



Board of Directors Meeting Agenda

Wednesday, September 25, 2024

Meeting Time:
4:00 pm

Location:
Eastern Contra Costa Transit Authority Boardroom
801 Wilbur Avenue, Antioch



BOARD OF DIRECTORS:

CITY OF ANTIOCH

Lamar Thorpe
Monica Wilson

CITY OF OAKLEY

Shannon Shaw
Anissa Williams

CONTRA COSTA COUNTY

Diane Burgis, Chair
Federal Glover

CITY OF BRENTWOOD

Joel Bryant
Tony Oerlemans, Vice Chair

CITY OF PITTSBURG

Dionne Adams
Shanelle Scales-Preston

MEMBER-AT-LARGE

Merl Craft

PUBLIC COMMENT GUIDELINES:

- Public comments can be submitted via e-mail to CEO@trideltatransit.org.
- Comments received one hour prior to the meeting will be distributed to the members of the Board of Directors and summarized in the minutes.
- Persons requesting to address the ECCTA Board of Directors in person are requested to complete a Comment Request form and submit it to the clerk. If possible, please submit the form prior to the start of the meeting. At the appropriate time, the ECCTA chair will call on individuals to comment.
- During the public comment agenda item, the public is permitted to address the ECCTA Board of Directors on items that are on the consent calendar or items not on the agenda. Individuals may also make a request for future agenda items. No action or discussion may take place on any item not appearing on the posted agenda.
- If a person wishes to speak on a specific agenda item, the ECCTA chair will call on the individual when the agenda item is being discussed by the Board of Directors.
- Persons addressing the ECCTA Board of Directors are requested to limit their remarks to three (3) minutes unless an extension of time is granted by the chair, subject to approval of the ECCTA Board of Directors.

AGENDA, STAFF REPORT, AND DOCUMENT AVAILABILITY:

Copies of all staff reports and documents subject to disclosure that relate to each item of business referred to on the agenda are available for public inspection the Friday before each regularly scheduled Board of Director's meeting at ECCTA's front desk located at 801 Wilbur Avenue, Antioch, California. Any documents subject to disclosure that are provided to all, or a majority of all, of the members of the Board regarding any item on this agenda after the agenda has been distributed will also be made available for inspection at ECCTA's front desk at the above referenced address during regular business hours.

AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available in the ECCTA parking lot. If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the CEO's Office at (925) 754-6622 or fax (925) 757-2530. Notification no fewer than 48 hours prior to the meeting will enable Tri Delta Transit to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II} Please help us accommodate individuals with EI-MSD and refrain from wearing scented products to this meeting. Please turn off any electronic paging device or cell phone.

LIMITED ENGLISH PROFICIENCY (LEP):

Any person with Limited English Proficiency (LEP) who requires language assistance to communicate with the Tri Delta Transit Board of Directors during the meeting should contact the CEO's Office at (925) 754-6622 or fax (925) 757-2530. Notification no fewer than 48 hours prior to the meeting will enable Tri Delta Transit to make reasonable arrangements to assure language assistance for this meeting.

ANTICIPATED ACTION BY THE BOARD OF DIRECTORS:

The Board of Directors may take action on any item on the agenda, which action may consist of the recommended action, no action or a related action.

Board of Directors Meeting Agenda
Wednesday September 25, 2024
Available Online: <https://trideltatransit.com/board.aspx>

- 1. CALL TO ORDER** Chair Diane Burgis
 - a. Roll Call

- 2. PLEDGE OF ALLEGIANCE**

- 3. PUBLIC COMMENT**

While public comments are encouraged and taken very seriously, State law prevents the Board of Directors from discussing items that are not on the meeting agenda. If appropriate, staff will follow up on public comments. Please see Public Comment Guidelines on the last page of this agenda.

- 4. CHAIR'S REPORT** Chair Diane Burgis

- 5. CONSENT CALENDAR (ACTION ITEM):**

(see attachment: tab #1)

- a. Minutes of the Board of Directors meeting of July 24, 2024
 - b. Financial Report
 - c. Marketing and Customer Service Activities Report
- Requested Action:** Approve items 5a, 5b, and 5c

- 6. CEO'S REPORT** Rashidi Barnes

(see attachment: tab #2)

- 7. ACTION and DISCUSSION ITEMS**

- a. **ACTION ITEM:** Conflict-of-Interest Code Amendment
(see attachment: tab #3)

Requested Action: Approve Resolution #240925A authorizing the Chief Executive Officer to amend the list of designated positions in Eastern Contra Costa Transit Authority's (ECCTA) Conflict-of-Interest Code.

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b. ACTION ITEM: 2024 DBE Program Update

(see attachment: tab #4)

Requested Action: Adopt Resolution #240925B approving ECCTA's 2024 Disadvantaged Business Enterprise (DBE) Program updated in compliance with the April 9, 2024, DBE Final Rule and authorizing staff to submit the program to the FTA.

c. ACTION ITEM: Rider Code of Conduct Policy

(see attachment: tab #5)

Requested Action: Approve Resolution #240925C authorizing ECCTA's Rider Code of Conduct Policy to replace the "Rules and Procedures for Handling Problem Passengers" that was previously adopted on 6/24/2020.

d. ACTION ITEM: SB1 State of Good Repair Program

(see attachment: tab #6)

Requested Action: Approve Resolution #240925D, approving ECCTA's fiscal year 2024-2025 State of Good Repair Program project list submittal.

e. ACTION ITEM: Project Labor Agreement (PLA)

(see attachment: tab #7)

Requested Action: Staff recommends the Board provide direction on the next steps. If the Board desires staff to proceed in the development of a PLA, staff will need to develop a set of suggested key contract terms for use in PLAs and account for the development/negotiation of a PLA in the budget for the next fiscal year (FY 25/26), and will provide a follow-up presentation to the Board after the FY 25/26 budget has been approved.

Alternatively, the Board may direct staff to take no further action at this time.

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Available Online: <https://trideltatransit.com/board.aspx>

f. ACTION ITEM: Bus Shelter Installation

(see attachment: tab #8)

Requested Action: Adopt Resolution #240925F authorizing the CEO to enter into a contract for the installation of three bus shelters at the Pittsburg Los Medanos College campus with Construction West Services, Inc., for \$107,507 which includes a 10% contingency.

8. BOARD OF DIRECTOR'S COMMENTS

Under this item, Directors are limited to providing information, asking clarifying questions about matters not on the agenda, responding to public comment, referring matters to staff, or requesting a report be made at another meeting.

9. ADJOURN

Next Meeting: October 23, 2024, at 4:00 p.m., 801 Wilbur Avenue, Antioch, CA 94509.

TAB 1

Agenda Item #5

Consent Calendar (ACTION ITEM): Minutes, Financial Report and
Marketing Activities Report

Board of Directors Meeting

Wednesday September 25, 2024

ECCTA Boardroom
801 Wilbur Avenue, Antioch, CA 94509

EASTERN CONTRA COSTA TRANSIT AUTHORITY
Antioch - Brentwood - Pittsburg - Oakley and Contra Costa County

MINUTES

July 24, 2024

The Eastern Contra Costa Transit Authority (ECCTA) meeting was called to order in the ECCTA Board Room, 801 Wilbur Avenue, Antioch, California by Chair Burgis at 4:00 P.M.

ROLL CALL / CALL TO ORDER

BOARD MEMBERS

PRESENT: Dionne Adams (Pittsburg); Joel Bryant (Brentwood); Diane Burgis (Contra Costa County/Chair); Merl Craft (Member-at-Large); Federal Glover (Contra Costa County); Lamar Hernandez-Thorpe (Antioch); Tony Oerlemans (Brentwood);*Shanelle Scales-Preston (Pittsburg);Shannon Shaw (Oakley); Anissa Williams (Oakley); Monica Wilson (Antioch)
*Arrived after roll call

ABSENT: None

STAFF PRESENT: Rashidi Barnes, Chief Executive Officer (CEO)
Toan Tran, Chief Operating Officer (COO)
Angeline Loeffler, Chief Financial Officer (CFO)
Eli Flushman, General Counsel
Agustin Diaz, Manager of Planning and Grants
Rosanna Dominguez, Executive Assistant
Joe Chappelle, Manager of Administrative Services
Tania Babcock, Compliance Manager
Leeann Lorono, Manager of Customer Service and Marketing
Sam Tolley, Director of Maintenance
Ray Shields, Manager of Facilities

OTHERS

PRESENT: Myeisha Williams, General Manager
Ben Trejo, Transdev Safety Manager
Debra Steidle, Paratransit Coordinator
Wolfgang Croskey, Chief Executive Officer of the Pittsburg Chamber

PLEDGE OF ALLEGIANCE

Vice-Chair Oerlemans led the Pledge of Allegiance.

PUBLIC COMMENT

No public comment

CHAIR'S REPORT

Chair Burgis reported on her trip to the APTA Board Administrators/Board Members Seminar in San Jose, CA. Chair Burgis would like to understand the board members' vision and what is needed to represent the region collectively. Chair Burgis requested a general update on the Brown Act and Ethics for the Board of Directors.

CONSENT CALENDAR

On motion by Director Shanelle-Preston, seconded by Vice-Chair Oerlemans, ECCTA Board members adopted the Consent Calendar below, which was carried by the following vote:

- A. Minutes of the Board of Directors meeting of June 26, 2024
- B. Financial Report
- C. Marketing and Customer Service Activities Report

AYES: Adams, Bryant, Burgis, Craft, Glover, Hernandez-Thorpe, Oerlemans, Scales-Preston, Shaw, Williams, Wilson

NOES: None

ABSTAIN: None

ABSENT: None

CHIEF EXECUTIVE OFFICER'S REPORT

- A. Operations Report

Chief Executive Officer Rashidi Barnes reviewed the FY24-25 strategic goals, which included managerial training, expansion of the One Seat Ride program, and creation of the hydrogen fueling station. Mr. Barnes also reviewed the years' service data, which included an increase in ridership. In addition, there were also personnel changes, having a proper succession plan in place will continue to help the organization move forward as ECCTA's workforce changes. In the works is the expansion of the One Seat Ride Program which would connect eastern and western Contra Costa County.

One of the goals for the upcoming year is completing the Comprehensive Operational Analysis. We hope that the analysis will help flush out opportunities for our increased ridership, especially on the weekend. Another goal for the next year is to further brand recognition by continuing to be involved in community events and launching ECCTA's new website. The development of the Antioch Mobility Hub is also in the future. Director Lamar Hernandez-Thorpe commented on a grant that was received to construct the Antioch Mobility Hub.

ACTION ITEM AND DISCUSSION ITEMS

A. Security Update

Compliance Manager Tania Babcock gave a report on security updates and BB gun incidents. An additional camera has been installed on all fixed-route buses to allow for increased camera footage of passing vehicles. It was confirmed through inquiries from the board that video recording signage is on the buses. There have been no targeted areas where the incidents have taken place, with the exception of 18th/G street in Antioch where school district buses have also been hit with BB guns. Operators are pulled out of service when a BB gun incident occurs while driving and compensated for their entire shift.

Some of the work done at the ECCTA facility includes placing “no-trespassing” signs on the fencing along the property, touching up the facility cameras, and installing floodlights in the bus yard to increase the lighting. Staff have also received additional security training.

This was an information item only; no action was needed.

B. Regional Transfer Program

Manager of Marketing and Customer Service Leeann Lorono presented the Bay Area Fare Coordination and Integration study, which a task force was developed to support. The task force created a no-cost/reduced-cost inter-agency transfer pilot program. The program is designed to be an initial 18-month pilot program, allowing for a discount equivalent to a single-ride Clipper fare when you transfer inter-agency. 21 agencies will participate in this pilot program and be responsible for \$.50 of each ride. There is no current start time for this pilot program.

On motion by Director Glover, seconded by Director Williams, adopted Resolution #240724B approving ECCTA to participate in the regionwide Fare Integration Pilot Program and authorize the Chief Executive Officer to sign the No-Cost and Reduced Cost Interagency Transfer Pilot Program Participation MOU, which was carried by the following vote:

AYES: Adams, Bryant, Burgis, Craft, Glover, Hernandez-Thorpé, Oerlemans, Scales-Preston, Shaw, Williams, Wilson
NOES: None
ABSTAIN: None
ABSENT: None

C. Bus and Shelter Advertising

Manager of Marketing and Customer Service Leeann Lorono presented an RFP that was issued for our bus and shelter advertising vendor. The advertising contract is a revenue source for ECCTA. Lamar Advertising was granted the advertising contract, partly due to its strong national contacts and local base.

The previous advertising vendor was highly affected by the pandemic. They had very high guarantee payments, and they continued to have to pay these even when business slowed or stopped. These costs were not sustainable for them, and needed to terminate the last-year extension of the contract, causing the RFP to be issued.

The newly chosen advertising agency, Lamar Advertising, coincidentally has a similar

name to our board member, Lamar Hernandez-Thorpe. However, Lamar Hernandez-Thorpe has no affiliation with the advertising company.

On motion by Director Glover, seconded by Director Craft, adopted Resolution #240726C authorizing the Chief Executive Officer to enter into a three-year contract, with two one-year options, with Lamar Transit Advertising for the use of external advertising space on our buses and shelters, which was carried by the following vote:

AYES: Adams, Bryant, Burgis, Craft, Glover, Hernandez-Thorpe, Oerlemans, Scales-Preston, Shaw, Williams, Wilson
NOES: None
ABSTAIN: None
ABSENT: None

D. Presentation regarding Project Labor Agreements

General Counsel Eli Flushman gave an overview of Project Labor Agreements. This update provided only general information about Project Labor Agreements. Mr. Flushman presented some of the other transit agencies' usage of them. Project Labor Agreements often assist with setting wages, training, and local hiring measures, in addition to any other element negotiated into the contract.

FTA requires ECCTA to use a Project Labor Agreement for any project over \$35 million and prohibits ECCTA from having local hiring preferences. Further discussion was had about examples of PLAs being issued and the process ECCTA would go through if one was issued. Further research was requested regarding the benefits to transit agencies. In addition, it was recommended to examine project-focused vs. policy, a regional outlook, and what we anticipate will be needed in the near future.

This was a discussion item only; direction was given by the Board of Directors for the General Counsel and staff to continue the conversation with a framework in September/October.

E. Website Redesign Update

Manager of Marketing and Customer Service Leeann Lorono presented an update on the website redesign. Beta testing has not been completed, but a preview of the new website was given. Features include route pages, additional dropdowns, and a much better mobile view.

This was a discussion item only; no action was needed at this time.

F. Seafood Festival Participation

Manager of Marketing and Customer Service Leeann Lorono presented ECCTA's participation in the Seafood Festival and the history from previous years. A shuttle is being requested to assist with the festival; cutaway buses will be used. The total cost to ECCTA is approximately \$1,971.52. There was a lot of support from the board for ECCTA's participation in supplying a shuttle for the festival. Advertising will be produced by both ECCTA and the Pittsburg Chamber.

Chief Executive Officer of the Pittsburg Chamber of Commerce Wolfgang Croskey spoke regarding trying to bring the community together with this festival. Mr. Wolf presented the

efforts made last year to elevate ECCTA and the shuttle. Mr. Wolf stated that if we do not meet the ridership goal this year, he will refund half of the sponsorship.

On motion by Director Bryant, seconded by Director Craft, providing direction to staff regarding the operation of a shuttle service for the Pittsburg Chamber of Commerce 2024 Pittsburg Seafood and Music Festival, which was carried by the following vote:

AYES: Adams, Bryant, Burgis, Craft, Glover, Hernandez-Thorpe, Oerlemans, Scales-Preston, Shaw, Williams, Wilson
NOES: None
ABSTAIN: None
ABSENT: None

BOARD OF DIRECTORS COMMENT

The following Board of Directors commented:
Director Burgis

ADJOURNMENT

The meeting of the Eastern Contra Costa Transit Authority adjourned at 5:25 p.m. until August 24, 2024, at 4:00 p.m. in the ECCTA Administrative Facility, 801 Wilbur Ave Antioch, California.

Respectfully submitted,

Rosanna Dominguez

Executive Assistant

TRI DELTA TRANSIT
Income Statement - Comparison to Annual Budget
As of August 31, 2024
(unaudited)

	FY 25 YTD Actual			FY25 Adopted Budget			YTD % of FY 25 Budget		
	ECCTA	FR	DR	ECCTA	FR	DR	ECCTA	FR	DR
OPERATING REVENUES									
Passenger Fares	\$ 420,714	\$ 306,132	\$ 114,582	\$ 1,986,465	\$ 1,013,097	\$ 973,368	21%	30%	12%
Other Income	\$ 55,991	\$ 27,889	\$ 28,102	\$ 529,115	\$ 120,000	\$ 409,115	11%	23%	7%
<i>Total Operating Revenues:</i>	\$ 476,705	\$ 334,021	\$ 142,684	\$ 2,515,580	\$ 1,133,097	\$ 1,382,483	19%	29%	10%
NON-OPERATING REVENUES									
Federal Funds	\$ 1,979,112	\$ 155,138	\$ 1,823,974	\$ 2,089,582	\$ -	\$ 2,089,582	95%		87%
State Funds	\$ 1,943,796	\$ 1,535,599	\$ 408,197	\$ 24,479,003	\$ 18,523,034	\$ 5,955,969	8%	8%	7%
Local Funds	\$ 800,000	\$ 656,000	\$ 144,000	\$ 3,458,140	\$ 1,898,449	\$ 1,559,691	23%	35%	9%
Inter-Operator Agreements (Bart Feeder)	\$ -	\$ -	\$ -	\$ 2,665,851	\$ 2,665,851	\$ -			n/a
Interest & Other Misc Income	\$ 37,723	\$ 31,279	\$ 6,444	\$ 259,135	\$ 207,308	\$ 51,827	15%	15%	12%
<i>Total Non-operating Revenues:</i>	\$ 4,760,631	\$ 2,378,016	\$ 2,382,615	\$ 32,951,711	\$ 23,294,642	\$ 9,657,069	14%	10%	25%
Total Revenues:	\$ 5,237,336	\$ 2,712,037	\$ 2,525,299	\$ 35,467,291	\$ 24,427,739	\$ 11,039,552			
OPERATING EXPENSES									
Purchased Transportation	\$ 3,560,190	\$ 2,183,573	\$ 1,376,617	\$ 21,187,290	\$ 13,613,752	\$ 7,573,538	17%	16%	18%
Materials and Supplies	\$ 685,792	\$ 546,224	\$ 139,568	\$ 5,294,307	\$ 4,261,135	\$ 1,033,172	13%	13%	14%
Salaries & Benefits	\$ 957,689	\$ 818,719	\$ 138,970	\$ 6,408,589	\$ 5,639,566	\$ 769,023	15%	15%	18%
Services	\$ 259,395	\$ 156,095	\$ 103,300	\$ 1,372,102	\$ 1,002,585	\$ 369,517	19%	16%	28%
Casualty and liability insurance	\$ 80,421	\$ 66,695	\$ 13,726	\$ 478,493	\$ 384,080	\$ 94,413	17%	17%	15%
Utilities	\$ 48,687	\$ 40,984	\$ 7,703	\$ 333,846	\$ 284,719	\$ 49,127	15%	14%	16%
Other (Dues, Travel, Taxes, and Other)	\$ 116,190	\$ 77,330	\$ 38,860	\$ 392,664	\$ 336,921	\$ 55,743	30%	23%	70%
Total Operating Expenses:	\$ 5,708,364	\$ 3,889,620	\$ 1,818,744	\$ 35,467,291	\$ 25,522,759	\$ 9,944,532	16%	15%	18%
EXCESS REV/(EXP)	\$ (471,028)	\$ (1,177,583)	\$ 706,555	n/a	n/a	n/a			



NOTE:

Staff Report to ECCTA Board of Directors

Meeting Date: September 25, 2024
Agenda Item: Marketing/Communications Activities – Agenda Item #5c
Lead Staff: Leeann Loroño, Manager of Customer Service and Marketing
Approved: Rashidi Barnes, Chief Executive Officer



Tri Delta Transit strives to provide top-notch service to our customers and the community, as well as communicate the pivotal role Tri Delta Transit plays. Here are some projects Marketing has been working on.

