gillig	Proterra Catalyst	Proterra Catalyst E2 Max
<i>Length</i>	40ft	40ft	40ft	40ft
<i>Advertised Range</i>	157-177 miles	130-180 miles	161-230 miles* (listed at 150 miles in CA State contract)	232-328* (listed at up to 213 miles in CA State contract)
<i>Battery Size</i>	352 kWh	444 kWh	440 kWh	660 kWh
<i>GVWR</i>	43,431	45,000		
<i>Base Bus Cost</i>	\$635,000.00	\$805,280.00	\$766,082.00	\$866,082.00
<i>Charging</i>	Depot charging, BYD Charger	Depot charging, SAE J1772 DC	Depot charging, Proterra Charger	Depot charging, Proterra charger
<i>Charger</i>	Proprietary BYD Charger, Charges at 40kWh or 80kWh	Charge Point CPE250, charges at 62.5kWh	Proterra charger (60kW)	Proterra Charger (60kW)
<i>Charger Cost</i>	\$0	\$10,625	\$46,500	\$46,500
<b>Standard Warranties:</b>				
<i>Full Bus</i>	24 Months/100K Miles	24 Months/50K Miles	12 Months/50K Miles	
<i>Body Structure</i>	36 Months/150K Miles	36 Months/150K Miles	36 Months/150K Miles	
<i>Corrosion/Structural Integrity</i>	12 years/500K Miles	84 Months/350K Miles	12 Years/500K Miles	
<i>Purchase to Delivery Timeframe</i>	24 Months from Purchase Order	12-15 months from Purchase Order	12-14 months from Purchase Order	12-14 months from Purchase Order
<i>Purchases from other Agencies</i>	Marin Transit, Soltrans, Sonoma, Stanford	Santa Monica Big Blue Bus	ECCTA, Ridesmart, Sac County Airport	SMART - Wyoming
<i>Fleet Consistency</i>	Marin Transit already has 2 BYD buses operated by GGT	Gillig buses make up most of Marin Transit's fleet. There is parts consistency with these buses	N/A	N/A
<i>References (summary)</i>	Had major delays and difficult communication with getting the vehicles. Once all the issues were worked out, BYD has been pretty responsive to issues, and the buses are fairly reliable	Effective range in testing of 120-130 miles with manufacturer's restriction in place. If Gillig removed range restrictions that are in place to protect the battery, effective range would be 170-180 miles. The maintenance department likes the layout of the wiring. Most impressive aspect has been Gillig responsiveness to any issues or questions	Some references experienced significant manufacturing delays and issues but others did not. One reference had many issues even after receiving the buses. Overall, reported average range is 120-130 miles per charge to 20%. One reference indicated that they would purchase Proterra buses again, one was not sure, the third reference said they would not.	No references: Marin Transit did not receive any responses to reference requests for this vehicle type. There is a recent purchase by a transit agency in Wyoming, but they just started taking delivery of the vehicles.
<i>Pros</i>	Experience with BYD from previous purchase, and buses have been reliable once they entered service.	Fleet consistency in terms of parts and support from Manufacturer with hybrid fleet. Experience with Gillig	Many deployments	Longer range, but still unproven since its not in service anywhere. The extra weight of the battery may actually detract from range.

	BYD k9	Gillig	Proterra Catalyst	Proterra Catalyst E2 Max
<i>Cons</i>	Can't currently purchase off of a state contract. Marin Transit only has two of this vehicle type.	Not many deployments yet	References reported issues with manufacturing/after market customer support	Untested, other transit agencies are having similar issues with manufacturing/receiving customer support that Marin Transit experienced with BYD
<i>Other notes</i>	Manufacturing issues occurred during the build, and BYD can be slow to resolve issues.	Gillig's factory is in Livermore, giving Marin Transit access to support negotiating any issues		

**Conclusion:** Staff recommends purchase of the Gillig Bus. Marin Transit has Gillig buses already and purchasing those buses will help maintain fleet consistency, with many of the components being shared between the Hybrid and Fully electric buses. While the range is advertised as lower than the other buses, the performance in the field is reportedly comparable to similar Battery-electric buses with higher advertised ranges. The Proterra Catalyst E2Max, has the highest advertised range, but the extra battery on the bus actually may make it less efficient, and no other transit agencies have this bus type in service yet. Marin Transit experienced many issues getting the BYD buses into service previously and had difficulty getting resolution on the issues, keeping the vehicles out of service for a year after vehicle delivery. References report that Gillig is very responsive when issues arise. The price is reasonable at just 5% higher than the Proterra bus with a similar battery size and is the least expensive when charger costs are included.

# 4 - 40ft Gillig Low-floor Battery Electric Buses



## Vehicle Facts

- Useful Life:** 12 years
- Battery Capacity:** 444 kWh
- EV Drivetrain:** Cummins
- Passenger Seating:** AMSECO Insight (34 seats)
- Fareboxes:** GFI 36" High Odyssey
- Clipper Regional Fare System Reader:** One mounting location
- Surveillance Cameras:** Seon Explorer TX8, (7) Color Cameras
- AVL:** Syncromatics with Voice Anunciator
- Destination Sign:** Hanover 100% Amber LED
- Wheelchair Ramp:** Lift-U, LU-18, front door
- Wheelchair Postions:** 2
- Bicycle Rack:** Sportworks, 3 position

## Project Timeline

- **October 5, 2020:** Board Approval, Order Issued
- **January/February 2021:** Pre-Production Meeting (Specs Finalized)
- **December 2021:** Estimated Vehicle Delivery





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October 5, 2020

Honorable Board of Directors  
Marin County Transit District  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Public Hearing on Marin Transit's Participation in the Metropolitan Transportation Commission's Clipper START Program**

**board of directors**

dennis rodoni  
president  
supervisor district 4

kate colin  
vice president  
city of san rafael

judy arnold  
2nd vice president  
supervisor district 5

damon connolly  
director  
supervisor district 1

eric lucan  
director  
city of novato

katie rice  
director  
supervisor district 2

kathrin sears  
director  
supervisor district 3

Dear Board Members:

**RECOMMENDATION:** 1. Hold public hearing to receive public comment on Marin Transit's participation in the regional Clipper START pilot program, and review Title VI Fare Equity Analysis; and 2. Consider authorizing the Board President to sign a resolution committing the District to the pilot program to provide a 50 percent discount to eligible low-income riders on the Clipper electronic fare payment system.

**BACKGROUND:** In May 2018, the Metropolitan Transportation Commission (MTC) adopted Resolution No. 4320 to establish the framework for a means-based transit discount fare program. On select transit systems in the Bay Area, MTC invited regional transit providers to offer discounted transit rides to eligible low-income adults during a pilot period of 12 to 18 months. The pilot program is referred to as Clipper START, and the discount is available to eligible riders who use the electronic fare payment system. MTC launched the initial phase of the pilot program on July 15, 2020 with BART, Caltrain, Golden Gate Transit Bus and Ferry<sup>1</sup>, and SFMTA.

The Clipper START program offers a 20 to 50 percent discount off the adult fare to eligible low-income adults whose annual earnings are up to 200 percent of the federal poverty level. Clipper will centrally administer the START program on behalf of each participating transit operator, including determining eligibility. Riders will apply online or by submitting a paper application along with proof of identity and income. Clipper will provide eligible applicants with a personalized Clipper card for single-ride discounts on the participating transit systems.

In June 2020, MTC considered expanding the Clipper START program beyond the initial four operators and solicited interest from other agencies in joining the means-based transit fare pilot program. MTC staff is proposing to set-aside up to \$5 million in federal CARES

<sup>1</sup> Golden Gate Transit fares within Marin County (Zones 2, 3, and 4) were not included in the initial phase of the pilot program.

Act funds to support the expanded pilot program. Their proposed formula for distributing regional funds to transit operators will be a 60/40 hybrid based on the combined share of estimated low-income ridership and fare revenue for participating agencies. MTC will reimburse transit agencies based on Clipper START ridership up to an established limit, and may refine the formula to reflect actual rates of rider participation and available funding.

In July 2020, your Board directed staff to explore participation in the START program to offer a 50 percent discount on the adult cash fare to eligible low-income riders. The 50 percent discount is consistent with Golden Gate Transit's 50 percent Clipper START discount and a coordinated Marin County fare policy for local and regional riders. The pilot program for Marin Transit is scheduled to begin in November 2020 and end in January 2022.

In September 2020, your Board set a public hearing for today's meeting to receive public comments on this proposal. Subsequently, staff opened an online comment portal for the public to submit comments. Other options for public input on the draft proposal included mail, email, telephone and in-person. Staff provided notice of these opportunities in Spanish and English in the Marin Independent Journal, inside Marin Transit buses and at major bus stops, via email blast, and on the District's website.

Marin Transit staff prepared a detailed Title VI Fare Equity Analysis for your review in **Attachment 1**. Staff analysis indicates that the Clipper START discount fare proposal does not result in a disparate impact on minority riders or a disproportionate burden on low-income riders, based on Marin Transit Title VI Civil Rights Policies on Major Service Changes, Disparate Impact, and Disproportionate Burden - **Appendix A** to the fare equity analysis. Staff summarized all public and stakeholder comments received as of September 30, 2020 in **Appendix D** to the fare equity analysis. Any comments received after September 30, 2020 will be presented at the October 5, 2020 Marin Transit Board meeting.

Golden Gate Bridge Highway and Transportation District (GGBHTD) must also approve the START program discount on Marin Local routes that it operates. Their Transportation Committee held a public hearing on September 24, 2020. The GGBHTD Board will review a separate Title VI analysis and consider approval at their October 23, 2020 meeting.

Staff recommends that your Board authorize the Board President to sign the attached resolution to confirm Marin Transit's participation in the Clipper START means-based transit fare pilot program and offer a 50 percent discount off the adult cash fare to eligible low-income adult riders. Should your Board determine that public input requires additional analysis and consideration, there is sufficient time to extend consideration until your November 2, 2020 meeting.

**FISCAL/STAFFING IMPACT:** Staff estimates the START pilot program will reduce Marin Transit's fare revenue by approximately \$111,900 for the 14-month pilot period. This amount is equivalent to 4.2 percent of total fare revenues. MTC will reimburse participating agencies for ten percent of the Clipper START discount, based on actual Clipper START ridership on their systems. For eligible riders, the \$2 cash fare will be reduced by 50 percent when they participate in Clipper START. While the rider pays \$1, MTC will reimburse Marin Transit for 20 cents of the \$1 subsidy and Marin Transit will cover the remaining 80 cents.

Assuming the program start in November 2020, staff estimates that the District's share of fare revenue loss will be approximately \$89,000. The table on below shows the Clipper START estimated subsidy by fiscal year and estimated District shares for the duration of the pilot program.

Clipper START Pilot Program Subsidy	FY21 (November 2020 - June 2021)	FY22 (July 2021 - January 2022)	Total
Estimated Fare revenue loss during the pilot period	\$61,800	\$50,100	\$111,900
10% MTC subsidy share of Clipper START discount	\$12,400	\$10,000	\$22,400
40% Marin Transit subsidy share of Clipper START discount	\$49,400	\$40,100	\$89,500

In accordance with MTC's proposed distribution formula, staff anticipate that there will be sufficient allocated funding to cover the projected level of participation. The estimated fare revenue loss is within the anticipated Operations budget under the District's ten-year Short Range Transit Plan financial projections.

