



**TRANSPORTATION AGENCY FOR MONTEREY COUNTY
SERVICE AUTHORITY FOR FREEWAYS EMERGENCIES
AND
MONTEREY COUNTY REGIONAL DEVELOPMENT IMPACT FEE
JOINT POWERS AGENCY**

EXECUTIVE COMMITTEE

Members are: Robert Huitt (Chair), Luis Alejo (1st Vice Chair), Ed Smith (2nd Vice Chair), John Phillips (Past Chair), Mary Adams (County Representative), Mike LeBarre (City Representative)

**Wednesday, August 7, 2019
Transportation Agency Conference Room
55-B Plaza Circle, Salinas**

****9:00 AM****

1. ROLL CALL

Call to order and self-introductions. If you are unable to attend, please contact Elouise Rodriguez, Senior Administrative Assistant. Your courtesy to the other members to assure a quorum is appreciated.

2. PUBLIC COMMENTS

Any member of the public may address the Committee on any item not on the agenda but within the jurisdiction of Transportation Agency and Executive Committee. Comments on items on today's agenda may be given when that agenda item is discussed.

3. BEGINNING OF CONSENT AGENDA

Approve the staff recommendations for items listed below by majority vote with one motion. Any member may pull an item off the Consent Agenda to be moved to the end of the **CONSENT AGENDA** for discussion and action.

3.1 APPROVE the Executive Committee Minutes of June 5, 2019.

-Rodriguez

3.2 APPROVE out-of-state travel for two additional staff to attend the American Public

Works Association Public Works Expo Conference in Seattle, Washington, September 7-11, 2019, for one staff person to attend the Rail~Volution Conference in Vancouver, Canada, September 8-11, 2019, and for one staff person to attend the National Safe Routes to School Conference in Tampa, Florida, November 12 - 14, 2019.

- Muck

Transportation Agency rules require the Executive Committee to approve all out-of-state travel requests not approved in the Agency budget in advance. These professional association conferences are an opportunity to network with high-level transportation officials and learn about successful transportation projects nationally.

END OF CONSENT AGENDA

4. **RECEIVE** update on state legislative activities.

- Watson

Staff will present a legislative update and a bill list for consideration and recommendation to the Board.

5. **DISCUSS** legislative consultant contract status and **DIRECT** staff as to next steps.

- Watson

TAMC's contract with Khouri Consulting for legislative analyst/advocate services is currently \$36,000 per year (\$3,000 per month) and expires on October 31, 2019. Mr. Khouri has requested a significant increase in pay, to \$5,000 per month, adjusted annually for cost of living, and will provide his perspective at the committee meeting.

6. **DISCUSS** and **RECOMMEND** Board adoption of Policy for Reviewing Unsolicited Proposals.

- Watson

Occasionally, TAMC receives unsolicited proposals from consultants wishing to do business with TAMC or from companies interested in public-private partnerships and/or joint development. This Policy for Reviewing Unsolicited Proposals is designed to address those situations in a manner that is fair to all and of benefit to the Agency. This draft policy has been amended per direction of the Executive Committee at their June meeting.

7. **Measure X Annual Audit Streamlining:**

1. **RECEIVE** an update on the results of the Measure X annual audit and compliance reporting for 2017/18; and
2. **RECOMMEND** the Transportation Agency Board of Directors modify the Maintenance of Effort calculation.

- Zeller

The purpose of the Measure X annual audit is to confirm that the funding recipients - TAMC, the County of Monterey and the twelve incorporated cities -- have complied with the voter-approved requirements specified in Ordinance 2016-01 for the Transportation Safety and Investment Plan. Agency staff will provide an update on the receipt and review of annual audit compliance data, and present recommendations for streamlining the reporting process, including an update to the Maintenance of Effort calculation.

8. RECEIVE report on draft TAMC Board meeting agenda of August 28, 2019.

- Muck

9. ANNOUNCEMENTS

10. ADJOURN

**Next Executive Committee meeting is:
Wednesday, September 4, 2019**

There will be no Executive Committee meeting in December.

Please mark your calendars.

Documents relating to an item on the open session that are distributed to the Committee less than 72 hours prior to the meeting shall be available for public inspection at the office of the Transportation Agency for Monterey County, 55-B Plaza Circle, Salinas, CA. Documents distributed to the Committee at the meeting by staff will be available at the meeting; documents distributed to the Committee by members of the public shall be made available after the meeting.

**Transportation Agency for Monterey County
55-B Plaza Circle, Salinas, CA 93901-2902
Monday thru Friday 8:00 a.m. - 5:00 p.m.
TEL: 831-775-0903
FAX: 831-775-0897**

CORRESPONDENCE, MEDIA CLIPPINGS, AND REPORTS - No items this month.



Memorandum

To: Executive Committee
From: Elouise Rodriguez, Senior Administrative Assistant and Clerk of the Board
Meeting Date: August 7, 2019
Subject: **Executive Draft Minutes of June 2019**

RECOMMENDED ACTION:

APPROVE the Executive Committee Minutes of June 5, 2019.

ATTACHMENTS:

- ▢ Executive Committee Draft Minutes of June 5, 2019

DRAFT MINUTES

**TRANSPORTATION AGENCY FOR MONTEREY COUNTY SERVICE AUTHORITY
FOR FREEWAYS EMERGENCIES AND MONTEREY COUNTY REGIONAL
DEVELOPMENT IMPACT FEE JOINT POWERS AGENCY**

EXECUTIVE COMMITTEE MEETING

*Members are: Robert Huitt (Chair),
Luis Alejo (1st Vice Chair), Ed Smith (2nd Vice Chair),
John Phillips (Past Chair),
Mary Adams (County representative), Michael LeBarre (City representative)*

Wednesday, June 5, 2019

*** 9:00 a.m. ***

Transportation Agency Conference Room
55-B Plaza Circle, Salinas

EXECUTIVE COMMITTEE	JUN 18	AUG 18	SEPT 18	OCT 18	NOV 18	JAN 19	FEB 19	MAR 19	APR 19	MAY 19	JUN 19
Luis Alejo, 1st Vice Chair Supr. Dist. 1 (L. Gonzales; J. Gomez)	P(A)	P	P	P(A)	P(A)	P(A)	P	P(A)	P	P(A)	P
Michael LeBarre, City Representative King City (C. DeLeon)	P	P	P	E	P	P	P	P	P	P	P
Robert Huitt, Chair Pacific Grove (D. Gho)	P(A)	P	P	P	P	P	P	P	P	P	P
John Phillips, Past Chair Supr. Dist. 2 (J. Stratton)	P	P(A)	P	P	P	P	P	P(A)	P	P	P
Mary Adams, County Representative Supr. Dist. 5 (Y. Anderson)	P	P(A)	P	P	P		P	P(A)	P(A)	P	P
Ed Smith, 2nd Vice Chair Monterey (A. Renny)	E	P	P	P	E	P	E	P	P	P	E

- 1. CALL TO ORDER:** Chair Huitt called the meeting to order at 9:00 a.m. Roll call was taken, and a quorum was confirmed.

Staff present: Muck, Goel, Rodriguez and Watson

Others present: Agency Counsel Kay Reimann; Bill Sabo, Monterey Airport District; Colleen Courtney, Senator Monning’s Office, and Gus Khouri, TAMC’s Legislative Consultant (via phone)

- 2. PUBLIC COMMENTS:** None.

3. CONSENT AGENDA:

- 3.1** On a motion by Committee Member Alejo and seconded by Committee Member Phillips, the committee voted 5-0 to approve the minutes from the Executive Committee meeting of May 1, 2019.
- 3.2** Committee Member Adams pulled this item for discussion. She recommended that staff add to the “process of evaluation” that the Chair of the Board of Directors will discuss the results of the final evaluation with the Executive Director and counsel; and add that the goals and accomplishments will be sent to the Board with the evaluation forms.

On a motion by Committee Member Alejo and seconded by Committee Member Adams, the committee voted 5-0 to recommended that the Board of Directors approve the evaluation form, procedure, and timeline for completing the annual evaluation for Executive Director and Counsel with the following additions to the “process of evaluation”: 1) that the Chair of the Board of Directors will discuss the results of the final evaluation with the Executive Director and counsel; and 2) that the goals and accomplishments will be sent to the Board with the evaluation forms.

END OF CONSENT

4. STATE LEGISLATIVE UPDATE

On a motion by Committee Member Alejo and seconded by Committee Member LeBarre, the committee voted 5-0 to recommend that the Board adopt positions on legislation.

Gus Khouri, TAMC’s legislative consultant, gave a report on the Governor’s May Revise budget. The May Revise includes an additional \$3.2 billion in revenue that are constitutionally obligated to reserves, debt payment and schools. The Governor retains his proposal that the state would withhold SB 1 funding from jurisdictions that fail to produce affordable housing. Mr. Khouri highlighted the status of bills that TAMC took positions on, and especially SB 628 (Caballero), which will return funds from the sale of properties acquired for the Prunedale Bypass to Monterey County for priority highway projects.

5. FORA TRANSITION AGREEMENT NEGOTIATING PRINCIPLES

The Committee received a presentation on the status of the FORA transition planning process; and provided feedback on negotiating principles with FORA on a Transition Implementation Agreement.

Todd Muck, Deputy Executive Director, reported that with the Fort Ord Reuse Authority sunseting in June 2020 under current law, or in June 2022 if SB 189 (Monning) passes, FORA staff is preparing agreements to implement a transition plan. Currently, the

Regional Development Impact Fee program is identified as a successor to addressing regional transportation mitigation for new development within the FORA area.

Committee Member Alejo requested that staff add SB 189 (Monning) to the state bill matrix and ask legislative consultant Khouri to discuss the issue with the Senator's office.

Committee Member Adams requested information on development projects that have already been permitted vs. projects in the pipeline within the FORA area.

6. NAPOLITANO LEGISLATION REGARDING AVIATION FUEL SALES TAX

On a motion by Committee Member Phillips and seconded by Committee Member Alejo, the committee voted 4-1 to recommend to the Board support federal legislation regarding a Federal Aviation Administration rulemaking on aviation fuel sales tax. Committee Member LeBarre commented that he will not support the legislation, noting the King City airport relies on the tax revenue.

Christina Watson, Principal Transportation Planner, reported the Federal Aviation (FAA) adopted a rulemaking in 2014 that reinterpreted federal law on aviation fuel sales taxes, and that Representative Grace Napolitano introduced legislation that would reverse that rulemaking.

Bill Sabo, speaking as a member of the public, encouraged the Executive Committee to oppose this federal legislation or at least take a neutral stance. Mr. Sabo stated that airports and aviation is a transportation mode, the airport depends on the tax revenues generated on site that come back to the airport as grants or loans, and that the impact on Measure X revenues are likely to be minimal as the Monterey Airport does not sell a lot of jet fuel.

Todd Muck, Deputy Executive Director, noted that the reason staff recommends supporting the legislation has to do with the principle of following through on the promise made to voters when they approved the Measure X project list, and if airports or other groups were allowed to divert the sales taxes for other purposes, it would inhibit TAMC's ability to deliver on that promise.

Chair Huitt commented that TAMC needs to stand firmly by the principle of defending Measure X and the project list.

Committee Member Phillips noted that the reason voters passed the Measure was due to the firm commitment behind the project list to deliver the projects.

7. POLICY FOR REVIEWING UNSOLICITED PROPOSALS

The Committee discussed and recommended that the draft Policy for Reviewing Unsolicited Proposals be revised and brought back to the Committee in August.

Christina Watson, Principal Transportation Planner, reported that TAMC follows state and federal procurement rules. An unsolicited proposal is a written proposal that is submitted to TAMC on the initiative of the submitter for the purpose of developing a business partnership that is not in response to a formal or informal request issued by TAMC. Staff developed the draft Policy for Reviewing Unsolicited Proposals to ensure a consistent response to such proposals and to reduce the amount of staff and Agency Counsel time spent reviewing each individual proposal as it is received.

Committee Member Phillips expressed concern about the complexity of the draft policy and asked that staff simplify the policy for further discussion at the Executive Committee meeting in August.

Committee Member LeBarre asked that staff add a step by which Phase I conceptual proposals would come to the Executive Committee for consideration.

8. TAMC DRAFT AGENDA FOR JUNE 26, 2019

Deputy Executive Director Muck reviewed the draft regular and consent agenda for the TAMC Board meeting of June 26, 2019. After Executive Committee discussion, the following items will be considered on the regular agenda:

- Receive presentations and approve the Canyon Del Rey (SR 218) corridor study and Pajaro to Prunedale G12 corridor study;
- Support House Resolution 2939, the State and Local General Sales Tax Protection Act, federal legislation regarding Federal Aviation Administration fuel sales tax.

On the consent agenda, the Board will:

- Approve evaluation form, procedure, and timeline for completing annual evaluation for Executive Director and Counsel;
- Authorize the use of \$28,020 per year for the extended term of the Agreement in funds budgeted for three additional years with Oppidea LLC;
- Accept State of California Transportation Development Act Audit Reports for fiscal year ending June 30, 2018; and
- Receive the draft 2019 Public Participation Plan; and
- Receive update on state legislative activities and adopt positions on legislation.

9. ANNOUNCEMENTS

None this month.

10. ADJOURNMENT

Chair Huitt adjourned the meeting at 10:56 a.m.



TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Memorandum

To: Executive Committee
From: Todd Muck, Deputy Executive Director
Meeting Date: August 7, 2019
Subject: **Out of State Travel**

RECOMMENDED ACTION:

APPROVE out-of-state travel for two additional staff to attend the American Public Works Association Public Works Expo Conference in Seattle, Washington, September 7-11, 2019, for one staff person to attend the Rail~Volution Conference in Vancouver, Canada, September 8-11, 2019, and for one staff person to attend the National Safe Routes to School Conference in Tampa, Florida, November 12 - 14, 2019.

SUMMARY:

Transportation Agency rules require the Executive Committee to approve all out-of-state travel requests not approved in the Agency budget in advance. These professional association conferences are an opportunity to network with high-level transportation officials and learn about successful transportation projects nationally.

FINANCIAL IMPACT:

The APWA Public Works Expo (PWX) costs \$829 per registration for APWA members. Laurie Williamson, Senior Engineer, has served as the Treasurer of the local APWA Monterey Bay Chapter for several years, and the chapter will cover the registration for her. Travel expenses for both staff are estimated to cost \$4,000. The Rail~Volution conference costs \$595 for the "early bird" registration (by August 16). Travel expenses for one staff are estimated to cost \$1,400. Registration, travel, and staff time will be covered by local funds designated for travel and training in the budget. The cost to attend the National Safe Routes to School conference is approximately \$1,315 including registration, airfare, hotel accommodations and meals. There are sufficient funds from the Measure X Safe Routes to School Program budget for this expense

DISCUSSION:

The American Public Works Association Public Works Expo Conference known as "PWX" will be

held in Seattle, WA September 7-11, 2019. Rich Deal, Principal Transportation Engineer, and Laurie Williamson, Senior Transportation Engineer, are both requesting authorization to attend. The PWX provides over 125 technical and professional development sessions that address current public works issues as well as ongoing challenges. The Expo also provides networking opportunities and an extensive gathering of exhibitors that showcase the latest products, services and technologies specific to public works. At the annual awards dinner, Rich Deal will receive the 2019 national award for Exceptional Performance in Safety.