 <p>APPLICATIONS OPEN NOW! Have your children take transit to school. Pass2Class students can receive two 20 ride pass for FREE! Pass2Class Free bus rides to school for up to two months! Apply Now! Visit www.pass2class.org TRI DELTA TRANSIT 511 CONTRA COSTA</p>	<h2>July Marketing Campaigns</h2> <p>Pass2Class ran as July's marketing campaign. This great program provides students who ride the bus to school instead of being driven in a car, two 20-ride passes.</p> <p>This year's Pass2Class program was so successful that 511 Contra Costa exceeded the number of passes they purchased for the program by early August, ending the application deadline 2 ½ months early! That's a lot of passes.</p>
 <p>TRI DELTA TRANSIT Important Schedule Change Cambios importantes de horario Effective Sunday, August 11, 2024 Efectivo domingo, 11 de agosto del 2024</p> <p>Schedules can be found at www.tridelatransit.com, on app Transit, printed schedules on the bus, and by contacting route information at 1-925-754-4040.</p> <p>Encuentre los Los horarios en: www.tridelatransit.com, en la aplicación Transit, copias de horarios en los autobuses, y llamando a información de rutas 1-925-754-4040.</p> <p>TRANSLATION SERVICES: Chinese: 如需需要中文信息, 請致電 1-925-754-4040. Tagalog: Kung kailangan ng impormasyon sa Tagalog, mangyaring maglingkod sa 1-925-754-4040. Niu cau thong tin bang tieng Viet, vui long gọi 1-925-754-4040.</p>	<h2>August 11th Schedule Change</h2> <p>Tri Delta Transit changed its schedule on Sunday, August 11th, to better coincide with BART's schedule. Notifications went out, and marketing is busy mailing and delivering schedules to community partners and popular public areas. If you would like schedules, please email comments@eccta.org.</p>

*Agenda Item #5c
 Eastern Contra Costa Transit Authority
 Board of Directors Meeting
 September 25, 2024*

Transit Month at the Seafood Festival

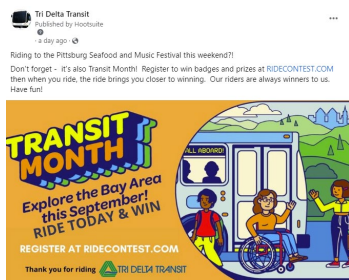
As you know, Tri Delta Transit was the proud sponsor of the shuttle for the Pittsburg Seafood and Music Festival and had a booth.

We interacted with our riders, met future riders, and gave out information on paratransit services, schedules, job application fliers, many goodies, and 73 fliers for the COA town hall meeting.

A great weekend all around.

The festival was also our Transit Month activity. Part of Transit Month includes a rider contest, so we have been promoting that as well.

Tri Delta Transit is tabulating the ridership and waiting for attendance numbers, which we will have soon.



Oakley Makers Boulevard

Thank you so much for all your support for The Makers Boulevard. The opening was a great success. We look forward to the next one on Sunday, November 3rd.

Thank you so much to The Makers Boulevard, The City of Oakley, and the Oakley Chamber of Commerce.



Pittsburg National Night Out

What fun we had with the visitors to our booth at the Pittsburg National Night Out event. It's fun to show everyone, even a cow, that transit is for everyone!





Tri Delta Transit Outreach

Tri Delta Transit is excited to be out and about at the following event:

- Big Truck Day, Bus on display, Antioch Community Center, Thursday, September 19th

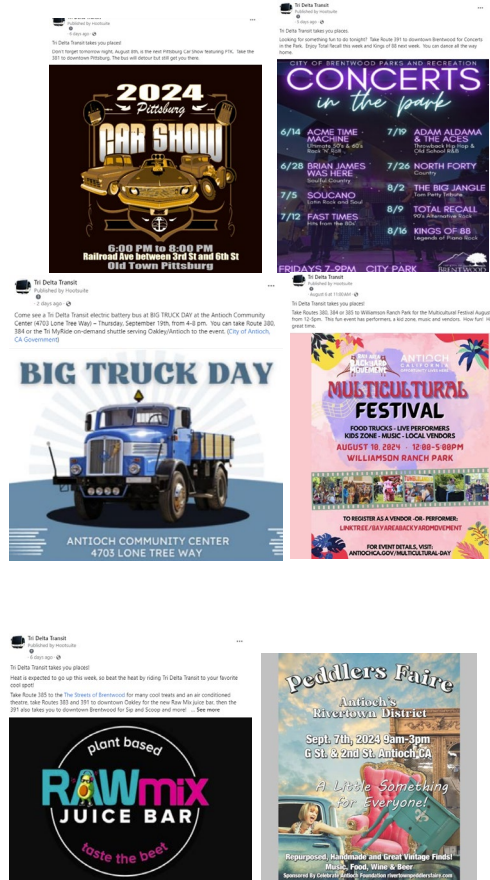
Coming up is:

- Digs & Rigs, Bus on display, Brentwood LMC, Saturday, October 19th

All are invited to attend.

We hope you have noticed our fun new videos done in collaboration with our City of Antioch intern, Ow! So far, we have done a Read a Book Day and Seafood Festival video. Hope you've seen them.

Ongoing Projects:



Transit Takes You Places

Riders are encouraged to take public transportation to get to and from events safely. Riders could take transit to the following events:

- Pittsburg's Thursday Night Car Shows
- Brentwood's Concerts in the Park
- Multicultural Festival, Antioch
- Big Truck Day, Antioch
- New businesses in Oakley
- Peddler's Faire, Antioch

Tri Delta Transit is with City of Brentwood - Local Government and 10 others.
 Published by Alec Berger
 August 5 at 1:44 PM

MTC wants to hear from you as they update their plans for improving the Bay Area's transit and transportation networks. Share your thoughts and priorities about transportation in their 5-minute survey <http://mtc.ca.gov/community-survey-bay-area>.



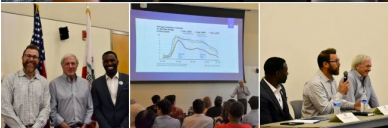
**Community Survey:
Public Transportation**



Tri Delta Transit
 Published by Heidi Balle
 August 21 at 3:03 PM

Tri Delta Transit wants you to know all about Clipper Cards. Clipper has Adult, Youth and Senior cards that can be purchased at participating Walgreens and at Tri Delta Transit admin offices. They also have a great discount program called ClipperSTART. If you qualify you can receive 50% off of the cost of a ride with participating agencies. Visit clippercard.com and clipperstartcard.com for details.

**One Card.
Simple.**
 All you need to travel on most Bay Area transit systems.



Collaborations

Tri Delta Transit continues to assist in the betterment of public transportation in the Bay Area.

This month we posted about the Metropolitan Transportation Commission's (MTC's) Community Survey: Public Transportation. This survey asked questions that would assist MTC in reconsidering transit patterns and updating strategies and plans for maintaining and improving the Bay Area's transportation and transit network.

Tri Delta Transit promoted, attended, and had our CEO speak at Representative Mark DeSaulnier's Transportation Town Hall in Antioch. Great information was provided about the current status and future of transportation.

In addition, Tri Delta Transit continues to encourage riders to use Clipper as their payment method for transit.

Revitalize
TRI DELTA TRANSIT

**Revitalize Tri Delta Transit
Virtual Town Hall
Thursday, September 12, 2024
6:30 – 8:00 p.m.**

Revitalize Tri Delta Transit

Thank you for assisting in spreading the word regarding the Revitalize Tri Delta Transit virtual and in-person Town Hall. We look forward to hearing the feedback from our riders, the public, and our staff about the alternatives to our current service that were presented.

Your help was much appreciated.

*Agenda Item #5c
 Eastern Contra Costa Transit Authority
 Board of Directors Meeting
 September 25, 2024*

SOCIAL MEDIA ANALYTICS

Following please find a brief summary of metrics for the Tri Delta Transit social media accounts.

MAIN ACCOUNTS	MONTHS			
Followers	MAY 2024	JUNE 2024	JULY 2024 TO DATE	AUGUST 2024 TO DATE
Facebook	1.3k	1.3k	1.3k	1.3k
Instagram	1,029	1,035	1,041	1,047
X (Twitter)	1,054	1,054	1,058	1,066
LinkedIn	571	578	587	593

ALERT ACCOUNTS	MONTHS			
Followers	MAY 2024	JUNE 2024	JULY 2024 TO DATE	AUGUST 2024 TO DATE
Facebook	56	56	57	61
Instagram	77	77	80	83
X (Twitter)	23	24	24	25

Please let us know if you have any questions or need further information about any of these materials.

*Agenda Item #5c
Eastern Contra Costa Transit Authority
Board of Directors Meeting
September 25, 2024*

TAB 2

Agenda Item #6
ACTION ITEM: CEO Report

Board of Directors Meeting

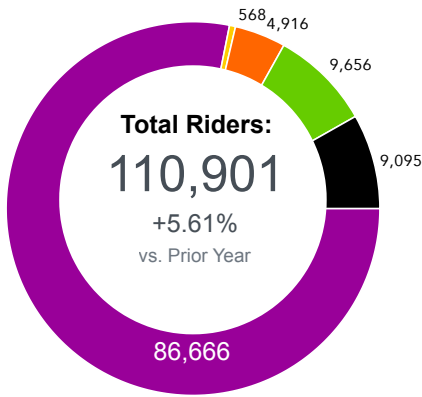
Wednesday September 25, 2024

**ECCTA Boardroom
801 Wilbur Avenue, Antioch, CA 94509**



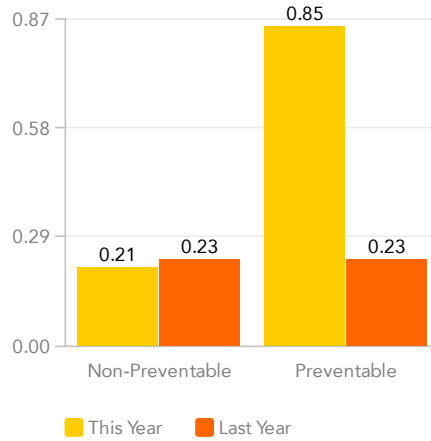
Performance Summary

Ridership

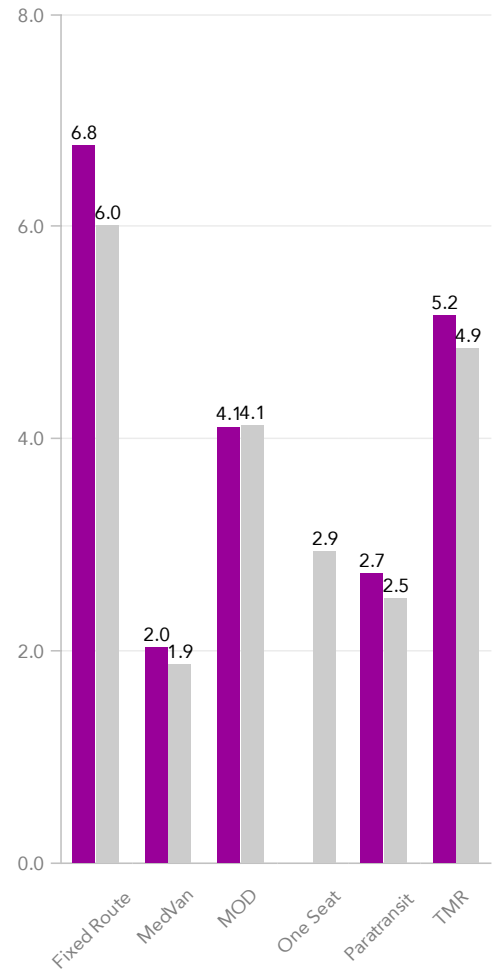


- Fixed Route
- MedVan
- MOD
- Paratransit
- TMR

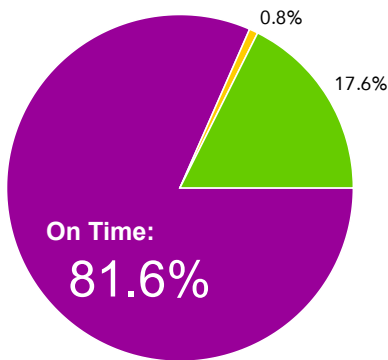
Accidents / 100K Miles



Passengers Per Revenue Hour

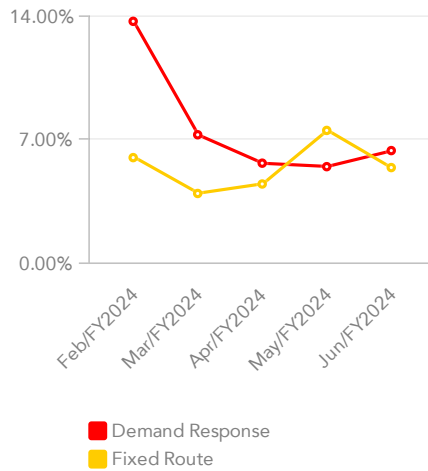


On Time Performance



- On Time
- Early
- Late

Cost Recovery Ratio



- Demand Response
- Fixed Route

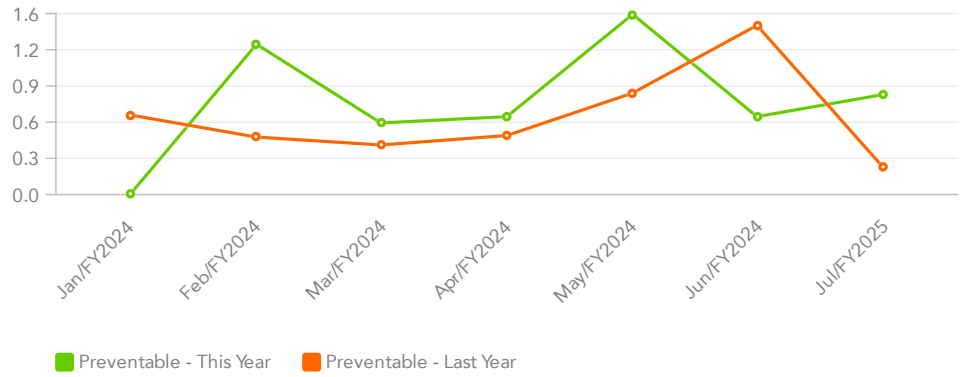
- This Year
- Last Year

Preventable Accident Report

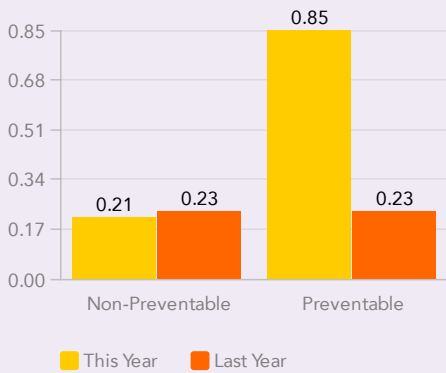
	Accidents	Per 100,000 Miles
Feb/FY2024	4	1.28
Mar/FY2024	2	0.61
Apr/FY2024	3	0.66
May/FY2024	5	1.53
Jun/FY2024	2	0.66
Jul/FY2025	4	0.85
YTD 2024	1	0.23
YTD 2025	4	0.85
YTD Change		
Values	3	269.57%

Preventable Accidents Per 100,000 Miles

Last Six Months - System Wide

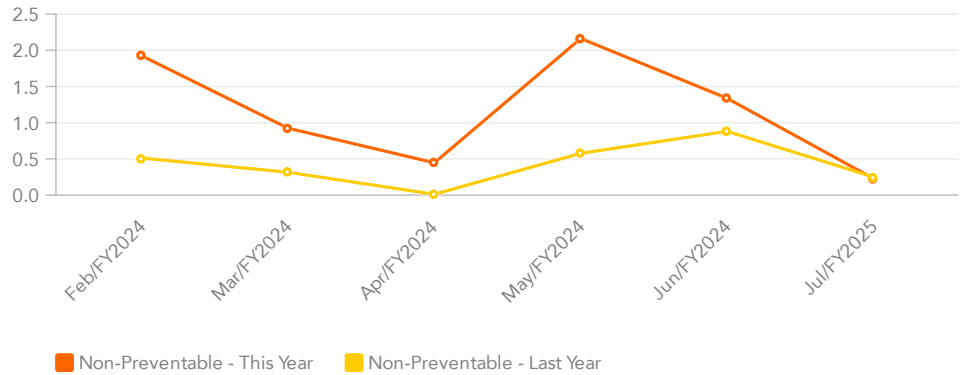


Year-over-Year - System Wide Accidents Per 100,000 Miles



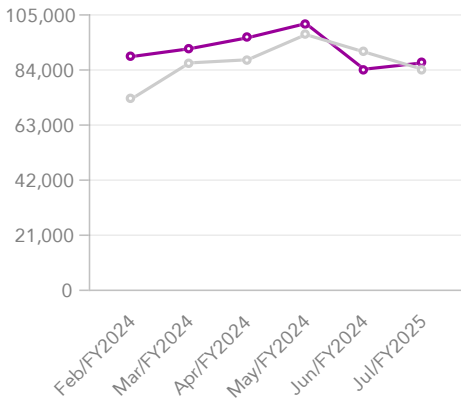
Non-Preventable Accidents Per 100,000 Miles