Respectfully submitted,



Aida Banihashemi  
Planning Manager



Amy Van Doren  
Director of Policy and Legislative Programs

Attachments:

1. Title VI Fare Equity Analysis of Proposed Pilot Program to Discount Marin Transit Fixed Route Fares for Eligible Low-Income Riders on the Regional Electronic Fare Payment System
2. Resolution for Marin Transit Participation in Regional Means-Based Program (Clipper START)
3. Presentation on Clipper START and Title VI Fare Equity Analysis

**Title VI Fare Equity Analysis  
Proposed Pilot Program to Discount Marin Transit  
Fixed Route Fares for Eligible Low-Income Riders on the Regional  
Electronic Fare Payment System**

**Marin Transit**

**October 5, 2020**

## Table of Contents

Executive Summary.....	1
Background .....	2
Title VI Requirements .....	3
Marin Transit’s Title VI Program .....	3
Process for Developing the Regional Mean-Based Discount Fare Program .....	6
Public and Stakeholder Engagement .....	6
MTC Reports Resulting from the Means-Based Fare Study.....	6
Clipper 2.0 and Clipper START .....	6
Marin Transit Fare Policy Updates and Participation in Clipper START Pilot Program.....	7
Marin Transit Fare Policies and the Short Range Transit Plan.....	8
Public Participation Before and After the Public Comment Period on Clipper START .....	10
Clipper START Eligibility Thresholds.....	10
Proposed Discount to Marin Transit Fixed Route Fares for Eligible Low-Income Riders .....	11
Fare Payment Methods from the 2017 Passenger Survey .....	14
Title VI Equity Analysis of the Proposed 50 Percent Discount for Eligible Riders on Marin Transit using Clipper .....	15
Conclusion.....	20
Appendix A - Marin Transit Title VI Civil Rights Policies on Major Service Changes, Disparate Impact, and Disproportionate Burden .....	21
Marin Transit Policy on Major Service Changes.....	21
Marin Transit Policies on Disparate Impact and Disproportionate Burden.....	23
Public Engagement Process for Developing Policies for Major Service Changes, Disparate Impact, and Disproportionate Burden .....	26
Appendix B - Excerpt from SRTP 2020 Appendix B Regarding Marin Transit Fare Policy, Program Eligibility, and Low-Income Fare Assistance .....	28
Appendix C – Public Participation Plan for Clipper START Pilot Program .....	32
Appendix D - Public and Stakeholder Comments Specific to Low-Income Discounts on Fixed Route Services .....	34
Appendix E - Marin Transit Public Participation Process for Major Service and Fare Changes.....	35
Appendix F – Clipper START Fact Sheet .....	37
Appendix G - Marin Transit Clipper START Online Public Comment Form .....	39





## Executive Summary

At its October 5, 2020 meeting, the Marin Transit Board of Directors will consider whether the District will participate in the region's Clipper START Program to provide discounted fares on Marin Transit's fixed route services. The Metropolitan Transportation Commission (MTC) is sponsoring this pilot program, which is a product of a multi-year Bay Area study of means-based fares. The MTC program description is provided as Appendix A to this report. The Program would provide a ten percent fare subsidy for single rides that provide a 50 percent discount for eligible riders on Marin Transit fixed route services.

Marin Transit is proposing to participate in this program, and staff have conducted a Title VI Fare Equity Analysis of the fixed route fare changes proposed for November 2020. To take advantage of the reduced fares, eligible riders will need to utilize the Clipper regional electronic fare system. This equity analysis examines how the proposed electronic fare reduction will alter incentives for fare payment and offers discounted low-income fares for eligible riders. The analysis evaluates the impacts of the proposed changes, identifies mitigations, and applies the District's adopted polices for disparate impact and disproportionate burden.

This report will describe the public participation components that led to the Metropolitan Transportation Commission to implement a program to support regional means-based fare discounts. Public input is essential to understanding the concerns and priorities of riders. Marin Transit will hold a public hearing on October 5, 2020 to obtain input on the District's participation prior to approval. Public input will also inform the District's outreach efforts in advance of implementing the fare discount program. MTC has proposed November 2020 for Marin Transit's participation.

In early 2020, staff completed a fare equity analysis that demonstrated that an overall package of proposed Marin Access fare and fare assistance program changes will not result in a disparate impact or disproportionate burden for minority or low-income clients. Most important for this report, the equity analysis also considered proposed changes to Marin Transit fixed route pass programs that determined these changes will substantially benefit Marin Transit's older adult, disabled, minority, and low-income riders. Staff reviewed and reported on the District's extensive planning and public participation process that informed the development of these proposals. In February, the Board of Directors approved the package of changes to mobility management fares and program eligibility and the cost of fixed route passes. These changes went into effect on July 1, 2020.

For the current proposal, staff evaluated the relative benefits of the electronic-only fare reductions for eligible low-income residents and applied Marin Transit's thresholds for identifying disparate impact and disproportionate burden. This analysis is based on data from the 2017 on-board passenger survey regarding fare payment methods by minority and low-income status. The results indicate that the relative distribution of benefits from participating in Clipper START do not meet the District's thresholds.

## Background

Marin Transit staff actively participated in MTC's 2015-2016 regional means-based fare study meetings to develop the pilot project that ultimately became Clipper START. Marin Transit has an extended history of exploring potential changes to its fare policies in the 2016 and 2018 Short Range Transit Plans (SRTP). The District's 2018 SRTP provided guidance on a potential fare change to meet District goals. For the 2020-2029 SRTP, staff performed a comprehensive assessment of fare policies across all programs. The assessment and resulting recommendations are described in Appendix B of the 2020 -29 SRTP. The goals that guided the development of recommended changes significantly overlap with the goals of the Clipper START program. Marin Transit's fare policy goals are to:

- Encourage use of pass and Clipper electronic fare media over cash payment to streamline and improve operations;
- Offer fare media that incentivizes ridership and simplifies payment;
- Keep fares and subsidy levels commensurate with the services offered across programs;
- Adjust fare assistance programs to maximize social equity and provide mobility options for all Marin residents;
- Maintain cost-effectiveness targets by service typology; and
- Keep Marin Transit fare policies consistent with regional efforts to coordinate and integrate transit agencies fares.

Staff weighed the recommended changes and guidelines to ensure they are consistent with regional goals and facilitate transfers with partner transit agencies. Staff prepared a detailed data analysis to develop the recommended fare change proposal. The comprehensive review evaluated these three areas in combination:

1. Low-income fare assistance (LIFA) for older adults and persons with disabilities;
2. Program eligibility for demand response programs; and
3. Fare policies for mobility management programs, paratransit, and fixed-route services.

The changing structure of the regional Clipper electronic fare payment program also influenced the recommendations. Marin Transit cannot independently change its fares within the Clipper system as it shares its fare table in Clipper with Golden Gate Transit. All changes to local fares must be agreed upon by both Marin Transit and Golden Gate Transit until Marin Transit is provided independence under Clipper. Based on these factors, staff updated the proposed changes as an important next step in implementing new programs and advanced technologies.

In 2018 and 2019, Marin Transit conducted an extensive public participation process to develop a comprehensive fare change proposal for July 2020 implementation. The Board approved a combination of changes to the District's Fare Policy, Program Eligibility, and Low-Income Fare Assistance in February 2020.

## Title VI Requirements

Title VI of the Civil Rights Act of 1964, Section 601 states: “No persons in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.”

Marin Transit seeks to avoid, minimize or mitigate disproportionately high and adverse impacts on minority and low-income populations. As a recipient of financial assistance from the Federal Transit Administration (FTA), Marin Transit is required to comply with Title VI of the Civil Rights Act of 1964 by evaluating service and fare changes at the planning and programming stages to determine whether those changes have discriminatory impacts, including Disparate Impacts on minority populations and/or Disproportionate Burdens on low-income populations.

In 2012, FTA issued guidance under FTA Circular 4702.1B (Title VI Requirements and Guidelines for Federal Transit Administration Recipients) and Circular 4703.1 (Environmental Justice Policy Guidance for Federal Transit Administration Recipients) requiring transit agencies to develop policies when they contemplate service or fare changes. Despite being an FTA requirement, a Title VI Equity Analysis does not replace the responsibility for conducting an ongoing process that considers equity among other factors when designing fare changes, service changes, or discretionary policies and programs.

## Marin Transit’s Title VI Program

Marin County has approximately 250,000 residents, and they are located primarily along the U.S. Highway 101 corridor stretching to Sonoma in the north and San Francisco to the south. Most of Marin County consists of protected open space; national, state, and local parks; and agricultural preservation areas in South and West Marin. Marin Transit carries 3.3 million local transit and paratransit trips each year. Based on a 2017 Marin Transit fixed route passenger survey, approximately 59 percent of local riders are low-income and approximately 71 percent identify as minority or other. Consistent with FTA’s Title VI guidance, minority population is defined as all persons who self-identify as not white in the US Census and persons who identify as Latino or Hispanic regardless of race. As applied in Marin Transit’s 2017 Title VI Program, low-income is defined as households earning less than \$50,000 annually. Over half of the survey respondents identified as Hispanic (52%).

**Table 1** below updates demographic analysis in the District’s Title VI Program table with the results of the 2017 On-board Ridership Surveys and 2017 American Community Survey (ACS) data. The countywide average proportion of minorities residing in Marin County is 28 percent. In all cases, Marin Transit routes serve predominantly minority and low-income residents based on passenger survey results and ridership statistics. Marin Transit conducted its most recent onboard passenger survey in 2017.

The 2017 Board-adopted Title VI Program sets procedures that the District must follow regarding fare and major service change proposals. As defined under the program, major service and fare changes are subjected to an equity analysis to identify disparate and disproportionate impacts. Marin Transit fare

change proposals are developed based on a long process of research, survey, and public participation. Before Board approval of any fare change, the District provides a meaningful opportunity for riders and the general public to discuss possible impacts and comment on any proposed mitigation measures. This includes discussion of less discriminatory alternatives that may be available, in advance of any action on the proposals that the Board of Directors may approve.

To comply with the 2012 FTA Title VI guidance, the Marin Transit Board adopted Policies on Major Service Change, Disparate Impact, and Disproportionate Burden for evaluating service and fare changes on June 24, 2013. These three policies established a definition of what constitutes a major service change to require an equity analysis and a statistical threshold to determine whether minority and low-income riders are disproportionately impacted by a service or fare change. These are provided as **Appendix A** with a description of the public outreach efforts associated with establishing these policies.

**Table 1: Demographic Overview of Transit Riders in Marin County**

	Transit Rider (Onboard Survey Results)				Marin County % <sup>(1)</sup>
	2005	2008	2012	2017 <sup>(2)</sup>	
<b>Age</b>					
Persons under 18 years old	18%	25%	21%	11%	20%
Persons between 18 and 65 years	78%	70%	72%	80%	60%
Persons 65 years old and older	4%	5%	7%	9%	20%
<b>Gender</b>					
Female	48%	46%	49%	44%	51%
Male	52%	54%	51%	56%	49%
<b>Household Income</b>					
Under \$25,000	51%	61%	57%	35%	12%
\$25,000 to \$49,999	28%	18%	20%	24%	13%
\$50,000 to \$74,999	10%	8%	7%	12%	12%
\$75,000 or more	10%	13%	16%	29%	63%
<b>Race</b>					
Hispanic	n/a	49%	43%	52%	16%
Caucasian/White	n/a	36%	39%	29%	72%
African American	n/a	9%	7%	7%	2%
Asian	n/a	8%	5%	5%	6%
Other	n/a	5%	6%	7%	4%

**Notes:** (1) U.S. Census Bureau, 2013-2017 American Community Survey

(2) The 2017 Marin Transit onboard survey did not include Supplemental school routes that were included in previous survey efforts.