The Rail~Volution conference "Building Livable Communities with Transit" will be in Vancouver, British Columbia from September 8-11, 2019. Christina Watson, Principal Transportation Planner, is requesting authorization to attend for sessions relevant to the Monterey County Rail Extension, Elkhorn Slough sea level rise, and Rail Network Integration projects.

The National Safe Routes to School Conference will be in Tampa, Florida from November 12 - 14, 2019. Ariana Green, Associate Transportation Planner, manages the Measure X Safe Routes to School Program. The conference features sessions in new trends and innovation, developing sustainable and data-driven safe routes to school programs, and working with diverse communities. In addition to valuable education sessions, the conference offers various opportunities to network with the attendees coming from across the United States.

WEB ATTACHMENTS:

- [APWA Public Works Exposition website](#)
- [Rail~Volution website](#)
- [Safe Routes to School Conference website](#)



TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Memorandum

To: Executive Committee
From: Christina Watson, Principal Transportation Planner
Meeting Date: August 7, 2019
Subject: State Legislative Update

RECOMMENDED ACTION:

RECEIVE update on state legislative activities.

SUMMARY:

Staff will present a legislative update and a bill list for consideration and recommendation to the Board.

FINANCIAL IMPACT:

Some of the bills on the draft list would have funding impacts on the agency if enacted.

DISCUSSION:

Attachment 1 is a summary of recent legislative activities from Agency legislative analyst Gus Khouri. **Attachment 2** is an updated bill list. Changes to the list compared to the TAMC Board meeting of June 26 are indicated in cross-out and underline. There are no new support/oppose recommendations in this list. Bills of interest that are still moving this legislative session include:

- Assembly Bill (AB) 252 (Daly): Environmental review: federal program, which removes the sunset date for National Environmental Policy Act (NEPA) delegation authority to Caltrans. A support letter was sent April 5.
- AB 1486 (Ting): Surplus land, which requires special districts and public agencies to offer a right of first refusal to affordable housing developers before conveying agency land. A letter of opposition was submitted May 8.
- Assembly Constitutional Amendment 1 (Aguiar-Curry): Affordable housing and public infrastructure bond: voter threshold, which lowers to 55% the voter approval threshold for a housing or transportation bond. A support letter was sent July 1.
- Senate Bill (SB) 5 (Beall): Affordable housing and community development investment, which establishes an investment program for housing and transit-oriented development. A support letter

was sent May 8.

- SB 127 (Weiner): Transportation funding: active transportation: complete streets, which incorporates bicycle and pedestrian safety considerations into the State Highway Operation and Protection Program (SHOPP). A support letter was sent April 5; an "oppose unless amended" letter was sent July 1. The bill was amended on July 1 to remove the language that would have prioritized vehicle miles traveled over maintenance projects. As a result, the Agency is back in the previous "support" position.
- SB 277 (Beall): Road maintenance and rehabilitation program: Local Partnership Program (LPP), which changes the apportionment of this \$200 million/year program from the 50% formula, 50% competitive approved by the California Transportation Commission (CTC) to an 85% formula, 15% competitive allocation. A "support if amended" bill was sent on July 1 pursuant to discussion at the June 26 TAMC Board meeting, and Executive Director Hale testified at a hearing on the bill.
- SB 628 (Caballero): Prunedale Bypass: disposition of excess properties: relinquishment: State Route (SR) 183, which would reserve the proceeds from the sale of excess properties for Monterey County priority highway projects, and would relinquish SR 183 to the City of Salinas. Support/sponsor letters were sent March 14 and June 11.
- SB 742 (Allen): Intercity passenger rail services: motor carrier transportation of passengers, which would enable non-rail passengers to travel in the Amtrak Thruway buses that traverse the state. A support letter was sent May 1.

Mr. Khouri and staff will present a verbal update at the meeting.

ATTACHMENTS:

- State legislative report - Khouri
- State bill list



July 18, 2019

TO: Board Members, Transportation Agency for Monterey County
FROM: Gus Khouri, Principal
Khouri Consulting

RE: STATE LEGISLATIVE UPDATE – AUGUST

On June 27, Governor Newsom signed AB 74, the Budget of 2019, and several trailer bills. The \$147.8 billion spends plan contains a reserve of \$19.2 billion. The package includes an extra payment of \$9 billion over the next four years to pay down unfunded pension liabilities.

The Budget invests \$1.75 billion in the production and planning of new housing. It includes support to local governments to increase housing production (including \$1 billion to combat homelessness and \$250 million to general purpose incentive payments for the Infill Infrastructure Grant Program administered by the Department of Housing and Community Development (HCD). The Infill Infrastructure Grant Program provides gap funding for infrastructure that supports higher-density affordable and mixed-income housing in locations designated as infill. Under the augmented Infill Infrastructure Grant Program, developers and local governments can partner to apply for infrastructure funding. At the same time, certain areas designated as infill may also qualify as federal Opportunity Zones and provide additional tax benefits to investors to spur development of economically distressed communities by guiding investment toward mixed-income housing.

- Previous provisions linking affordable housing targets to the receipt of SB 1 local streets and roads funding were struck from the package. The Governor will instead take measures to hold local jurisdictions accountable to meet housing demand by authorizing local jurisdictions to be fined for non-compliance.
- To assist renters, the Budget includes \$20 million to provide legal aid for renters and assist with landlord-tenant disputes, including legal assistance for counseling, renter education programs, and preventing evictions.

Cap-and-Trade Program

In recognition of the continued strength of the cap-and-trade program, the budget includes \$485 million for the Low Carbon Transportation program (a reduction of \$52 million from the May Revise) in the proposed cap-and-trade expenditure plan, an increase of \$130 million compared to the January Budget proposal. This program provides incentives for the purchase of zero-emission vehicle technology and replacement of older diesel buses with renewable-fuel alternatives. Of this amount, the budget proposes to allocate \$182 million for the Clean Truck, Bus, and Off-Road Freight Equipment Program.

Bills of Interest

1. **SB 277 (Beall)** was amended on July 1 to convert allocation method for the Local Partnership Program (LPP). The LPP provides \$200 million annually for jurisdictions that have secured a voter-approved tax or fee dedicated for transportation purposes. Currently, per the guidelines established by the California Transportation Commission (CTC), proceeds are split 50/50 between a formulaic share and a competitive program administered by the CTC. The most recent amendments would statutorily specify that 85% of all proceeds (\$170 million annually) be distributed on a formulaic basis, and 15% be made available for distribution on a competitive basis by the CTC to local jurisdictions with a population of 750,000 residents or less that have a sales tax or developer fee.

TAMC receives roughly \$700,000 annually from the formulaic share as a result of the passage of Measure in 2016, but also succeeded in receiving \$19 million from the competitive program in May 2018 to the Imjin Parkway. If enacted, TAMC would realize at least a 70% increase in their formulaic share, which would roughly generate an additional \$490,000 annually. TAMC would also qualify to bid in the 15% competitive pot. The bill also allows for program recipients to bank their formulaic shares for a period of up to 5 years before funds are required to be drawn.

Some Southern California regional transportation planning agencies had originally expressed a desire to pursue legislation to change program allocations to be distributed on a 95/5 split favoring a formulaic share in order to carry over the allocation method from the 2009 State and Local Partnership Program established by Proposition 1B.

As amended, SB 277 would limit the CTC's flexibility to mix and match funding to fully fund projects, particularly for other project nominations in Solutions for Congested Corridors Program or the Trade Corridor Enhancement Program. Despite the proposed reduction in competitive funds, TAMC may benefit from an increased formulaic share, however, by having certainty of funding.

TAMC Bill Matrix – August 2019

Measure	Status	Bill Summary	Position
AB 40 Ting & Kalra Zero-Emission Vehicles	4/8/19 Two-Year Bill	This bill would require the California Air Resources Board (CARB) to develop a comprehensive strategy to ensure that the sales of new motor vehicles and new light-duty trucks in the state have transitioned fully to zero-emission vehicles by 2040. Transportation funding is dependent on motor fuel. The state would need to find an alternative method of funding transportation infrastructure if this bill were to be enacted.	OPPOSE Priority 1S Letter sent 4/5
AB 148 Quirk Silva Regional Transportation Plans: housing needs	1/24/19 Two-Year Bill	This bill would require each Sustainable Communities Strategy (SCS) within a regional transportation plan to identify an 8-year projection of emergency shelters needed in the region. This provision is very specific to housing needs rather than transportation plans, and regional transportation plans are prepared by transportation agencies. It would be more appropriate to place an emergency housing projection in the city and county regional housing needs assessment and local housing elements.	OPPOSE Priority 1S Letter sent 4/5
AB 158 Voepel Roadside rest areas: commercial vehicles: parking	5/16/19 Held in Committee	This bill would require Caltrans and CHP to conduct a study evaluating parking and rest facilities for commercial vehicles. The County of Monterey is looking into whether the study would include Big Sur.	Watch Priority 9S
AB 246 Mathis State Highways: property leases	4/8/19 Two-Year Bill	This bill would authorize Caltrans to offer a lease on a right of first refusal basis of any airspace under a freeway, or real property acquired for highway purposes, located in a disadvantaged community, that is not excess property to the city or county in which the disadvantaged community is located, for purposes of an emergency shelter or feeding program, or for park, recreational, or open-space purposes for a rental amount of \$1 per month.	Watch Priority 4S
AB 252 Daly Environmental review: federal program	7/11/19 Governor's Desk	This bill would remove the sunset date (January 1, 2020) for Caltrans being able to use the National Environmental Policy Act (NEPA) delegation to streamline environmental review for projects with federal funding, allowing for environmental review of projects to be expedited. The bill is sponsored by the Self-Help Counties Coalition (SHCC). TAMC supported the previous version, AB 28 (Frazier) in 2017, which was also sponsored by SHCC, and had extended the sunset date from January 1, 2017 to January 1, 2020.	SUPPORT Priority 6S Letter sent 4/5
AB 285 Friedman California Transportation Plan	7/8/19 Senate Appropriations Suspense File	Under existing law, Caltrans is required to prepare the California Transportation Plan, which looks at the movement of goods and people and how the state will achieve greenhouse gas emission goals. This bill would require Caltrans to address in the California Transportation Plan how statewide greenhouse gas emission goals will be reduced by 2030 to attain the air quality goals described in California's state implementation plans required by the federal Clean Air Act.	Watch Priority NA

TAMC Bill Matrix – August 2019

Measure	Status	Bill Summary	Position
AB 352 Garcia, Eduardo Transformative Climate Communities Program	6/18/19 Two-Year Bill	This bill would require agencies administering competitive Greenhouse Gas Reduction Fund (GGRF) grant programs to give preferential points for programs intended to improve air quality, to allow applicants from the Counties of Imperial and San Diego to include daytime population numbers in grant applications, and to prohibit grant eligibility and scoring criteria from precluding low-income communities from being awarded a grant.	Watch Priority 1S
AB 626 (Quirk-Silva) Conflicts of interest	5/23/19 Two-Year Bill	This bill would prohibit an officer or employee from being deemed interested in a contract if the interest is that of an engineer, geologist, architect, landscape architect, land surveyor, or planner, performing specified services on a project, including preliminary design and preconstruction services, when proposing to perform services on a subsequent portion or phase of the project, if the work product for prior phases is publicly available. This exception to being deemed interested in a contract would not apply to a design-build contract for a public works project. The bill would provide that these provisions do not limit public agencies from establishing more restrictive conflict of interest requirements applicable to these services.	Watch Priority NA
AB 659 Mullin Transportation: emerging transportation technologies: CA Smart City Challenge Grant Program	5/16/19 Held in Committee	This bill would establish the California Smart City Challenge Grant Program to enable municipalities to compete for grant funding for emerging transportation technologies to serve their transportation system needs.	Watch Priority 2S
AB 821 O'Donnell Trade Corridor Enhancement Program Account	3/4/19 Two-Year Bill	This bill would require the California Transportation Commission (CTC) to allocate not less than 10% of funds available in the Trade Corridor Enhancement Program to projects nominated by Caltrans for projects nominated to the California Port Efficiency Program. Since there are no ports in Monterey County, this bill would result in less available funding for our trade corridors (US 101, State Route 156).	OPPOSE Priority 1S Letter sent 4/5
AB 847 Grayson Housing: transportation-related impact fees grant program	4/24/19 Two-Year Bill	This bill has been gutted and amended to require the Department of Housing and Community Development to establish a competitive grant program to award grants to cities and counties to offset up to 100% of any transportation-related impact fees exacted upon a qualifying housing development project by the local jurisdiction.	Watch Priority 3S
AB 938 Rivas Tax Exemptions: Trade-In for Low Emission Vehicles	5/16/19 Held in Committee	This bill provides a tax exemption for trading in a vehicle for the purchase of a low-emission vehicle. Unclear how this exemption might impact sales tax receipts from Measure X.	Watch Priority NA

TAMC Bill Matrix – August 2019

Measure	Status	Bill Summary	Position
AB 983 Boerner-Horvath Transportation electrification	4/1/19 Two-Year Bill	This bill would require an electric company to work with local agencies or regional planning agencies in its service territory to determine where to install new electric vehicle charging stations along local transit corridors. The bill would prioritize the installation of charging stations in disadvantaged communities.	Watch Priority 9S
AB 1112 Friedman Shared Mobility Devices: local regulation	6/18/19 Two-Year Bill	This bill would define a “shared mobility device” as a bicycle, electric bicycle, motorized scooter, electrically motorized board, or other similar personal transportation device, that is made available to the public. The bill would prohibit a local authority from imposing any unduly restrictive requirements on mobility device providers that have the effect of prohibiting the operation of all shared mobility providers in its jurisdiction.	Watch Priority 8S
AB 1142 Friedman Regional Transportation Plans: transportation network companies	7/11/19 Senate Appropriations	The Passenger Charter-party Carriers’ Act provides for the regulation of charter-party carriers of passengers by the Public Utilities Commission (PUC) and includes specific requirements for liability insurance coverage, background checks, and other regulatory matters applicable to transportation network companies (TNCs) and their participating drivers. This bill would require, in an ongoing proceeding that deals with reporting requirements for TNC data, the PUC to consider the needs of MPOs, state and regional transportation agencies, the State Air Resources Board, the transportation research community with regard to understanding and effectively planning for the impacts of TNCs, preparing sustainable community strategies, and meeting the goals of those strategies.	Watch Priority 1S
AB 1266 Rivas, Robert Traffic control devices: bicycles	6/25/19 Senate Floor	This bill would permit drivers <u>operators</u> of bicycles to travel through an intersection that requires turns if an official traffic control device indicates that the movement is permitted there is a striped-bike lane between the right-turn-only lane and the adjacent through lane and pavement markings ensuring that bicycles may travel to the left of vehicles turning right.	Watch Priority 8S
AB 1402 Petrie-Norris Active Transportation Program	3/27/19 Two-Year Bill	This bill would change the allocation method of the Active Transportation Program to favor the formulaic program, increasing the formula for MPOs with population of 200,000 or more from 40% to 75%, increasing the competitive share for small and rural regions from 10% to 15%, and reducing the statewide competitive portion from 50% to 10%. This change would make it unlikely for TAMC to get funding from this already very competitive program in the future.	OPPOSE Priority 1S <i>Letter not sent as bill is now 2-year bill</i>