Last Six Months - System Wide



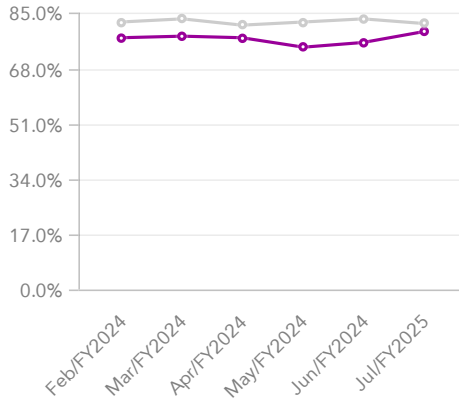
Fixed Route Performance

Total Ridership



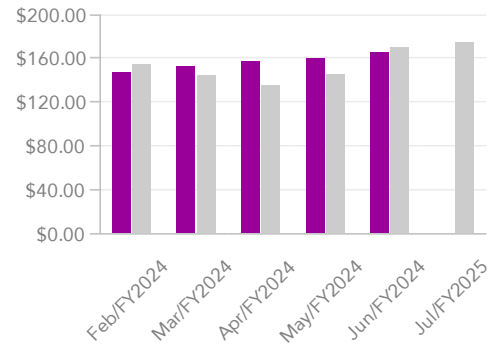
■ This Year ■ Last Year

On Time Performance



■ This Year ■ Last Year

Operating Cost Per Revenue Hour

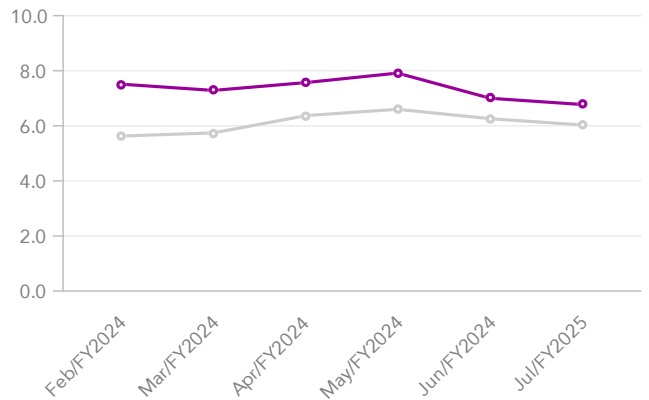


■ This Year ■ Last Year

Year-over-Year Report - Fixed Route

Metric	This Year	Prior Year	% Change
Customer % of Trips On Time	79.67	76.14	-3.1%
Service Average Miles Between Roadca	13,273.58	5,137.03	-53.1%
Complaints Per 100k Riders	38.08	39.40	+45.0%
Ridership Per Rev. Hour	6.77	7.00	+12.6%
Financial Operating Costs Per Rev. Hour		165.72	
Ridership Ridership	86,666.00	83,755.00	+3.5%

Passengers Per Revenue Hour



■ This Year ■ Last Year

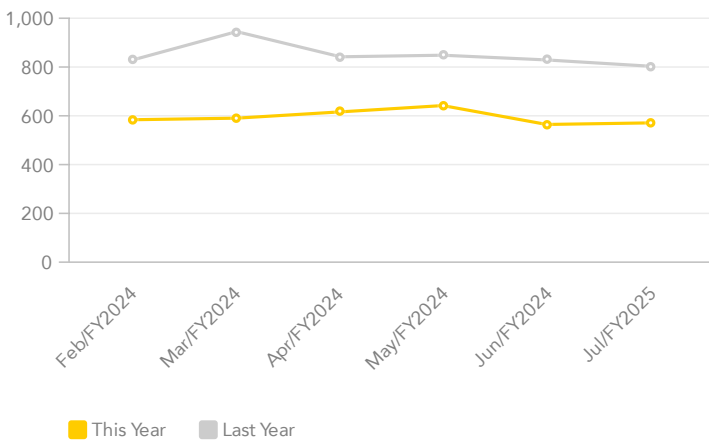
MedVan, Paratransit, and MOD Performance

Year-over-Year Report

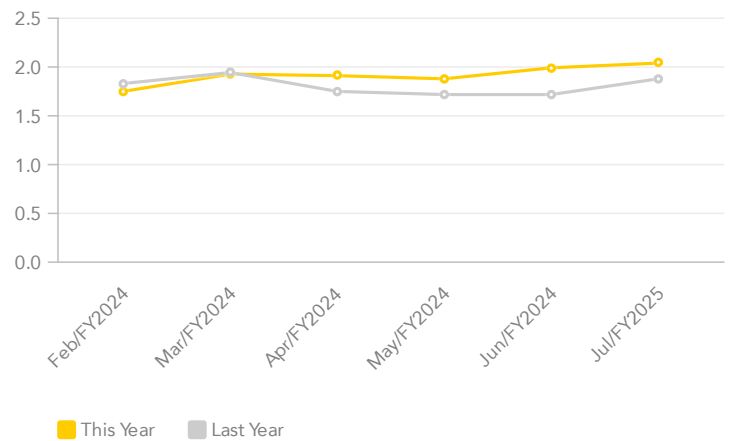
MedVan

	Metric	This Year	Prior Year	% Change
Customer	% of Trips On Time	91.59	95.66	-4.3%
Service	Complaints Per 100k Riders	0.00	0.00	
	Ridership Per Rev. Hour	2.04	1.87	+9.1%
Financial	Operating Costs Per Rev. Hour		128.29	
Ridership	Ridership	568.00	798.00	-28.8%

Total Ridership



Passengers Per Revenue Hour

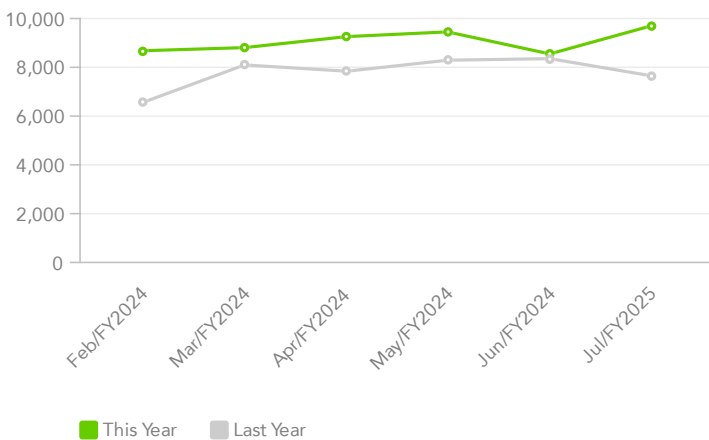


Year-over-Year Report

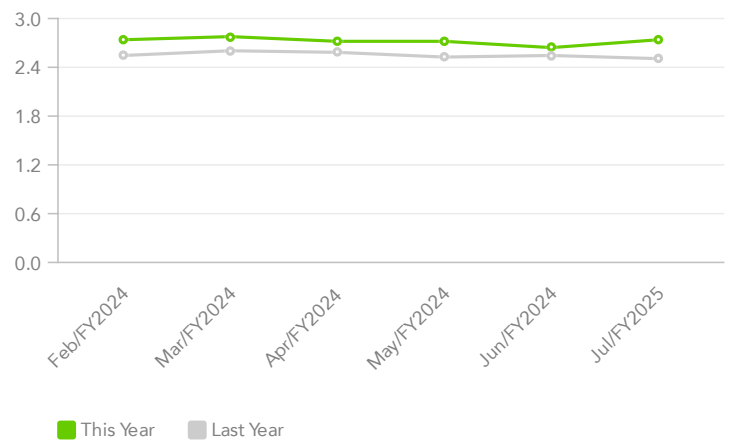
Paratransit

	Metric	This Year	Prior Year	% Change
Customer	% of Trips On Time	88.53	88.81	-0.3%
Service	Complaints Per 100k Riders	93.21	210.39	-55.7%
	Ridership Per Rev. Hour	2.73	2.50	+9.2%
Financial	Operating Costs Per Rev. Hour		139.27	
Ridership	Ridership	9,656.00	7,605.00	+27.0%

Total Ridership



Passengers Per Revenue Hour

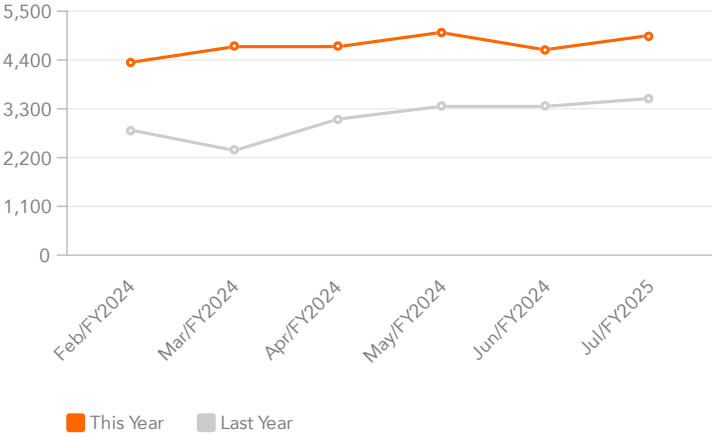


Year-over-Year Report

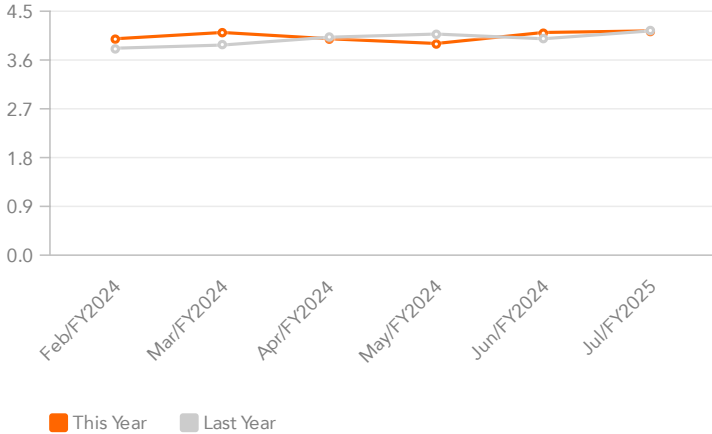
MOD

	Metric	This Year	Prior Year	% Change
Customer	Complaints Per 100k Riders	0.00	0.00	
Service	Ridership Per Rev. Hour	4.11	4.13	-0.5%
Financial	Operating Costs Per Rev. Hour		90.03	
Ridership	Ridership	4,916.00	3,510.00	+40.1%

Total Ridership



Passengers Per Revenue Hour

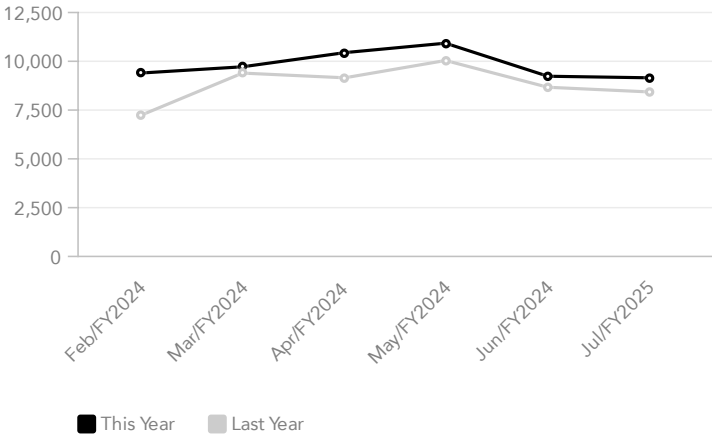


Year-over-Year Report

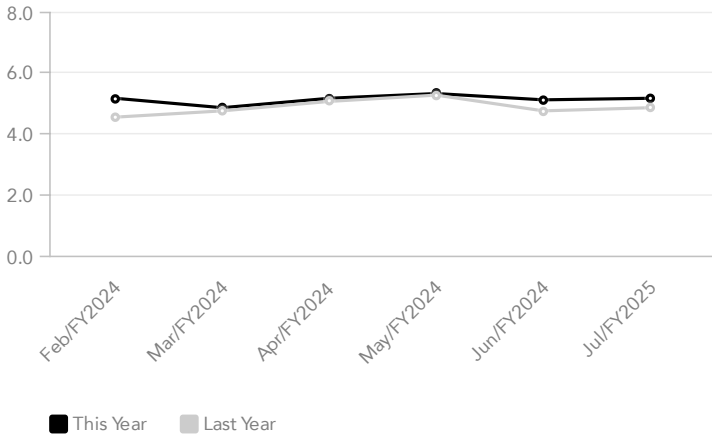
TMR

	Metric	This Year	Prior Year	% Change
Customer	Complaints Per 100k Riders	54.98	11.92	+361.2%
Service	Ridership Per Rev. Hour	5.16	4.86	+6.2%
Financial	Operating Costs Per Rev. Hour		126.10	
Ridership	Ridership	9,095.00	8,386.00	+8.5%

Total Ridership



Passengers Per Revenue Hour



TAB 3

Agenda Item #7a
ACTION ITEM: Conflict-of-
Interest Code Amendment

Board of Directors Meeting

Wednesday September 25, 2024

**ECCTA Boardroom
801 Wilbur Avenue, Antioch, CA 94509**

Staff Report to ECCTA Board of Directors

Meeting Date: September 25, 2024

Agenda Item: Conflict-of-Interest Code Amendment – Agenda Item #7a

Lead Staff: Rosanna Dominguez, Executive Assistant

Approved: Rashidi Barnes, Chief Executive Officer



Background

ECCTA must participate in a biennial review process for the Contra Costa County Board of Supervisors, updating any changes to our Conflict of Interest Code. This amendment is sent to the Contra Costa Clerk of the Board. If no amendment is needed, notification of no change is sent to the Contra Costa Clerk of the Board.

Discussion

Due to the recent title changes to positions listed in ECCTA's Conflict-of-Interest Code, an amendment is needed. Submission of the amendment must be completed and sent to the Contra Costa Clerk of the Board by December 27, 2024. The following changes in red need to be made to the list of designated positions as shown below:

- Board of Directors and Alternates
- Chief Executive Officer
- Chief Operating Officer
- Chief Financial Officer
- Manager of Customer Service and Marketing
- Manager of Administrative Services
- Director of Maintenance
- ~~Facilities Manager~~ Facilities Supervisor
- Maintenance Manager
- Parts Supervisor

Agenda Item #7a
*Eastern Contra Costa Transit Authority
Board of Directors Meeting
September 25, 2024*

- Consultants that provide legal, financial, professional, and technical advice

Financial Impact

None

Requested Action

Approve Resolution #240925A authorizing the Chief Executive Officer to amend the list of designated positions in Eastern Contra Costa Transit Authority's (ECCTA) Conflict-of-Interest Code.



TRI DELTA TRANSIT

Eastern Contra Costa Transit Authority
801 Wilbur Avenue • Antioch, California 94509
Phone 925.754.6622 Fax 925.757.2530

RESOLUTION #240925A CONFLICT-OF-INTEREST CODE AMENDMENT

WHEREAS, if there is a title change to a position listed in ECCTA’s Conflict-of-Interest Code, ECCTA is required to amend the Conflict-of-Interest Code;

WHEREAS, ECCTA revised the title of the job position listed in the Conflict-of-Interest Code; and

WHEREAS, the revision is:

1. Facilities Manager to Facilities Supervisor
2. Added Maintenance Manager
3. Added Parts Supervisor

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Eastern Contra Costa Transit Authority to adopt resolution #240925A authorizing the CEO to amend the list of designated positions in ECCTA’s Conflict-of-Interest Code.

BE IT FURTHER RESOLVED ECCTA’s Conflict-of-Interest Code will now read:

- Board of Directors and alternates
- Chief Executive Officer
- Chief Operating Officer
- Chief Financial Officer
- Manager of Customer Service and Marketing
- Manager of Administrative Services
- Director of Maintenance
- Facilities Supervisor
- Maintenance Manager
- Parts Supervisor
- Consultants that provide legal, financial, professional, and technical advice

PASSED AND ADOPTED THIS 25th day of September 2024, by the following votes:
EASTERN CONTRA COSTA TRANSIT AUTHORITY

Diane Burgis, Chair

Rashidi Barnes, Chief Executive Officer

AYES: _____
NOES: _____

ABSENT: _____
ABSTENTIONS: _____

TAB 4

Agenda Item #7b

ACTION ITEM: 2024 DBE Program Update

Board of Directors Meeting

Wednesday September 25, 2024

ECCTA Boardroom

801 Wilbur Avenue, Antioch, CA 94509

Staff Report to ECCTA Board of Directors

Meeting Date: September 25, 2024

Agenda Item: 2024 DBE Program Update – Agenda Item#7b

Lead Staff: Tania Babcock, Compliance Manager

Approved: Rashidi Barnes, Chief Executive Officer



Background

On April 9, 2024, the U.S. Department of Transportation (USDOT) amended the Disadvantaged Business Enterprise (DBE) regulation and published a DBE Final Rule (49 CFR Part 26). 49 CFR Part 26 is Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

The DBE Program is designed to allow small businesses owned and controlled by socially and economically disadvantaged individuals to compete fairly for USDOT funded contracts. A few of the objectives of the final rule were to modernize existing principles to improve provisions for the benefit of program participants and improve program integrity, visibility, and data collected by the USDOT. Key changes to the DBE Program in 49 CFR Part 26 that affect the Eastern Contra Costa Transit Authority (ECCTA) include:

- Modernizing the rules for counting participation by DBE material suppliers and clarifying terminology
- Expanding reporting requirements to the USDOT to gain greater knowledge of DBE characteristics, bidding/solicitation practices, utilization, and overall program impact
- Strengthening monitoring and prompt payment requirements
- Clarifying requirements for FTA-assisted transit vehicle procurements

Discussion

In accordance with 49 CFR Part 26, ECCTA is a Federal Transit Administration (FTA) Tier 1 recipient that will award prime contracts (excluding transit vehicle purchases), the cumulative total value of which exceeds \$670,000 in FTA funds in a Federal fiscal year.

ECCTA made updates to the DBE Program to be in compliance with the April 9, 2024, DBE Final Rule (49 CFR Part 26). ECCTA is required to submit the updated DBE Program to the FTA by October 9, 2024. FTA will then review the submitted DBE Program for concurrence. The following significant changes were made:

- Under the new tiered program requirements, ECCTA is a Tier 1 recipient
- Additional bidder's list information is required to be captured and reported to the USDOT by ECCTA. Bidder's list information includes information about all DBE and non-DBEs that bid or quote as prime contractors and subcontractors on each federally assisted contract. The bidder's list information includes the firm name, firm address including ZIP code, firm's status as a DBE or non-DBE, race, and gender information for the firm's majority owner, NACIS code applicable to each scope of work the firm sought to perform in its bid, age of the firm, and annual gross receipts of the firm. The bidder's list information will be collected by the new "Prime Contractor and Subcontractor/Subconsultant/Supplier Report".
- For monitoring and oversight requirements, additional forms were created and added to the DBE Program. The new forms will ensure compliance with the new prompt payment and running tally provisions by requiring prime contractors to provide information concerning payments to subcontractors and release of retainage where held. The forms include a "Progress Payment Report," "Subcontractor Payment Declaration," and "Final Expenditure Report." In addition, ECCTA may use the prompt payment and return of retainage monitoring tool being created by the Federal Highway Administration after it is released online.
- In counting DBE participation toward overall goals, ECCTA will use the "DBE Regular Dealer/Distributor Affirmation Form" developed by USDOT to meet the requirement to make a preliminary counting determination for each DBE listed as a regular dealer or distributor.
- When awarding to a Transit Vehicle Manufacturer (TVM), ECCTA will verify the bidder is listed on FTA's eligible TVM list and then submit to FTA within 30 days of becoming contractually required to procure a transit vehicle, the name of the TVM that was the successful bidder and the Federal share of the contractual commitment at that time.
- Definitions were updated
- The organizational chart was updated

Agenda Item #7b
Eastern Contra Costa Transit Authority
Board of Directors Meeting
September 25, 2024

Financial Impact

A revised DBE Program, as approved by the FTA, will enable ECCTA to continue to be eligible for federal financial assistance. There is no direct financial impact associated with the recent changes to ECCTA's DBE Program. However, these changes have increased the workload for staff due to enhanced monitoring and accountability requirements. The staff has developed new forms and processes to ensure compliance.