## Process for Developing the Regional Mean-Based Discount Fare Program

### Public and Stakeholder Engagement

The Metropolitan Transportation Commission (MTC) is the metropolitan planning organization serving the nine-county San Francisco Bay Area. Marin Transit and peer transit operators met regularly with MTC staff during the development of the pilot program to discuss goals and study findings and provide feedback.

Concurrent to these meetings, MTC established a Technical Advisory Committee (TAC) to provide input and feedback on the study. The TAC consists of a broad-based group of stakeholders including representatives from public transit operators, social and human services agencies, academia and non-profit organizations. Starting in May 2015, the TAC met four times through the course of the study on these dates, here linked to the minutes for each: [May 28, 2015](#), [August 3, 2015](#), [August 4, 2016](#), and [December 16, 2016](#). MTC advertised these meetings consistent with the Brown Act and invited public participation, and the minutes document the comments and questions at each stage. The second and the third meetings provided input into evaluating alternative program scenarios and the fourth on the draft study reports.

### MTC Reports Resulting from the Means-Based Fare Study

#### Links to Draft Final MTC Reports, as of October 2020

- [Project Overview Report](#)  
An executive summary of the study, encompasses information from each of the detailed tech memos below.
- [Tech Memo #1: Policies and Conditions](#)
- [Tech Memo #2: Alternative Fare Scenarios](#)
- [Tech Memo #3: Evaluation of Alternative Means-Based Transit Fare Scenarios](#)
- [Tech Memo #4: Alternatives Evaluation and Recommended Actions](#)

### Clipper 2.0 and Clipper START

As MTC identified in its Plan Bay Area 2040 goals, increasing the region's transit mode share requires multi-agency transit trips to play a more significant role in Bay Area travel. In May 2018, MTC approved a revised Resolution No. 4320. Regional Means-Based Transit Fare Pilot Program Framework to develop a Means Based Transit Fare Pilot Program. To start, four large Bay Area transit operators (BART, Caltrain, Golden Gate Bridge and Ferry, and SFMTA) would participate in the pilot program and offer a 20 -50 percent discount on single rides to eligible patrons.

Clipper START is a tool to create a seamless transit experience that prioritizes consistency, predictability, and convenience for low-income riders. MTC convened a Fare Integration Seminar with partner transit

operators that reached agreement to pursue a business case and implementation study. For the region, the Clipper START pilot is one component of a larger effort to better understand the economic, strategic, financial, and operational case for multiple new regional fare concepts.

The Clipper START program allows adults who live in the Bay Area and whose annual earnings are up to 200 percent of the federal poverty level to qualify for fare discounts. The Clipper START pilot requires riders to use Clipper for fare payment. Riders can apply online or by submitting a paper application. Applicants will need to provide proof of identity and proof of income, and those approved will receive a personalized Clipper card that can be used for single-ride discounts on the participating transit agencies' systems. More information about the program and the online application can be found at [www.clipperstartcard.com](http://www.clipperstartcard.com). See **Appendix F** for a fact sheet on Clipper START administration and eligibility requirements.

MTC and partner transit operators determined that the timing of the second generation of Clipper (2.0) provided the opportunity to test this regional discount fare while simplifying business rules. In June 2019, the MTC Board of Commissioners made a formal request to the Clipper Executive Board to develop and implement a means-based discount program. The initial four large transit operators implemented the START program in mid-2020. Marin Transit is included as one of the second phase operators to participate in the pilot, after Board consideration and approval.

### Marin Transit Fare Policy Updates and Participation in Clipper START Pilot Program

Marin Transit is committed to ensuring that no person is excluded from participation or denied the benefits of its services on the basis of race, color, or national origin as protected by Title VI of the Civil Rights Act. The District follows a set of performance standards and objectives that reflect the District's mission to promote environmental justice and provide equal access to its transportation services.

In 2016, the District released the *Marin Access Strategic Analysis and Recommendations Study*. This Study recommended changes to Marin Access fares and eligibility thresholds.

As part of the SRTP 2020-2029, Marin Transit conducted a comprehensive evaluation of fare pricing and policies across all programs and evaluated eligibility standards for Marin Access program to develop changes that will benefit riders and increase the financial sustainability of Marin Transit programs.

The primary goals that guided the July 2020 changes to the District's fare policy included:

- Maximizing social equity and providing mobility options for all Marin residents, and
- Keeping Marin Transit fare policies consistent with regional efforts to coordinate and integrate transit agencies fares.

Changes to Marin Access fare policy introduced an expanded Low-income Fare Assistance (LIFA) program that increased the income thresholds and bridged the gap for the low-income riders with household income above the Federal Poverty Level and below the Elder Index. Marin Transit designed the new Fare Assistance program to increase the financial safety net for older adults and persons with



disabilities who rely on mobility management programs and services, including Rural Dial-A-Ride in West Marin. Eligible low-income riders can also opt-in to receive a free pass to use on Marin Transit local bus service.

The District's updated fare policy also adjusted pricing of fixed route period passes to provide an additional discount for regular riders who regularly ride public transit. These changes reduced the price of Adult Monthly Passes by 50 percent and Senior Monthly Passes by 20 percent.

Marin Transit staff participated in the MTC Means-Based Fare Policy TAC concurrently with this effort to reconfigure the Marin Transit fare policies and programs. The regional Clipper START pilot program is consistent with the Marin Transit's goals and recommendations that went into developing the July 2020 changes to the District's Fare Policies. Clipper START is a tool to create a seamless transit experience that prioritizes consistency, predictability, and convenience for low-income riders.

### Marin Transit Fare Policies and the Short Range Transit Plan

Marin Transit updates its Short Range Transit Plan (SRTP) every two years. The SRTP is a fiscally constrained five-year blueprint with a ten-year financial outlook. The SRTP is informed by completed and ongoing planning efforts, including the 2016 Marin Access Study and related actions. The Marin Transit fare policy and program proposals build on the principles and priorities of the SRTP and extensive public participation opportunities. These include community-based transportation plans for Marin City in Southern Marin and for the Canal neighborhood in San Rafael and ongoing public participation activities. The 2016, 2018, and 2020 plans reflect the goals and guiding principles for proposed changes to fare policies and programs.

As approved by the Board in early 2020, **Table 2** shows Marin Transit's fare structure and pricing effective July 1, 2020.

**Table 2: Current Marin Transit Fixed Route, Dial-a-Ride, and Mobility Management Program Fares, next page**

Marin Transit Fares	Current (as of July 1, 2020)	July 1, 2023 (2 <sup>nd</sup> Phase of Marin Access Changes)
<b>Adult</b>		
Adult Cash Fare	\$2.00	No change
Adult Clipper Single Ride	\$1.80	No change
Adult 1-Day Pass	\$5.00	No change
Adult 31-Day Pass	\$40.00	No change
<b>Older adults 65+ / Persons with Disabilities</b>		
S/D Cash Fare	\$1.00	No change
S/D Clipper Single Ride	\$1.00	No change
S/D 1-Day Pass	\$2.50	No change
S/D 31-Day Pass	\$20.00	No change
<b>Youth Ages 5 - 18</b>		
Youth Cash Fare	\$1.00	No change
Youth Clipper Single Ride	\$1.00	No change
Youth 1-Day Pass	\$2.50	No change
Youth 31-Day Pass	\$40.00	No change
Annual Youth Pass	\$325.00	No change
Annual Youth Pass - low income	Free	No change
<b>Marin Access</b>		
Novato Dial-A-Ride	\$4.00/\$2.00	No change
Rural Dial-A-Ride	\$4.00/\$2.00	No change
Paratransit - Mandated	\$3.00	\$4.00
Paratransit - Extended	\$3.00	\$4.00
Catch A Ride	\$4.00 + 100% of fare above \$18.00 Limit of 10 trips/month	\$5.00 + 100% of fare above \$19.00 Limit of 10 trips/ month
Volunteer Driver	No Fare - Driver reimbursement of \$0.60/mile	No change

## Public Participation Before and After the Public Comment Period on Clipper START

Marin Transit developed and documented public participation plan to provide adequate notice of public participation activities and opportunities for public review and comment at key decision points to develop a changes in the District's Fare Policies. That plan informs the District's participation plan for Clipper START pilot program and this equity analysis.

Marin Transit's public participation strategies follow US Department of Transportation planning regulations. The federal statutory and regulatory framework creates a proactive program of engagement, interaction, and accountability for decision makers, interested parties, and the public. Fundamental to this program, the District seeks out and considers the needs of those traditionally underserved by existing transportation systems, such as low-income and minority households, who may face challenges accessing employment, healthcare, and other services. The outreach plan in advance of the final recommendation to the Board was fully consistent with the District's Title VI Program Public Participation Plan.

Marin Transit identified and remedied potential adverse effects based on public input. This section summarizes the recent public participation process for developing this proposal and identifying adverse effects. This provides background and leads into the public process to consider the proposed Clipper Fixed Route Fare Discount for eligible riders.

The Marin Transit Board opened the public comment period at its September 14, 2020 meeting, and will hold a public hearing on the current proposal at its October 5, 2020 meeting. Simultaneous professional translation will be provided on request. Options for public input on the proposal Clipper fare discount include mail, email, telephone, online comment form, and in-person. Staff provided notice of these opportunities in Spanish and English in the Marin Independent Journal, on the District's website, on-board buses and at major bus stops, and through emails, social media, and community partner newsletters. The District established a webpage to provide information on the proposal at [marintransit.org/clipperstart](http://marintransit.org/clipperstart). Staff recorded all public comments, and documented emails and online comment forms (provided in **Appendix G**).

### Clipper START Eligibility Thresholds

For the Clipper START discount equity analysis, eligibility is based on incomes that are at or below 200 percent of the federal poverty level. Marin Transit relied on the 2017 Passenger Survey, which identified low-income households as those with incomes of \$50,000 or less.

Note that MTC uses the current equivalent of 200 percent of the federal poverty level – about \$52,500 annually for a four-person household. The eligibility and income thresholds are summarized in **Table 3** below and in the factsheet provided in **Appendix F**. Marin Transit will consider updating the income categories in future passenger surveys to better reflect this standard.

**Table 3: Clipper START Eligibility Thresholds by Household Size**

Household	Household income up to
1	\$25,520
2	\$34,480
3	\$43,440
4	\$52,400
5	\$61,360
6	\$70,320
7	\$79,280
8	\$88,240

## Proposed Discount to Marin Transit Fixed Route Fares for Eligible Low-Income Riders

### Marin Transit’s Clipper START fares and Marin Local fares on Golden Gate Transit regional routes

Marin Transit discount amount for Marin Transit will be 50 percent off of the Adult Cash Fares defined in **Table 4** below. The zones refer to Golden Gate Transit fare zones, as programmed in Clipper. Marin Transit anticipates that its fare categories will become independent of Golden Gate Transit in early 2024. Note that the Golden Gate Bridge Highway and Transportation District (GGBHTD) will hold a public hearing to consider comment on applying the Clipper START fare to Marin Local Fares paid on Golden Gate Transit regional routes. GGBHTD will evaluate the results of their separate Title VI analysis of the Clipper START program for riders of regional services within Marin County at an October 2020 meeting and consider approval at that time. At this time, Marin Local riders on GGBHTD regional routes pay the same fares as those on Marin Transit based on fare category.