TAMC Bill Matrix – August 2019

Measure	Status	Bill Summary	Position
AB 1486 Ting Surplus land	7/3/19 Senate Appropriations	This bill would require special districts and other public agencies to offer a right of first refusal to affordable housing developers, schools, and park agencies before leasing, selling, or otherwise “conveying” any of the agency’s land. This bill would prevent prudent efforts to lease or otherwise protect land for important community purposes. The bill would, with regard to disposing of surplus land for the purpose of developing low- and moderate-income housing, only require the local agency disposing of the surplus land to send a specified notice of availability if the land is located in an urbanized area. This bill could impact TAMC’s ability to transfer property at the Salinas train station to the City of Salinas.	OPPOSE Priority 4S Letter sent 5/8
AB 1568 McCarty Housing law compliance: prohibition on applying for state grants	5/16/19 Two-Year Bill	This bill prohibits a city or county from applying for state grants, except for specified transportation funding, if the city or county is found to be in violation of state housing law. The bill was amended to remove accessing SB 1 local streets and roads funding but would still preclude access to funding for unrelated activity pertaining to housing production.	Watch Priority 1S
AB 1717 Friedman Transit-Oriented Affordable Housing Funding Program Act	5/16/19 Held in Committee	This bill would establish the Transit-Oriented Affordable Housing Funding Program, to be administered by the California Housing Finance Agency. The bill would authorize a local jurisdiction to participate in the program by enactment of an ordinance establishing a transit-oriented affordable housing district. The bill would authorize the district to provide program funding to multifamily housing developments that meet specified requirements, including that the housing include a minimum percentage of units that are restricted to very lower, low, or moderate-income households.	Watch Priority 8S
ACA 1 Aguiar-Curry Affordable Housing and Public Infrastructure Bond: Voter Threshold	5/20/19 Assembly Floor	This measure would lower to 55% the voter-approval threshold for a city, county, or city and county to incur bonded indebtedness, exceeding in any year the income and revenue provided in that year, that is in the form of general obligation bonds issued to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing projects. Supported by CALCOG, League of California Cities, California State Association of Counties, California Transit Association, and California Special Districts Association.	SUPPORT Priority 3S Letter sent 7/1
SB 5 Beall Affordable Housing and Community Development Investment	7/11/19 Assembly Appropriations	This bill would establish the Affordable Housing and Community Development Investment Program, to authorize a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority, transit village development district, or a combination of those entities, to apply for funding for eligible projects include, among other things, construction of workforce and affordable housing, certain transit-oriented development, and “projects promoting strong neighborhoods.” The source of funding for this program is from a county’s transfer of the Educational Revenue Augmentation Fund (ERAF). Supported by League of California Cities as well as the Cities of Salinas and Sand City. Senator Caballero is a co-author.	SUPPORT Priority 8S Letter sent 5/8

TAMC Bill Matrix – August 2019

Measure	Status	Bill Summary	Position
SB 25 Caballero & Glazer California Environmental Quality Act: projects funded by qualified opportunity zone funds or other public funds	7/8/19 Two-Year Bill	This bill would streamline CEQA review and approvals for projects that are funded, in whole or in part, by specified public funds or public agencies for projects located in a qualified opportunity zone, which could include a transit village. The bill would require a party seeking to file an action or proceeding pursuant to CEQA to provide the lead agency and the real party in interest a notice of intent to sue within 10 days of the posting of a certain notice and would prohibit a court from accepting the filing of an action or proceeding from a party that fails to provide the notice of intent to sue. In Monterey County, opportunity zones are found in King City, Marina, Salinas and Seaside.	SUPPORT Priorities 6S & 8S Letter sent 5/8
SB 43 Allen Carbon Taxes-intensity and pricing: retail products	7/8/19 Failed Passage	This bill would require the CARB-to report to the Legislature on the feasibility and practicality of assessing the carbon intensity of all retail products subject to the tax imposed pursuant to the Sales and Use Tax Law.	Watch Priority 1S
SB 50 Wiener Planning and zoning: housing development: streamlined approval: incentives	6/4/19 Senate Appropriations Two-Year Bill	This bill would require a city, county, or city and county, to grant an “equitable communities incentive” for a “job-rich” or “transit-rich” housing project. The bill would require that a residential development eligible for an equitable communities incentive receive waivers on density and car parking requirements if the development is located within a ½-mile radius of a “major transit stop”, defined as a rail transit station or ferry terminal, or within ¼ mile radius of a stop on a high-quality bus corridor, defined as having 15-minute headways or more frequent bus service during peak periods (6am-10am and 3pm-7pm weekdays). =	Watch Priority 8S
SB 59 Allen Autonomous Vehicle Technology: Statewide Policy California Transportation Commission: advisory committee: autonomous vehicle technology.	7/10/19 Assembly Appropriations	<i>Amended Bill:</i> Requires the California Transportation Commission (CTC) to establish the California Council on the Future of Transportation to provide the Governor and Legislature with policy recommendations regarding autonomous vehicles (AVs). This bill would establish policy guiding principles relating to autonomous vehicles in order to ensure that these vehicles support the state’s efforts to reduce greenhouse gas emissions and encourage efficient land use. The bill would require OPR, in coordination with CARB, to convene an automated vehicle interagency working group of state agencies, including CalSTA, Caltrans, CARB and the DMV, to guide policy development for autonomous vehicle technology consistent with statewide policies.	Watch Priority NA

TAMC Bill Matrix – August 2019

Measure	Status	Bill Summary	Position
<p>SB 127 Weiner</p> <p>Transportation funding: active transportation: complete streets</p>	<p>7/9/19</p> <p>Assembly Appropriations</p>	<p>This bill would establish an Active Transportation Asset Branch within Caltrans and require the Transportation Asset Management Plan program manager to develop and meaningfully integrate performance measures into the asset management plan and to establish interim goals, objectives, and actions to meet transportation mode shift goals. The bill would require CTC to give high priority to increasing safety for pedestrians and bicyclists and to the implementation of bicycle and pedestrian facilities. This bill would create an asset management plan to prescribe a process for community input and complete streets implementation to prioritize safety and accessibility for pedestrians, bicyclists, and transit users on all State Highway Operation and Protection Program (SHOPP) projects. The bill would prioritize a project that reduces vehicle miles traveled over maintenance projects. The SHOPP is oversubscribed in its ability to address maintenance needs on the state highway system, but local jurisdictions such as TAMC are held to the same standards of implementing multimodal transportation options. <u>The author took an amendment that TAMC was seeking to strike the language prioritizing VMT-reducing projects over maintenance projects. As a result, TAMC is back in the previous SUPPORT position.</u></p>	<p>OPPOSE UNLESS AMENDED</p> <p><u>SUPPORT</u></p> <p>Priority 8S</p> <p>Support letter sent 4/5</p> <p>Oppose unless amended letter sent 7/1</p>
<p>SB 137 Dodd</p> <p>Federal Transportation Funds: State Exchange Programs</p>	<p>7/3/19</p> <p>Assembly Appropriations</p>	<p>This bill would authorize Caltrans to allow federal transportation funds that are allocated as local assistance to be exchanged for Road Maintenance and Rehabilitation Program <u>State Highway Account</u> funds appropriated to Caltrans.</p>	<p>Watch</p> <p>Priority 1S</p>
<p>SB 152 Beall</p> <p>Active Transportation Program</p>	<p>5/16/19</p> <p>Held in Committee</p>	<p>This bill would change the allocation method of the Active Transportation Program to favor the formulaic program, increasing the formula for MPOs with population of 200,000 or more from 40% to 60%, increasing the competitive share for small and rural regions from 10% to 15%, and reducing the statewide competitive portion from 50% to 25%. Rural areas are visited by hundreds of thousands of Californians who do not live there. Those regions need active transportation facilities to accommodate visitors. Rural areas will never get enough money to build anything meaningful under a population-based formula.</p>	<p>OPPOSE</p> <p>Priority 1S</p> <p>Letter sent 4/17</p>

TAMC Bill Matrix – August 2019

Measure	Status	Bill Summary	Position
<p>SB 189 (Monning)</p> <p>Fort Ord Reuse Authority: member agencies: land use and zoning: dissolution</p>	<p>7/11/19</p> <p>Assembly Appropriations</p>	<p>This bill would, as of July 1, 2020, reduce the size of the FORA board from 13 to 5 members and would require a majority vote to pass or act upon any matter. It eliminates seats for the cities of Carmel, Sand City, Pacific Grove, and Salinas, and removes weighted votes for the cities of Marina and Seaside (two votes each), and Monterey County (three votes). The reconstituted Board consists of Monterey County and the cities of Del Rey Oaks, Marina, Monterey, and Seaside, each with one vote; This bill would, as of July 1, 2020, prohibit any additions to the reuse plan, including the capital improvement program, and would eliminate the board’s authority to issue bonds to finance basewide public facilities. This bill would extend the inoperative date of FORA from June 30, 2020 to June 30, 2022. The bill would require the authority to negotiate and secure successor agencies for all obligations under the transition plan no later than June 30, 2022. The bill would, as of July 1, 2020, require the Monterey County Local Agency Formation Commission (LAFCO) to provide for the orderly dissolution of the authority once an agreement with a successor agency has been finalized. The bill would, as of July 1, 2020, require the transfer of specified revenues of the authority to the County of Monterey for disbursement to each underlying land use jurisdiction on a pro rata basis. The bill would, as of July 1, 2020, specify that any financial obligation of FORA to which the County succeeds as a result of the disbursement of remaining revenues or the retirement of debt does not constitute a debt or liability of the county, or any other member agency. The bill would, as of July 1, 2020, authorize FORA to take specified actions regarding its dissolution, including implementing the transition plan and collecting and disbursing specified revenues. The bill would, as of July 1, 2020, authorize an underlying land use jurisdiction to adopt a substitute funding mechanism in lieu of the community facilities district established for the Fort Ord area if the jurisdiction commits to continue funding specified regional needs. This bill would make provisions governing the establishment and operation of redevelopment project areas created within Fort Ord inoperative as of the date of the dissolution of FORA or the retirement of the authority’s debt, whichever occurs later. The bill, upon dissolution of the authority or retirement of its debt, whichever occurs later, would require that any remaining property tax revenues allocated to the authority be transferred to the auditor-controller of the County of Monterey for appropriate distribution.</p>	<p align="center">Watch</p> <p align="center">Priority 1S</p>

TAMC Bill Matrix – August 2019

Measure	Status	Bill Summary	Position
SB 277 Beall Road Maintenance and Rehabilitation Program: Local Partnership Program	7/18/19 Assembly Appropriations	This bill would change the formula on which the CTC apportions the \$200 million/year Local Partnership Program to local or regional transportation agencies that have sought and received voter approval of taxes or that have imposed certain fees, which taxes or fees are dedicated solely for road maintenance and rehabilitation and other transportation improvement projects, that also have responsibility for funding, procuring, and constructing transportation improvements within their jurisdictions. This bill changes the allocation method of the Local Partnership Program from a 50/50 formulaic to competitive split to <u>an 85%/15% split, respectively 100% formula. TAMC would receive a higher proportional share of formulaic funding and be eligible to compete in the 15% competitive pot, which will be made available to jurisdictions with a population of 750,000 or less and a sales tax measure or developer impact fee.</u> During the June 26, 2019 TAMC Board meeting, the position of “support if amended” was approved.	SUPPORT IF AMENDED Priority 1S Support if Amended letter sent 7/1
SB 498 Hurtado Trade Corridors Improvement Fund: grant program: short-line railroads	6/6/19 Two-year Bill	This bill would require the CTC, with respect to specified funds resulting from TCIF program savings, to establish a competitive grant program to provide grants from those funds in the 2020–21 and 2021–22 fiscal years to Caltrans and regional transportation planning agencies for short-line railroad reconstruction, maintenance, upgrade, or replacement expenditures. <u>Bill is no longer relevant as this issue was addressed in the state budget.</u>	Watch Priority 1S
SB 526 Allen Regional transportation plans: Greenhouse gas emissions: State Mobility Action Plan for Healthy Communities	5/16/19 Held in Committee	This bill would require the CARB to adopt a regulation that requires a Metropolitan Planning Organization (MPO) to provide any data that CARB requests to determine if the MPO is on track to meet its 2035 greenhouse gas emission reduction target. This bill does not recognize the external forces, such as a jobs-housing imbalance, that limit the MPO’s ability to meet VMT reduction targets, despite pursuing bicycle, pedestrian and transit projects.	OPPOSE Priority 3S Letter sent 4/5
SB 628 Caballero Prunedale Bypass: disposition of excess properties: relinquishment: State Route 183	7/18/19 Assembly Appropriations	This bill, sponsored by TAMC, would reserve proceeds from the sale of any excess properties originally acquired by Caltrans for the Prunedale Bypass in Monterey County and require that the proceeds be used for other projects, including safety projects, on US 101 or Route 156 in Monterey County. The bill is a reintroduction of AB 696 (Caballero), which was vetoed by Governor Brown in 2017. This version also contains language requested by the City of Salinas to direct Caltrans to relinquish a section of State Route 183 to the City. This bill passed all Senate Committees, the Senate Floor, and the Assembly Transportation Committee with unanimous votes.	SPONSOR/ SUPPORT Priority 4S Letters sent 3/14, 6/11

TAMC Bill Matrix – August 2019

Measure	Status	Bill Summary	Position
<p>SB 742 Allen</p> <p>Intercity passenger rail services: motor carrier transportation of passengers</p>	<p>7/9/19</p> <p>Assembly Appropriations</p>	<p>This bill would authorize Caltrans to provide funding to Amtrak, a certain joint powers authority, or any other public or private transit operator authorities responsible for the administration of intercity passenger rail services for the purpose of entering into a contract with <u>Amtrak or a public or private</u> motor carrier of passengers for the intercity transportation of passengers by motor carrier over regular routes <u>connecting to intercity rail service</u>. This bill solves a long-standing problem with Amtrak Thruway buses that passengers must hold a ticket for a train trip in order to ride on a Thruway bus. The California Intercity Passenger Rail group has been seeking this solution for years. The July 1 amendments caused entities that had opposed the prior version to change to support or neutral positions. The bill passed the Senate Transportation Committee, Senate Floor, and Assembly Transportation committee on unanimous votes.</p>	<p>SUPPORT</p> <p>Priority 8S</p> <p>Letter sent 5/1</p>
<p>Governor's Proposed Budget Trailer Bill</p>	<p>3/11/19</p>	<p>The Governor's May Revise Budget continues to include a proposal to withhold local streets and roads funding from jurisdictions that fail to comply with housing production goals, entitlements and zoning for increased affordable housing.</p>	<p>CONCERN</p> <p>Priority 1S</p>



TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Memorandum

To: Executive Committee
From: Christina Watson, Principal Transportation Planner
Meeting Date: August 7, 2019
Subject: **Khouri Contract for Legislative Services**

RECOMMENDED ACTION:

DISCUSS legislative consultant contract status and **DIRECT** staff as to next steps.

SUMMARY:

TAMC's contract with Khouri Consulting for legislative analyst/advocate services is currently \$36,000 per year (\$3,000 per month) and expires on October 31, 2019. Mr. Khouri has requested a significant increase in pay, to \$5,000 per month, adjusted annually for cost of living, and will provide his perspective at the committee meeting.

FINANCIAL IMPACT:

TAMC has budgeted \$40,000 per year for state legislative activities, and \$75,000 per year for federal legislative activities, for a total of \$115,000 for consultant legislative activities. Staff set aside the federal legislative amount in the event that federal earmarks were to return, which at present seems unlikely. While funding is available, approving Mr. Khouri's request of \$60,000 per year would require a budget amendment. Going out to bid for a new consultant may not result in a \$40,000 per year contract. Alternatively, staff could reduce the time spent on the Agency's legislative program and oversee a minimal legislative program in-house.