Requested Action

Adopt Resolution #240925B approving ECCTA's 2024 Disadvantaged Business Enterprise (DBE) Program updated in compliance with the April 9, 2024, DBE Final Rule and authorizing staff to submit the program to the FTA.

Attached:

1. 2024 Disadvantaged Business Enterprise (DBE) Program Update



TRI DELTA TRANSIT

Eastern Contra Costa Transit Authority
801 Wilbur Avenue • Antioch, California 94509
Phone 925.754.6622 Fax 925.757.2530

RESOLUTION #240925B 2024 DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM UPDATE

Resolution #240925B approving ECCTA’s 2024 Disadvantaged Business Enterprise Program updated in compliance with the April 9, 2024, DBE Final Rule and authorizing staff to submit the program to the FTA.

WHEREAS, in accordance with 49 CFR Part 26, Eastern Contra Costa Transit Authority (ECCTA) is a Federal Transit Administration (FTA) Tier 1 recipient that will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$670,000 in FTA funds in a Federal fiscal year; and

WHEREAS, as a condition of receiving Federal financial assistance, ECCTA must prepare a Disadvantaged Business Enterprise Program in compliance with 49 CFR Part 26; and

WHEREAS, ECCTA has prepared an updated Disadvantaged Business Enterprise Program in compliance with the April 9, 2024 DBE Final Rule (49 CFR Part 26).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Eastern Contra Costa Transit Authority to adopt Resolution #240925B approving ECCTA’s 2024 Disadvantaged Business Enterprise Program updated in compliance with the April 9, 2024, DBE Final Rule and authorizing staff to submit the program to the FTA.

PASSED AND ADOPTED THIS 25th day of September 2024, by the following votes:

EASTERN CONTRA COSTA TRANSIT AUTHORITY

Diane Burgis, Chair

Rashidi Barnes, Chief Executive Officer

AYES: _____
NOES: _____
ABSENT: _____
ABSTENTIONS: _____

Eastern Contra Costa Transit Authority Disadvantaged Business Enterprise (DBE) Program



TRI DELTA TRANSIT

Updated September 2024

Contact Information:

**Eastern Contra Costa Transit Authority
(ECCTA)- Recipient ID 5617**

Tania Babcock
Compliance Manager
(925) 754-6622
civilrights@eccta.org

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POLICY STATEMENT AND PROGRAM OBJECTIVES (§26.1, 26.23)

Eastern Contra Costa Transit Authority (ECCTA) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (U.S. DOT), 49 Code of Federal Regulations (CFR) Part 26. As a recipient of Federal financial assistance from the DOT, ECCTA has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of ECCTA to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. The objectives of the DBE Program include:

1. Ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT-assisted contracts; and
6. Adhere to the adopted ECCTA purchasing policy principles throughout all aspects of the DBE Program.

ECCTA's Chief Executive Officer (CEO) has designated the Compliance Manager as the DBE Liaison Officer (DBELO). The Compliance Manager has direct and independent access to ECCTA's CEO concerning DBE matters. The Compliance Manager is responsible for implementing all aspects of the DBE program. Implementation of the DBE program has the same priority as compliance with all other legal obligations incurred by ECCTA in its financial assistance agreements with the DOT.

ECCTA has disseminated this policy statement to its Board of Directors and to all departments of its organization. This policy statement is disseminated to members of the DBE and non-DBE business communities that perform or are interested in performing work on ECCTA's DOT-assisted contracts. The policy statement is on the Tri Delta Transit website at www.TriDeltaTransit.com. Questions regarding ECCTA's DBE Program should be addressed to DBE Liaison Officer, 801 Wilbur Avenue, Antioch, CA 94509, telephone 925-754-6622, fax 925-757-2530, email civilrights@eccta.org.



9/12/2024

Rashidi Barnes, CEO

Date

SUBPART A – GENERAL REQUIREMENTS

Objectives (§26.1)

The objectives are found in the policy statement on page four of this DBE Program.

Applicability (§26.3)

Pursuant to 49 CFR §26.3, ECCTA, a recipient of federal financial assistance from the Federal Transit Administration (FTA) of the United States Department of Transportation (U.S. DOT), is required to implement a DBE Program in accordance with 49 CFR Part 26 (Regulations). The requirements of the Regulations are incorporated by reference. In the event of any conflicts or inconsistencies between the Regulations and the DBE Program with respect to U.S. DOT-assisted contracts, the Regulations shall prevail. The DBE Program outlined herein applies to all ECCTA contracts that are funded, in whole or in part, by U.S. DOT federal financial assistance.

Definitions (§26.5)

ECCTA will adopt the definitions contained in §26.5 for this DBE Program. §26.5 definitions are outlined in Attachment 1.

Non-discrimination Requirements (§26.7)

ECCTA will not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract governed by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE Program, ECCTA will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program with respect to individuals of a particular race, color, sex, or national origin.

Record Keeping Requirements (§26.11)

Reporting to DOT (§26.11)(a)(b)

ECCTA will report DBE participation on a semi-annual basis to FTA using the Uniform Report Form. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

- DBE participation from October 1 through March 31 (submitted by June 1).
- DBE participation from April 1 through September 30 (submitted by December 1).

Bidders List: (§26.11)(c)

ECCTA will obtain bidders list information to compile as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on ECCTA's federally assisted contracts for use in helping set its overall goals and to provide FTA with data for evaluating the extent to which the objectives of §26.1 are being achieved.

ECCTA will obtain the bidders list information about all DBE and non-DBEs that bid or quote as prime contractors and subcontractors on each federally assisted contract. The bidders list information will be submitted with the bid or initial response to negotiated procurements. The bidders list information will include:

- (1) Firm name;
- (2) Firm address including ZIP code;
- (3) Firm's status as a DBE or non-DBE;
- (4) Race and gender information for the firm's majority owner;
- (5) NAICS code applicable to each scope of work the firm sought to perform in its bid;
- (6) Age of the firm; and
- (7) The annual gross receipts of the firm.

ECCTA will enter the bidders list information in the DOT designated system no later than December 1 following the fiscal year in which the relevant contract was awarded.

ECCTA collects this information in the following ways:

- A notice in solicitations requesting firms quoting on the solicitation to provide the required information for themselves and all firms who bid, quote, or provide a proposal to perform work, provide labor, render services or provide supplies in connection with the contract. (Attachment 2- "Prime Contractor and Subcontractor/ Subconsultant/ Supplier Report").

Termination and Replacement of Subcontractor/Subconsultant/Supplier:

A Contractor may not terminate a DBE subcontractor listed on a "Prime Contractor and Subcontractor/Subconsultant/Supplier Report" (or an approved replacement DBE firm) without prior written consent from ECCTA. This includes, but is not limited to, instances in which a Contractor seeks to perform work or supply materials originally designated for a DBE subcontractor/supplier with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm. Contractor shall notify ECCTA in writing of any request to replace or terminate a DBE subcontractor and provide appropriate documentation substantiating the replacement or termination. ECCTA will consent the termination of a DBE subcontractor only for good cause, which includes, but is not limited to, the circumstances enumerated in §26.53 (f)(3).

Assurances (§26.13)

Each financial assistance agreement ECCTA signs with a DOT operating administration will include the following assurance:

Federal Financial Assistance Agreement Assurance (§26.13)(a)

ECCTA shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. ECCTA shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. ECCTA's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to ECCTA of its failure to carry out its approved program, the Department may impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear verbatim in all DOT operating administration financial assistance agreements and in all financial assistance agreements with subrecipients.

Contract Assurance (§26.13)(b)

ECCTA will ensure that the following clause is placed in each DOT-assisted contract ECCTA signs with a contractor and in each subcontract the prime contractor signs with a subcontractor:

The contractor, sub-recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as ECCTA deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;*
- (2) Assessing sanctions;*
- (3) Liquidated damages; and/or*
- (4) Disqualifying the contractor from future bidding as non-responsible.*

This language will appear verbatim in all DOT-assisted contracts and subcontracts.

Enforcement:

If a contractor, subcontractor, or sub-recipient fail or refuse to include the §26.13(a) and/or §26.13(b) assurances verbatim in all the DOT-assisted contracts, subcontracts, or sub-recipient agreements, ECCTA may impose penalties and administrative sanctions for non-compliance as documented in “Enforcement Actions for Noncompliance of Participants” on page 14.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

DBE Program (§26.21)(a)(2)(i)

ECCTA is a FTA Tier 1 recipient that will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$670,000 in FTA funds in a Federal fiscal year. ECCTA will have a DBE Program meeting all of the requirements of §26.21.

(§26.21)(b)(1)(2)

ECCTA will submit a conforming DBE program to FTA. ECCTA will submit an updated DBE Program to FTA when the DBE Program has significant changes, including those required by regulatory updates.

(§26.21)(c)

ECCTA will carry out its DBE Program until all funds from DOT financial assistance have been expended.

Policy Statement (§26.23)

The Policy Statement is on page four of this DBE Program. The Policy Statement is signed and dated by ECCTA's CEO.

DBE Liaison Officer (§26.25)

ECCTA has designated the following individual as its DBE Liaison Officer (DBELO):

Tania Babcock
Compliance Manager
801 Wilbur Avenue
Antioch, CA 94509
phone: (925) 754-6622
fax: (925) 757-2530
email: civilrights@eccta.org

In that capacity, the DBE Liaison Officer is responsible for implementing all aspects of the DBE Program and ensuring that ECCTA complies with all provision of 49 CFR Part 26. The DBE Liaison Officer has direct, independent access to the CEO concerning DBE Program matters. An organization chart displaying the DBE Liaison Officer's position in the organization is found in Attachment 3.

The DBE Liaison Officer is responsible for developing, implementing and monitoring the DBE Program. The duties and responsibilities include the following:

1. Develops, implements, and updates the DBE Program.
2. Gathers and reports statistical data and other information as required by DOT.
3. Works with all affected departments in establishing the overall DBE goal.
4. Ensures monitoring and oversight in the DBE Program.
5. Participates in pre-bid meetings.
6. Advises the CEO on the DBE Program.
7. Provides outreach to DBEs and community organizations to promote contracting opportunities.
8. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.

DBE Financial Institutions (§26.27)

It is the policy of ECCTA to investigate financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions. ECCTA has made the following efforts to identify and use such institutions:

- Reviewed all institutions certified as “Minority Depository Institutions (MDIs)” dated June 30, 2024 by using the website:
<https://www.fdic.gov/regulations/resources/minority/mdi.html>

To date, ECCTA has not identified any financial institutions owned and controlled by socially and economically disadvantaged individuals in ECCTA’s community. ECCTA will re-evaluate the availability of DBE financial institutions every three years when setting the overall DBE goal.

ECCTA includes the link to “Minority Depository Institutions (MDI’s)” on the Disadvantaged Business Enterprise page of its website and encourages all businesses to use minority-owned financial institutions when seeking financial services.

ECCTA also includes a statement in DOT-assisted contracts encouraging all businesses to use minority-owned financial institutions when seeking financial services.

Prompt Payment Mechanisms (§26.29)

- ECCTA requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law. Prompt payment and return of retainage requirements also apply to all lower-tier subcontractors.
- In accordance with §26.29, ECCTA established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 10 days from the prime contractor’s

receipt of each payment from ECCTA. The prime contractor agrees further to return retainage payments to each subcontractor for satisfactory completion of the accepted work within 10 days after ECCTA's payment to the prime contractor.

- A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by ECCTA.
- When ECCTA has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.
- ECCTA ensures prompt and full payment of retainage from the prime contractor to the subcontractor. Pursuant to §26.29, ECCTA has selected the following method to comply with this requirement:
 - For construction procurements: ECCTA will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 10 days after ECCTA's payment to the prime contractors.
 - For professional services procurements: ECCTA will decline to hold retainage and prohibit prime contractors from holding retainage from subcontractors.

ECCTA will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 10 days from the receipt of each payment the prime contractor receives from ECCTA. The prime contractor agrees further to return retainage payments to each subcontractor for satisfactory completion of the accepted work within 10 days after ECCTA's payment to the prime contractor. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of ECCTA. This clause applies to both DBE and non-DBE subcontracts.

Directory (§26.31)

ECCTA is a non-certifying member of the California Unified Certification Program (CUCP). ECCTA uses the CUCP DBE directory maintained by Caltrans that identifies all firms eligible to participate as DBEs. The directory is an online system that permits the public to search and/or filter for DBEs by:

- 1) Physical location;
- 2) NAICS code(s);
- 3) Work descriptions; and
- 4) All optional information added pursuant to paragraph (c) of §26.31, which includes

additional data fields of other items readily verifiable in State or locally maintained databases, such as State licenses held, prequalifications, and bonding capacity.

The directory is updated by Caltrans in real time, as changes are made to the directory. The directory may be found online at <https://caltrans.dbesystem.com>

Overconcentration (§26.33)

Since ECCTA is a federal recipient located within the jurisdiction of the U.S. Court of Appeals for the Ninth Circuit and subject to *Western States Paving Co, Inc. v. Washington State Department of Transportation*, 407 F.3d 983 (9th Cir. 2005), ECCTA uses race-neutral means of achieving DBE participation. Overconcentration of DBEs is not applicable to ECCTA while using race-neutral means. However, ECCTA has reviewed bidders list information and has not identified that overconcentration of DBEs exists in the types of work that DBEs perform on ECCTA contracts.

If ECCTA determines that DBE firms are so overconcentrated in a certain type of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work, ECCTA will develop appropriate measures to address the overconcentration. ECCTA will seek approval of such measures from FTA, and once approved, the measures will become part of ECCTA’s DBE Program.

Business Development Programs (§26.35)

ECCTA may establish a DBE Business Development Program to assist firms in gaining the ability to compete successfully in the marketplace outside the DBE Program. As a part of the Business Development Program or separately, ECCTA may establish a Mentor/Protégé Program in which another DBE or non-DBE firm is the principal source of business development assistance. If ECCTA determines such a program is beneficial, a proposed program will be written and submitted to FTA for approval, after which it will become part of this DBE Program. Guidelines outlined in Appendices C and D of 49 CFR Part 26 will be utilized in setting up the formal agreements and programs. ECCTA may participate in a Business Development Program and/or Mentor/Protégé Program established by other U.S. DOT recipients.

Monitoring Responsibilities (§26.37)

ECCTA implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and sets forth these mechanisms in ECCTA’s DBE Program.

Monitoring and Enforcement Mechanisms

- ECCTA requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for ECCTA’s financial assistance

agreement, whichever is longer. These records will be made available for inspection upon request by an authorized representative of ECCTA or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

- ECCTA documents its monitoring and oversight processes by completing a “Record of DBE Compliance Monitoring” (Attachment 4) for each DOT-assisted contract with DBE participation to ensure that work subcontracted to DBEs at contract award or subsequently is performed by the DBEs to which the work was committed or subcontracted. ECCTA reviews subcontracts, monitors work sites, monitors prime payments to subcontractors and provides a written certification of the monitoring during the life of the project. Payment reviews evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to ECCTA by the prime contractor at contract award. ECCTA’s Project Manager or DBE Liaison Officer is responsible for completing the “Record of DBE Compliance Monitoring.”
- To ensure compliance with the prompt payment and running tally provisions, ECCTA will require prime contractors to provide information concerning payments to subcontractors and release of retainage where held. ECCTA will require a “Progress Payment Report” (Attachment 5) be completed and submitted by the prime contractor with every invoice. ECCTA will require a “Subcontractor Payment Declaration” (Attachment 6) be completed and submitted by the prime contractor for all subcontractors for every invoice submitted to ECCTA within 5 days following actual payment to subcontractor. ECCTA will also require a “Final Expenditure Report” (Attachment 7) be completed and submitted by the prime contractor at the end of the contract. Data collected from contractors may include copies of cancelled checks.
- ECCTA will consider using the prompt payment and return of retainage monitoring tool¹ developed by Federal Highway Administration after it is made available for use. ECCTA may choose to use the monitoring tool to assist in monitoring prompt payment and return of retainage requirements for all subcontractors on DOT-assisted contracts. The monitoring tool may be used to assist in calculating a running tally that provides for a comparison of cumulative DBE awards/commitments to DOT-assisted prime contract awards and a running tally that provides for a frequent comparison of payments made to each listed DBE relative to the progress of work, including payments for such work to the prime contractor to determine whether the contractor is on track with meeting its DBE commitment.

¹ As of September 2024, the Federal Highway Administration has not published their prompt payment and return of retainage monitoring tool online.

- To determine the Commercially Useful Function of a DBE, ECCTA completes the “Record of Commercially Useful Function Report” (Attachment 8) for all DBEs on each DOT-assisted contract. This is accomplished by conducting field reviews and DBE contractor interviews. ECCTA’s Project Manager or DBE Liaison Officer is responsible for completing the “Record of Commercially Useful Function Report” and for monitoring the DBE firm to provide a written certification that Commercially Useful Function requirements are being met.

Prompt Payment Dispute Resolution

- ECCTA will take the following step to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29.
 - ECCTA will hold a dispute resolution meeting between the prime contractor and subcontractor, along with ECCTA’s Project Manager, DBE Liaison Officer, or representative from ECCTA as appropriate. The meeting will include those individuals who are authorized to bind each interested party and a representative from ECCTA with authority to take enforcement action.

Prompt Payment Complaints

- Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure.
 - Subcontractors are to contact the prime contractor to discuss payment discrepancies. If a resolution is not reached regarding the payment discrepancies, then the affected subcontractor may escalate the complaint to ECCTA’s Project Manager or DBE Liaison Officer. ECCTA will investigate and follow up with both the subcontractor and prime contractor involved in the complaint resolution within 10 days. If filing a complaint with ECCTA does not result in timely and meaningful action by ECCTA, the affected subcontractor may contact FTA:
 - Region 9 Office
Federal Transit Administration
888 S Figueroa St, Ste 440
Los Angeles, CA 90017
213-757-5999
 - If a subcontractor is not comfortable contacting the prime contractor directly regarding payment discrepancies, the subcontractor may contact ECCTA’s Project Manager or DBE Liaison Officer. ECCTA will investigate and follow up with both the subcontractor and prime contractor involved in the complaint resolution within 10 days. If filing a complaint with ECCTA does not result in timely and meaningful action by ECCTA, the affected subcontractor may contact FTA:
 - Region 9 Office

Federal Transit Administration
888 S Figueroa St, Ste 440
Los Angeles, CA 90017
213-757-5999

Enforcement Actions for Noncompliance of Participants

ECCTA will provide appropriate means to enforce the requirements of §26.29. These means include:

- ECCTA will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.109.
- In the event of non-compliance with the DBE regulation by a participant in ECCTA's procurement activities, including prompt payment and retainage requirements, under 49 C.F.R. §26.13 (b), the penalties imposed by ECCTA may include, but are not limited to, the following:
 1. terminating the contract,
 2. withholding progress payments,
 3. assessing sanctions,
 4. imposing liquidated damages,
 5. disqualifying the contractor from bidding on future contracts, or
 6. other remedies ECCTA deems appropriate.