**Table 4: Marin Transit – Current Adult Cash Fares**

Zones		To Zone		
		Z2	Z3	Z4
From Zone	Z2	\$2.00	\$2.00	\$2.00
	Z3	\$2.00	\$2.00	\$2.00
	Z4	\$2.00	\$2.00	\$2.00

**Table 5: Marin Transit – Means-Based Discount (Clipper START) Adult Fares**

Zones		To Zone		
		Z2	Z3	Z4
From Zone	Z2	\$1.00	\$1.00	\$1.00
	Z3	\$1.00	\$1.00	\$1.00
	Z4	\$1.00	\$1.00	\$1.00

The Marin Transit Adult fares when using Clipper Coupon are reduced by 50 percent from the Adult Cash Fares defined in **Table 4** above. For eligible Clipper START participants who already use Clipper, the discount is \$.80 or 44 percent.

### Transfers from Regional Operators

Golden Gate Bus to Marin Transit - Two additional free rides within two hours of first boarding Marin Transit and tagging off the last Marin Transit ride.

Golden Gate Ferry to Marin Transit - Two additional free rides within three hours of boarding Golden Gate Ferry.

SMART to Marin Transit - Discounted ride within four hours of tagging off SMART and tagging off Marin Transit. Transfer Discount (Clipper START Discounted Adult): \$1.50

**Table 6: Transfer Credits for Clipper START Participants**

Zones		To Zone		
		Z2	Z3	Z4
From Zone	Z2	-	-	-
	Z3	\$0.25	\$0.25	\$0.25
	Z4	\$0.25	\$0.25	\$0.25

SMART accepts fare payment through e-ticket apps or Clipper. Clipper electronic fare cards can be loaded with either e-cash or a monthly pass. SMART e-tickets do not receive the transfer credit, and SMART transfers are entirely through Clipper.

Because Marin Transit is linked with Golden Gate Transit in Clipper, Marin Transit is not able to separate out transfers between SMART to Golden Gate Transit and SMART to Marin Transit. Marin Transit did not include questions regarding transfer behavior in its 2017 Passenger Survey. Thus, there is no demographic data available related to these riders. Prior to the COVID-19 pandemic, staff estimates there were approximately 100 transfers per day occurring between SMART and Marin Transit.

## Fare Payment Methods from the 2017 Passenger Survey

Marin Transit has analyzed data on fixed route fare payment methods from its most recent on-board passenger survey in 2017. This is summarized in **Table 7**, below. Marin Transit used the survey data to identify the fare media usage distinguished by rider characteristics, i.e. minority and low-income.

Minority populations are those who identified themselves as American Indian or Alaskan Native, Asian, Black or African American, Hispanic or Latin, Native Hawaiian or Other Pacific Islander. Consistent with the Marin Transit 2017 Title VI Program, low-income is considered as households that earn less than \$50,000 annually.

**Table 7: Survey Results for all Marin Transit Fare Payment Methods by Minority and Income Status, Actual Total Reported Methods**

Fare Payment Method	Ridership Information (Numbers)				Total Surveys
	Minority	Non-minority	Low-income (below \$50,000)	Non low-income (\$50,000 or more)	
Cash	529	182	464	124	1,214
Clipper	113	82	127	42	
Marin Local	4	2	2	1	
Marin Local	11	13	15	3	
Regional	9	13	15	2	
College Pass	53	35	55	14	
Youth Pass	83	10	38	17	
<b>Total</b>	<b>851</b>	<b>356</b>	<b>752</b>	<b>227</b>	

Based on 1,214 surveys, **Table 8** shows the percentage of reporting fare payments using Clipper and Cash out of the total reported fare payment methods by minority and income status.

**Table 8: Survey Results for Clipper and Cash Fare Payments by Minority and Income Status, As a Proportion of Total Reported Methods (2017)**

	Ridership Information (%)				Total Surveys
	Minority	Non-minority	Low-income (below \$50,000)	Non low-income (\$50,000 or more)	
Cash	62.2%	51.1%	61.7%	54.6%	1,214
Clipper	13.3%	23%	16.9%	18.5%	

## Title VI Equity Analysis of the Proposed 50 Percent Discount for Eligible Riders on Marin Transit using Clipper

**Table 8** below estimates the proportion of minority and low-income riders who use Clipper, by applying the proportions in the 2017 survey data and actual payment methods in fiscal year 2017. This provides context for evaluating the relative impacts of the proposed mean-based Clipper discount.

The District is proposing to reduce the Adult fare on Clipper from \$1.80 to \$1.00 for eligible low-income riders who apply for the program. For eligible riders new to Clipper, the fare will be reduced from \$2.00 to \$1.00 or 50 percent. This section analyzes this proposal and describes the FTA guidance for determining disparate impact on minority populations and disproportionate impact on low-income populations.

**Table 9: Proportion Using Clipper on Marin Transit Based on Overall Fare Payment Methods Used by Minority and Low-Income Riders**

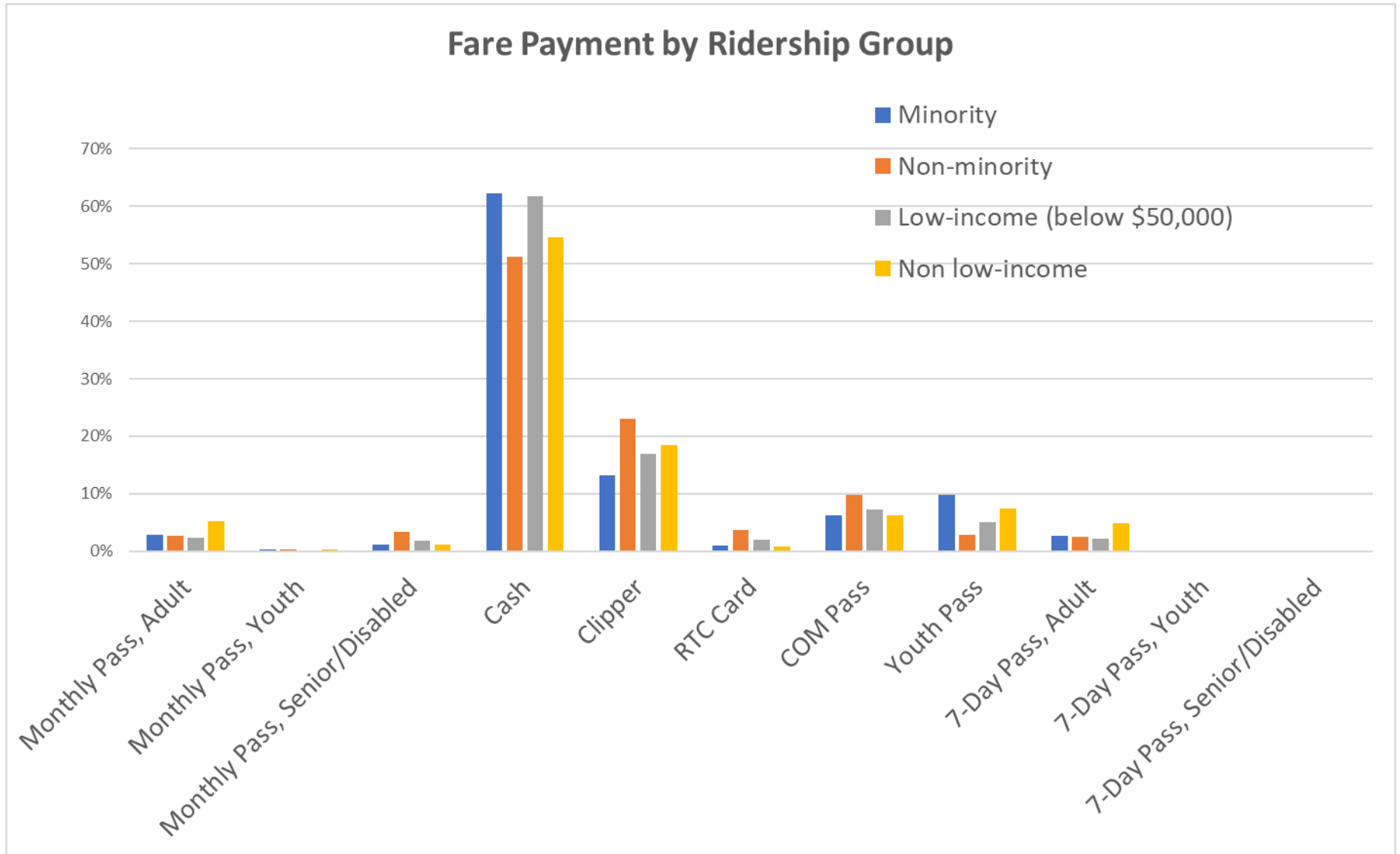
Marin Transit Fare Payment Methods Used	Ridership Information (%)			
	Minority	Non-minority	Low-income (below \$50,000)	Non low-income
Cash	62%	51%	62%	55%
Clipper Electronic Fare Card	13%	23%	17%	19%
Regional Discount Card for	1%	4%	2%	1%
Monthly Pass, Adult	3%	3%	2%	5%
Monthly Pass, Youth	0%	0%	0%	0%
Monthly Pass, Senior/Disabled	1%	3%	2%	1%
College of Marin (COM) Pass	6%	10%	7%	6%
Annual & Semester Youth Pass*	10%	3%	5%	7%
7-Day Pass, Adult**	3%	2%	2%	5%
7-Day Pass, Youth**	0.1%	0.1%	0.1%	0.11%
7-Day Pass, Senior/Disabled**	0.0%	0.1%	0.1%	0.01%

\* Under Marin Transit's Annual and Six-Month Youth Pass Program, 94% of passes are distributed free to eligible low-income students.

\*\*Eliminated as of July 1, 2020

The data from **Table 9** is displayed as a chart on the following page and shows the relative distribution of Marin Transit cash fares, use of the regional electronic Clipper card, and other payment methods.





In **Table 10**, staff uses the results of the 2017 on-board passenger survey to analyze the potential for disparate impacts based on minority status or disproportionate burden based on low-income (those reporting annual household incomes below \$50,000). The 50 percent discount on Clipper START is intended to be a significant incentive for eligible low-income riders to transition from cash fare payments.

The analysis finds that the reduction in the Clipper START program provides significant net benefits to each population. Based on the survey responses, minority riders will experience more benefits than non-minority. Minorities will experience 50.5 percent of the benefit from the reductions and non-minority riders will experience 49.5 percent. Low-income riders will experience 50.5 percent of the overall benefit while non-low income riders will experience 49.7 percent of the benefit. Marin Transit's policy on disproportionate burden has a threshold of 20 percent variance in the relative burden or benefit of a fare change. The equity analysis is described in detail below.

FTA requires Marin Transit to document the percentage change and the absolute change in fares to determine the relative distribution of benefits or burdens. Under FTA guidance, an agency multiplies the fare increase or decrease of each specific fare with the number of riders for each specific fare.