DISCUSSION:

TAMC hired Khouri Consulting for legislative analyst/advocate services in July 2017 for \$30,000 per year (\$2,500 per month) for two years after a request for proposals. At the time, Mr. Khouri noted in his proposal that the amount TAMC offered was less than he would expect for the scope of work, and that he hoped he would prove his value for an increase in pay in the future. TAMC amended the contract in June 2018 to increase the compensation to \$36,000 per year (\$3,000 per month) in recognition of sustained superior performance and hours worked, and in June 2019 TAMC extended the contract to October 2019 to close out the legislative session.

Mr. Khouri has requested a significant increase in pay, to \$5,000 per month, adjusted annually for cost of living. **Attached** is a letter from Mr. Khouri requesting an increase in compensation based on his accomplishments on behalf of TAMC, including his work on Senate Bill 1 increasing funding for transportation.

Mr. Khouri's recent accomplishments include advocating on behalf of Senate Bill 628 (Caballero): Prunedale Bypass, which has been approved by the full Senate and, recently, the Assembly Transportation Committee (all unanimous votes), and now goes to the Assembly Appropriations Committee. In addition, Mr. Khouri has advocated in TAMC's interest on other relevant legislation, he submits succinct and tailored bills lists and reports, and he has successfully arranged meetings with legislators and California Transportation Commissioners to support TAMC's funding applications. Staff is impressed with Mr. Khouri's work ethic and can attest to his going above and beyond the efforts of the Agency's previous legislative analysts.

The current contract is set to expire on October 31, 2019. Staff recommends the Executive Committee consider this request and provide direction to staff as to next steps. In addition, staff recommends that the term of future legislative contracts extend from October-September to follow the state legislative session, in contrast to current practice of having the contract term follow the calendar year.

ATTACHMENTS:

- Khouri letter re compensation request



June 11, 2019

The Honorable Robert Huitt
Chair, Transportation Agency for Monterey County
55-B Plaza Circle
Salinas, CA 93901

Dear Chairman Huitt:

I have greatly appreciated the opportunity to represent the Transportation Agency for Monterey County (TAMC) for the past two years, including the short stint in 2015, when I was hired to successfully shepherd legislation through the process to allow Measure X to be placed on the ballot.

Khouri Consulting's contract with TAMC is set to expire on June 30, 2019. I appreciated the opportunity to bid on TAMC's 2017 RFQ due to the success of our previous engagement to enact SB 705 of 2015, which led to the passage of Measure X. My only concern, which I expressed in my RFQ response, was that the contract amount was low. My request was that an accommodation would be made given some of the unparalleled, generational funding opportunities that I have helped create. I was given a \$500 increase per month increase, raising the retainer from \$2,500 to \$3,000, with the understanding that my retainer would be revisited when my contract was up. I accepted the opportunity to proceed and build upon our previous success with the intention of underscoring the firm's value and revisiting the issue.

As a direct result of my advocacy, TAMC has been able to realize numerous successes and raise its profile. The passage of SB 705 in 2015 led to TAMC's ability to successfully acquire voter approval of a \$600 million expenditure plan. I was also personally responsible for gathering the deciding votes on SB 1 through developing the vehicle registration fee proposal and restoring funding for several programs including; the State Transportation Improvement Program (STIP); the creation of the State Rail Assistance Program, which provides \$37 million annually to intercity and commuter rail agencies, and the augmentation of Transit Capital and Intercity Rail Program. In the just the past two years, TAMC has received an award of \$19 million for Imjin Parkway, \$10.3 Million for the Fort Ord Trail, \$10 million for the Salinas Rail Station, \$2.1 million for the "Every Child Safe Routes to School Project", \$1.5 million for platform improvements at King City, and \$724,000 in on going funding – over \$43 million in funding, which is more than double what Measure X generates annually. None of these awards would have occurred without my involvement. These accomplishments also do not include legislation that we have successfully advocated for the passage or defeat of, consistent with TAMC's priorities. I have a fantastic relationship with your legislative delegation, and have consistently demonstrated our access with state agencies, and recently with Governor Newsom.

My firm's minimum retainer, with one exception detailed below, is \$5,000 per month. The current contract with TAMC is 40% less, at \$3,000 per month, despite having a broader scope and greater level of engagement than other clients. My monthly retainers for similar entities to TAMC are as follows:

- City of Paso Robles \$5,000
- San Luis Obispo Council of Governments \$5,000
- San Mateo County Transportation Authority \$5,250
- Santa Barbara County Association of Governments \$5,175
- Stanislaus Council of Governments \$6,500 per month
- Transportation Authority of Marin \$3,500 per month (essentially a bill monitoring contract).

While I take pride in representing TAMC, the current retainer presents a problem with other clients, and does not acknowledge my talent, work ethic or deliverables as detailed above. There is not another consultant in the industry that can match my success and I am happy to show deliverables for all of my clients upon request.

TAMC recently awarded a three-year contract for \$150,000 (3 years at \$50,000) for filing out SB 1 applications. Creating hundreds of millions of dollars of funding opportunities should be worth considerably more. Yet, my firm charges reasonable rates in a profession with a high degree of public scrutiny in hopes of establishing long-term relationships. As a contractor, we must pay for overhead expenses that includes office space, staff and insurance, without health or retirement benefits, reimbursement for travel and lodging, and still paying taxes and filing fees.

I hope that the board can agree to provide me with a multi-year contract that would amend my retainer to \$5,000 per month, adjusted annually for a COLA, consistent with terms established with my firm's clients. Otherwise, I would be happy to offer extending my services through the end of October 2019 to account for work through the remainder of the legislative calendar and Governor's bill signing period to ensure that there is no lapse in executing on TAMC's priorities.

I value my relationship with the board and staff and hope that we could come to an agreement and allow for us to keep building on our success together.

Respectfully,



Gus F. Khouri
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Memorandum

To: Executive Committee
From: Christina Watson, Principal Transportation Planner
Meeting Date: August 7, 2019
Subject: **Policy for Reviewing Unsolicited Proposals**

RECOMMENDED ACTION:

DISCUSS and **RECOMMEND** Board adoption of Policy for Reviewing Unsolicited Proposals.

SUMMARY:

Occasionally, TAMC receives unsolicited proposals from consultants wishing to do business with TAMC or from companies interested in public-private partnerships and/or joint development. This Policy for Reviewing Unsolicited Proposals is designed to address those situations in a manner that is fair to all and of benefit to the Agency. This draft policy has been amended per direction of the Executive Committee at their June meeting.

FINANCIAL IMPACT:

No direct financial impact.

DISCUSSION:

TAMC follows state and federal procurement rules via an adopted Procurement Policies and Procedures and Contract Management Manual to ensure engagement in full and fair competition, and to obtain the best value, price and quality for taxpayer-funded goods and services. Typically, consultant services are obtained using a Request for Qualifications and/or Request for Proposals process, and the procedures are open to public scrutiny via the TAMC Board of Directors and its committees.

An unsolicited proposal is a written proposal that is submitted to TAMC on the initiative of the submitter for the purpose of developing a business partnership that is not in response to a formal or informal request issued by TAMC. TAMC currently does not have a written policy for responding to unsolicited proposals, and handles them on an ad-hoc basis, consulting with Agency Counsel.

An unsolicited proposal should be distinguishable from projects and plans already part of TAMC's long-term budget planning process. Potentially successful proposals would likely use innovative but pragmatic solutions that offer added value, such as enhanced financing options, improved customer service outcomes or advanced delivery dates. An unsolicited proposal should be:

- Innovative and pragmatic;
- Independently originated and developed by the proposer;
- Submitted by parties external to TAMC, prepared without TAMC's supervision, endorsement, direction, or direct involvement; and
- Sufficiently detailed that its benefits in support of TAMC's mission and responsibilities are readily apparent.

If the proposed Policy is adopted, TAMC will receive and evaluate unsolicited proposals using a two-phased approach. In Phase One, TAMC staff will evaluate written conceptual proposals and bring them to the Executive Committee for review, at which time a determination will be made as to whether to request additional and detailed information in Phase Two.

If there is interest in the conceptual proposal, the proposer will be asked to submit detailed documentation for evaluation in Phase Two. The TAMC Executive Director will bring the detailed proposal to the Executive Committee for direction as to whether to proceed with negotiations and, if so, whether to pursue a sole source agreement or to pursue a competitive solicitation using TAMC's procurement policies and procedures.

TAMC's receipt of an unsolicited proposal does not, by itself, justify a contract award without full and open competition. If the unsolicited proposal offers a proprietary concept that is essential to contract performance, it may be deemed a sole source. If not, TAMC will follow the competitive procurement process. TAMC may, at any time, choose not to proceed further with any unsolicited proposal.

Attachment 1 is the draft policy; **Attachment 2** shows the revisions based on input from the Executive Committee discussion on June 5, 2019: it was simplified and Executive Committee review of proposals was added.

ATTACHMENTS:

- Draft Policy for Reviewing Unsolicited Proposals
- Draft Policy - showing changes from June Exec



Policy for Reviewing Unsolicited Proposals

Adopted _____

DRAFT

INTRODUCTION

The Transportation Agency for Monterey County (TAMC) follows state and federal procurement rules via an adopted Procurement Policies and Procedures and Contract Management Manual to ensure engagement in full and fair competition, and to obtain the best value, price and quality for taxpayer-funded goods and services. Typically, consultant services are obtained using a Request for Bids, Qualifications and/or Proposals process, and the procedures are open to public scrutiny via the TAMC Board of Directors and its committees.

Occasionally, TAMC receives unsolicited proposals from consultants wishing to do business with TAMC or from companies interested in public-private partnerships and/or joint development. This Policy for Reviewing Unsolicited Proposals is designed to facilitate review of those proposals in a consistent manner. This Policy document is for internal use. Exhibit A, Conceptual Proposal Form, and Exhibit B, Pre-Qualification Application, will be made available on the TAMC website for those interested in submitting unsolicited proposals.

WHAT IS AN UNSOLICITED PROPOSAL?

An Unsolicited Proposal should be:

- Innovative and pragmatic;
- Independently originated and developed by the proposer;
- Submitted by parties external to TAMC, prepared without TAMC's supervision, endorsement, direction, or direct involvement; and
- Sufficiently detailed that its benefits in support of TAMC's mission and responsibilities are readily apparent.

An Unsolicited Proposal is not any of the following:

- An offer responding to any published requests for bids/qualifications/proposals; or
- An advance or premature proposal for property or services that TAMC could acquire through competitive methods (submitted within the budget year before release of a published request for proposal); or
- A replacement for an existing contract that is already in effect; or
- An opportunity to stipulate the means and methods of an existing contractual relationship.

This Policy calls for two levels of review for unsolicited proposals: a "Phase One – Conceptual Proposal" and a "Phase Two – Detailed Proposal." In order to conserve resources and ensure consistency, all Unsolicited Proposers must complete and submit the Conceptual Proposal Form (Exhibit A). Only after the Conceptual Proposal has been reviewed by TAMC staff and the TAMC Executive Committee, will the Proposer be asked to proceed to the second level of review. Permission to proceed to the Detailed Proposal does not commit TAMC to the Unsolicited Proposal.

Phase One – Conceptual Proposal

CONTENT – CONCEPTUAL PROPOSAL

Unsolicited Proposers shall complete and submit Exhibit A, Conceptual Proposal Form, in order to trigger a Phase One review.

PROCESS – CONCEPTUAL PROPOSAL

Upon receipt of a Conceptual Proposal, the TAMC Executive Director, or designee, will take the following steps:

1. Acknowledge receipt of the proposal; and
2. Determine whether the proposal meets the threshold requirements of an Unsolicited Proposal:
 - Satisfies the definition of a Reviewable Unsolicited Proposal;
 - Includes all required content and attachments;
 - Contains sufficient detail to enable TAMC to perform an adequate evaluation;
 - Is submitted by parties external to TAMC, has been approved by a responsible official or other representative authorized to contractually obligate the proposer; and
 - Complies with this Policy's requirements for use and disclosure of data.

EVALUATION – CONCEPTUAL PROPOSAL

If the proposal meets the threshold requirements, TAMC will take the following steps:

1. Staff will present the Conceptual Proposal to the Executive Committee (a public meeting subject to the Brown Act).
2. Per direction of the Executive Committee, staff will notify the proposer of TAMC's decision.

If the proposal meets the threshold requirements, staff and the Executive Committee will determine the evaluation criteria, as necessary, to reflect the specific proposal, but generally will consider the following factors:

1. The proposal offers direct or anticipated benefits to TAMC and the community;
2. The proposal is consistent with TAMC's mission, goals and objectives;
3. The proposal satisfies a need for TAMC that can be reasonably accommodated in TAMC's annual long-term capital and operating budgets without displacing other planned expenditures and without placing other committed projects at risk;
4. The proposal offers goods or services that TAMC may not have intended to procure or provide through the normal TAMC contract process;
5. The proposal offers goods or services that are within TAMC's jurisdiction or control; and
6. Any other factors appropriate for the proposal.

The possible outcomes may be to discontinue the process, to proceed to Phase Two, or to pursue a competitive procurement.

Phase Two – Detailed Proposal

PROCESS – REQUEST FOR DETAILED PROPOSAL

If TAMC desires to proceed to Phase Two, TAMC will issue a Request for a Detailed Proposal asking the proposer to complete Exhibit B, Pre-Qualification Application. TAMC may include the following information in the Request:

- A summary of Phase I Project Evaluation;
- A description of the request for additional information process and purpose;
- A description of the problem or opportunity being addressed;
- Relevant background, context, parameters and policies;
- Functional, technical and legal requirements;
- Requests for other project related information related to scope, budget, schedule, personnel, risks, data, performance measurement, potential impacts, etc.; and
- Requests for specific modifications or clarifications to the scope of the original proposal.

CONTENT – DETAILED PROPOSAL

Unsolicited Proposers shall complete and submit Exhibit B, Pre-Qualification Application, in order to trigger a Phase Two review.

EVALUATION – DETAILED PROPOSAL

Detailed Proposals will be evaluated promptly, at a minimum in accordance with the criteria set out in this section, as well as any other evaluation criteria identified in the Request for Detailed Proposal.

Threshold Review: Before initiating a comprehensive evaluation, TAMC staff will determine if the Detailed Proposal continues to meet the threshold requirements set out in Phase One and the requirements specifically set out in the Request for Detailed Proposal.

Evaluation Criteria: After the threshold review, TAMC staff will confirm the proposal meets the following minimum evaluation criteria:

1. The proposer's capabilities, related experience, facilities, techniques, or unique combinations of these which are integral factors for achieving the proposal objectives;
2. The proposer's financial capacity to deliver the goods or services defined in the proposal;
3. Viability of the proposed schedule and TAMC's ability to meet activities required;
4. TAMC's capacity to enter into a contract and/or otherwise provide requested resources;
5. The qualifications, capabilities and experience of key personnel who are critical in achieving the proposal objectives;
6. The relative costs and benefits of the proposal with respect to improving mobility and accessibility in Monterey County;
7. The specific details of the cost/revenue generated; and
8. Any other factors appropriate for the proposal.

RECOMMENDATION

The evaluation team will review the Detailed Proposal and make a recommendation to TAMC's Executive Director and Executive Committee. Per direction of the Executive Committee, staff will notify the proposer of next steps.