Fostering Small Business Participation (§26.39)

Because ECCTA is a small transit agency, contracts tend to be a size that small businesses, including DBEs, can reasonably perform. In order to foster small business participation, ECCTA has incorporated the following non-discriminatory element into its DBE Program to facilitate competition on DOT-assisted projects by small business concerns.

- ECCTA is a member of the Business Outreach Committee (BOC) that represents Bay Area transit and transportation agencies. ECCTA joined the BOC in February 2019. The BOC assists DBEs and other small businesses with expansion of their businesses through training, technical assistance, and relationship-building with agency staff and the contracting community of the San Francisco Bay Area. These efforts help to create a level playing field on which DBEs and small businesses can compete fairly; enhance outreach and communication efforts with these firms; provide appropriate assistance and information for participation in DOT-assisted contracts; and develop joint resources among recipients. The BOC also works with NorCal APEX Accelerator as a resource for providing technical assistance and guidance to DBEs and small businesses.

ECCTA's DBE Liaison Officer participates in meetings, trainings and workshops held by the BOC.

- ECCTA provides outreach to the small business community for procurement opportunities and provides a listing of DBE and SBE resources on the DBE information page on its website at www.TriDeltaTransit.com.
- Posting on ECCTA's website at www.TriDeltaTransit.com contact information of small business resources, including the Southwest Small Business Transportation Resource Center and NorCal APEX Accelerator, for small business assistance.
- Posting invitations for bids and requests for proposals on ECCTA's website at www.TriDeltaTransit.com.
- Submitting timely solicitations, conducting pre-bid meetings and developing clearly written plans and specifications that facilitate small business firms' participation.
- ECCTA verifies small business size as provided in §26.65 and defined by the Small Business Administration (SBA).

SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING

Set-asides or Quotas (§26.43)

ECCTA does not use set-asides or quotas in any way in the administration of this DBE Program.

Overall Goals (§26.45)

A description of the methodology used to calculate the overall goal and the goal calculation can be found in Attachment 9. This section of the program will be updated as required.

The DBE Liaison Officer shall calculate and establish ECCTA's three year overall DBE goal ("Triennial Goal"). The Board of Directors shall approve the goal to be submitted to FTA for the participation of DBEs in all federally-funded contracts. The Triennial Goal shall be expressed as a percentage of the total amount of U.S. DOT funds ECCTA anticipates spending during the relative 3-year reporting period. ECCTA's Triennial Goal will represent the amount of ready, willing and able DBEs available to participate in contracting opportunities and shall reflect the amount of DBE participation ECCTA would expect absent the effects of discrimination. ECCTA intends to meet the goal through race-neutral means. ECCTA shall use race-conscious means only if supported by the findings of an approved and authorized Availability and Utilization Study (Disparity Study), and the

expressed authorization from FTA.

In accordance with §26.45(f), ECCTA will submit its Triennial Goal to FTA by August 1 of the year specified by FTA. Before finalizing the Triennial Goal, ECCTA will consult with appropriate constituent groups representing minority, women's and general contractor groups; community organizations; and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and ECCTA's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, ECCTA will publish a notice of the proposed Triennial Goal on its website at www.TriDeltaTransit.com, informing the public that the proposed goal and its rationale are available for inspection from 8:00am to 5:00pm, Pacific Standard Time, Monday through Friday, at ECCTA administrative offices for 30 days following the date of the notice, and informing the public that ECCTA will accept comments on the goal for 30 days from the date of the notice. Normally, ECCTA will issue this notice by June 1 of each year that the Triennial Goal is due. The notice will include addresses to which comments may be sent and addresses (including office and website) where the proposal may be reviewed.

ECCTA will begin using the Triennial Goal on October 1 of the calendar year following the August 1 submission to FTA, unless other instructions have been received from FTA.

Once established, if circumstances deem the overall Triennial Goal requires adjustment prior to the end of the three-year period, ECCTA will publish a notice of the proposed adjustment of the Triennial Goal on its website at www.TriDeltaTransit.com, informing the public that the proposed goal and its rationale are available for inspection from 8:00am to 5:00pm, Pacific Standard Time, Monday through Friday, at ECCTA administrative offices for 30 days following the date of the notice, and informing the public that ECCTA will accept comments on the goal for 30 days from the date of the notice. ECCTA will also mail the notice to those constituent groups, community organizations, and other officials or organizations ECCTA consulted with when setting its initial Triennial Goal. The adjusted Triennial Goal will be approved by the Board of Directors, then submitted to FTA.

Meeting Overall Goals and Accountability (§26.47)

If the awards and commitments shown on ECCTA's Uniform Report Form at the end of any Federal fiscal year are less than the overall goal applicable to that Federal fiscal year, the DBE Liaison Officer will, in accordance with 49 CFR §26.47(c) conduct a Shortfall Analysis. The Shortfall Analysis will analyze in detail the reasons for the difference between the overall goal and ECCTA's awards and commitments in that Federal fiscal year and establish specific steps and milestones to correct the problems identified in the Shortfall Analysis. ECCTA will retain the Shortfall Analysis for three years and make it available to FTA upon request for review.

Awarding DOT-Assisted Contracts to Transit Vehicle Manufacturers (TVMs) (§26.49)

ECCTA will require each transit vehicle manufacturer (TVM), as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section and established an overall DBE goal that has been approved or not disapproved by FTA.

Before awarding to a TVM, ECCTA shall verify that the bidder is listed on FTA's eligible TVM list at <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eligible-transit-vehicle-manufacturers>.

ECCTA's Manager of Administrative Services will submit to FTA within 30 days of ECCTA becoming contractually required to procure a transit vehicle, the name of the TVM that was the successful bidder, and the Federal share of the contractual commitment at that time.

ECCTA does not include FTA assistance used in transit vehicle procurements in the base amount from which its overall DBE goal "Triennial Goal" is calculated. ECCTA will establish project-specific goals for DBE participation or include in the overall DBE goal calculation, contracts awarded to non-TVMs when there are no TVMs available to manufacture the transit vehicle in FTA-assisted transit vehicle procurements.

Breakout of Estimated Race-Neutral & Race-Conscious Participation (§26.51)(a-c)

ECCTA uses race-neutral means of achieving DBE participation.

ECCTA uses the following race-neutral means to achieve DBE participation:

- Making DBEs and other small businesses aware of opportunities.
- Submitting timely solicitations, conducting pre-bid meetings and developing clearly written plans and specifications to facilitate DBEs and other small business firms' participation.
- Posting invitations for bids and requests for proposals on ECCTA's website at www.TriDeltaTransit.com.
- Participating in the Business Outreach Committee (BOC) that represents Bay Area transit and transportation agencies. The BOC assists DBEs and other small businesses with expansion of their businesses through training, technical assistance, and relationship-building with agency staff and the contracting community of the San Francisco Bay Area.
- Including ECCTA's procurement opportunities in the quarterly Business Outreach Committee (BOC) newsletter.

For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

- DBE participation through a prime contract that a DBE obtains through customary competitive procurement procedures;
- DBE participation through a subcontract on a prime contract that does not carry a DBE goal;
- DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Contract Goals (§26.51)(d-g)

Contract goals are race-conscious means that take race into consideration. Since ECCTA is a federal recipient located within the jurisdiction of the U.S. Court of Appeals for the Ninth Circuit and subject to *Western States Paving Co, Inc. v. Washington State Department of Transportation*, 407 F.3d 983 (9th Cir. 2005), ECCTA uses race-neutral means of achieving DBE participation. If ECCTA uses contract goals, it will get approval from FTA to set contract goals.

Good Faith Efforts Procedures Where There are Contract Goals (§26.13)

Good faith efforts procedures apply to contract goals. ECCTA uses race-neutral means of achieving DBE participation, not contract goals.

Counting DBE Participation (§26.55)

ECCTA will count DBE participation toward overall goals as provided in §26.55.

ECCTA uses the “DBE Regular Dealer/Distributor Affirmation Form” developed by U.S. DOT to make a preliminary counting determination for each DBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in §26.55 (e)(2)(iv)(A),(B),(C), and (3) under the contract at issue. Prime contractors are required to submit with their bid or proposal the “DBE Regular Dealer/Distributor Affirmation Form”. The “DBE Regular Dealer/Distributor Affirmation Form” is in Attachment 10.

SUBPART D - CERTIFICATION STANDARDS

Certification Process (§26.61 - 26.73)

ECCTA is a participant of the CUCP that uses the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts.

The CUCP Memorandum of Agreement (MOA) provides DOT recipients the option to be either a certifying member or a non-certifying member. ECCTA is a non-certifying member.

ECCTA relies upon the CUCP for the certification of DBE firms and ensures that only firms certified as eligible DBEs participate as DBEs.

SUBPART E - CERTIFICATION PROCEDURES

Unified Certification Programs (§26.81-§26.83)

ECCTA is a non-certifying member of the CUCP. As such, ECCTA does not provide certification procedures itself. The most recent roster of certifying agencies is online at: <https://californiaucp.dbesystem.com>.

Procedures for Certification Decisions (§26.83)

Re-certifications (§26.83)(a)(c)

ECCTA is a non-certifying member of the CUCP and currently does not re-certify or make certification decisions.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Compliance Procedures Applicable to ECCTA (§26.101)

ECCTA understands that if it fails to comply with any requirement of this part, ECCTA may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FTA program, any actions permitted under 49 U.S.C. chapter 53 or applicable FTA program requirements.

Information, Confidentiality, Cooperation (§26.109)

ECCTA will follow the procedures in §26.109 regarding availability of records, confidentiality of information on complainants, cooperation, intimidation and retaliation.

ECCTA will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Participants in ECCTA's DBE Program are required to cooperate fully and promptly with compliance reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved.

Participants in ECCTA's DBE Program will not intimidate, threaten, coerce, or discriminate

against any individual or firm for the purpose of interfering with any right or privilege secured by §26.109, or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing. Failure to comply with this part is a violation.

Attachment 1- Definitions

(§ 26.5) What do the terms used in 49 CFR Part 26 mean?

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

(1) Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:

(i) One concern controls or has the power to control the other; or

(ii) A third party or parties controls or has the power to control both; or

(iii) An identity of interest between or among parties exists such that affiliation may be found.

(2) In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE Program.

Alaska Native means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*).

Assets mean all the property of a person available for paying debts or for distribution, including one's respective share of jointly held assets. This includes, but is not limited to, cash on hand and in banks, savings accounts, IRA or other retirement accounts, accounts receivable, life insurance, stocks and bonds, real estate, and personal property.

Business, business concern or business enterprise means an entity organized for profit with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the United States economy through payment of taxes or use of American products, materials, or labor.

Compliance means that a recipient has correctly implemented the requirements of this part.

Contingent Liability means a liability that depends on the occurrence of a future and uncertain event. This includes, but is not limited to, guaranty for debts owed by the applicant concern, legal claims and judgments, and provisions for federal income tax.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

Contractor means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program.

Days mean calendar days. In computing any period of time described in this part, the day from which the period begins to run is not counted, and when the last day of the period is a Saturday, Sunday, or Federal holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal holiday. Similarly, in circumstances where the recipient's offices are closed for all or part of the last day, the period extends to the next day on which the agency is open.

Department or DOT means the U.S. Department of Transportation, including the Office of the Secretary, the Departmental Office of Civil Rights, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Disadvantaged business enterprise or DBE means a for-profit small business concern—

- (1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged; and
- (2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DOT-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

FTA Tier I recipient means an FTA recipient to whom this part applies that will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds \$670,000 in FTA funds in a Federal fiscal year.

FTA Tier II recipient means an FTA recipient to whom this part applies who will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which does not exceed \$670,000 in FTA funds in a Federal fiscal year.

Good faith efforts means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, father-in-law, mother-in-law, sister-in-law, brother-in-law, and domestic partner and civil unions recognized under State law.

Indian tribe or Native American Tribe means any federally or State-recognized Tribe, band, nation, or other organized group of Indians (Native Americans), or an ANC.

Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Liabilities mean financial or pecuniary obligations. This includes, but is not limited to, accounts payable, notes payable to bank or others, installment accounts, mortgages on real estate, and unpaid taxes.

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

Noncompliance means that a recipient has not correctly implemented the requirements of this part.

Notice of decision or NOD means determination that denies a firm's application or decertifies a DBE.

Notice of intent of NOI means recipients letter informing a DBE of a suspension or proposed decertification.

Operating Administration or OA means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The "Administrator" of an operating administration includes his or her designees.

Personal net worth or PNW means the net value of an individual's reportable assets and liabilities, per the calculation rules in §26.68.

Primary industry classification means the most current North American Industry Classification System (NAICS) designation which best describes the primary business of a firm. The NAICS is described in the North American Industry Classification Manual—United

States, which is available on the Internet at the U.S. Census Bureau Web site:
<http://www.census.gov/naics/>.

Primary recipient means a recipient which receives DOT financial assistance and passes some or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most working hours. If the offices from which management is directed and where the business records are kept are in different locations, the recipient will determine the principal place of business. The term does not include construction trailers or other temporary construction sites.

Program means any undertaking on a recipient's part to use DOT financial assistance, authorized by the laws to which this part applies.

Race-conscious measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-neutral measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, *race-neutral* includes gender-neutrality.

Recipient means any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means DOT's Secretary of Transportation or the Secretary's designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or SBA means the United States Small Business Administration.

SBA certified firm refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.

Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b).

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's control.

(1) Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. An individual must demonstrate that he or she has held himself or herself out, as a member of a designated group if you require it.

(2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

(i) “Black Americans,” which includes persons having origins in any of the Black racial groups of Africa;

(ii) “Hispanic Americans,” which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(iii) “Native Americans,” which includes persons who are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians;

(iv) “Asian-Pacific Americans,” which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), Republic of the Northern Marianas Islands, Samoa, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;

(v) “Subcontinent Asian Americans,” which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;

(vi) Women;

(vii) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

(3) Being born in a particular country does not, standing alone, mean that a person is necessarily a member of one of the groups listed in this definition.

Spouse means a married person, including a person in a domestic partnership or a civil union recognized under State law.

Transit vehicle manufacturer (TVM) means any manufacturer whose primary business purpose is to manufacture vehicles built for mass transportation. Such vehicles include, but are not limited to buses, rail cars, trolleys, ferries, and vehicles manufactured specifically for paratransit purposes. Businesses that perform retrofitting or post-production alterations to vehicles so that such vehicles may be used for public transportation purposes are also considered TVMs. Businesses that manufacture, mass-produce, or distribute vehicles primarily for personal use are not considered TVMs.

Tribally-owned concern means any concern at least 51 percent owned by an Indian tribe as defined in this section.

You refers to a recipient, unless a statement in the text of this part or the context requires otherwise (i.e., ‘You must do XYZ’ means that recipients must do XYZ).

[64 FR 5126, Feb. 2, 1999, as amended at 64 FR 34570, June 28, 1999; 68 FR 35553, June 16, 2003; 76 FR 5096, Jan. 28, 2011; 79 FR 59592, Oct. 2, 2014; 89FR 24963, Apr. 9, 2024]

Attachment 2- Prime Contractor and Subcontractor/ Subconsultant/ Supplier Report

**EASTERN CONTRA COSTA TRANSIT AUTHORITY (ECCTA)
Prime Contractor and Subcontractor/Subconsultant/Supplier Report**

Bidder's Name: _____ Contract # and Name: _____
 Address: _____ Zip Code: _____ Is your firm a Disadvantaged Business Enterprise: Yes _____ No _____
 Owner or Contact Person: _____ Phone: (____) _____ Fax: (____) _____
 E-Mail: _____ Ethnicity: _____ Gender: _____ Annual Gross Receipts: _____ Age of Firm: _____

INSTRUCTIONS: Please provide information on ALL firms (subcontractors/subconsultants/suppliers) that provided Bidder a bid, quote, or proposal to perform work, provide labor, render services or provide supplies in connection with this contract *WHETHER BID WAS ACCEPTED OR NOT*. You shall provide this information for all sub-bidders regardless of tier for both DBEs and non-DBEs alike. Include all bid acceptance(s) AND rejection(s). If no subcontractors/subconsultants/suppliers will be used, mark "N/A" and sign the form.

Provide the North American Industry Classification System (NAICS) code(s) applicable to each scope of work the firm is sought out to perform on the contract. NAICS search <https://www.census.gov/naics/>.

Ethnicity: Indicate whether the majority owner is (AS) Asian-Pacific; (B) Black; (H) Hispanic; (N) Native; (SA) Subcontinent Asian; (NM) Non-Minority, or (O) Other

Gender: Indicate gender for the majority owner, either (M) Male or (F) Female. Make a copy of this form for additional firms.

Signature is required on page two of this form to be deemed responsive.

Subcontractor/Subconsultant/Supplier Firm Name/Address/Contact Information	Contractor's License No. DIR Registration No.	DBE (Yes*/No)	Portion of Work or Type of Materials/Supplies (DBE suppliers must complete the DBE Supplier Form)	NAICS Code(s) for each work item	Dollar Amount of Work Materials/Supplies	Bid/Quote Accepted (Yes**/No)	DBE Amount***	Annual Gross Receipts
1 Name: Address: Zip Code: Contact Person: E-mail: Phone: Ethnicity: Gender:								< \$1 Million
								< \$5 Million
								< \$10 Million
								< \$15 Million +
								Age of Firm: _____
2 Name: Address: Zip Code: Contact Person: E-mail: Phone: Ethnicity: Gender:								< \$1 Million
								< \$5 Million
								< \$10 Million
								< \$15 Million +
								Age of Firm: _____
3 Name: Address: Zip Code: Contact Person: E-mail: Phone: Ethnicity: Gender:								< \$1 Million
								< \$5 Million
								< \$10 Million
								< \$15 Million +
								Age of Firm: _____

Prime Contractor and Subcontractor/Subconsultant/Supplier Report (Continued)

Subcontractor/Subconsultant/Supplier Firm Name/Address/Contact Information	Contractor's License No. DIR Registration No.	DBE (Yes*/No)	Portion of Work or Type of Materials/Supplies (DBE suppliers must complete the DBE Supplier Form)	NAICS Code(s) for each work item	Dollar Amount of Work Materials/Supplies	Bid/Quote Accepted (Yes*/No)	DBE Amount***	Annual Gross Receipts
4	Name:							< \$1 Million
	Address:							< \$5 Million
	Zip Code:							< \$10 Million
	Contact Person:							< \$15 Million +
	E-mail:							
	Phone:							
	Ethnicity: Gender:							Age of Firm: _____
5	Name:							< \$1 Million
	Address:							< \$5 Million
	Zip Code:							< \$10 Million
	Contact Person:							< \$15 Million +
	E-mail:							
	Phone:							
	Ethnicity: Gender:							Age of Firm: _____
6	Name:							< \$1 Million
	Address:							< \$5 Million
	Zip Code:							< \$10 Million
	Contact Person:							< \$15 Million +
	E-mail:							
	Phone:							
	Ethnicity: Gender:							Age of Firm: _____

Attach additional sheets as necessary.