Using the data in **Table 10**, this calculation for cash paying discount eligible riders is (\$1)(529 minority riders), then (\$1)(182 non-minority riders) and (\$1)(464 low-income riders) and (\$1)(124 non low-income riders). The results of multiplying these figures show the distribution of average benefit of the fare reduction for eligible riders, as follows:

- \$529 for minority;
- \$182 for non-minority;
- \$464 for low-income; and
- \$124 for non-low income

For current Clipper users who are eligible for Clipper START, this calculation (\$0.80)(113 minority riders), then (\$0.80)(82 non-minority riders) and (\$0.80)(127 low-income riders) and (\$0.80)(42 non low-income riders). The results of multiplying these figures show the distribution of average benefit of the fare reduction for eligible riders, as follows:

- \$90.4 for minority;
- \$65.6 for non-minority;
- \$101.6 for low-income; and
- \$33.6 for non-low income

FTA guidance specifies that the transit agency add the average fare changes and divide them by the total number of riders in that category to determine the distribution of costs or benefits. The average minority ridership fare decrease is \$.96, which is derived by adding \$529 and \$90.4 (\$629.4) and dividing that figure by the total number of minority riders who pay cash (642). The average non-minority ridership fare decrease is \$.94, derived by adding \$182 and \$65.6 (\$247.6) and dividing that figure by the total number of non-minority riders who pay cash (591).

The next step is to add the average fare decrease for START eligible minority and non-minority riders (\$.96 and \$.94) and divide the minority rider figure and non-minority figure separately by the aggregate figure (\$1.90). This determines the percentage decrease for minority and non-minority riders from the average reduction in the cost of adult fares on Clipper START and is calculated as  $\$.96/\$1.90$  minority and  $\$.94/\$1.90$  non-minority. Based on the survey responses, the results indicate that minority riders will receive 50.5 percent of the benefit and non-minority riders will receive 49.5 percent. Minority riders will benefit one percent point more than non-minority riders, and there is no disparate impact from the monthly pass price reduction. The 2017 survey indicated that 71 percent of Marin Transit identify as non-white. The 50 percent discount on Clipper START is anticipated to be a significant incentive for eligible low-income riders to transition from cash fare payments.

Staff repeated this calculation for low income and non-low income riders, using  $\$.96/\$1.91$  to determine the share of benefits for low-income riders and  $\$.95/\$1.91$  to determine the share of benefits for non-low income riders. Based on the survey responses, these results indicate that low-income riders will receive 50.5 percent of the benefit and non-low income riders will receive 49.7 percent.

The percentage difference in benefit for low-income versus non-low-income riders is .08 percent. This figure is below Marin Transit's threshold for disproportionate burden, which is 20 percent. According to the 2017 on-board survey, 59 percent of Marin Transit riders are from low-income households. As an indicator for low-income riders, Marin Transit uses annual household income of \$50,000 or less.

These results are shown in **Table 10**, below.

Table 10: Title VI Equity Analysis of Fixed Route Fares Discounts For Eligible Low-Income Riders, On-Board Survey

2017 Fixed Route Survey Findings (out of 1214 surveys)	Fare Information				Average Fare Change				Relative Distribution of Fare Change by Category			
	Minority	Non-minority	Low-income (below \$50,000)	Non low-income	Current fare	New Fare for low income riders	Fare change %	Fare change absolute	Minority	Non-minority	Low-income	Non-low-income
Cash	529	182	464	124	\$2.00	\$1.00	-50%	\$1.00	-\$529	-\$182	-\$464	-\$124
Clipper	113	82	127	42	\$1.80	\$1.00	-44%	\$0.80	-\$90.4	-\$65.6	-\$101.6	-\$33.6
<b>Total</b>	642	264	591	166								
<b>Average benefit for each category</b>									<b>-\$0.96</b>	<b>-\$0.94</b>	<b>-\$0.96</b>	<b>-\$0.95</b>
<b>Percent benefit by category</b>									<b>-50.5%</b>	<b>-49.5%</b>	<b>-50.5%</b>	<b>-49.7%</b>

## Conclusion

Using the results of the 2017 Marin Transit Passenger Survey, the fare equity analysis of the proposed discount in fares indicates that the benefits of the Clipper START discount program are shared equally among eligible riders. There is no difference between the impact to minority and low-income riders and those who are not and, therefore, no disparate impact or disproportionate burden.

Based on analysis of 2017 Marin Transit fixed-route survey responses, minority riders will receive 50.5 percent of the benefit and non-minority riders will receive 49.5 percent from the reduction from participating in Clipper START. This indicates that there is no disparate impact. In the 2017 survey, 71 percent of Marin Transit riders stated that they were either minority or other.

For Marin Transit's low-income riders, the equity analysis indicates that low-income riders will receive 50.5 percent of the benefit and non-low income riders will receive 49.7 percent. The difference in benefit for low-income and non-low-income riders is negligible. However, Clipper START riders will need to be educated on how to properly utilize the Clipper electronic fare system in Marin County. A substantial marketing effort is required to understand the importance of tagging off Clipper when they exit the bus.

There is a penalty for not tagging off that impacts all Clipper users riding locally on Marin Transit and Golden Gate Transit regional buses. Given the design of Clipper START, this penalty will be significantly more burdensome for those in the Clipper START program. In each case, Clipper will charge the rider the maximum fare for travel on that bus regardless of status as a START program participant. In recent years, on average 6.5 percent of Marin local riders using Clipper neglect to tag off. MTC has signaled that they are willing to devote resources to market how to use Clipper to avoid being overcharged. MTC has agreed to coordinate a marketing campaign with SMART, Golden Gate Transit, and Marin Transit.

The 2017 Marin Transit on-board survey found that 59 percent of riders are from low-income households. Marin Transit anticipates that the 50 percent reduction in fares for eligible riders will significantly increase the incentive for low-income riders to utilize Clipper over cash fare payment.

Marin Transit is prepared to work with its partner agencies to conduct a thorough, multi-faceted public education campaign in Spanish and English should the District's Board approve the Clipper START fare reduction. Based on MTC timelines, Marin Transit anticipates implementing the low-income fare discount in November 2020. The District will monitor changes in fare payment methods by eligible minority and low-income riders and identify any unanticipated impacts. The District will continue to use rider survey data and review comments from Marin Transit fixed-route riders and monitor Clipper usage. Staff will monitor participation in the pilot discount program to ensure that Marin Transit is meeting its goals and maximizing mobility for its most vulnerable riders.

## Appendix A - Marin Transit Title VI Civil Rights Policies on Major Service Changes, Disparate Impact, and Disproportionate Burden

As one part of its overall Title VI Program, Marin Transit Board of Directors approves the following policies to analyze the District's fixed route services, to determine the impacts and burdens of future service proposals on affected populations, and to identify potential alternatives.

### Marin Transit Policy on Major Service Changes

Prior to Board approval, all major service changes will be subject to an equity analysis that will include an analysis of potential adverse effects to identify whether proposed changes would result in an unequal distribution of burdens or benefits. The FTA Title VI guidance provides examples of types of service changes in Table 1 below.

**Table 1: Examples of Service Changes on Bus Routes**

<u>Change In Service</u>	<u>Reductions</u>	<u>Additions</u>
Span of Service (at least 30 min.)	Shortening of service day Removal of periods and/or days of service	Increase of service day Additions of periods and/or days of service
Frequency of Service	Removal of trips on an entire line Removal of trips on a line segment (Short Line) Change in bus capacity	Addition of trips on an entire line Removal of trips on a line segment (Short Line) Change in bus capacity
Service Discontinuation	Discontinue service to an area (May be entire line or segment of existing line) Reroute of existing line away from an area	Add service to an area (May be entire line or segment of existing line) Reroute existing line to an area

**Source: FTA Circular 4702.1B - TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS, issued October 1, 2012**

Unless otherwise noted under item (f) EXCEPTIONS, Marin Transit defines a "**Major Service Change**" as follows:

- a. The addition of a new transit route. Reassignment of existing route numbers, including splitting or combining two or more routes, will not constitute a new transit route. However, if the reassignment will impact the number of transit revenue hours or the route path, the criteria (c) and (d) listed below will be considered. Transit revenue hours refers to the amount of time that a bus is available to carry passengers; or
- b. New service on streets not previously used by any route (excluding major arterial streets and streets designated as a truck route); or

- c. Any aggregate change of 30 percent or more of the number of transit revenue hours of a route over a three-year period for the day of the week for which the change is proposed; or
- d. Any changes in the routing of a bus route, when it is in service that alters 40 percent or more of the route's path over a three-year period.
- e. **EXCEPTIONS:** Exceptions to the "**Major Service Change**" defined in (a) through (d) include:
  - i. Changes to a route with productivity that is 50 percent or below of Marin Transit standards in a typical service day are not considered "major," unless service on that route is eliminated completely on any such day. Productivity refers to the number of passengers carried per revenue hour or per trip. Productivity standards are based on Marin Transit's route typology and are presented in Table 2 below, as adopted in the District's Short Range Transit Plan and updated every two years.

### Excerpt from Marin Transit Short Range Transit Plan on Productivity Targets by Service Type

Marin Transit has specified productivity goals measured by passengers per hour or trip and based on service typologies, as shown in Table 2, and these will be updated whenever route changes are made.

**Table 2: Marin Transit Productivity Goals by Route Typology (updated January 2020)**

Typology	Routes	Productivity Target (minimum)
Local Trunkline	35, 36, 71X	20 passengers/ REVENUE HOUR
Local Basic	17, 22, 23, 23X, 29, 49	18 passengers/ REVENUE HOUR
Local Connector	219, 228, 233, 245, 251, 257	8 passengers/ REVENUE HOUR
Supplemental	113, 115, 117, 119, 125, 139, 145, 151, 154	20 passengers/TRIP
Rural	61, 68	6 passengers/ REVENUE HOUR
Recreational	66	25 passengers/ REVENUE HOUR
Demand Response	Paratransit, Novato DAR, Dillon Beach/Tomales DAR, Point Reyes DAR	2 passengers/ REVENUE HOUR

**Source:** Marin Transit 2020-29 Short Range Transit Plan

**EXCEPTIONS** *(continued)*

- ii. Frequency of service (or headway) adjustments of up to 20 minutes that are not combined with changes to a route's revenue hours or path as described in (c) and (d) above.
- iii. Standard seasonal variations, unless the variations, as compared to operations during the previous season, fall within the definition of major adjustments in transit service listed in the criteria (a) through (d) above.
- iv. Introduction or discontinuation of short- or limited-term service as long as the service will be or has been operated for no more than twelve months. These include promotional, demonstration, seasonal or emergency service, or service provided as mitigation or diversion for construction or other similar activities. Emergency service changes include changes to routes or service frequencies that result from a disaster that severely impairs public health or safety; changes in access to public streets (such as street closures); or the ability of District equipment to travel on public streets.
- v. Restoration of service previously eliminated due to budget constraints, provided the service runs on the same route as it had prior to its elimination, subject to minor deviations that do not exceed the requirements of (a), (b), (c), or (d) above.
- vi. Changes to infrequent, seasonal, or supplemental routes, including supplemental school routes that meet the requirements of (a) or (b).