FULL AND OPEN COMPETITION REQUIREMENTS

TAMC's receipt of a Reviewable Unsolicited Proposal does not, by itself, justify a contract award without full and open competition. If the Unsolicited Proposal offers a proprietary concept that is essential to contract performance, it may be deemed a Sole Source, consistent with TAMC Procurement policies. If not, TAMC may pursue a competitive procurement. Nothing in this policy or otherwise requires TAMC to act or enter into a contract based on an Unsolicited Proposal. TAMC may decline an Unsolicited Proposal at any time during the process.

PREREQUISITES TO CONTRACT NEGOTIATION

The duly authorized TAMC representative(s) may commence contract negotiations only after the following prerequisites have been met:

1. An Unsolicited Proposal has received a favorable comprehensive evaluation;
2. TAMC staff supports its recommendation, identifies the necessary funds in the Agency Budget, and provides a sole-source justification (if applicable); and
3. TAMC Executive Director and Executive Committee approve proceeding with negotiations.

If the proposal exceeds the Executive Director's contracting authority or if environmental determinations are necessary, the Board of Directors' approval will be required, and the proposer will be notified of the date of the meeting when the proposal will be discussed.

General Requirements

PROHIBITION OF USE OF CONFIDENTIAL INFORMATION FOR SOLICITATIONS

If TAMC's decision is to pursue a competitive procurement, TAMC personnel shall not use any data, or any confidential patented, trademarked or copyrighted information or confidential technical or financial proprietary information, as identified by the proposer, as the basis for a solicitation or in negotiations with any other firm, unless the proposer is notified of and agrees to the intended use.

PUBLIC RECORDS ACT

Unsolicited Proposals are subject to the provisions of the California Public Records Act (California Code Government Code §6250 et seq.).

Public Contract Code Section 22164 provides that information that is not otherwise a public record pursuant to the California Public Records Act shall not be open to public inspection. Any documents provided by the proposer to TAMC marked "Trade Secret," "Confidential" or "Proprietary," or any financial records provided by the proposer to TAMC, shall be clearly marked with the proposer's

name. TAMC will use its best efforts to inform the proposer of any request for records that may involve any such documents. If a proposer fails to seek injunctive relief preventing the disclosure of records, the proposer shall be deemed to have waived the proposer's right to object.

In the event of litigation concerning the disclosure of any records claimed to be exempt from disclosure by a proposer, TAMC's sole involvement will be as a stakeholder, retaining the records until otherwise ordered by a court. The proposer, at its sole expense and risk, shall be fully responsible for any and all fees for prosecuting or defending any action concerning the records claimed to be exempt from disclosure, and shall indemnify and hold TAMC harmless from all costs and expenses, including attorney's fees in connection with any such action.

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Exhibit A

Conceptual Proposal Form

Phase One of TAMC’s Reviewable Unsolicited Proposal process involves submitting this form. Submit only the information required by this form. If TAMC determines that the proposal should proceed to Phase Two, TAMC will issue a Request for a Detailed Proposal.

PLEASE BE ADVISED THAT THIS COMPLETED FORM WILL BE DISCUSSED AT A PUBLIC MEETING OF THE TAMC EXECUTIVE COMMITTEE, AND THAT SOME RECORDS MAY BE SUBJECT TO DISCLOSURE PURSUANT TO A PUBLIC RECORDS REQUEST.

PART 1: BASIC INFORMATION

Proposer Information:

Name: _____

Address: _____

Further contact information: _____

Type of organization: _____

Technical personnel names & contact information: _____

Business personnel names & contact information: _____

These individuals should be responsible for answering TAMC’s technical or business questions concerning the proposal or any subsequent agreement concerning the proposal.

PART 2: TECHNICAL INFORMATION

Title of the proposal: _____

Abstract of the proposal is attached

To move forward in the Unsolicited Proposal process, the abstract must include a brief – but complete – discussion of the following:

1. Objectives
2. Method of approach
3. Nature and extent of anticipated results; and
4. Manner in which the work will help support accomplishment of TAMC’s mission.

Technical expertise the proposer needs from TAMC: _____

PART 3: FINANCIAL INFORMATION

Proposed price or total estimated cost: _____

Revenue: _____

Be concise but provide sufficient detail for TAMC to meaningfully evaluate the proposal.

Financial information the proposer needs from TAMC: _____

PART 4: PROCEDURAL INFORMATION

Period of time for which the proposal is valid: _____

Proprietary data has been submitted with this proposal and such data is deemed confidential by the proposer in the event of a request submitted to TAMC under the California Public Records Act.
Any proprietary data must be clearly designated, as well as the legal provision allowing exemption from disclosure claimed.

Other government entities or private parties have received this proposal.
Please explain: _____

Other government entities or private parties may provide funding for this proposal.
Please explain: _____

There are patents, copyrights and/or trademarks applicable to the goods or services proposed.
Please explain: _____

There is additional information not requested in this form that would allow TAMC to evaluate this proposal at this conceptual phase.
Describe: _____

PART 5: SIGNATURE

Name: _____

Date: _____

Title: _____

The individual who signs this form must be authorized to represent and contractually obligate the Proposer.

Exhibit B

Pre-Qualification Application

Name of Applicant Firm: _____

Date Submitted: _____

Preparer's Name: _____

Phase Two of TAMC's Reviewable Unsolicited Proposal process involves submitting this form and providing the information requested in the Request for a Detailed Proposal.

THIS PAGE MUST BE COMPLETED AND INCLUDED WITH THE APPLICATION

READ THE INSTRUCTIONS BEFORE FILLING OUT THE QUESTIONNAIRE

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INSTRUCTIONS

1. This application should be completed by a person in the firm who is knowledgeable of and duly authorized to attest to the past and present operations of the firm and its policies.
2. All questions must be answered completely, and any “Yes” answers must be fully explained. Please note that a Yes answer to any question does not automatically result in denial of pre-qualification for a procurement.
3. Please be aware that TAMC is subject to the California Public Records Act and that some of the material to be submitted may be subject to public disclosure, pursuant to a Public Records Act Request. You are advised to consult with your own legal counsel as to which materials may be legally exempt from disclosure.

DEFINITIONS

1. **Affiliate** is defined as any one of the following:
 - a. Any Firm other than Applicant Firm which owns 25% or more of Applicant Firm, such as parent companies or holding companies;
 - b. A subsidiary or a Firm in which Applicant Firm owns 25% or more;
 - c. A Firm in which a major stockholder or owner of Applicant Firm owns controlling interest;
 - d. A Firm with which Applicant Firm has or has had an unseverable business or professional identity, and
 - e. Any permanent or temporary common business enterprise relationship in which the parties share operating responsibility and profits such as joint ventures.
2. **Key Person** – For purposes of pre-qualification a key person is
 - a. Any person in Applicant Firm who owns 10% or more of the Firm and/or those who make decisions with respect to its operations, finances, or policies, such as the President, CEO, CFO, COO, and, in the case of partnerships, the General Partner(s);
 - b. Corporate Secretaries and Treasurers, as well as Directors, if they meet criteria #1, above;
 - c. Division or Regional Business Managers who operate away and independently from the Applicant Firm, but only if the division or regional office is negotiating directly with TAMC.

APPLICATION SUBMITTAL

Email this application to:

Executive Director
info@tamcmonterey.org

If you have questions, call the TAMC office at (831) 775-0903.

SECTION I: IDENTIFICATION

1. Applicant Firm

A. _____
Name of Applicant Firm Tax ID No. or Social Security Number

B. _____
Address

C. _____
(Mailing Address, if different from above)

D. _____
If doing business with TAMC under a DBA or other name, include legal name of the company and Tax ID No., if different

E. Primary Company Telephone No. () _____ Fax No. () _____

F. Applicant Firm's Contact Person for Pre-Qualification Office follow-up:

Name	Position	E-Mail	Telephone Number
------	----------	--------	------------------

G. Has the Applicant Firm changed its address or has the Firm or its owner operated under any other name(s) including other DBAs in the past five years? If yes, explain fully on a separate sheet of paper. No Yes

H. Type of business organization: _____

Year organization established: _____ Number of current employees: _____

Sole Proprietor

Corporation: Date and State of Incorporation: _____

Limited Liability Corporation (LLC): Date and State of Incorporation: _____

Limited Partnership (LP)

Limited Liability Partnership (LLP)

General Partnership (GP): Date and State of Partnership filing: _____

Other (describe): _____

I. List general type of business in which Applicant Firm is engaged (may include more than one). Attach copies of business licenses, if appropriate:

J. List type of product or service to be provided to TAMC:

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SECTION II: OWNERSHIP/MANAGEMENT, PROJECT TEAM MEMBERS, AND RELATED ENTITIES

1. Owners/Key Persons

List Owners and Key Persons of Applicant Firm. For large publicly traded companies, list only Key Persons. (See DEFINITIONS for clarification if necessary.)

Full Legal Name	Title	Social Security No. (last four digits only)	% Of Ownership

[Use additional sheets if necessary]

2. Related Entities (Affiliates/Subsidiaries/Joint Ventures)

A. List affiliates, subsidiaries, holding companies, joint ventures, etc., of Applicant Firm. If no affiliates, state NONE. N/A is not an acceptable answer. Provide organizational, geographical or functional chart, if it would assist in clarifying the line(s) of authority. (See DEFINITIONS for clarification if necessary.)

Affiliate Name & Address	Tel.#	% Owned	Top Executive's Name	*Type of Relation

*Type of Relationship: 1. Joint Venture (JV), 2. Parent Co (PC),
3. Holding Co (HC), 4. Subsidiary (S), 5. Other (O), please explain.

B. At any time during the past five years have any Owners or Key Persons of Applicant Firm (if yes, explain fully):

a. Served as Key Person, Officer or Director, in any other Firm not affiliated with Applicant Firm? If so, please explain in a separate sheet.

No

Yes

b. Had any ownership interest in any other Firm other than shares of publicly owned companies? If so, please explain in a separate sheet.

No

Yes

SECTION III: CONTRACTING HISTORY

1. Contracting History

- A. List the applicant Firm's three largest government contracts, subcontracts, or sales. If none, list the three largest contracts with non-governmental entities.

	Contract #1	Contract #2	Contract #3
Agency/Owner			
Contract No.			
Name/Location			
Describe Goods or Services Furnished			
Were you a Prime or Subcontractor?			
Start Date/Complete Date			
Contract Amount			
Agency/Owner Contact to Verify (Name/ Tel.)			

NOTE: ANY "YES" ANSWERS BELOW MUST BE FULLY EXPLAINED ON A SEPARATE SHEET OF PAPER AND ATTACHED TO THIS APPLICATION.

- B. Is the Applicant Firm currently certified by the California Department of Transportation (Caltrans) as a disadvantaged business entity, minority-, or woman-owned business?

No Yes

- C. During the past five years, has Applicant Firm or any of its Key Persons had any certificates or certifications revoked or suspended, including disadvantaged-, minority-, or woman-owned business certifications?

No Yes

In the past five years has the Applicant Firm or any Affiliate been the subject of any of the following actions?

- D. Been suspended, debarred, disqualified, or otherwise declared ineligible to bid?

No Yes

- E. Failed to complete a contract for a commercial or private owner?

No Yes

- F. Been denied a low-bid contract in spite of being the low bidder?

No Yes

- G. Had a contract terminated for any reason, including default?

No Yes

- H. Had liquidated damages assessed against it during or after completion of a contract?

No Yes

SECTION IV: CIVIL ACTIONS

If “Yes” to Sections IV, V or VI, provide details including a brief summary of cause(s) of action, indicate if Applicant Firm, Key Person or Affiliate Firms were plaintiffs (P) or defendants (D); define charges explicitly, by what authority, court or jurisdiction, etc. In the case of tax liens, please indicate whether the liens were resolved with the tax authorities. Please submit proof of payment or agreements to pay the liens.

Complete details are required!

1. **Violations of Civil Law**

In the past five years has Applicant Firm, any of its Key Persons, or any Affiliate been the subject of an investigation of any alleged violation of a civil antitrust law, or other federal, state or local civil law?

No

Yes

2. **Lawsuits with Public Agencies**

At the present time is, or during the past five years has, the Applicant Firm, any of its Key Persons, or any Affiliate been a plaintiff or defendant in any lawsuit regarding services or goods provided to TAMC or to a public agency?

No

Yes

3. **Bankruptcy**

During the past five years, has the Applicant Firm or any Affiliate filed for bankruptcy or reorganization under the bankruptcy laws?

No

Yes

4. **Judgments, Liens and Claims**

During the past five years, has the Applicant Firm been the subject of a judgment, lien or claim of \$25,000 or more by a subcontractor or supplier?

No

Yes

5. **Tax Liens**

During the past five years, has the Applicant Firm been the subject of a tax lien by federal, state or any other tax authority?

No

Yes

SECTION V: COMPLIANCE WITH LAWS AND OTHER REGULATIONS

1. Criminal

In the past five years has the Applicant Firm, any of its principals, officers, or Affiliates been convicted or currently charged with any of the following:

- A. Fraud in connection with obtaining, attempting to obtain, or performing a public contract, agreement or transaction?
 No Yes
- B. Federal or state antitrust statutes, including price fixing collusion and bid rigging?
 No Yes
- C. Embezzlement, theft, forgery, bribery, making false statements, submitting false information, receiving stolen property, or making false claims to any public agency?
 No Yes
- D. Misrepresenting minority or disadvantaged business entity status with regard to itself or one of its subcontractors?
 No Yes
- E. Non-compliance with the prevailing wage requirements of California or similar laws of any other state?
 No Yes
- F. Violation of any law, regulation or agreement relating to a conflict of interest with respect to a government funded procurement?
 No Yes
- G. Falsification, concealment, withholding and/or destruction of records relating to a public agreement or transaction?
 No Yes
- H. Violation of a statutory or regulatory provision or requirement applicable to a public or private agreement or transaction?
 No Yes
- I. Do any Key Persons in Applicant Firm have any felony charges pending against them that were filed either before, during, or after their employment with the Applicant Firm?
 No Yes

2. Regulatory Compliance

In the past five years, has Applicant Firm, any of its Key Persons, or Affiliates:

- A. Been cited for a violation of any labor law or regulation, including, but not limited to, child labor violations, failure to pay wages, failure to pay into a trust account, failure to remit or pay withheld taxes to tax authorities or unemployment insurance tax delinquencies?
 No Yes
- B. Been cited for an OSHA or Cal/OSHA “serious violation”?
 No Yes
- C. Been cited for a violation of federal, state or local environmental laws or regulations?
 No Yes
- D. Failed to comply with California corporate registration, federal, state or local licensing requirements?
 No Yes
- E. Failed to comply with California corporate registration, federal, state or local licensing requirements?
 No Yes
- F. Had its corporate status, business entity’s license or any professional certification, suspended, revoked, or had otherwise been prohibited from doing business in the State of California, in the last three years?
 No Yes
- G. During the past five years, has Applicant Firm or any of its Key Persons had any certificates or certifications revoked or suspended, including disadvantaged-, minority-, or woman-owned business certifications?
 No Yes
- H. Been suspended, debarred, disqualified, or otherwise declared ineligible to bid?
 No Yes

SECTION VI: ETHICS

1. Conflict of Interest

- A. Does the Applicant Firm or any of its Key Persons have any existing relationships that could be construed as either personal or organizational conflicts of interest, or which would give rise to a conflict if Applicant Firm should be a recipient of a contract with TAMC?
- No Yes
- B. Has any Owner, Key Person or Project Team member of Applicant Firm ever (if yes, explain fully):
- a. Been an employee of TAMC, or served as a member of TAMC Board of Directors or as an Alternate?
- No Yes
- b. Been related by blood or marriage to an TAMC employee, TAMC Board member or Alternate?
- No Yes

2. Political, Charitable, And Other Contributions

Has the Applicant Firm, any of its Key Persons, or Affiliates ever, regardless of amount:

- A. Given (directly or indirectly), or offered to give on behalf of another or through another person, money, contributions (including political contributions), or other benefits, to any current TAMC Board Member or Alternate?
- No Yes
- B. Given, or offered to give on behalf of another, money, contributions, or other benefits, directly or indirectly, to any current or former TAMC employee?
- No Yes
- C. Been directed by any TAMC employee, Board member or Alternate Board member, or contractor to offer or give money, contributions or other benefits, directly or indirectly, to any current or former TAMC employee, Board member or alternate Board member?
- No Yes
- D. Directed any person, including employees or subcontractors, to give money, contributions or other benefits, directly or indirectly, to any current or former TAMC employee, Board member, Alternate Board member, or to someone else in order to benefit an TAMC employee, Board member, or Alternate Board member?
- No Yes
- E. Been solicited by any TAMC employee, Board member, or Alternate Board member to make a contribution to any charitable nonprofit organization?
- No Yes

IF YES TO ANY OF THE ABOVE, SUBMIT LIST OF CONTRIBUTIONS AND DETAILS.