DBE Amount: \$ _____ = _____ % Bidder's DBE Achievement
 Total Bid Amount: \$ _____

* If Yes, please also provide certification number or California Unified Certification Program Firm ID number (www.californiaucp.dbesystem.com)

** Do not indicate more than one "Yes" for alternative subcontractors for the same work. **Do not indicate TBD for "Bid Quote Accepted."**

*** DBE participation includes that portion of the work actually performed by a certified DBE with its own forces. The **DBE Regular Dealer/Distributor Affirmation Form** must be submitted to confirm counting determinations for DBE supplier/distributor credit. Count 60% of the cost of materials and supplies or 40% for DBE distributor.

The undersigned agrees that if it is the successful bidder and is awarded the contract with Eastern Contra Costa Transit Authority it will enter into a formal agreement with the subcontractor(s), subconsultant(s) and/or supplier(s) whose bid/quote was accepted for the work as indicated above. I certify that the information included on this form is accurate and true.

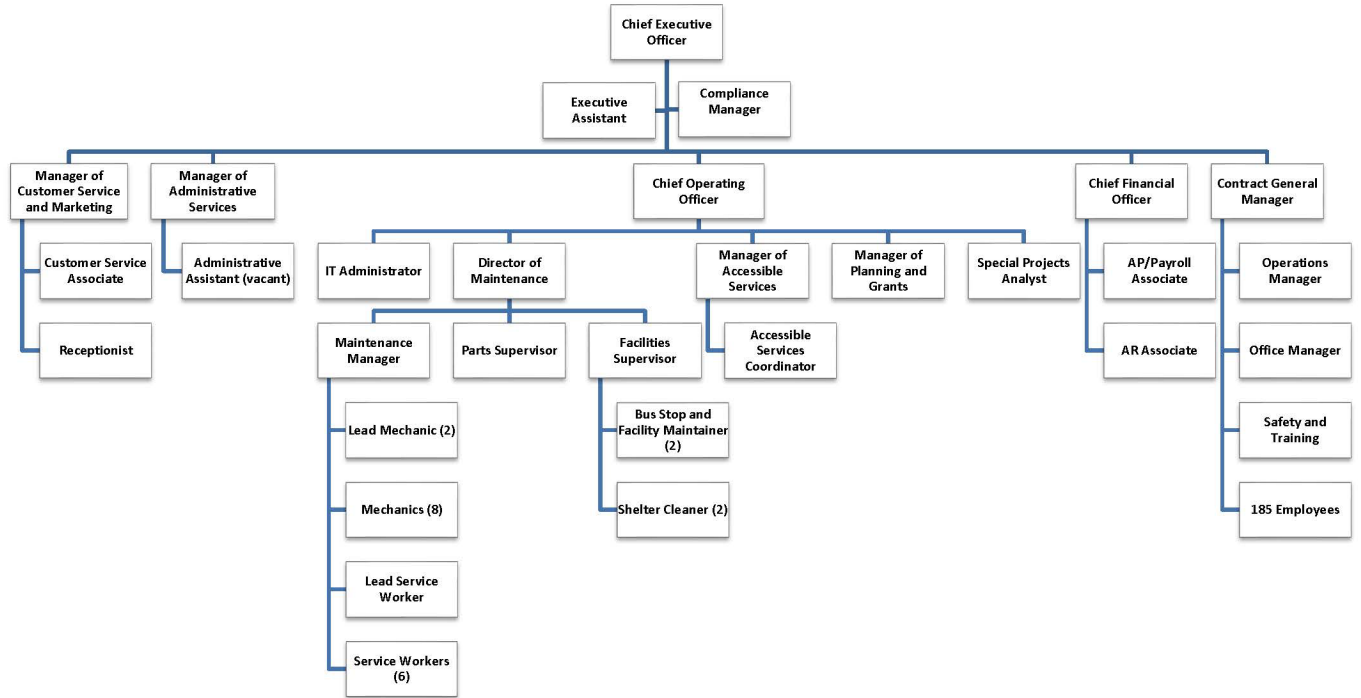
 Signature of Owner or Authorized Representative
 September 2024

 Title

 Date

Attachment 3- Organizational Chart

Tri Delta Transit Organizational Chart
Effective 07/2024



Attachment 4- Record of DBE Compliance Monitoring

Record of DBE Compliance Monitoring

Contract Number:		Contract Award Date:	
Current Contract Amount:		Contract End Date:	
Prime Contractor:		DBE Commitment Amount:	
DBE Subcontractors:			

Records reviewed:

Subcontracts Review

DBE Name	Date Reviewed	Reviewed By	Subcontract Reviewed for the Following			
			Scope (Y/N)	Price (Y/N)	Restrictions (Note Any)	Additional Comments

Summary Site or Place of Business Visits

Date	Place	Business	Comments

Summary of Invoice/Payment/Lien Release Review

Date	Activity	Comments

This summary serves as the certification that the above monitoring activities occurred on the project noted in accordance with 49 CFR Part 26.37.

Name/Signature

Date

Attachment 6- Subcontractor Payment Declaration

**EASTERN CONTRA COSTA TRANSIT AUTHORITY (ECCTA)
SUBCONTRACTOR PAYMENT DECLARATION**

This form must be completed and submitted by the Prime Contractor for all subcontractors for every invoice submitted to ECCTA within five (5) days following actual payment to subcontractor. Payments to subcontractor shall be made no later than ten (10) working days following receipt of progress payment from ECCTA. Use additional sheets if necessary. Failure to submit all required information may lead to partial withholding of progress payment.

Date: _____ Contract No.: _____

Contract Title: _____

Prime Contractor: _____

Invoice Date: _____ Invoice No.: _____

For the Period: _____

Total Amount of Invoice: _____ ECCTA Check #: _____

Subcontractor	DBE (Y/N)	Business Address Payment Sent To Including ZIP Code	Amount Paid	Payment Date	Check Number

Total Amount Paid to Subcontractor(s) (this Pay Period)

I/We declare under penalty of perjury under the laws of the State of California that the above information is complete, and that the tabulated amounts paid to date are accurate and correct.

Signature of Contact Person

Date

Print Name

Phone

Attachment 7- Final Expenditure Report

**EASTERN CONTRA COSTA TRANSIT AUTHORITY (ECCTA)
FINAL EXPENDITURE REPORT**

To be completed and submitted by Prime Contractor at the end of the contract.

CONTRACT TITLE/NO.	TOTAL CONTRACT AWARD AMOUNT	DATE OF AWARD
PRIME CONTRACTOR NAME AND ADDRESS INCLUDING ZIP CODE	TOTAL EXPENDITURES AT END OF CONTRACT	DATE OF CONTRACT COMPLETION
PROJECT MANAGER NAME	PROJECT MANAGER SIGNATURE	DATE
CONTACT PERSON NAME RE: FINAL EXP. REPORT	CONTACT PHONE NUMBER	CONTACT EMAIL

IMPORTANT: 1) Identify all subcontractors

LIST FIRMS List Name, Address including ZIP code, and Contact Person	Phone Number	Email Address	Item of Work, Service or Materials Supplied	NAICS Code *	DBE Participation				Date of Work Completed	Date of Final Payment	Total Amount Paid
					Certified DBE (Y/N)	Certifying Agency	Ethnicity	Gender			
A. PRIME Contractor											
B. Subcontractor											
TOTAL											\$

Comments/Notes: (Explain cost overruns or discrepancies, DBE firm substitutions, etc...)

* NAICS Code, North American Industry Classification System Code. Codes can be found at <http://www.census.gov/naics>.
 - Ethnicity: Indicate whether the majority owner is (AS) Asian-Pacific; (B) Black; (H) Hispanic; (N) Native; (SA) Subcontinent Asian; (NM) Non-Minority; or (O) Other
 - Gender: Indicate gender for the majority owner, either (M) Male or (F) Female.
 - DBEs must be certified by an agency participating in the California Unified Certification Program. www.californiaucp.dbeystem.com.
 - Important: Attach the proof of certification for each DBE firm.
 - This information will be used to create and maintain a federally required Bidders List.
 - Use additional sheets as necessary.

Attachment 8- Record of Commercially Useful Function Report

Record of Commercially Useful Function Report

Contract Number:
Review Date:
Prime Contractor:
DBE Firm:
DBE Function:

Please mark "YES", "NO" or "N/A" for each question.

For any question marked "NO", please explain in the "COMMENTS" section below.

PERFORMANCE

1. Does the DBE have its own employees on the job to perform the work? _____
2. Does the DBE own the equipment being utilized to perform its work? (If there is a lease agreement, review information on lease document.) _____
3. Is the DBE self performing the subcontract defined task for a specific item of work on the contract? _____

HAULING FIRMS

1. Does the DBE hauling firm own and/or lease their trucks? (Review ownership/vehicle registration and/or lease documents to verify). _____
2. Does the DBE employ drivers for trucks owned by the company? (If leased trucks include operators, this should be indicated in the agreement/purchase order.) _____
3. Do the haul tickets and/or bills of lading associated with the project confirm that hauling is being performed by the DBE? _____

MATERIAL SUPPLIERS OR MANUFACTURERS/FABRICATORS

1. Does the DBE's name appear on all applicable invoices, haul tickets, and/or bills of lading? _____
2. Did the DBE provide documentation showing that the funds used to pay a supplier in fact came from the DBE's own funds? _____
3. If the DBE had any materials drop shipped to the project site, was the invoice addressed to the DBE? _____
4. Did the DBE deliver materials to the site with their own and/or leased trucks? _____

SUPERVISION

1. Is the DBE self performing work without assistance from the prime or another subcontractor? _____

Record of Commercially Useful Function Report Page 1

2. Is the DBE providing supervision of its employees and their work? _____
3. Is the supervisor a full-time employee of the DBE? _____

Comments: _____

This summary serves as the certification that the above Commercially Useful Function review occurred on the project noted in accordance with 49 CFR Part 26.55.

Name/Signature

Date

GUIDANCE FOR COMPLETING THE RECORD OF COMMERCIALY USEFUL FUNCTION REPORT

The guidance below is included to assist you in determining whether or not a Disadvantaged Business Enterprise (DBE) is performing a Commercially Useful Function (CUF) as required under Section 26.55 of Title 49 Code of Federal Regulations Part 26. Federal DBE regulations provide that a DBE is performing a CUF when it is responsible for execution of the work it committed to perform under a contract with the prime and is carrying out its contractual responsibilities by performing, managing, and supervising the work. If it is determined that a DBE is not performing a CUF on some or all of the work subcontracted to them, the prime contractor will lose DBE credit. Continue to monitor the DBE firm to ensure that Commercially Useful Function requirements are being met during the life of the project. A CUF form must be completed for all DBEs performing on any federally funded project.

The following are some examples of some common incidences:

PERFORMANCE

RED FLAGS

- Employee(s) working for both the Prime and the DBE
- Equipment used by DBE belongs to the Prime Contractor
- Equipment used by DBE belongs to another contractor with no formal lease agreement
- Equipment signs and markings cover another contractor's identity
- Equipment has another contractor's name on it
- A portion of the DBE's work being done by the Prime Contractor or jointly with another contractor

RECORDS/DOCUMENTS

- Certified payrolls
- Equipment ownership, rental, or lease documents
- Subcontract Agreement or Purchase Order

HAULING FIRMS

RED FLAGS

- Trucks used by DBE belong to the Prime Contractor.
- Trucks used by DBE belong to another contractor with no formal lease agreement
- Truck signs and markings conceal another contractor's identity
- Trucks have another contractor's name on them
- Operator(s) working for both the Prime and DBE
- Use of operator(s) for leased trucks is/are not specified in the lease agreement and operator(s) is not an/are not employee(s) of the DBE
- Haul tickets and/or bills of lading have a firm other than the DBE listed

RECORDS/DOCUMENTS

- Certified payrolls
- Truck ownership/vehicle registration, purchase orders, rental, or lease documents

Record of Commercially Useful Function Report Page 3

MATERIAL SUPPLIERS OR MANUFACTURERS/FABRICATORS

RED FLAGS

- Invoices do not indicate that DBE is the customer
- A Prime Contractor's employee is listed as the contact person on invoices
- Materials are ordered, billed to, and/or paid, by the Prime Contractor
- Drop shipped materials are addressed to the Prime Contractor
- Materials for DBE credited work are delivered by the Prime Contractor
- Evidence is provided that the DBE supplier is not actually supplying material
- Evidence is provided that the DBE manufacturer is not actually manufacturing material
- Two Party checks or joint checks are sent by the Prime to the supplier or manufacturer

RECORDS/DOCUMENTS

- Invoices/Purchase Orders
- Copies of cancelled checks, electronic bill transfers, bank statements, credit card statement, etc.
- Bills of Lading

SUPERVISION

RED FLAGS

- Prime Contractor or another subcontractor is performing the DBE's work
- The DBE's employees are being supervised by the Prime Contractor or another subcontractor
- The DBE provides little or no supervision of work
- The DBE supervisor is not a full-time employee of the DBE

RECORDS/DOCUMENTS

- Document communication with DBE owner or Superintendent
- Certified Payroll

Attachment 9- Overall Goal Calculation (§26.45)

Amount of Goal

Pursuant to §26.45, ECCTA will establish an annual overall goal for DBE participation in DOT-assisted contracts.

Methodology used to Calculate Overall Goal

The following is a summary of the method ECCTA uses to calculate a goal:

Determining a Base Figure

ECCTA will determine a base figure for the relative availability of DBEs on any project by using one of the following methods:

1. *DBE Directories and Census Bureau Data.* Determine the number of ready, willing, and able DBEs in ECCTA's market from the CUCP directory. Using the Census Bureau's County Business Pattern data base, determine the number of all ready, willing, and able businesses in ECCTA's market that perform work in the same NAICS codes. Divide the number of DBEs by the number of all businesses to derive a base figure for the relative availability of DBEs in ECCTA's market.
2. *Use of a goal of another DOT recipient.* If another DOT recipient in the same or substantially similar market has set an overall goal in compliance with this rule, ECCTA may use that goal as a base figure for its goal.

Adjusting a Base Figure

As required in the rule, ECCTA will adjust the base figure so that it reflects as accurately as possible the DBE participation that can be expected in the absence of discrimination. Possible information used to adjust the based figure:


1. Demonstrated evidence of DBE capacity to perform work on ECCTA's project;
2. Disparity studies conducted within the jurisdiction;
3. Input from interested parties;
4. Adjustments if using the goal of another DOT recipient;
5. Past participation.

Attachment 10- DBE Regular Dealer/Distributor Affirmation Form

OMB Control #2105-0586 (Exp. 5/31/2027) **DBE Regular Dealer/Distributor Affirmation Form**

Bidder Name:

Contract Name/Number:

 U.S. Department of Transportation

Sections 26.53(c)(1) of Title 49 Code of Federal Regulations requires recipients to make a preliminary counting determination for each DBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in section 26.55(e)(2)(iv)(A),(B),(C), and (3) under the contract at issue. The regulation requires the recipient's preliminary determination to be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. The U.S. Department of Transportation is providing this form as a tool for recipients, prime contractors, regular dealers, and distributors to use to carry out their respective responsibilities under this regulation. The form may be used by each DBE supplier whose participation is submitted by a bidder for regular dealer or distributor credit on a federally-assisted contract with a DBE participation goal. The form may also be used by prime contractors in connection with DBE regular dealer or distributor participation submitted after a contract has been awarded provided such participation is subject to the recipient's prior evaluation and approval. If this form is used, it should be accompanied by the bidder's commitment, contract, or purchase order showing the materials the DBE regular dealer or distributor is supplying. Use of this tool is not mandatory. If a recipient chooses a different method for complying with Section 26.53(c)(1), it must include that method in its DBE Program Plan.

DBE Name:

Total Subcontract/Purchase Order Amount:

Authorized DBE Representative (Name and Title):

NAICS Code(s) Related to the Items to be Sold/Leased:

1. Will all items sold or leased be provided from the on-hand inventory at your establishment? YES NO
 (If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.** If "NO" Continue.)

a) Are you selling bulk items (e.g., petroleum products, steel, concrete, concrete products, sand, gravel, asphalt, etc.) or items not typically stocked due to their unique characteristics (aka specialty items)? YES NO (If "YES," Go to Question 2. If "NO" Continue.)

b) Will at least 51% of the items you are selling be provided from the inventory maintained at your establishment, and will the minor quantities of items delivered from and by other sources be of the general character as those provided from your inventory? YES NO* (If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.**)

*If 1., 1.a), and 1. b) above are "NO," your performance on the whole will not satisfy the regular dealer requirements; therefore, only the value of items to be sold or leased from inventory can be counted at 60%. (Go to Question 3, to determine if the items delivered from and by other sources are eligible for Distributor credit.)

2. Will you deliver all bulk or specialty items using distribution equipment you own (or under a long-term lease) and operate? YES NO¹
 (If "YES," you have indicated that your performance will satisfy the requirements for a regular dealer of bulk items and may be counted at 60%. **STOP here. Read and sign the affirmation below.**)
¹ If "NO," your performance will not satisfy the requirements for a regular dealer of bulk items; the value of items to be sold or leased cannot be counted at 60%. (Go to Question 3.)

3. Will the written terms of your purchase order or bill of lading from a third party transfer responsibility, including risk for loss or damage, to your company at the point of origin (e.g. a manufacturer's facility)? YES² NO³

a) Will you be using sources other than the manufacturer (or other seller) to deliver or arrange delivery of the items sold or leased? YES² NO³

² If your responses to 3 and 3.a) are "YES," you have indicated that your performance will satisfy the requirements of a distributor; therefore, the value of items sold or leased may be counted at 40%.

³ If you responded "NO" to either 3 or 3.a), counting of your participation is limited to the reasonable cost of fees or commissions charged, including transportation charges for the delivery of materials or supplies; the cost of materials or supplies may not be counted.

I affirm that the information that I provided above is true and correct and that my company's subsequent performance of a commercially useful function will be consistent with the above responses. I further affirm that my company will independently negotiate price, order specified quantities, and pay for the items listed in the bidder's commitment. This includes my company's responsibility for the quality of such items in terms of necessary repairs, exchanges, or processing of any warranty claims for damaged or defective materials.

Printed Name and Signature of DBE Owner/Authorized Representative:

The bidder acknowledges its responsibility for verifying the information provided by the DBE named above and ensuring that the counting of the DBE's participation is accurate. Any shortfall caused by errors in counting are the responsibility of the bidder.