**Marin Transit Policies on Disparate Impact and Disproportionate Burden**

Marin Transit will analyze major service change proposals and all fare change proposals to measure and compare the level of adverse effect (loss) or benefit (gain) between minority and non-minority populations and between low-income and non-low-income populations. There are two sources of data for demographic analysis of proposed changes: U.S. Census data and Marin Transit rider survey data. For routes where Marin Transit has conducted passenger surveys, the District will use that data to evaluate relative impacts and burdens of proposed major service and fare changes. When no passenger survey data is available, the District will rely on census data.

As defined under the Federal Civil Rights Act of 1964, discrimination is prohibited based on race, color, and national origin. Those characteristics are considered protected, and persons with those characteristics are referred to as a protected class. The typical measure for determining disparate impact determine the effects of a service change or fare increase based on the proportion of total ridership that consists of members of a protected class. The analysis applies a statistical measure of



disparate impact for those affected by a service change or fare increase compared to persons who are not in a protected class.

When Marin Transit uses ridership data to analyze potential impacts, the agency will compare the ridership of the affected route, routes, or route segment to the entire ridership of the local fixed route system. For example, if the ridership of the affected route is 60 percent minority and the system ridership is 40 percent minority, then any changes to the route may have a disparate impact.

*a. Definitions of Disparate Impact and Disproportionate Burden*

Federal Transit Administration Guidance on Title VI published on October 1, 2012 defines disparate impact and disproportionate burden as follows:

Disparate impact - a neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the transit provider's policy or practice lacks a substantial legitimate justification and where there exist one or more alternatives that would serve the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.

Disproportionate burden - a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the transit provider to evaluate alternatives and mitigate burdens where practicable.

In assessing disparate impact and disproportionate burden, Marin Transit determines adverse impact based on the federal standard described in the Equal Employment Opportunity Commission (EEOC) Uniform Guidelines known as the "four-fifths rule." This standard requires benefits to accrue to protected populations at a rate at least four fifths (4/5) or 80 percent of the rate benefits accrue for unprotected populations. Likewise, adverse effects are to be borne by unprotected populations at a rate at least four fifths (4/5) or 80 percent of the rate for protected populations.

For the purposes of this policy, the maximum acceptable difference (positive or negative) in level of benefit between protected and unprotected populations is 20 percent. For changes in transit service level or transit fares, this standard applies as follows for minority and low-income populations:

*b. Disparate Impact on Minority Populations*

If the cumulative impact of a major service change proposal or any fare change proposal requires a minority population to receive benefits 20 percent less or to bear adverse effects 20 percent more than those benefits or adverse effects received or borne by the non-minority population, that impact will be considered a disparate impact.

Here is one example of how Marin Transit would use demographic data of its riders to determine if there is a disparate impact due to a proposed change:

If 30 percent of Marin Transit riders are minority, but a change would cause them to bear 50 percent of the impacts, and non-minority riders would bear 40 percent of the impacts, there may be a disparate impact. This is because minority riders would bear 20 percent more of the impact than their expected share at 30 percent of riders. Since there is a 20 percent difference or disparate impact, Marin Transit would be required to modify proposed changes to avoid, minimize, or mitigate the impact on minority riders.

*c. Disproportionate Burden on Low-Income Populations*

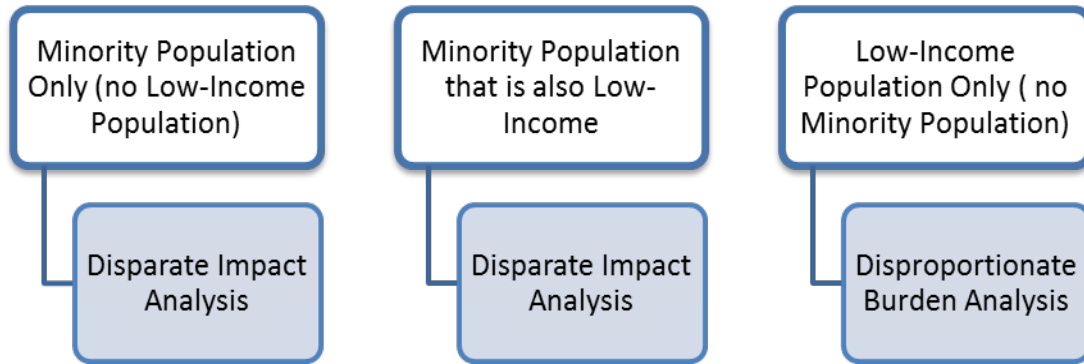
Race, color, and national origin are protected classes under Title VI. While low-income populations are not protected, Marin Transit recognizes the need to evaluate the impacts of service and fare changes on transit-dependent passengers. Marin Transit's disproportionate burden policy is based on a scenario that assumes that Marin Transit's low-income riders and minority riders are two distinct groups.

If the cumulative impact of a major service change proposal or any fare change proposal results in a low-income population receiving benefits 20 percent less, or to bear adverse effects 20 percent more, than those benefits or adverse effects received or borne by non-low-income populations, Marin Transit will consider that impact a disproportionate burden and will take steps to avoid, minimize, or mitigate impacts where possible.

Marin Transit will evaluate the impact of proposed changes to its fare media whether the proposed changes are a proportional (or percent) increase to some or all the agency's current fare categories or a flat fare increase applied to all fares. Marin Transit is not required to do a Title VI fare equity analysis for promotional fare programs that are less than six months in duration.

If the cumulative impact of a proposed major service change or fare change meets the District's approved thresholds for disparate impact or disproportionate burden, Marin Transit will develop a detailed service or fare equity analysis and identify alternatives for the Board to consider prior to approving the proposed change.

When minority populations significantly overlap with low-income populations, Marin Transit will choose to use the disparate impact analysis as outlined in the 2012 FTA Title VI guidance and illustrated in the diagram below.



Source: FTA Circular 4702.1B - TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS, issued October 1, 2012

Where Marin Transit identifies disparate impacts due to proposed fare and major service changes, the District will provide a meaningful opportunity for public comment on any proposed mitigation measures. This will include discussion of less discriminatory alternatives that may be available, in advance of any action on the proposals that the Board of Directors may approve.

### Public Engagement Process for Developing Policies for Major Service Changes, Disparate Impact, and Disproportionate Burden

At its April 15, 2013 meeting, the Marin Transit Board of Directors considered proposed analysis tools and methods for three Title VI policies, set a public hearing for May 20, and initiated a 45-day public comment period through June 1, 2013. These policies were revised and presented for Board consideration at their June 24<sup>th</sup> meeting, and included:

**Major Service Change Policy** to determine what constitutes a major service change, thus triggering a public process.

**Disparate Impact Policy** that sets a threshold for determining when a detailed service equity analysis must be conducted integral to the public process.

**Disproportionate Burden Policy** that sets a threshold for determining when the impact of a proposed change in fares on low-income passengers requires a fare equity analysis.

Marin Transit held four public meetings in advance of the May 20, 2013 public hearing and received very constructive feedback and thoughtful input to assist in developing ongoing Title VI related outreach. The meetings were held in Novato on May 2, San Rafael on May 4 and 8, and Marin City on May 7. Staff sent out media announcements, and distributed posters in Spanish and English. The three proposed Title VI policies were made available and presented at the public meetings. The May 4 meeting was organized in cooperation with Asian Advocacy and included over 20 Vietnamese residents and was

conducted through a translator. The May 8 meeting was organized by Grassroots Leadership Network and was conducted simultaneously in Spanish. The May 8 meeting had approximately 25 participants.

Marin Transit's Board of Directors held public hearings at its May 20 and June 24, 2013 board meetings to observe the 45-day public comment period that extended to June 1, 2013. At that time, these policies were presented in draft form with the intent to consider any additional public input regarding these policies in the development of the District's full Title VI Program. With approval of the full Title VI Program, Marin Transit staff requests that the Board approve the three policies.

The Policies on Major Service Change, Disparate Impact, and Disproportionate Burden were updated to reflect public input. In preparation for June 24, 2013 hearing, staff issued public hearing notices in English and Spanish, incorporated input received at the May 20 public hearing, and consulted with representatives of community and advocacy organizations in Marin.

## Appendix B - Excerpt from SRTP 2020 Appendix B Regarding Marin Transit Fare Policy, Program Eligibility, and Low-Income Fare Assistance

### Background

The Marin Transit 2016 and 2018 Short Range Transit Plans took an in-depth look at Marin Transit's fare policy, and proposed changes to the structure and fare prices in response to the following policy goals:

- Maintain cost effectiveness targets by service typology;
- Offer fare media that encourages ridership and simplifies payment;
- Keep Marin Transit fares in line with peer agencies;
- Provide non-cash options to support operational efficiency; and
- Maximize social equity by providing mobility for all within the county

In 2016, the District released the Marin Access Strategic Analysis and Recommendations report which provides an in-depth overview of Marin Access programs and riders, and the market forces that influence current and future demand. The study examined how Marin Access services are being utilized, what aspects of the programs are well-performing, and what changes in policy or programs will improve rider's experience and enhance mobility management in the county. This study identified opportunities and constraints to improve Marin Access fare and eligibility policies and recommended the following strategies:

- Reevaluate fare policies to optimize public subsidy, achieve sustainable programs, ensure fares are equitable and maintain a safety net for low-income individuals, and create pricing that manages consumer demand for services
- Reassess eligibility thresholds to achieve consistency and equity across all Marin Access and Marin Transit programs

Staff revisited previous recommendations on fares and eligibility criteria for Marin Access program and the Low-Income Fare Assistance (LIFA) that is offered to older adults and those with disabilities.

A comprehensive review of fares and eligibility thresholds together has not been completed to date. With the addition of new programs such as Connect, upgraded technology expected to come online in 2020 such as the ability to pay fares via an online "wallet," and growing needs in the community, revisiting the fares and eligibility policies were deemed necessary.

As part of the SRTP 2020-2029, staff conducted a comprehensive evaluation of fare pricing, policies, and program eligibility standards to develop policy updates that will benefit riders and increase the financial sustainability of Marin Transit programs. Staff also conducted a survey of riders in November and December 2018 to inform these efforts and better understand why riders use certain payment methods and identify possible incentives to achieve goals of the fare proposal.

This Appendix reflects these updates and changes.

## Guidelines for Setting Fares and Eligibility Standards

As a result of evaluation of fare pricing, policies, and program eligibility standards, staff identified the following challenges, and established the fare policy and eligibility goals that guided the recommended policy changes.

### Key Considerations and Challenges

- Marin Transit has not increased its Fixed Route or Paratransit fares since 2004.
- Fare revenues in Demand Response programs do not keep pace with increasing operations costs and do not meet current financial performance targets.
- Marin Transit's ADA Paratransit fare is the second lowest among peer agencies in the Bay Area.
- Some fares do not reflect the premium features offered across various services and programs. For example, the fare for some curb to curb, non-ADA demand response services is lower than the Fixed Route fare.
- Marin Transit cannot independently change its fares within the Clipper system as its fare table in Clipper is shared with Golden Gate Transit. Until Clipper independence is reached, all changes to local fares must be agreed upon by both agencies.
- Even though the fare for local trips is \$2, Clipper users on local routes are required to tag-on/tag-off. This continues to be an obstacle for attracting local passengers to use Clipper. When a passenger forgets to tag off on exiting a Marin Transit bus, they are charged a higher regional fare.
- Eligibility criteria to receive low-income fare assistance is inconsistent across services and programs. This has led to rider and community partner confusion.