SECTION VII: ADDITIONAL DOCUMENTATION REQUIRED

Copies of the following documents are to be submitted with this application:

1. Applicant Firm's Current Local Business Licenses, if required by city, county or state, and
2. Applicant Firm's Financial Statements:
 - A. PUBLICLY TRADED COMPANIES: Financial information will be accessed on-line. However, if additional information is needed, it will be specifically requested from the firm.
 - B. NON-PUBLICLY TRADED COMPANIES WITH AUDITED OR REVIEWED FINANCIAL STATEMENTS: Statements, including balance sheet, statement of earnings and retained income, with footnotes, for the most recent three years.
 - C. NON-PUBLICLY TRADED COMPANIES WITHOUT AUDITED OR REVIEWED FINANCIAL STATEMENTS: Company generated financial statements, including balance sheet, statement of earnings and retained income for the most recent three years. The Chief Financial Officer of the corporation, a partner, or owner, as appropriate, must certify these financial statements.
 - D. SOLE PROPRIETORSHIPS: Refer to C. If financial statements are not generated, please fill out and sign the Financial Statement form. Submit one form for each of the most recent three years.

NOTE: TAMC reserves the right to ask for additional documentation if it is reasonably required to make a determination of integrity and responsibility relevant to the goods or services the Applicant Firm will provide to TAMC if awarded a contract.

Financial Statement

This information is provided for pre-qualification purposes only. This document is considered a confidential document not subject to public disclosure under California law.

To be completed by Applicant Firms that do not produce company generated financial statements, including balance sheet, statement of earnings and retained income for the most recent three years (one sheet per year.)

ASSETS	
Cash on Hand and in Banks	\$
Account and Notes Receivable	\$
Fixed Assets (net of depreciation)	\$
Other Assets	\$
Total Assets	\$
LIABILITIES	
Accounts Payable	\$
Notes Payable to Banks (in next 12 months)	\$
Notes Payable to Others	\$
Taxes Payable	\$
Long Term Liabilities (more than 12 months)	\$
Other Liabilities	\$
Total Liabilities	\$
Net Worth	\$
INCOME FROM OPERATIONS	
Revenue	\$
Interest from Bank Accounts	\$
Cost of Goods Sold (if appropriate)	\$
Gross Profit	\$
General & Administrative Expenses	\$
Depreciation	\$
Interest Paid	\$
Net Gain or Loss	\$

I hereby certify that the above information is true and accurate to the best of my knowledge and belief. I understand false statements may result in denial of pre-qualification, and possible debarment for a period of five years.

Signature of Owner or Officer	Date Signed
Company Name	For the Year Ended
Federal ID #	



Policy for Reviewing Unsolicited Proposals

Adopted _____

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INTRODUCTION

The Transportation Agency for Monterey County (TAMC) follows state and federal procurement rules via an adopted Procurement Policies and Procedures and Contract Management Manual to ensure engagement in full and fair competition, and to obtain the best value, price and quality for taxpayer-funded goods and services. Typically, consultant services are obtained using a Request for ~~Bids~~, Qualifications and/or ~~Request for~~ Proposals process, and the procedures are open to public scrutiny via the TAMC Board of Directors and its committees.

Occasionally, TAMC receives unsolicited proposals from consultants wishing to do business with TAMC or from companies interested in public-private partnerships and/or joint development. This Policy for Reviewing Unsolicited Proposals is designed to ~~address those situations~~facilitate review of those proposals in a consistent manner. This Policy document is for internal use. Exhibit A, Conceptual Proposal Form, and Exhibit B, Pre-Qualification Application, will be made available on the TAMC website for those interested in submitting unsolicited proposals.

WHAT IS AN UNSOLICITED PROPOSAL?

~~A written proposal that is submitted to TAMC on the initiative of the submitter for the purpose of developing a contractual relationship that is not in response to a formal or informal request issued by TAMC. Unsolicited proposals can be like junk mail; not all are worthy of TAMC staff time and resources in reviewing them.~~

~~WHAT DISTINGUISHES AN AN UNSOLICITED PROPOSAL WORTHY OF REVIEW?~~

~~In order for an Unsolicited Proposal to be worthy of TAMC review, it should be:~~

- Innovative and pragmatic;
- Independently originated and developed by the proposer;
- Submitted by parties external to TAMC, prepared without TAMC's supervision, endorsement, direction, or direct involvement; and
- Sufficiently detailed that its benefits in support of TAMC's mission and responsibilities are readily apparent.

~~A Reviewable Unsolicited Proposal is distinguishable from a project already part of TAMC's long-term budget planning process and plan if it uses innovative but pragmatic solutions that offer added value, such as enhanced financing options, improved customer service outcomes or advanced delivery dates. Sales tax bonds and certificates of participation are not unique and innovative financing tools.~~

~~SHOULD PROPOSERS INTERESTED IN A PUBLISHED SOLICITATION SUBMIT AN UNSOLICITED PROPOSAL?~~

~~No.~~ An Unsolicited Proposal is not any of the following:

- An offer responding to TAMC's ~~previously~~any published ~~request~~requests for bids/qualifications/proposals; or

- An advance or premature proposal for property or services that TAMC could acquire through competitive methods (submitted within the budget year before release of a published request for proposal); or
- A replacement for an existing contract that is already in effect; or
- An opportunity to stipulate the means and methods of an existing contractual relationship.

Unsolicited Proposals Process Overview

~~All Unsolicited Proposals shall be submitted to the TAMC Executive Director, or designee, who will log the proposal and respond acknowledging receipt of the proposal within five business days, then transfer it to the appropriate staff person for evaluation of technical and/or financial merit.~~

~~TAMC will evaluate Reviewable Unsolicited Proposals using a two-phased approach, as described below. Unsolicited Proposals that do not include completed forms described in Phase One shall be summarily declined.~~

~~In Phase One, TAMC will evaluate conceptual proposals. Conceptual proposals will be reviewed within 90 days of receipt, at which time a determination will be made as to whether to proceed to Phase Two. If there is interest in a conceptual proposal, the proposer may be asked to submit a detailed proposal for evaluation in Phase Two. If the proposal proceeds beyond Phase Two, TAMC's procurement policies and procedures will apply. TAMC may, at any time, choose not to proceed further with any Unsolicited Proposal.~~

Phase One – Conceptual Proposal

~~The purpose of Phase One is for TAMC to review and screen written, concept-level proposals to determine whether to request additional and detailed information in Phase Two.~~

~~This Policy calls for two levels of review for unsolicited proposals: a “Phase One – Conceptual Proposal” and a “Phase Two – Detailed Proposal.” In order to conserve resources and ensure consistency, all Unsolicited Proposers must complete and submit the Conceptual Proposal Form (Exhibit A). Only after the Conceptual Proposal has been reviewed by TAMC staff and the TAMC Executive Committee, will the Proposer be asked to proceed to the second level of review. Permission to proceed to the Detailed Proposal does not commit TAMC to the Unsolicited Proposal.~~

Phase One – Conceptual Proposal

CONTENT – CONCEPTUAL PROPOSAL

Unsolicited Proposers shall complete and submit Exhibit A, Conceptual Proposal Form ~~with their conceptual proposal~~, in order to trigger a Phase One review.

~~THRESHOLD REVIEW AND PROCESS OVERVIEW~~ – CONCEPTUAL PROPOSAL

Upon receipt of a ~~reviewable conceptual proposal~~ Conceptual Proposal, the TAMC Executive Director, or ~~his or her~~ designee, will take the following steps:

- ~~1. Promptly log and acknowledge~~ Acknowledge receipt of the proposal ~~(letter to proposer);~~; and
 - ~~2. Determine whether the proposal meets the threshold requirements of an Unsolicited Proposal (below).~~
2. Before initiating a Phase One evaluation, the TAMC Executive Director will determine if the conceptual proposal meets the following threshold requirements:
- Satisfies the definition of a Reviewable Unsolicited Proposal;
 - Includes all required content and attachments;
 - Contains sufficient detail to enable TAMC to perform an adequate evaluation;
 - Is submitted by parties external to TAMC, has been approved by a responsible official or other representative authorized to contractually obligate the proposer; and
 - Complies with this Policy’s requirements for use and disclosure of data.

EVALUATION – CONCEPTUAL PROPOSAL

If the proposal meets the threshold requirements, TAMC will take the following steps:

- ~~1. The TAMC Executive Director will officially transfer the proposal to appropriate staff; and~~
- ~~2. Appropriate staff will perform the evaluation process and notify the proposer of TAMC’s decision. The possible outcomes may be to discontinue the process, to proceed to Phase Two, or to pursue a competitive procurement. TAMC staff will provide a general explanation of the reasons for the decision, communicate regularly with the TAMC Executive Director, and seek the TAMC Executive Director’s approval of recommendations related to implementation.~~

~~Conceptual proposals will be evaluated promptly in accordance with the criteria set out in this section. At Phase One, the evaluation process will include a review of the Conceptual Proposal and Conceptual Proposal form. The proposer(s) will have no interaction with the evaluation team, except at TAMC’s sole discretion.~~

EVALUATION CRITERIA – CONCEPTUAL PROPOSAL

1. Staff will present the Conceptual Proposal to the Executive Committee (a public meeting subject to the Brown Act).
2. Per direction of the Executive Committee, staff will notify the proposer of TAMC’s decision.

If the proposal meets the threshold requirements, staff and the evaluation team Executive Committee will determine the evaluation criteria, as necessary, to reflect the specific proposal, but generally will consider the following factors:

1. The proposal offers direct or anticipated benefits to TAMC and the community;
2. The proposal is consistent with TAMC’s mission, goals and objectives;

3. The proposal satisfies a need for TAMC that can be reasonably accommodated in TAMC's annual long-term capital and operating budgets without displacing other planned expenditures and without placing other committed projects at risk;
4. The proposal offers goods or services that TAMC may not have intended to procure or provide through the normal TAMC contract process;
5. The proposal offers goods or services that are within TAMC's jurisdiction or control; and
6. Any other factors appropriate for the proposal.

The possible outcomes may be to discontinue the process, to proceed to Phase Two, or to pursue a competitive procurement.

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Phase Two – Detailed Proposal

The purpose of Phase Two is for TAMC to receive more detailed technical and financial information to fully understand and evaluate the proposal. At the conclusion of this phase, TAMC will decide whether to decline the proposal, to proceed to a sole source agreement, or to pursue a competitive solicitation.

PROCESS – REQUEST FOR DETAILED PROPOSAL

If TAMC desires to proceed to Phase Two, TAMC will issue a Request for a Detailed Proposal ~~that formally tells asking~~ the proposer ~~that to complete Exhibit B, Pre-Qualification Application.~~ TAMC ~~is willing to proceed to Phase Two. Depending on the circumstances, the request~~ may include the following information in the Request:

- A summary of Phase I Project Evaluation;
- A description of the request for additional information process and purpose;
- A description of the problem or opportunity being addressed;
- Relevant background, context, parameters and policies;
- Functional, technical and legal requirements;
- Requests for other project related information related to scope, budget, schedule, personnel, risks, data, performance measurement, potential impacts, etc.; and
- Requests for specific modifications or clarifications to the scope of the original proposal.

~~TAMC may, at its sole discretion, invite the proposer(s) to present to the review team, ask and answer questions of the review team, and discuss the proposal and context with the review team.~~

PROCESSING

~~Once the Detailed Proposal is received, the TAMC staff will keep a record of the persons on the evaluation team and record the disposition of the proposal. Outside advisors will be consulted only if the TAMC evaluation team deems it necessary and beneficial.~~

CONTENT – ~~DETAILED~~ DETAILED PROPOSAL

~~In addition to the information provided in Phase One, a Detailed Proposal must, at a minimum, include the following information:~~

~~TECHNICAL INFORMATION:~~

- ~~A. Names and professional information of the proposer's key personnel who would be committed to the project;~~
- ~~B. Type of support needed from TAMC; e.g., facilities, equipment, materials, or personnel resources;~~
- ~~C. Type of support being provided by the proposer;~~
- ~~D. A sufficiently detailed description of the scope of work being offered, in order to allow TAMC to evaluate the value received for the price or TAMC support proposed;~~

- ~~E. Proposed price or total estimated cost for the effort and/or the revenue generated in sufficient detail for meaningful evaluation and cost analysis, including an annual cash flow for the proposed project and annual or future costs to operate and maintain;~~
- ~~F. A schedule for the implementation, including specific details for any property and/or services to be provided by TAMC; and~~
- ~~G. Proposed duration of effort.~~

SUPPORTING INFORMATION:

- ~~1. Type of contract being sought by the proposer (the final determination on type of contract Unsolicited Proposers shall be made by TAMC, should TAMC decide to proceed with a contract);~~
- ~~2. Description of the proposer's organization, previous experience in the field, and facilities to be used;~~
- ~~3. Required statements and disclosures, if applicable, about organizational conflicts of interest and environmental impacts; and~~
- ~~4. Information, in the form of TAMC's complete and submit Exhibit B, Pre-Qualification Application (**Exhibit B**) demonstrating to TAMC that the proposer has the necessary financial resources to complete the proposed project or effort, as determined by TAMC staff. Such information may include:
 - ~~a. Financial statements, including an Auditor's Report Letter or an Accountant's Review Letter, Balance Sheets, Statements of Income and Stockholder's Equity, and a Statement of Change in Financial Position;~~
 - ~~b. Un-audited balance sheets;~~
 - ~~c. Names of banks or other financial institutions with which the proposer conducts business; and~~~~
- d. Letter of credit commitments, in order to trigger a Phase Two review.

EVALUATION - DETAILED PROPOSAL

Detailed Proposals will be evaluated promptly, at a minimum in accordance with the criteria set out in this section, as well as any other evaluation criteria identified in the Request for Detailed Proposal.

Threshold Review: Before initiating a comprehensive evaluation, TAMC staff will determine if the Detailed Proposal continues to meet the threshold requirements set out in Phase One and the requirements specifically set out in the Request for Detailed Proposal.