Printed Name and Signature of Bidder's Authorized Representative:

TAB 5

Agenda Item #7c

**ACTION ITEM: Rider Code of Conduct
Policy**

Board of Directors Meeting

Wednesday September 25, 2024

ECCTA Boardroom

801 Wilbur Avenue, Antioch, CA 94509

Staff Report to ECCTA Board of Directors

Meeting Date: August 28, 2024
Agenda Item: Rider Code of Conduct Policy – Agenda Item #7c
Lead Staff: Tania Babcock, Compliance Manager
Approved: Rashidi Barnes, Chief Executive Officer



Background

ECCTA currently has a Board adopted policy from June 24, 2020, for “Rules and Procedures for Handling Problem Passengers” that defines a limited number of unacceptable behaviors or actions that allow the CEO to either temporarily or permanently suspend a passenger from using ECCTA’s services.

Discussion

ECCTA has determined updating the “Rules and Procedures for Handling Problem Passengers” and establishing a “Rider Code of Conduct” will aid in its ability to inform passengers of ECCTA’s minimum standards of conduct. Passengers failing to meet these minimum standards of conduct may be subject to a temporary or permanent suspension, as well as criminal citations pursuant to California Penal Code section 640. In making this update, ECCTA has reviewed the policies of other transit agencies that have established a Rider Code of Conduct Policy. Such codes of conduct appear to be useful in informing riders and citizens what rules they are expected to follow while riding on any of the agency’s services or while on any agency-owned property or facilities, what actions/behaviors are prohibited, and consequences of the actions/behaviors that are prohibited.

ECCTA staff finds that the drafted Rider Code of Conduct fairly addresses the occasions when customer behavior seriously disrupts or endangers the health and safety of ECCTA employees and members of the public who use ECCTA services. When such behavior fails to meet the established code of conduct, it may be necessary for ECCTA to deny services and/or access to ECCTA facilities.

In establishing this Rider Code of Conduct, ECCTA is nevertheless committed to providing quality and non-discriminatory public transportation. Nothing in ECCTA’s policy is intended or will be applied in a manner that discriminates against individuals with disabilities, and individuals with

disabilities may request reasonable accommodation to the policy. Nor is the policy aimed to discriminate against any other protected classes, or impact otherwise lawful activity.

The policy also includes a review process whereby a person would have the ability to request a review to challenge the existence of the asserted violation, or provide a reasonable explanation that may excuse the conduct.

ECCTA would like to enhance the previously adopted policy and has developed a Rider Code of Conduct Policy that if approved, will replace the previously adopted policy. The Rider Code of Conduct Policy is enacted pursuant to the authority granted to ECCTA by the California Penal Code Section 640.

The Rider Code of Conduct Policy has been designed as a brochure for distribution and increased awareness. Also included in the brochure are reporting options for riders to report safety and security concerns. The policy will be placed on the website, in the administration lobby, on vehicles as space allows, and distributed at outreach events to increase awareness of the policy and the consequences for violation of its provisions.

ECCTA staff is currently translating the brochure into Spanish and will begin distribution of the Rider Code of Conduct Policy after the translation is complete.

Prior to presenting this policy to the board, the Rider Code of Conduct was reviewed by ECCTA's Safety Committee, which is comprised of front-line staff, including bus operators and mechanics, as well as management. The Safety Committee was very supportive of the policy. Proper behavior is essential for providing quality service to the members of our community and for increased safety for all transit riders and ECCTA employees. In addition, the policy was distributed to local law enforcement partners. On recommendation from the Contra Costa County Sheriff's office, the policy was reviewed by the Chief of Police for AC Transit, who is contracted by the Contra Costa County Sheriff's office and provides police services to protect AC Transit passengers, staff, and property. Positive feedback was received from law enforcement. Further, the ECCTA executive staff, and General Counsel have also reviewed the policy.

Financial Impact

Minimal cost to the agency to print the Rider Code of Conduct Policy brochure to distribute on vehicles, in the lobby, and at outreach events. There will also be minor costs of staff time related to appeals.

Requested Action

Approve Resolution #240925C authorizing ECCTA's Rider Code of Conduct Policy to replace the "Rules and Procedures for Handling Problem Passengers" that was previously adopted on 6/24/2020.

Agenda Item #7c
Eastern Contra Costa Transit Authority
Board of Directors Meeting
September 25, 2024

Attachments

1. ECCTA's Rules and Procedures for Handling Problem Passengers adopted 6/24/2020
2. ECCTA's Rider Code of Conduct Policy
3. ECCTA's Rider Code of Conduct Policy brochure
4. California Penal Code Section 640



TRI DELTA TRANSIT

Eastern Contra Costa Transit Authority
801 Wilbur Avenue • Antioch, California 94509
Phone 925.754.6622 Fax 925.757.2530

RESOLUTION #240925C **ECCTA's Rider Code of Conduct Policy**

Resolution #240925C authorizes ECCTA's Rider Code of Conduct Policy to replace the "Rules and Procedures for Handling Problem Passengers" that was previously adopted on 6/24/2020.

WHEREAS, Eastern Contra Costa Transit Authority (ECCTA) previously adopted a policy on 6/24/2020 for Rules and Procedures for Handling Problem Passengers; and

WHEREAS, ECCTA would like to update that policy and adopt rules to further regulate the conduct occurring on ECCTA vehicles, within ECCTA facilities, upon ECCTA properties, and in connection with ECCTA's provision of public transportation services; and

WHEREAS, there are occasions when customer behavior seriously disrupts or endangers the health and safety of ECCTA employees and members of the public who use ECCTA services; and

WHEREAS, when this occurs, in order to provide a safe work and transit environment for ECCTA passengers and employees, it may be necessary to deny ECCTA services and/or access to ECCTA facilities to specific individuals who fail to adhere to a minimum standard of conduct on or within ECCTA facilities and buses; and

WHEREAS, establishing a Rider Code of Conduct provides notice to customers and employees of minimum standards of conduct which are required to utilize ECCTA services to ensure the safety of ECCTA customers and employees;

WHEREAS, ECCTA remains committed to providing quality and non-discriminatory public transportation; and

WHEREAS, nothing in this policy shall be applied in a manner that discriminates against individuals with disabilities, or other protected classes; and

WHEREAS, individuals with disabilities, as defined by law, may request reasonable accommodation to the Rider Code of Conduct; and

WHEREAS, the policy is enacted pursuant to the authority granted to ECCTA by the California Penal Code Section 640.



TRI DELTA TRANSIT

Eastern Contra Costa Transit Authority
801 Wilbur Avenue • Antioch, California 94509
Phone 925.754.6622 Fax 925.757.2530

RESOLUTION #240925C

ECCTA's Rider Code of Conduct Policy

Resolution #240925C authorizes ECCTA's Rider Code of Conduct Policy to replace the "Rules and Procedures for Handling Problem Passengers" that was previously adopted on 6/24/2020.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Eastern Contra Costa Transit Authority to adopt Resolution #240925C authorizing ECCTA's Rider Code of Conduct Policy to replace the "Rules and Procedures for Handling Problem Passengers" that was previously adopted on 6/24/2020.

PASSED AND ADOPTED THIS 25th day of September 2024, by the following votes:

EASTERN CONTRA COSTA TRANSIT AUTHORITY

Diane Burgis, Chair

Rashidi Barnes, Chief Executive Officer

AYES: _____
NOES: _____
ABSENT: _____
ABSTENTIONS: _____



TRI DELTA TRANSIT

Eastern Contra Costa Transit Authority
 801 Wilbur Avenue • Antioch, California 94509
 Phone 925.754.6622 Fax 925.757.2530

Eastern Contra Costa Transit Authority Rules and Procedures for Handling Problem Passengers

Adopted 6/24/2020

All individuals using the transportation services furnished by the Eastern Contra Costa Transit Authority (ECCTA) are expected to conduct themselves courteously and safely. ECCTA service may be suspended either temporarily or permanently if a passenger:

- physically or verbally threatens another passenger or an employee or agent of ECCTA,
- physically or verbally abuses another passenger or an employee or agent of ECCTA,
- engages in any conduct or activity that is hazardous to him/herself or to any other person on a bus or at a bus stop, and/or
- damages or destroys any property of ECCTA.

If an individual is involved in any activity of the type described above, that individual is subject to the following action:

The operator of any ECCTA vehicle shall radio the dispatch office to report a passenger's unacceptable behavior or actions. The dispatcher will take the appropriate action which could include:

1. Summon police assistance and dispatch a road supervisor
 The decision of the police officer regarding the passenger is final.
2. Dispatch a road supervisor
 A road supervisor may remove a passenger from a bus. If this action is taken, the supervisor will deliver the passenger to location where there is shelter and a telephone available.

In all cases, an incident report must be submitted to the Chief Executive Officer of ECCTA within 24 hours of the occurrence, including incidents that occur on weekends or holidays. The Chief Executive Officer or a designee can immediately ban the individual from using ECCTA's services. If the Chief Executive Officer determines that banning a passenger from using ECCTA's services is appropriate she/he will report the action at the next regularly scheduled Board of Directors meeting.



AGENCY POLICY

The following policy has been reviewed and approved by the Eastern Contra Costa Transit Authority (Tri Delta Transit) Board of Directors.

POLICY NAME:	Rider Code of Conduct Policy
DEPARTMENT:	Safety
DATE APPROVED:	
DATE REVISED:	

THE POLICY IS AS FOLLOWS:

Rider Code of Conduct Policy for Eastern Contra Costa Transit Authority

Eastern Contra Costa Transit Authority (ECCTA), also known as Tri Delta Transit, is committed to providing quality and non-discriminatory public transportation. Unfortunately, there are occasions when customer behavior seriously disrupts or endangers the health and safety of our employees and members of the public who use our services. When this occurs, it may be necessary to deny ECCTA services and/or access to ECCTA facilities to those customers in accordance with the criteria and procedures specified in this policy.

The rules contained herein are intended to regulate the conduct occurring on ECCTA vehicles, within or upon ECCTA facilities and properties, and in connection with ECCTA's provision of public transportation services.

The policy is enacted pursuant to the authority granted to ECCTA by the California Penal Code Section 640.

This policy applies to any member of the public utilizing or located upon or within ECCTA's public transportation services, ECCTA property, and/or ECCTA facilities.

Nothing in this policy shall be applied in a manner that discriminates against individuals with disabilities, or other protected classes. Individuals with disabilities, as defined by law, may request reasonable accommodation to the Rider Code of Conduct Policy by contacting the Compliance Manager at ECCTA's Administration office, located at 801 Wilbur Avenue, Antioch by calling 1-925-754-6622.



Procedures for Suspension /Exclusion

A person who violates this policy is subject to a notice of violation and imposition of any and all remedies, fines, criminal sanctions, damages, and penalties available by law. Enforcement of any provisions of this policy involving the payment of any fees, penalties, other administrative amounts, or community service, based on California Penal Code section 640 (b) and (c), shall be pursuant to the authority and according to the procedures herein.

Administrative Action:

Staff will review all reports by bus operators or riders relating to complaints of conduct or behavior in violation of this code.

Upon such review, the agency in its sole discretion may:

- Suspend future riding privileges for a definite or indefinite period (refer to “Suspension of Service” below).
- Notify, appropriate law enforcement agency(s) and pursue arrest and criminal prosecution of the offending customer.
- Pursue any other appropriate legal or administrative remedy.
- Contact appropriate school authorities where applicable.
- Issue a warning letter.
- Determine that no further action is required.

Suspension of Service:

The agency reserves the right to suspend service to individuals who violate any of the policies and/or rules contained herein. Penalties may be increased if the infraction is deemed to be of a criminal nature and under investigation and/or action by the police and/or court jurisdiction. The Chief Operations Officer (COO) of ECCTA, or their designee, shall be authorized to make a decision for suspension of service, which shall be final, subject to the individual’s right to appeal.

Dangerous Conduct- Presenting a Serious Threat to Public Safety:

In the case of conduct which is determined by ECCTA to present a clear and immediate threat to the safety of customers or ECCTA employees, and/or which has resulted in injury to the violator or to customers and/or ECCTA employees, ECCTA may immediately and/or permanently suspend transit services subject to the individual’s right to appeal.

**First Offense:**

The first violation of this code may result in suspension of transit services for a period no longer than seven (7) calendar days.

Second Offense:

The second violation of this code may result in a suspension of transit services for a period no longer than thirty (30) calendar days.

Third Offense:

The third violation of this code may result in a suspension of transit services for a period no longer than 360 calendar days.

Due Process- Appeal of Suspension Action:

Users of the agency's services may appeal a suspension of service decision in writing to either the Tri Delta Transit CEO at 801 Wilbur Avenue, Antioch, CA 94509 or by emailing CEO@trideltatransit.org.

Appeals Procedures:

(1) A person who violates any provision of the code and who receives a suspension may, within seven (7) calendar days of the issuance of such suspension, request a review to dispute the violation. The request for review may be made by telephone, email, in writing, or in person.

(2) The CEO or their designee will conduct a review of the materials submitted supporting a request for a review to determine whether the violation did or did not occur, or whether extenuating circumstances exist which may deem dismissal of the suspension appropriate. The CEO or their designee will review all materials submitted and may conduct a further interview of any person or witness related to the incident. Upon completing such a review, the CEO or their designee will make a written decision to either (a) uphold the suspension, (b) modify the suspension, and determine the starting and end date of the suspension, (c) dismiss the suspension and reinstate the appellant's ability to use the service, or (d) take other appropriate action commensurate with the review.



(3) ECCTA will notify, in writing, the person requesting the review as to the outcome of the review. Notice of the results of the review shall be deemed to have been received by the person who requested the initial review five (5) calendar days following notification of the decision by ECCTA. Service may be accomplished in person, or by any form of electronic or written mail.

Notices, letters, and appeal decisions will also be made available for pickup during regular business hours at the ECCTA administrative office customer service window.

Remedy Not Exclusive:

ECCTA's adoption and enforcement of this code is not an exclusive remedy for conduct affecting ECCTA and does not limit ECCTA's ability to resort to any other penal, judicial, or administrative remedy and/or penalty available under applicable local, state, or federal law.

Code of Conduct

ECCTA requires users of its services to adhere to minimum standards of conduct. The purpose of the policies and rules are to protect the health, safety, and welfare of ECCTA passengers and employees, to protect equipment and facilities used in providing public transit services, and to assure civility and desirability of transit service. The following code of conduct details the minimum standards expected and the activities and/or behaviors that are prohibited on ECCTA buses, ECCTA facilities, and ECCTA property, and further informs of the behavior that shall not be engaged in by persons utilizing or desiring to utilize ECCTA services. Failure to adhere to this code of conduct may be cause for removal or suspension from ECCTA properties or services consistent with this policy:

Onboard Buses/Vehicles

- Customers must board the bus at a designated bus stop. For safety, the bus will not stop after it pulls away from the curb.
- ECCTA customers are required to pay the proper fare with cash or accepted fare media upon boarding the bus. To receive a reduced fare, a customer is required to show eligibility for the reduced fare.



- Animals are not permitted in ECCTA facilities or vehicles, unless the animal is: (1) in a secure animal carrier, (2) a certified police dog accompanied by a peace officer, or (3) a service animal, as defined by the Americans with Disabilities Act (ADA).
 - Where permitted, animals must be properly secured and/or controlled while riding in an ECCTA vehicle or visiting an ECCTA facility, as follows:
 - The service animal is required to sit, stand or lay on the floor of the vehicle and may not block the aisle.
 - Service animals must be under the control of the handler at all times.
 - If an animal misbehaves, the customer may be asked to remove the animal from the vehicle. If an animal misbehaves on multiple occurrences, the animal's riding privileges may be revoked. Examples of misbehavior include unprovoked growling or attacking a customer, an operator, or other service animal, excessive barking, or repeated instances of urination or defecation on or in ECCTA buses or facilities.
- Priority seating is labeled and available at the front of the bus for senior and disabled customers. Please yield priority seats to senior and disabled customers.
- Keep the aisle clear of carts and strollers or use the designated stroller area.
- Sealed food and drink are permitted on ECCTA vehicles, but eating and drinking onboard a vehicle is prohibited.
- Drinking or carrying alcohol in an open container is prohibited.
- The use of portable audio equipment without earphones is not allowed.
- Shoes and clothing are required.
- All customers must exit the bus at the end of the line.

ECCTA Property

- Loitering or remaining in or on ECCTA property, vehicles, bus stops, or bus shelters beyond what is reasonably necessary for utilizing ECCTA services is prohibited.
- Bicycles, skates, skateboards, kick scooters, e-scooters and other wheeled devices, except wheelchairs and mobility aid devices, may not be ridden on vehicles.
- Interfering or tampering with mobile data computers, fare boxes, security equipment or any other equipment on ECCTA property or vehicles is prohibited.



- Intentionally damaging, obstructing or impeding the flow of transit vehicles, passenger traffic, hindering or preventing access to transit vehicles or stations, or unlawfully interfering with the provision or use of public transportation services is prohibited.
- Commercial activity is prohibited on ECCTA property and vehicles, unless permitted and authorized by ECCTA in writing and subject to the approval of the ECCTA CEO or their designee.
- No person, other than an ECCTA employee, shall post flyers, pamphlets, posters, or any other materials on ECCTA property, vehicles, bus stops, or bus shelters.

Prohibited Disorderly Conduct

- Intentional fare evasion, payment of incorrect fare, or misuse of tickets.
- Verbal, threatening, violent, or physical abuse or assault of an ECCTA employee or customer.
- Behavior that presents a danger to the health, safety or welfare of an ECCTA employee or customer. Such behavior includes conduct which is violent, seriously disruptive or illegal as defined by the California Penal Code.
- Harassing or abusing an ECCTA employee or customer because of race, national origin, sexual orientation, or other protected classification as outlined by federal and state statute.
- Sexually harassing an ECCTA employee or customer.
- Defacing, destroying, tampering, removing or otherwise damaging ECCTA property, vehicles, bus stops, or bus shelters.
- Smoking or carrying a lighted or smoldering pipe, cigar, cigarette, electronic cigarette, vaping device or using tobacco, cannabis, or other substance, while on ECCTA vehicles or within ECCTA bus shelters or stops.
- Possession of controlled or hazardous substances, guns, knives or devices that are weapons or appear to be capable of being used as a weapon. This provision does not apply to law enforcement.
- Carrying flammable liquids, explosives, acid, battery or other article or material likely to cause harm to others.
- Urinating, defecating, vomiting, spitting, or inappropriately discharging of bodily fluids on transit property.



- Customers who are temporarily unable to care for themselves due to illness or intoxication, which interferes with the safe and smooth operation of the vehicle.
- Intentionally disturbing others by engaging in loud, boisterous, raucous, unruly, or harassing behavior that is harmful and intimidating to others.
- Blocking an aisle, door, or stairway with one's body or object, in a way that poses a danger, unreasonably impedes a customer or ECCTA employee's movement, or displaces a customer.
- Failing to maintain acceptable standards of personal hygiene, which could expose an ECCTA employee or customer to health and safety risks.
- Engaging in or soliciting another person to engage in prostitution or other illicit activity (human trafficking).