### Rider Survey

In 2018, Marin Transit staff conducted a survey of riders as part of a larger agency effort to simplify its fare structure. The goal of the survey was to better understand why riders use certain payment methods and identify possible incentives to achieve goals of the fare proposal. The survey also intended to identify the level of rider's awareness of different fare media options, determine willingness to shift away from cash to period passes and Clipper, and gauge rider's interest in mobile ticketing.

The fare payment survey was administered online and on-board in both English and Spanish. A total of 535 responses were received with 301 responses coming from onboard riders and 234 responses online. About 17 percent of riders responded in Spanish, and 25 percent of onboard surveys were completed in Spanish. Over 85 percent of all respondents identified themselves as transit riders.

In summary, cash was overwhelmingly perceived as an easy and convenient way to pay. Common theme in survey responses included:

- Lack of knowledge on Clipper and passes,
- Cash being known as the only fare payment method, and

- Financial challenges with affording a prepaid fare payment option

The survey results also confirmed that over 25% of cash users will be willing to consider using passes if they were less expensive, while more than 60% of cash users were not aware of the 10% Clipper discount. Additionally, over 25% of cash users indicated concerns of being overcharged when paying by Clipper.

Lastly, about 67% of surveyed riders responded they were interested in mobile ticketing. Of those riders, 41% currently pay with cash, 40% percent pay with Clipper, and 19% percent use a pass product.

The results of the survey confirmed that while there are opportunities to shift away from cash to support operational efficiencies, cash may remain the preferred method of fare payment for about 19% of the riders who indicated that they will not consider using any other fare media.

Staff also concluded that pass and Clipper usage can be incentivized through pricing adjustments, and considering the limited level of rider knowledge on some of the fare products, a focused marketing and education on fares is recommended to reinforce the impact of the policy updates and lead to riders behavioral changes in fare payment.

### Fare and Eligibility Policy Goals

The 2020-2029 SRTP recommendations for fare policy and eligibility standards are targeted at the following goals:

- Simplify Marin Access program eligibility;
- Encourage pass and Clipper usage over cash payment to streamline and improve operations;
- Offer fare media that incentivizes ridership and simplifies payment;
- Keep fares and subsidy levels commensurate with the services offered across programs;
- Adjust fare assistance programs to maximize social equity and provide mobility options for all Marin residents;
- Maintain cost effectiveness targets by service typology; and
- Keep Marin Transit fare policies consistent with regional efforts to coordinate and integrate transit agencies fares.

The proposed policy changes fall into the following three categories:

- Fare policies;
- Low-income fare assistance (LIFA) for older adults and those with disabilities; and
- Program eligibility for demand response programs.

Due to the interrelationship between these policies, staff considered changes to these three areas concurrently.

## Fare Policy

The 2018 Short Range Transit Plan described recommendations for system-wide changes to fare pricing and structure. Staff are using the 2018 SRTP update as a guide for the updated fare policy changes. Staff continue to carefully weigh potential recommendations and guidelines to ensure they are consistent with regional goals and facilitate transfers with our partner transit agencies.

The 2018 SRTP recommended fixed route changes to Clipper pricing and youth fares. Staff held on recommending any major changes to fixed route fares, due to the following factors:

- Marin Transit and Golden Gate Transit are embedded within the Clipper regional fare system, and changes related to fare structure cannot be achieved independently within the Clipper environment. Golden Gate Transit declined to support proposed changes to youth fares.
- Regional efforts are underway by MTC and San Francisco Planning and Urban Research (SPUR) to simplify fares and improve coordination within the region. Recommendations for significant changes to fixed routes fares should follow guidance from the region and additional coordination with our partner transit agencies.

Marin Transit will be designated as an independent operator under Clipper 2.0, which is expected to occur by 2023. Staff recommends postponing fixed route fare changes to when the District has control over its fare pricing, while remaining consistent with any future regional guidance.



## Appendix C – Public Participation Plan for Clipper START Pilot Program

The public participation plan for the Clipper START proposal was multi-faceted and developed keeping in mind the District’s process for soliciting and considering public comments. Marin Transit opened the public comment period for the Clipper START proposal on September 14, 2020. All comments received prior to October 1, 2020 are provided in **Appendix D**- Summary of Public and Stakeholder Comments and Responses.

**Appendix D** also includes all community and public input specifically related to the goals of the Clipper START pilot from the fare policy outreach for the July 2020 changes. Outreach began early in the development of that proposal to help our operational and community partners understand the history of our fare policy and our goals for this effort. Outreach efforts were focused on five distinct segments of stakeholders including general marketing and outreach to community members, outreach to riders, outreach to community partners, outreach to operational partners, and outreach to peer agencies.

Staff anticipated that outreach to community partners and operational partners will be particularly beneficial as they generally have more direct and frequent interaction with current and potential riders and help inform and educate the public.

The graphic below details the various activities planned for each segment of stakeholders.

### General Marketing & Outreach to Riders

- Dedicated webpage & social media
- Email to Marin Transit listserves
- Outreach and collateral for major stakeholders
- In-vehicle notices; Bus Stop notices

### Community Partners

- Orientation to fare policies and meetings with key stakeholders to develop July 2020 fare changes and connect with communities of concern
- Community education on the use of Clipper and the benefit of the Clipper START discount program

### Peer Agencies

- Coordination with Golden Gate Transit and the Metropolitan Transportation Commission

## Appendix D - Public and Stakeholder Comments Specific to Low-Income Discounts on Fixed Route Services

### Comments received by September 30, 2020

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**Date:** 9/25/2020

**Source:** Online form

**Commenter:** Age: 65+ Annual Household income: 10-25k

**Comment:** Any program that makes it easier for low income seniors to ride on Marin Transit the better-- I am almost 70 & still drive but when I get too old, this will be a hardship due to a much lower income. I am still working too but once I "retire" my income will be even lower and I already am in the extremely low income level even with 2 part-time jobs. But for public housing I'd be homeless. So low income seniors need this. I think low income seniors should just ride free.

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**Date:** 9/26/2020

**Source:** Email

**Commenter:** Age: N/A Annual Household income: N/A

**Comment:** Marin should proceed with the trial.  
These people need it the most, and less traffic on the road is always a good thing.

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## Appendix E - Marin Transit Public Participation Process for Major Service and Fare Changes

This section describes Marin Transit's process for soliciting and considering public comment prior to implementing a major service, as defined in the District's Policy on Major Service Changes, or fare change. If the service changes trigger a public hearing process, the Board of Directors sets a public hearing date for a future meeting. Once published notice has been provided and a meeting agenda posted, Marin Transit may consider the major service change at a regular or special meeting. Marin Transit will provide language assistance at Board of Director's meetings, such as oral interpreters, with 72-hour advance notice. Minutes from the meeting are available to the public on Marin Transit's website. Public comments received by letter, phone, email, and at public meetings concerning the proposed service or fare change are provided as an attachment to the staff report for the Board of Directors and for public review. At each Board meeting, the public is permitted to speak for up to three minutes on each item considered although the body has the discretion to limit public comment to less than three minutes if circumstances warrant. The Marin Transit Board may respond to comments made by the public and take other actions, such as amending the item or delaying a decision, as it deems appropriate.

To provide sufficient notice of upcoming hearings, the Board of Directors designates the time and place for public hearings at least 28 days in advance of the proposed hearing date, unless more notice is required by law. Unless otherwise required by law, the Board may provide for minor modifications to the 28-day advance notice requirements in those situations when a finding can be made that such modification will not diminish fulfilling the public notice procedures outlined in the section below.

Once the Board has decided to hold a public hearing, staff will prepare a notice of the public hearing that includes a general, brief explanation of the matter to be considered and the date, time, and location of the public hearing.

Notice of the time and place of the meeting shall be published twice in a newspaper of general circulation within Marin County that is regularly published at least once a week. As a general rule, the first publication shall occur not less than 21 days prior to the hearing and the second publication shall occur not less than 7 days prior to the public hearing but not less than 5 days after the first publication. Shorter notice may be given when permitted by law and when financial, operational or scheduling considerations make it infeasible to provide 21-day advance notice.

If more than one hearing is held in connection with implementing a new fare, raising an existing fare, or implementing a major adjustment in transit service, Marin Transit shall publish a notice in a newspaper of general circulation within Marin County of the time and place of the second or succeeding hearing(s) at least 10 days in advance of the second or succeeding hearing(s).

Notices of public hearings shall be sent to City Councils, Boards of Supervisors, or School Districts that oversee areas affected by the subject of the public hearing or other public agencies as determined by the General Manager.

Marin Transit may provide additional notification to any affected neighborhood(s) and riders regarding the proposed changes and the time and location of any public meeting where public comment will be solicited. Marin Transit will provide information about proposed fare or major service changes on its website, and may provide notification in one or more of the following ways as appropriate:

- Posting meeting notices on transit vehicles used by affected riders;
- Posting meeting notices at transit stops;
- Notification through the District's email distribution list and publicizing the hearing on the District's web site;
- Direct mail notices to neighborhoods that may be affected by the subject of the public hearing;
- Publications in newspapers to specific groups or neighborhoods that may be affected by the subject of the public hearing;
- Publishing meeting notices in neighborhood papers or Spanish language newspapers;
- Sending meeting notices to identifiable affected groups;
- Circulating an attendance sheet at the meeting to create a contact list;
- Sending letters to names on contact lists including revised versions of the original proposal along with information regarding upcoming Marin Transit Board meetings;
- Using public service announcements for radio and public access TV (when circumstances dictate, and resources allow);
- Issuing a press release; and
- Display advertisements in local newspaper(s) in the affected areas.

## Appendix F – Clipper START Fact Sheet

### Clipper START Eligibility

- Resident of the San Francisco Bay Area
- 19-64 years old
- Not have an RTC Clipper Card for people with disabilities
- Have a household income of 200% of the federal poverty level or less. To qualify, riders must have a gross (before taxes) income level at or up to the amounts below. (\$8,960 will be added for each additional household member over eight.)

Household size	Household income up to
1	\$25,520
2	\$34,480
3	\$43,440
4	\$52,400
5	\$61,360
6	\$70,320
7	\$79,280
8	\$88,240

**Eligibility Administration:** Clipper START is centrally administered by MTC on behalf of all participating transit operators. Riders can apply online or by submitting a paper application. Applicants will need to provide proof of identity and proof of income, and those approved will receive a personalized Clipper card. MTC's Clipper START program [clipperstart.com](http://clipperstart.com).

#### Proof of identity documents include:

- Driver's License
- Passport
- Voting card
- Mexican ID (an ID card issued by the Government of Mexico to Mexican nationals residing outside of Mexico)
- Any form of ID that has rider's name, address, date of birth information and an expiration date

**Proof of income documents include:**

- CalFresh/Electronic Benefits Transfer (EBT) card
- Medi-Cal card
- Muni Lifeline card
- County benefit eligibility letter
- Most recent tax return
- Other forms of proof of income may be considered

**Fund Programming, Allocation Distribution, and Reimbursement**

Transit agencies will be reimbursed quarterly for 10 percent Clipper START Means-Based discount per trip, based on actual Clipper START ridership. MTC cost discount and reimbursement will be the same rate for all 17 operators, regardless of the discount level being offered by the transit operator.