Evaluation Criteria: ~~At Phase Two, After the evaluation team threshold review, TAMC staff will confirm the proposal meets the same following minimum evaluation criteria set forth in Phase One, in addition to the following minimum factors, and any additional criteria set out in the Request for Detailed Proposal:~~

- 1. The proposer's capabilities, related experience, facilities, techniques, or unique combinations of these which are integral factors for achieving the proposal objectives;
- 2. The proposer's financial capacity to deliver the goods or services defined in the proposal;
- 3. Viability of the proposed schedule and TAMC's ability to meet activities required;
- 4. TAMC's capacity to enter into a contract and/or otherwise provide requested resources;

5. The qualifications, capabilities and experience of key personnel who are critical in achieving the proposal objectives;
6. The relative costs and benefits of the proposal with respect to improving mobility and accessibility in Monterey County;
7. The specific details of the cost/revenue generated; and
8. Any other factors appropriate for the proposal.

RECOMMENDATION

The evaluation team will review the Detailed Proposal and make a recommendation ~~on the disposition of the Detailed Proposal~~ to TAMC's Executive Director ~~for review and approval. If proposal exceeds the and~~ Executive Director's contracting authority or environmental determinations are necessary, ~~the Board of Directors' approval~~ Committee. Per direction of the Executive Committee, staff will be required, and notify the proposer ~~will be notified of the date of the meeting when the proposal will be discussed of next steps.~~

FULL AND OPEN COMPETITION REQUIREMENTS

TAMC's receipt of a Reviewable Unsolicited Proposal does not, by itself, justify a contract award without full and open competition. If the Unsolicited Proposal offers a proprietary concept that is essential to contract performance, it may be deemed a Sole Source, consistent with TAMC Procurement policies. If not, TAMC will may pursue a competitive procurement, ~~either through a formal solicitation or by the process outlined below.~~

~~PROOF OF CONCEPT~~

~~TAMC may, at its sole discretion, choose to work with a third party to prove a concept as a means of better understanding an Unsolicited Proposal and its application and value to TAMC, provided that the work is done at the expense of the proposing party.~~

~~UNSOLICITED PROPOSAL – SOLE SOURCE AWARD~~

~~If it is impossible to describe the property or services offered without revealing proprietary information or disclosing the originality of thought or innovativeness of the property or services sought, as determined by TAMC, TAMC may make a sole source award, as provided in TAMC's Sole Source Award Policy.~~

~~UNSOLICITED PROPOSAL – COMPETITIVE SOLICITATION PROCESS~~

~~If the Unsolicited Proposal does not meet the criteria of a sole source award, before entering into a contract resulting from an Unsolicited Proposal, TAMC will follow its procurement policies to issue a Request for Qualifications and/or Request for Proposal to do the work.~~

~~CONTRACT RESULTING FROM AN UNSOLICITED PROPOSAL~~

~~Nothing in this policy or otherwise requires TAMC to act or enter into a contract based on an Unsolicited Proposal. TAMC, at its sole discretion, may return and/or decline an Unsolicited Proposal at any time during the process.~~

PREREQUISITES TO CONTRACT NEGOTIATION

The duly authorized TAMC representative(s) may commence contract negotiations only after the following prerequisites have been met:

- ~~1. An Unsolicited Proposal has received a favorable comprehensive evaluation, including in comparison to any proposals received following publication as provided in this policy;~~
 - ~~2. The TAMC staff sponsoring the contract supports its recommendation, furnishes/identifies the necessary funds in the Agency Budget, and provides a sole-source justification (if applicable); and~~
 - ~~3. TAMC Executive Director and Executive Committee approve proceeding with negotiations.~~
- ~~3. If the proposal exceeds the Executive Director's contracting authority or TAMC if environmental determinations are necessary, the Board of Directors approves (if Directors' approval will be required), and the proposer will be notified of the date of the meeting when the proposal will be discussed.~~

General Requirements

PROHIBITION OF USE OF CONFIDENTIAL INFORMATION FOR SOLICITATIONS

If TAMC's decision is to pursue a competitive procurement, TAMC personnel shall not use any data, or any confidential patented, trademarked or copyrighted information, ~~as identified by the proposer, as part of an Unsolicited Proposal,~~ or confidential technical or financial proprietary information ~~as, as identified by the proposer, as~~ the basis, ~~or part of the basis,~~ for a solicitation or in negotiations with any other firm, unless the proposer is notified of and agrees to the intended use. ~~Concepts or ideas are not considered proprietary by TAMC but specific implementing methodologies that are unique to and identified by the proposer will be recognized.~~

PUBLIC RECORDS ACT

Unsolicited Proposals are subject to the provisions of the California Public Records Act (California Code Government Code §6250 et seq.).

Public Contract Code Section 22164 provides that: ~~information that is not otherwise a public record pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title I of the Government Code)~~ shall not be open to public inspection. Any documents provided by the proposer to TAMC marked "Trade Secret," "Confidential" or "Proprietary," or any financial records provided by the proposer to TAMC, shall be clearly marked with the proposer's name. TAMC will use its best efforts to inform the proposer of any request for records that may involve any ~~financial records or documents marked "Trade Secret," "Confidential" or "Proprietary"~~

~~provided by proposers to TAMC. TAMC will not advise as to the nature or content of documents entitled to protection from disclosure under the California Public Records Act but will allow proposers the opportunity to seek injunctive relief, if desired, such documents.~~ If a proposer fails to seek injunctive relief preventing the disclosure of records, the proposer shall be deemed to have waived the proposer's right to object.

In the event of litigation concerning the disclosure of any records claimed to be exempt from disclosure by a proposer, TAMC's sole involvement will be as a stakeholder, retaining the records until otherwise ordered by a court. The proposer, at its sole expense and risk, shall be fully responsible for any and all fees for prosecuting or defending any action concerning the records claimed to be exempt from disclosure, and shall indemnify and hold TAMC harmless from all costs and expenses, including attorney's fees in connection with any such action.

DRAFT

Exhibit A

Conceptual Proposal Form

Phase One of TAMC's Reviewable Unsolicited Proposal process involves submitting this form. Submit only the information required by this form. If TAMC determines that the proposal should proceed to Phase Two, TAMC will issue a Request for a Detailed Proposal.

PLEASE BE ADVISED **THAT THIS COMPLETED FORM WILL BE DISCUSSED AT A PUBLIC MEETING OF THE TAMC EXECUTIVE COMMITTEE, AND THAT SOME RECORDS MAY BE SUBJECT TO DISCLOSURE PURSUANT TO A PUBLIC RECORDS REQUEST.**

PART 1: BASIC INFORMATION

Proposer Information:

Name: _____

Address: _____

Further contact information: _____

Type of organization: _____

Technical personnel names & contact information: _____

Business personnel names & contact information: _____

These individuals should be responsible for answering TAMC's technical or business questions concerning the proposal or any subsequent agreement concerning the proposal.

PART 2: TECHNICAL INFORMATION

Title of the proposal: _____

Abstract of the proposal is attached

To move forward in the Unsolicited Proposal process, the abstract must include a brief – but complete – discussion of the following:

1. Objectives
2. Method of approach
3. Nature and extent of anticipated results; and
4. Manner in which the work will help support accomplishment of TAMC's mission.

Technical expertise the proposer needs from TAMC: _____

PART 3: FINANCIAL INFORMATION

Proposed price or total estimated cost: _____

Revenue: _____

Be concise but provide sufficient detail for TAMC to meaningfully evaluate the proposal.

Financial information the proposer needs from TAMC: _____

PART 4: PROCEDURAL INFORMATION

Period of time for which the proposal is valid: _____

Proprietary data has been submitted with this proposal and such data is deemed confidential by the proposer in the event of a request submitted to TAMC under the California Public Records Act.

Any proprietary data must be clearly designated, as well as the legal provision allowing exemption from disclosure claimed.

Other government entities or private parties have received this proposal.
Please explain: _____

Other government entities or private parties may provide funding for this proposal.
Please explain: _____

There are patents, copyrights and/or trademarks applicable to the goods or services proposed.
Please explain: _____

There is additional information not requested in this form that would allow TAMC to evaluate this proposal at this conceptual phase.
Describe: _____

PART 5: SIGNATURE

Name: _____

Date: _____

Title: _____

The individual who signs this form must be authorized to represent and contractually obligate the Proposer.

DRAFT

Exhibit B

Pre-Qualification Application

Name of Applicant Firm: _____

Date Submitted: _____

Preparer's Name: _____

Phase Two of TAMC's Reviewable Unsolicited Proposal process involves submitting this form and providing the information requested in the Request for a Detailed Proposal.

THIS PAGE MUST BE COMPLETED AND INCLUDED WITH THE APPLICATION

READ THE INSTRUCTIONS BEFORE FILLING OUT THE QUESTIONNAIRE

DRAFT

INSTRUCTIONS

1. This application should be completed by a person in the firm who is knowledgeable of and duly authorized to attest to the past and present operations of the firm and its policies. ~~A corporate officer of the firm, owner or partner, as appropriate, must sign the Pre-Qualification Certification form.~~
2. All questions must be answered completely, and any “Yes” answers must be fully explained. Please note that a Yes answer to any question does not automatically result in denial of pre-qualification for a procurement.
3. Please be aware that TAMC is subject to the California Public Records Act and that some of the material to be submitted may be subject to public disclosure, pursuant to a Public Records Act Request. You are advised to consult with your own legal counsel as to which materials may be legally exempt from disclosure.

DEFINITIONS

1. **Affiliate** is defined as any one of the following:
 - a. Any Firm other than Applicant Firm which owns 25% or more of Applicant Firm, such as parent companies or holding companies;
 - b. A subsidiary or a Firm in which Applicant Firm owns 25% or more;
 - c. A Firm in which a major stockholder or owner of Applicant Firm owns controlling interest;
 - d. A Firm with which Applicant Firm has or has had an unseverable business or professional identity, and
 - e. Any permanent or temporary common business enterprise relationship in which the parties share operating responsibility and profits such as joint ventures.
2. **Key Person** – For purposes of pre-qualification a key person is
 - a. Any person in Applicant Firm who owns 10% or more of the Firm and/or those who make decisions with respect to its operations, finances, or policies, such as the President, CEO, CFO, COO, and, in the case of partnerships, the General Partner(s);
 - b. Corporate Secretaries and Treasurers, as well as Directors, if they meet criteria #1, above;
 - c. Division or Regional Business Managers who operate away and independently from the Applicant Firm, but only if the division or regional office is negotiating directly with TAMC.

APPLICATION SUBMITTAL

Email this application to:

Executive Director
info@tamcmonterey.org

If you have questions, call the TAMC office at (831) 775-0903.

SECTION I: IDENTIFICATION

1. Applicant Firm

A. _____
Name of Applicant Firm Tax ID No. or Social Security Number

B. _____
Address

C. _____
(Mailing Address, if different from above)

D. _____
If doing business with TAMC under a DBA or other name, include legal name of the company and Tax ID No., if different

E. Primary Company Telephone No. () _____ Fax No. () _____

F. Applicant Firm's Contact Person for Pre-Qualification Office follow-up:

_____	_____	_____	_____
Name	Position	E-Mail	Telephone Number

G. Has the Applicant Firm changed its address or has the Firm or its owner operated under any other name(s) including other DBAs in the past five years? If yes, explain fully on a separate sheet of paper. No Yes

H. Type of business organization: _____

Year organization established: _____ Number of current employees: _____

Sole Proprietor

Corporation: Date and State of Incorporation: _____

Limited Liability Corporation (LLC): Date and State of Incorporation: _____

Limited Partnership (LP)

Limited Liability Partnership (LLP)

General Partnership (GP): Date and State of Partnership filing: _____

Other (describe): _____

I. List general type of business in which Applicant Firm is engaged (may include more than one). Attach copies of business licenses, if appropriate:

J. List type of product or service to be provided to TAMC:

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SECTION II: OWNERSHIP/MANAGEMENT, PROJECT TEAM MEMBERS, AND RELATED ENTITIES

1. Owners/Key Persons

List Owners and Key Persons of Applicant Firm. For large publicly traded companies, list only Key Persons. (See DEFINITIONS for clarification if necessary.)

Full Legal Name	Title	Social Security No. (last four digits only)	% Of Ownership

[Use additional sheets if necessary]

2. Related Entities (Affiliates/Subsidiaries/Joint Ventures)

A. List affiliates, subsidiaries, holding companies, joint ventures, etc., of Applicant Firm. If no affiliates, state NONE. N/A is not an acceptable answer. Provide organizational, geographical or functional chart, if it would assist in clarifying the line(s) of authority. (See DEFINITIONS for clarification if necessary.)

Affiliate Name & Address	Tel.#	% Owned	Top Executive's Name	*Type of Relation

*Type of Relationship: 1. Joint Venture (JV), 2. Parent Co (PC),
3. Holding Co (HC), 4. Subsidiary (S), 5. Other (O), please explain.

B. At any time during the past five years have any Owners or Key Persons of Applicant Firm (if yes, explain fully):

a. Served as Key Person, Officer or Director, in any other Firm not affiliated with Applicant Firm? If so, please explain in a separate sheet.

No

Yes

b. Had any ownership interest in any other Firm other than shares of publicly owned companies? If so, please explain in a separate sheet.

No

Yes

SECTION III: CONTRACTING HISTORY

1. Contracting History

- A. List the applicant Firm's three largest government contracts, subcontracts, or sales. If none, list the three largest contracts with non-governmental entities.

	Contract #1	Contract #2	Contract #3
Agency/Owner			
Contract No.			
Name/Location			
Describe Goods or Services Furnished			
Were you a Prime or Subcontractor?			
Start Date/Complete Date			
Contract Amount			
Agency/Owner Contact to Verify (Name/ Tel.)			

NOTE: ANY "YES" ANSWERS BELOW MUST BE FULLY EXPLAINED ON A SEPARATE SHEET OF PAPER AND ATTACHED TO THIS APPLICATION.

- B. Is the Applicant Firm currently certified by the California Department of Transportation (Caltrans) as a disadvantaged business entity, minority-, or woman-owned business?

No Yes

- C. During the past five years, has Applicant Firm or any of its Key Persons had any certificates or certifications revoked or suspended, including disadvantaged-, minority-, or woman-owned business certifications?

No Yes

In the past five years has the Applicant Firm or any Affiliate been the subject of any of the following actions?

- D. Been suspended, debarred, disqualified, or otherwise declared ineligible to bid?

No Yes

- E. Failed to complete a contract for a commercial or private owner?

No Yes

- F. Been denied a low-bid contract in spite of being the low bidder?

No Yes

- G. Had a contract terminated for any reason, including default?

No Yes

- H. Had liquidated damages assessed against it during or after completion of a contract?

No Yes

SECTION IV: CIVIL ACTIONS

If “Yes” to Sections IV, V or VI, provide details including a brief summary of cause(s) of action, indicate if Applicant Firm, Key Person or Affiliate Firms were plaintiffs (P) or defendants (D); define charges explicitly, by what authority, court or jurisdiction, etc. In the case of tax liens, please indicate whether the liens were resolved with the tax authorities. Please submit proof of payment or agreements to pay the liens.

Complete details are required!

1. **Violations of Civil Law**

In the past five years has Applicant Firm, any of its Key Persons, or any Affiliate been the subject of an investigation of any alleged violation of a civil antitrust law, or other federal, state or local civil law?