**Proposed Programming - Draft Funding Distribution**

Clipper START Pilot for Cohort 2 assigns funding to the 17 transit operators based on a 60/40 hybrid formula, which is a combined share of Cohort 2 estimated low income ridership and share of Cohort 2 fare revenue:

- 60%: Based on estimated low-income ridership share of Cohort 2. The transit agency's estimated low-income ridership is calculated by the transit agency's total ridership (FTA National Transit Data, 2019) multiplied by the percent of ridership that is low-income (MTC On-Board Transit Passenger Demographic Surveys, 2018).
- 40%: Based on fare revenue share of Cohort 2. Annual fare revenue in 2019 reported by the transit operator.

This 60/40 hybrid is being proposed to balance higher discount levels (50%) offered by transit operators that may attract and lead to higher customer participation use and volume.

**Access to Funds:** Transit operators can submit Clipper START quarterly invoice

## Appendix G - Marin Transit Clipper START Online Public Comment Form

Marin County Transit District's Board of Directors authorized Marin Transit to participate in the region's means-based transit fare pilot program to offer single-ride discounts to eligible riders. The proposed Clipper START program will offer a 50 percent discount off the Marin Transit adult cash fare to eligible low-income adults whose annual earnings are up to 200 percent of the federal poverty level.

Riders will be able to apply online or by submitting a paper application. Applicants will need to provide proof of identity and proof of income, and those approved will receive a personalized Clipper card that can be used for single-ride discounts.

The Clipper START pilot program is expected to launch in Marin County in November 2020. The pilot phase of this program will conclude on January 15, 2022. For more information on the Clipper START program please visit: [www.clipperstartcard.com](http://www.clipperstartcard.com).

A copy of the online public comment form is provided on the next page.



# We want to hear from you! Please use the form below to share your feedback with us.

Marin County Transit District's Board of Directors authorized Marin Transit to participate in the region's means-based transit fare pilot program to offer single-ride discounts to eligible riders. The proposed Clipper START program will offer a 50 percent discount off the Marin Transit adult cash fare to eligible low-income adults whose annual earnings are up to 200 percent of the federal poverty level.

Riders will be able to apply online or by submitting a paper application. Applicants will need to provide proof of identity and proof of income, and those approved will receive a personalized Clipper card that can be used for single-ride discounts.

The Clipper START pilot program is expected to launch in Marin County in November, 2020. The pilot phase of this program will be concluded on January 15, 2022. For more information on the Clipper START program please visit: [www.clipperstartcard.com](http://www.clipperstartcard.com)

\* Required

1. Please share your feedback in the space below.

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2. Zipcode \*

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## 3. Which of the following describes you best? \*

*Mark only one oval per row.*

	Sometimes	Frequently	Never
I use Marin Transit local bus service.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I use Marin Access paratransit.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I use other Marin Access programs (Catch-A-Ride, STAR, TRIP, etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I use other public transportation options in Marin County (SMART, Golden Gate Transit)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I work with community members that are Marin Transit or Marin Access riders.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## 4. Which of the following best describes how you pay your transit fare?

*Mark only one oval.*

- Cash
- Adult Clipper
- RTC or Youth Clipper
- Day or Monthly Pass
- I mostly transfer from Golden Gate Transit

## 5. Name

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6. *Mark only one oval.*

Option 1

7. Email

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8. I would like to sign up for future announcements from Marin Transit.

*Check all that apply.*

Yes

9. Age

*Mark only one oval.*

Under age 18

18 - 24

25 - 59

60 - 64

65+

## 10. Annual Household Income

*Mark only one oval.*

- Less than \$10k
- \$10k - \$24,999
- \$25k - \$34,999
- \$35k - \$49,999
- \$50k - \$74,999
- \$75k - \$99,999
- \$100k - \$149,999
- \$150k - \$199,999
- \$200k and above

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Google Forms

**Resolution 2020-06**  
**Marin County Transit District**  
**Participation in Clipper START Pilot Program**

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 et seq.; and

WHEREAS, transit affordability has been highlighted as a regional issue in MTC's Coordinated Plan, Plan Bay Area and other plans; and

WHEREAS, MTC has established the regional framework for the Regional Means-Based Transit Fare Pilot Program to improve transit affordability and access to opportunity for eligible low-income residents; and

WHEREAS, MTC has adopted a regional framework for the program, with participating operators, funding guidelines, and program conditions, pursuant to MTC Resolution No. 4320, Revised, to guide implementation of the Clipper START Pilot Program for the 18-month period spanning Fiscal Year 2020-21 and Fiscal Year 2021-22; and

WHEREAS, MTC used the process and criteria set forth in Attachment A of Resolution No. 4439 to program funds appropriated in the Coronavirus Aid, Relief, and Economic Security (CARES) Act for the expansion of Clipper START Pilot to operators (Cohort 2) beyond the four (Cohort 1) operators as established in Resolution No. 4420; and

WHEREAS, Marin Transit has followed its Board-adopted fare policies and processes to be in compliance with Title VI analysis prior to implementing the Means-Based Fare Program; and

WHEREAS, Marin Transit recommends that its Board of Directors authorize a resolution of support for Marin Transit to participate in the Regional Means-Based Fare Program (Clipper START), to be funded in part under the Regional Means-Based Fare Program; and

WHEREAS, Marin Transit agrees to meet project delivery and obligation deadlines, comply with funding conditions placed on the receipt of funds allocated to the Regional Means-Based Fare Program (Clipper START), and satisfy all other conditions set forth in MTC Resolution No. 4320, Revised, and MTC Resolution No. 4439, and

WHEREAS, Marin Transit certifies that the project(s) and purpose(s) for which funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations

Section 1500 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et seq. and the applicable regulations thereunder; and

WHEREAS, there is no legal impediment to Marin Transit making the funding request; and

WHEREAS, there is no pending or threatened litigation which might in any way adversely affect the ability of Marin Transit to deliver the proposed project(s) for which funds are being requested; and

WHEREAS, MTC will reimburse participating operators based on Clipper START ridership actual trips taken and MTC will take programming action to establish the maximum amount for each participating operator; now, therefore, be it

RESOLVED, that Marin Transit requests that MTC program funds available under its Clipper START Pilot Program, in the amounts requested for which Marin Transit is eligible, described in Attachment A of this Resolution; and

RESOLVED, that staff of Marin Transit shall forward a copy of this Resolution, and such other information as may be required, to MTC, the Transportation Authority of Marin, and such other agencies as appropriate.

**APPROVED AND PASSED this 5<sup>th</sup> day of October 2020**

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President, Board of Directors

ATTEST:

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Nancy Whelan, General Manager

## ATTACHMENT A

## Regional Means-Based Transit Fare Program Pilot (Clipper START)

Project Name	Project Description	Clipper START Program Funding Amounts	
		Share of Marin Transit (based on 60/40 formula)	State Transit Assistance (STA/CARES Act) Total
Clipper START Pilot Program Implementation	Clipper START Pilot – Marin Transit offering on the adult cash fare to eligible low-income riders	3.4%	\$174,803



# Clipper START Transit Fare Pilot Program

Marin Transit Board of Directors

October 5, 2020



- Background
- Program Overview and Timeline
- Funding and Distribution
- Marin Transit Proposed Participation
  - Findings from Title VI Fare Equity Analysis
  - Public Hearing
- Board Approval Process and Public Education

## Means Based Transit Fare Pilot Program

MTC Pilot Program to offer discounted transit rides to eligible low-income adults during a pilot period of 12 to 18 months.

**Phase I** - Participation limited to BART, Caltrain, Golden Gate Transit Bus and Ferry, and SFMTA; Launched on July 15, 2020

**Phase II** - With CARES Act, Means Based program expanded to all transit agencies that offer Clipper

## Timeline

- Phase II anticipated in November 2020
- Marketing Campaign Nov 2020 through Jan 2021
- Pilot to conclude January 15, 2022
- Evaluation completed in July 2022



**Discount:** 20 or 50 percent discount off the adult fare varies by transit agency

**Eligibility:** Low-income adults whose annual earnings are up to 200 percent of the federal poverty level

**Administration:** Centrally administered by MTC on behalf of all participating transit operators

**Application:** Online or paper application. Applicants provide proof of identity and income

## Funding

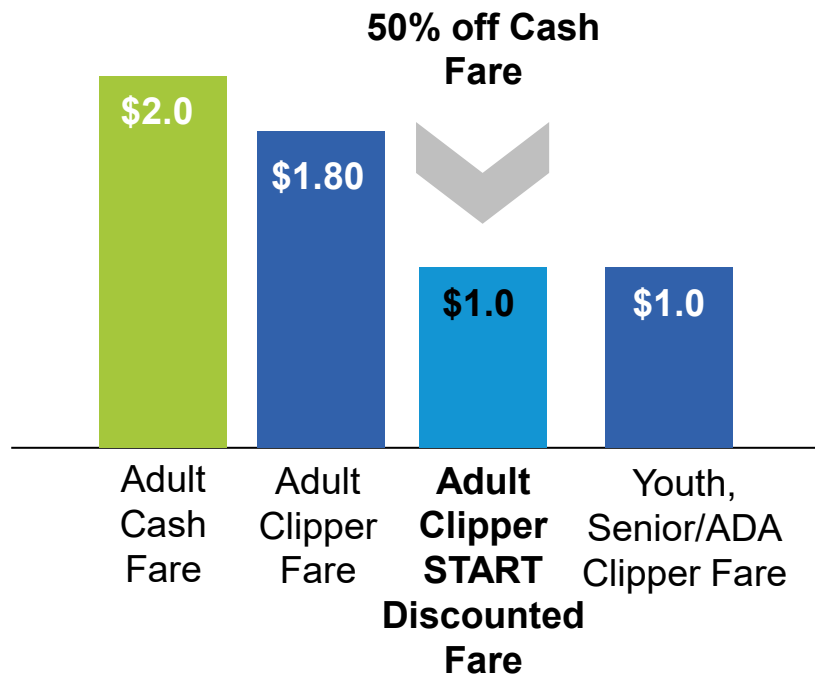
\$5 million of CARES Act regional funds will support the expanded pilot

## Distribution to transit operators

- Proposed formula based on a 60/40 hybrid formula
- Combined share of agencies estimated low-income ridership and fare revenue
- Marin Transit share of regional funding up to \$174,803
- Reimbursed based on actual Clipper START ridership

## Marin Transit Proposal

- Offer a 50% discount on the adult cash fare
- Consistent with SMART and GGT's Clipper START discount



## Title VI Fare Equity Analysis

- FTA Guidance on Title VI of the 1964 Civil Rights Act requires an analysis of the impact of fare changes on minority and low-income populations for Board consideration
- **Goal:** Determine the relative burden and benefit of proposed change
- **Finding:** Clipper START participation will not result in a disparate impact on minority riders or a disproportionate burden on low-income riders

- September 14, 2020 opened public comment period and set hearing for today's meeting
- Public announcements in Spanish and English
  - Website and Social Media
  - Email Blast
  - Marin IJ
  - Marin Transit Buses and at Major Bus Stops
- Dedicated webpage with online comment portal, mail, email, telephone, and in-person.
- Public comments are supportive
- September 24 Golden Gate Transit public hearing to participate in Clipper START on Marin local routes

## Next Steps

- Hold Public Hearing and receive public input
- Accept Title VI Fare Equity Analysis
- Commit to participate in the Regional Clipper START pilot program to offer 50% discount on adult fares on the Clipper electronic fare payment system
- Coordinate marketing and public education with MTC and community partners on program eligibility, access, and proper use of Clipper



# Thank You

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Aida Banihashemi  
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