No

Yes

2. **Lawsuits with Public Agencies**

At the present time is, or during the past five years has, the Applicant Firm, any of its Key Persons, or any Affiliate been a plaintiff or defendant in any lawsuit regarding services or goods provided to TAMC or to a public agency?

No

Yes

3. **Bankruptcy**

During the past five years, has the Applicant Firm or any Affiliate filed for bankruptcy or reorganization under the bankruptcy laws?

No

Yes

4. **Judgments, Liens and Claims**

During the past five years, has the Applicant Firm been the subject of a judgment, lien or claim of \$25,000 or more by a subcontractor or supplier?

No

Yes

5. **Tax Liens**

During the past five years, has the Applicant Firm been the subject of a tax lien by federal, state or any other tax authority?

No

Yes

SECTION V: COMPLIANCE WITH LAWS AND OTHER REGULATIONS

1. Criminal

In the past five years has the Applicant Firm, any of its principals, officers, or Affiliates been convicted or currently charged with any of the following:

- A. Fraud in connection with obtaining, attempting to obtain, or performing a public contract, agreement or transaction?
 No Yes
- B. Federal or state antitrust statutes, including price fixing collusion and bid rigging?
 No Yes
- C. Embezzlement, theft, forgery, bribery, making false statements, submitting false information, receiving stolen property, or making false claims to any public agency?
 No Yes
- D. Misrepresenting minority or disadvantaged business entity status with regard to itself or one of its subcontractors?
 No Yes
- E. Non-compliance with the prevailing wage requirements of California or similar laws of any other state?
 No Yes
- F. Violation of any law, regulation or agreement relating to a conflict of interest with respect to a government funded procurement?
 No Yes
- G. Falsification, concealment, withholding and/or destruction of records relating to a public agreement or transaction?
 No Yes
- H. Violation of a statutory or regulatory provision or requirement applicable to a public or private agreement or transaction?
 No Yes
- I. Do any Key Persons in Applicant Firm have any felony charges pending against them that were filed either before, during, or after their employment with the Applicant Firm?
 No Yes

2. Regulatory Compliance

In the past five years, has Applicant Firm, any of its Key Persons, or Affiliates:

- A. Been cited for a violation of any labor law or regulation, including, but not limited to, child labor violations, failure to pay wages, failure to pay into a trust account, failure to remit or pay withheld taxes to tax authorities or unemployment insurance tax delinquencies?
 No Yes
- B. Been cited for an OSHA or Cal/OSHA “serious violation”?
 No Yes
- C. Been cited for a violation of federal, state or local environmental laws or regulations?
 No Yes
- D. Failed to comply with California corporate registration, federal, state or local licensing requirements?
 No Yes
- E. Failed to comply with California corporate registration, federal, state or local licensing requirements?
 No Yes
- F. Had its corporate status, business entity’s license or any professional certification, suspended, revoked, or had otherwise been prohibited from doing business in the State of California, in the last three years?
 No Yes
- G. During the past five years, has Applicant Firm or any of its Key Persons had any certificates or certifications revoked or suspended, including disadvantaged-, minority-, or woman-owned business certifications?
 No Yes
- H. Been suspended, debarred, disqualified, or otherwise declared ineligible to bid?
 No Yes

SECTION VI: ETHICS

1. Conflict of Interest

- A. Does the Applicant Firm or any of its Key Persons have any existing relationships that could be construed as either personal or organizational conflicts of interest, or which would give rise to a conflict if Applicant Firm should be a recipient of a contract with TAMC?
- No Yes
- B. Has any Owner, Key Person or Project Team member of Applicant Firm ever (if yes, explain fully):
- a. Been an employee of TAMC, or served as a member of TAMC Board of Directors or as an Alternate?
- No Yes
- b. Been related by blood or marriage to an TAMC employee, TAMC Board member or Alternate?
- No Yes

2. Political, Charitable, And Other Contributions

Has the Applicant Firm, any of its Key Persons, or Affiliates ever, regardless of amount:

- A. Given (directly or indirectly), or offered to give on behalf of another or through another person, money, contributions (including political contributions), or other benefits, to any current TAMC Board Member or Alternate?
- No Yes
- B. Given, or offered to give on behalf of another, money, contributions, or other benefits, directly or indirectly, to any current or former TAMC employee?
- No Yes
- C. Been directed by any TAMC employee, Board member or Alternate Board member, or contractor to offer or give money, contributions or other benefits, directly or indirectly, to any current or former TAMC employee, Board member or alternate Board member?
- No Yes
- D. Directed any person, including employees or subcontractors, to give money, contributions or other benefits, directly or indirectly, to any current or former TAMC employee, Board member, Alternate Board member, or to someone else in order to benefit an TAMC employee, Board member, or Alternate Board member?
- No Yes
- E. Been solicited by any TAMC employee, Board member, or Alternate Board member to make a contribution to any charitable nonprofit organization?
- No Yes

IF YES TO ANY OF THE ABOVE, SUBMIT LIST OF CONTRIBUTIONS AND DETAILS.

SECTION VII: ADDITIONAL DOCUMENTATION REQUIRED

Copies of the following documents are to be submitted with this application:

1. Applicant Firm's Current Local Business Licenses, if required by city, county or state, and
2. Applicant Firm's Financial Statements:
 - A. PUBLICLY TRADED COMPANIES: Financial information will be accessed on-line. However, if additional information is needed, it will be specifically requested from the firm.
 - B. NON-PUBLICLY TRADED COMPANIES WITH AUDITED OR REVIEWED FINANCIAL STATEMENTS: Statements, including balance sheet, statement of earnings and retained income, with footnotes, for the most recent three years.
 - C. NON-PUBLICLY TRADED COMPANIES WITHOUT AUDITED OR REVIEWED FINANCIAL STATEMENTS: Company generated financial statements, including balance sheet, statement of earnings and retained income for the most recent three years. The Chief Financial Officer of the corporation, a partner, or owner, as appropriate, must certify these financial statements.
 - D. SOLE PROPRIETORSHIPS: Refer to C. If financial statements are not generated, please fill out and sign the Financial Statement form. Submit one form for each of the most recent three years.

NOTE: TAMC reserves the right to ask for additional documentation if it is reasonably required to make a determination of integrity and responsibility relevant to the goods or services the Applicant Firm will provide to TAMC if awarded a contract.

Financial Statement

This information is provided for pre-qualification purposes only. This document is considered a confidential document not subject to public disclosure under California law.

To be completed by Applicant Firms that do not produce company generated financial statements, including balance sheet, statement of earnings and retained income for the most recent three years (one sheet per year.)

ASSETS	
Cash on Hand and in Banks	\$
Account and Notes Receivable	\$
Fixed Assets (net of depreciation)	\$
Other Assets	\$
Total Assets	\$
LIABILITIES	
Accounts Payable	\$
Notes Payable to Banks (in next 12 months)	\$
Notes Payable to Others	\$
Taxes Payable	\$
Long Term Liabilities (more than 12 months)	\$
Other Liabilities	\$
Total Liabilities	\$
Net Worth	\$
INCOME FROM OPERATIONS	
Revenue	\$
Interest from Bank Accounts	\$
Cost of Goods Sold (if appropriate)	\$
Gross Profit	\$
General & Administrative Expenses	\$
Depreciation	\$
Interest Paid	\$
Net Gain or Loss	\$

I hereby certify that the above information is true and accurate to the best of my knowledge and belief. I understand false statements may result in denial of pre-qualification, and possible debarment for a period of five years.

Signature of Owner or Officer	Date Signed
Company Name	For the Year Ended
Federal ID #	

PRE-QUALIFICATION CERTIFICATION

~~A COPY OF THIS CERTIFICATION MUST BE COMPLETED AND SIGNED BY A GENERAL PARTNER, OWNER, PRINCIPAL OR CORPORATE OFFICER AUTHORIZED TO LEGALLY COMMIT THE APPLICANT FIRM AND SUBMITTED WITH THE APPLICATION.~~

The signer of this declaration recognizes that the information submitted in the questionnaire herein is for the express purpose of inducing TAMC to award a contract, or to allow the Applicant to participate in TAMC projects as contractor, subcontractor, vendor, supplier, or consultant. The signer has read and understands the requirements of the program and has read and understands the instructions for completing this form.

DECLARATION

State of: _____
County of: _____

I, (printed name) _____, Social Security Number (last four digits) _____, being first duly sworn, state that I am the (title) _____ of Applicant Firm. I certify that I have read and understood the questions contained in the attached Application, and that to the best of my knowledge and belief all information contained herein and submitted concurrently or in supplemental documents with this Application is complete, current, and true. I further acknowledge that any false, deceptive or fraudulent statements on the Application will result in denial of pre-qualification.

I authorize TAMC to contact any entity named herein, or any other internal or outside resource, for the purpose of verifying information provided in the questionnaire or to develop other information deemed relevant by TAMC.

Signature of Certifying Individual Date

Subscribed and sworn to (or affirmed) before me this _____ day of _____, by _____, Personally known to me, or Proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Signature of Notary Public

Place Notary Seal Above

NOTICE TO APPLICANTS

A material false statement, omission or fraudulent inducement made in connection with this pre-qualification application is sufficient cause for denial of the application or revocation of a prior approval, thereby precluding the Applicant Firm from doing business with, or performing work for, TAMC, either as a vendor, prime contractor, subcontractor, consultant or subconsultant for a period of five years. In addition, such false submission may subject the person and/or entity making the false statement to criminal charges. (Title 18 USC 1001, false statements; California Penal Code Section 132, offering altered or antedated or forged documents or records; and Section 134, preparing false documentary evidence).

NOTE: Applicant information submitted to TAMC in connection with pre-qualification is considered confidential. All such applicant information is confidential business information and will be afforded protection to the fullest extent permitted by law.



Memorandum

To: Executive Committee
From: Michael Zeller, Principal Transportation Planner
Meeting Date: August 7, 2019
Subject: Measure X Ordinance Amendment

RECOMMENDED ACTION:

Measure X Annual Audit Streamlining:

1. **RECEIVE** an update on the results of the Measure X annual audit and compliance reporting for 2017/18; and
2. **RECOMMEND** the Transportation Agency Board of Directors modify the Maintenance of Effort calculation.

SUMMARY:

The purpose of the Measure X annual audit is to confirm that the funding recipients -- TAMC, the County of Monterey and the twelve incorporated cities -- have complied with the voter-approved requirements specified in Ordinance 2016-01 for the Transportation Safety and Investment Plan. Agency staff will provide an update on the receipt and review of annual audit compliance data, and present recommendations for streamlining the reporting process, including an update to the Maintenance of Effort calculation.

FINANCIAL IMPACT:

Approved by 69% of the voters in 2016, Measure X was projected to generate an estimated \$20 million annually, for a total of \$600 million over thirty years. Revenues have been collected since April, 2017, and in fact, the receipts for fiscal year 2017/18 totaled \$28,026,311. The funding source is a retail transactions and use tax of 3/8 cents. The revenue from the sales tax measure can only be used to fund transportation safety and mobility projects in Monterey County. A maintenance of effort requirement exists to assure that the cities and county do not use Measure X funding to backfill prior levels of transportation expenditures.

DISCUSSION:

The Transportation Agency has fiduciary responsibility for the administration of the voter-approved Transportation Safety and Investment Plan (Measure X) funds. Each jurisdiction entered into a tax sharing agreement with the Transportation Agency in order to receive their share of Measure X Local Streets & Roads revenues. In exchange, these agreements require the jurisdictions to submit audit reports annually to the Transportation Agency detailing the steps taken to comply with the implementing ordinance.

In accordance with the Policies & Project Descriptions for the Transportation Safety & Investment Plan...

in accordance with the Policies & Project Descriptions for the Transportation Safety & Investment Plan, a Citizens Oversight Committee representing a diverse range of community interests was formed within 6 months of voter approval of Measure X.

The Measure X Citizen Oversight Committee established a subcommittee on January 15, 2019 to conduct the independent audit of the revenues and expenditure of Measure X funds. The subcommittee was asked to report the results of the audit to the full committee and to prepare the Measure X Annual Report.

Staff is evaluating this year’s process and recommends a few changes to help clarify the requirements and avoid reporting delinquencies in the future. One of the changes staff is recommending is an adjustment to the Maintenance of Effort requirement. The purpose of the Maintenance of Effort requirement is to assure that no funds previously used for transportation are shifted to other uses and then back-filled with Measure X monies - the so-called "bait and switch." Measure X currently has a rolling three-year average calculation of Maintenance of Effort. By contrast, the state's Senate Bill 1 program calculates Maintenance of Effort based on a fixed three years of past expenditures (Fiscal Years 2009/2010, 2010/2011, and 2011/2012). The goal of modifying the Measure X Maintenance of Effort is to meet the Measure X Maintenance of Effort intent without penalizing agencies that make a large one-time investment in transportation. This issue was discussed by the Technical Advisory Committee and the Measure X Citizen Advisory Committee (X-TOC). The Measure X Citizen Advisory Committee recommends the following modification to the Maintenance of Effort section of the Measure X ordinance:

LOCAL ROAD MAINTENANCE, POTHOLE REPAIRS AND SAFETY FUNDS.

B. Maintenance of Effort Requirements.

Each local jurisdiction shall expend each fiscal year from its general fund for street and highway purposes an amount not less than the annual average of its expenditures from its general fund during the ~~preceding three~~ preceding three fiscal years 2009-10, 2010-11, and 2011-12 fiscal years, but not less than what was expended in 2016-17 when Measure X passed, as reported to the Controller pursuant to Streets and Highways Code section 2151. This baseline amount will be indexed annually to the Engineering New Record construction index.

	Measure X	Senate Bill 1	16/17
County	\$4,966,476	\$2,286,667	\$4,940,363
Carmel	\$639,565	\$557,048	\$175,508
Del Rey Oaks	\$33,956	\$80,748	\$61,043
Gonzales	\$ -	\$ -	\$ -
Greenfield	\$ -	\$ -	\$ -
King City	\$47,912	\$2,596	\$51,309
Marina	\$401,090	\$243,064	\$434,257
Monterey	\$2,744,630	\$2,783,933	\$2,919,095
Pacific Grove	\$187,549	\$481,407	\$184,000
San Luis Obispo	\$1,475,022	\$2,200,521	\$2,004,744

Sainas	\$4,415,955	\$2,200,521	\$3,984,144
Sand City	\$509,475	\$478,218	\$276,000
Seaside	\$587,327	\$301,962	\$653,790
Soledad	\$ -	\$ -	\$ -

The Transportation Safety and Investment Plan Policies includes an established process for how the policies may be amended:

- Recommendation of approval of the amendment from the Citizens Oversight Committee;
- Hold a noticed public hearing and provide a 45-day comment period; and
- Receive approval from the Transportation Agency Board by a 2/3 vote and by a simple majority weighted vote based on population.

Agency staff will present the review of the 2017/18 audit reports from the cities and county and requests a recommendation to the Transportation Agency Board of Directors to modify the Maintenance of Effort calculation to be consistent with the Senate Bill 1 Local Streets & Roads program.

WEB ATTACHMENTS:

[Memo from Kay Reimann, TAMC Counsel](#)



Memorandum

To: Executive Committee
From: Debra L. Hale, Executive Director
Meeting Date: August 7, 2019
Subject: **Next Meeting September 4, 2019**

RECOMMENDED ACTION:

**Next Executive Committee meeting is:
Wednesday, September 4, 2019
There will be no Executive Committee meeting in December.
Please mark your calendars.**