ALL RIDERS AND TRANSIT AGENCY VISITORS MUST FOLLOW THE CODE OF CONDUCT POLICY

Eastern Contra Costa Transit Authority (ECCTA), also known as Tri Delta Transit, is committed to providing quality and non-discriminatory public transportation.

Unfortunately, there are occasions when customer behavior seriously disrupts or endangers the health and safety of our employees and members of the public who use our services. When this occurs, it may be necessary to deny ECCTA services and/or access to ECCTA facilities to those customers in accordance with the criteria and procedures specified in this policy.

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The policy is enacted pursuant to the authority granted to ECCTA by the California Penal Code Section 640.

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Nothing in this policy shall be applied in a manner that discriminates against individuals with disabilities, or other protected classes. Individuals with disabilities, as defined by law, may request reasonable accommodation to the Rider Code of Conduct Policy by contacting the Compliance Manager at ECCTA's Administration office, located at 801 Wilbur Avenue, Antioch by calling 1-925-754-6622.



RIDER CODE OF CONDUCT POLICY

for
Eastern Contra Costa Transit Authority



801 Wilbur Avenue
Antioch, CA 94509
www.TriDeltaTransit.com

Administration 1-925-754-6622
Route Information 1-925-754-4040
Paratransit Scheduling 1-925-754-3060
Accessible Services 1-925-706-4398
Tri MyRide 1-925-470-4997

TTY Relay 7-1-1

PROCEDURES FOR SUSPENSION / EXCLUSION

A person who violates this policy is subject to a notice of violation and imposition of any and all remedies, fines, criminal sanctions, damages, and penalties available by law. Enforcement of any provisions of this policy involving the payment of any fees, penalties, other administrative amounts, or community service, based on California Penal Code section 640 (b) and (c), shall be pursuant to the authority and according to the procedures herein.

Administrative Action:

Staff will review all reports by bus operators or riders relating to complaints of conduct or behavior in violation of this code. Upon such review, the agency in its sole discretion may:

- Suspend future riding privileges for a definite or indefinite period (refer to "Suspension of Service" below)
- Notify appropriate law enforcement agency(s) and pursue arrest and criminal prosecution of the offending customer.
- Pursue any other appropriate legal or administrative remedy.
- Contact appropriate school authorities where applicable.
- Issue a warning letter.
- Determine that no further action is required.

Suspension of Service:

ECCTA reserves the right to suspend service to individuals who violate any of the policies and/or rules contained herein. Penalties may be increased if the infraction is deemed to be of a criminal nature and under investigation and/or action by the police and/or court jurisdiction. The Chief Operating Officer (COO) of ECCTA, or their designee, shall be authorized to make a decision for suspension of service, which shall be final, subject to the individual's right to appeal.

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In the case of conduct which is determined by ECCTA to present a clear and immediate threat to the safety of customers or ECCTA employees, and/or which has resulted in injury to the violator or to customers and/or ECCTA employees, ECCTA may immediately and/or permanently suspend transit services subject to the individual's right to appeal.

- **First Offense:** The first violation of this code may result in suspension of transit services for a period no longer than seven (7) calendar days.
- **Second Offense:** The second violation of this code may result in a suspension of transit services for a period no longer than thirty (30) calendar days.
- **Third Offense:** The third violation of this code may result in a suspension of transit services for a period no longer than 360 calendar days.

Due Process-Appeal of Suspension Action:

Users of the agency's services may appeal a suspension of service decision in writing to either the Tri Delta Transit Chief Executive Officer (CEO) at 801 Wilbur Avenue, Antioch, CA 94509 or by emailing CEO@trideltatransit.org.

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- (1) A person who violates any provision of the code and who receives a suspension may, within seven (7) calendar days of the issuance of such suspension, request a review to dispute the violation. The request for review may be made by telephone, email, in writing, or in person.
- (2) The CEO or their designee will conduct a review of the materials submitted supporting a request for a review to determine whether the violation did or did not occur, or whether extenuating circumstances exist which may deem dismissal of the suspension appropriate. The CEO or their designee will review all materials submitted and may conduct a further interview of any person or witness related to the incident. Upon completing such a review, the CEO or their designee will make a written decision to either (a) uphold the suspension, (b) modify the suspension, and determine the starting and end date of the suspension, (c) dismiss the suspension and reinstate the appellant's ability to use the service, or (d) take other appropriate action commensurate with the review.
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Notices, letters, and appeal decisions will also be made available for pickup during regular business hours at the ECCTA administrative office customer service window.

Remedy Not Exclusive:

ECCTA's adoption and enforcement of this code is not an exclusive remedy for conduct affecting ECCTA and does not limit ECCTA's ability to resort to any other penal, judicial or administrative remedy and/or penalty available under applicable local, state or federal law.



CODE OF CONDUCT ONBOARD BUSES/VEHICLES

- Customers must board the bus at a designated bus stop. For safety, the bus will not stop after it pulls away from the curb.
- ECCTA customers are required to pay the proper fare with cash or accepted fare media upon boarding the bus. To receive a reduced fare, a customer is required to show eligibility for the reduced fare.
- Animals are not permitted in ECCTA facilities or vehicles, unless the animal is: (1) in a secure animal carrier, (2) a certified police dog accompanied by a peace officer, or (3) a service animal, as defined by the Americans with Disabilities Act (ADA). Where permitted, animals must be properly secured and/or controlled while riding in an ECCTA vehicle or visiting an ECCTA facility, as follows:
 - ⇒ The service animal is required to sit, stand or lay on the floor of the vehicle and may not block the aisle.
 - ⇒ Service animals must be under the control of the handler at all times.
 - ⇒ If an animal misbehaves, the customer may be asked to remove the animal from the vehicle. If an animal misbehaves on multiple occurrences, the animal's riding privileges may be revoked. Examples of misbehavior include unprovoked growling or attacking a customer, an operator, or other service animal, excessive barking, or repeated instances of urination or defecation on or in ECCTA buses or facilities.
- Priority seating is labeled and available at the front of the bus for senior and disabled customers. Please yield priority seats to senior and disabled customers.
- Keep the aisle clear of carts and strollers or use the designated stroller area.
- Sealed food and drink are permitted on ECCTA vehicles, but eating and drinking onboard a vehicle is prohibited.
- Drinking or carrying alcohol in an open container is prohibited.
- The use of portable audio equipment without earphones is not allowed.
- Shoes and clothing are required.
- All customers must exit the bus at the end of the line.



CODE OF CONDUCT ECCTA PROPERTY

- Loitering or remaining in or on ECCTA property, vehicles, bus stops, or bus shelters beyond what is reasonably necessary for utilizing ECCTA services is prohibited.
- Bicycles, skates, skateboards, kick scooters, e-scooters and other wheeled devices, except wheelchairs and mobility aid devices, may not be ridden on vehicles.
- Interfering or tampering with mobile data computers, fare boxes, security equipment or any other equipment on ECCTA property or vehicles is prohibited.
- Intentionally damaging, obstructing or impeding the flow of transit vehicles, passenger traffic, hindering or preventing access to transit vehicles or stations, or unlawfully interfering with the provision or use of public transportation services is prohibited.
- Commercial activity is prohibited on ECCTA property and vehicles, unless permitted and authorized by ECCTA in writing and subject to the approval of the ECCTA CEO or their designee.
- No person, other than an ECCTA employee, shall post flyers, pamphlets, posters, or any other materials on ECCTA property, vehicles, bus stops, or bus shelters.

LANGUAGE ASSISTANCE

If information is needed in another language, please contact 1-925-754-6622.

Si necesita información en Español, llame al 1-925-754-6622.

如果需要中文信息, 請電 1-925-754-6622.

Kung kailangan ng impormasyon sa Tagalog, mangyaring tumawag sa 1-925-754-6622.

Nếu cần thông tin bằng tiếng Việt, vui lòng gọi 1-925-754-6622.

CODE OF CONDUCT PROHIBITED DISORDERLY CONDUCT

- Intentional fare evasion, payment of incorrect fare, or misuse of tickets.
- Verbal, threatening, violent, or physical abuse or assault of an employee or customer.
- Behavior that presents a danger to the health, safety or welfare of an ECCTA employee or customer. Such behavior includes conduct which is violent, seriously disruptive or illegal as defined by the California Penal Code.
- Harassing or abusing an ECCTA employee or customer because of race, national origin, sexual orientation, or other protected classification as outlined by federal and state statute.
- Sexually harassing an ECCTA employee or customer.
- Defacing, destroying, tampering, removing or otherwise damaging ECCTA property, vehicles, bus stops, or bus shelters.
- Smoking or carrying a lighted or smoldering pipe, cigar, cigarette, electronic cigarette, vaping device or using tobacco, cannabis, or other substance, while on ECCTA vehicles or within ECCTA bus shelters or stops.
- Possession of controlled or hazardous substances, guns, knives or devices that are weapons or appear to be capable of being used as a weapon. This provision does not apply to law enforcement.
- Carrying flammable liquids, explosives, acid, battery or other article or material likely to cause harm to others.
- Urinating, defecating, vomiting, spitting, or inappropriately discharging of bodily fluids on transit property.
- Customers who are temporarily unable to care for themselves due to illness or intoxication, which interferes with the safe and smooth operation of the vehicle.
- Intentionally disturbing others by engaging in loud, boisterous, raucous, unruly, or harassing behavior that is harmful and intimidating to others.
- Blocking an aisle, door, or stairway with one's body or object, in a way that poses a danger, unreasonably impedes a customer or ECCTA employee's movement, or displaces a customer.
- Failing to maintain acceptable standards of personal hygiene, which could expose an ECCTA employee or customer to health and safety risks.
- Engaging in or soliciting another person to engage in prostitution or other illicit activity (human trafficking).



CODE OF CONDUCT

ECCTA requires users of its services to adhere to minimum standards of conduct. The purpose of the policies and rules are to protect the health, safety, and welfare of ECCTA passengers and employees, to protect equipment and facilities used in providing public transit services, and to assure civility and desirability of transit service. The following code of conduct details the minimum standards expected and the activities and/or behaviors that are prohibited on ECCTA buses, ECCTA facilities, and ECCTA property, and further informs of the behavior that shall not be engaged in by persons utilizing or desiring to utilize ECCTA services. Failure to adhere to this code of conduct may be cause for removal or suspension from ECCTA properties or services consistent with this policy.

HOW YOU CAN HELP

You have reporting options for your safety and security concerns:

- **Call 9-1-1** for crimes in progress and emergencies.
Be prepared to give the bus number, route number and direction the bus is traveling.
- **Report on the bus to the operator.**
- **Tri Delta Watch App- Report** using the free app for both iOS and Android.

All ECCTA buses are equipped with audio/video security equipment.



State of California

PENAL CODE

Section 640

640. (a) (1) Any of the acts described in paragraphs (1) to (6), inclusive, of subdivision (b) is an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250) and by community service for a total time not to exceed 48 hours over a period not to exceed 30 days, during a time other than during the violator's hours of school attendance or employment. Except as provided in subdivision (g), any of the acts described in paragraphs (1) to (3), inclusive, of subdivision (c), upon a first or second violation, is an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250) and by community service for a total time not to exceed 48 hours over a period not to exceed 30 days, during a time other than during the violator's hours of school attendance or employment. Except as provided in subdivision (g), a third or subsequent violation of any of the acts described in paragraphs (1) to (3), inclusive, of subdivision (c) is a misdemeanor punishable by a fine of not more than four hundred dollars (\$400) or by imprisonment in a county jail for a period of not more than 90 days, or by both that fine and imprisonment. Any of the acts described in subdivision (d) shall be punishable by a fine of not more than four hundred dollars (\$400), by imprisonment in a county jail for a period of not more than 90 days, or by both that fine and imprisonment.

(2) This section shall apply only to acts committed on or in a facility or vehicle of a public transportation system.

(b) (1) Eating or drinking in or on a system facility or vehicle in areas where those activities are prohibited by that system.

(2) Playing unreasonably loud sound equipment on or in a system facility or vehicle, or failing to comply with the warning of a transit official related to disturbing another person by loud or unreasonable noise.

(3) Smoking in or on a system facility or vehicle in areas where those activities are prohibited by that system.

(4) Expectorating upon a system facility or vehicle.

(5) Skateboarding, roller skating, bicycle riding, roller blading, or operating a motorized scooter or similar device, as defined in Section 407.5 of the Vehicle Code, in a system facility, vehicle, or parking structure. This paragraph does not apply to an activity that is necessary for utilization of the transit facility by a bicyclist, including, but not limited to, an activity that is necessary for parking a bicycle or transporting a bicycle aboard a transit vehicle, if that activity is conducted with the permission of the transit agency in a manner that does not interfere with the safety of the bicyclist or other patrons of the transit facility.

(6) Selling or peddling any goods, merchandise, property, or services of any kind whatsoever on the facilities, vehicles, or property of the public transportation system if the public transportation system has prohibited those acts and neither the public transportation system nor its duly authorized representatives have granted written consent to engage in those acts.

(c) (1) Evasion of the payment of a fare of the system. For purposes of this section, fare evasion includes entering an enclosed area of a public transit facility beyond posted signs prohibiting entrance without obtaining valid fare, in addition to entering a transit vehicle without valid fare.

(2) Misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare.

(3) (A) Unauthorized use of a discount ticket or failure to present, upon request from a transit system representative, acceptable proof of eligibility to use a discount ticket, in accordance with Section 99155 of the Public Utilities Code and posted system identification policies when entering or exiting a transit station or vehicle. Acceptable proof of eligibility must be clearly defined in the posting.

(B) If an eligible discount ticket user is not in possession of acceptable proof at the time of request, a citation issued shall be held for a period of 72 hours to allow the user to produce acceptable proof. If the proof is provided, the citation shall be voided. If the proof is not produced within that time period, the citation shall be processed.

(d) (1) Willfully disturbing others on or in a system facility or vehicle by engaging in boisterous or unruly behavior.

(2) Carrying an explosive, acid, or flammable liquid in a public transit facility or vehicle.

(3) Urinating or defecating in a system facility or vehicle, except in a lavatory. However, this paragraph shall not apply to a person who cannot comply with this paragraph as a result of a disability, age, or a medical condition.

(4) Willfully blocking the free movement of another person in a system facility or vehicle. This paragraph shall not be interpreted to affect any lawful activities permitted or First Amendment rights protected under the laws of this state or applicable federal law, including, but not limited to, laws related to collective bargaining, labor relations, or labor disputes.

(5) Willfully tampering with, removing, displacing, injuring, or destroying any part of a facility or vehicle of a public transportation system.

(e) Notwithstanding subdivision (a) or (g), a public transportation agency, as defined in paragraph (4) of subdivision (c) of Section 99580 of the Public Utilities Code, may do either of the following:

(1) Enact and enforce an ordinance providing that a person who is the subject of a citation for any of the acts described in subdivision (b) of Section 99580 of the Public Utilities Code on or in a facility or vehicle described in subdivision (a) for which the public transportation agency has jurisdiction shall, under the circumstances set forth by the ordinance, be afforded an opportunity to complete an administrative process that imposes only an administrative penalty enforced in a civil proceeding.

The ordinance for imposing and enforcing the administrative penalty shall be governed by Chapter 8 (commencing with Section 99580) of Part 11 of Division 10 of the Public Utilities Code.

(2) Enforce as an infraction pursuant to subdivision (b) the act of failing to yield seating reserved for an elderly or disabled person in a facility or vehicle for which the public transportation agency has jurisdiction, provided that the governing board of the public transportation agency enacts an ordinance to that effect after a public hearing on the issue.

(f) For purposes of this section, “facility or vehicle of a public transportation system” means any of the following:

(1) A facility or vehicle of a public transportation system as defined by Section 99211 of the Public Utilities Code.

(2) A facility of, or vehicle operated by, an entity subsidized by, the Department of Transportation.

(3) A facility or vehicle of a rail authority, whether owned or leased, including, but not limited to, any part of a railroad, or track of a railroad, or any branch or branchway, switch, turnout, bridge, viaduct, culvert, embankment, station house, or other structure or fixture, or any part thereof, attached or connected to a railroad.

(4) A leased or rented facility or vehicle for which any of the entities described in paragraph (1), (2), or (3) incurs costs of cleanup, repair, or replacement as a result of any of those acts.

(g) A minor shall not be charged with an infraction or a misdemeanor for violation of paragraphs (1) to (3), inclusive, of subdivision (c). Nothing in this subdivision shall limit the ability of a public transportation agency to assess an administrative penalty as established in paragraph (1) of subdivision (e) and in Section 99580 of the Public Utilities Code, not to exceed one hundred twenty-five dollars (\$125) upon a first or second violation and not to exceed two hundred dollars (\$200) upon a third or subsequent violation, to permit the performance of community service in lieu of payment of the fare evasion or passenger conduct penalty pursuant to Section 99580 of the Public Utilities Code, or to allow payment of the fare evasion or passenger conduct penalty in installments or deferred payment pursuant to Section 99580 of the Public Utilities Code.

(Amended by Stats. 2017, Ch. 219, Sec. 1. (SB 614) Effective January 1, 2018.)

TAB 6

Agenda Item #7d
ACTION ITEM: SB1 State of Good
Repair Program

Board of Directors Meeting

Wednesday September 25, 2024

ECCTA Boardroom
801 Wilbur Avenue, Antioch, CA 94509

Staff Report to ECCTA Board of Directors

Meeting Date: September 25, 2024

Agenda Item: SB1 State of Good Repair Program – Agenda Item #7d

Lead Staff: Agustin Diaz, Manager of Planning and Grants

Approved: Rashidi Barnes, Chief Executive Officer



Background

Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017, established the State of Good Repair (SGR) program to fund eligible transit maintenance, rehabilitation, and capital project activities that maintain the public transit system in a state of good repair.

Financial Impact

In order to qualify for these funds, ECCTA is required to submit a proposed project list to the Metropolitan Transportation Commission on an annual basis. ECCTA's share of SGR funds for fiscal year 2024-25 is estimated to be \$69,649. ECCTA staff proposes that we use these funds for the following facility project:

Project Name: ECCTA Roof Resealing

SGR Funding/Project Cost - \$69,649

Project Summary – The roof on ECCTA's combined administrative and maintenance facility needs to be resealed to prevent leaking that has been occurring. A section of the roof is part of the original construction of the facility, which is nearly 40 years old, while the other section of the roof that are part of the facility expansion that took place over 20 years ago. Stopping the leaking from the roof will help to prevent any other water-related damage from occurring to the building.

Requested Action

Approve Resolution #240925D, approving ECCTA's fiscal year 2024-25 State of Good Repair Program project list submittal.



TRI DELTA TRANSIT

Eastern Contra Costa Transit Authority
801 Wilbur Avenue • Antioch, California 94509
Phone 925.754.6622 Fax 925.757.2530

RESOLUTION #240925D
APPROVING THE FY 2024-25 PROJECT LIST FOR
THE CALIFORNIA STATE OF GOOD REPAIR PROGRAM

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017, establishing the State of Good Repair (SGR) program to fund eligible transit maintenance, rehabilitation and capital project activities that maintain the public transit system in a state of good repair; and

WHEREAS, SGR funds are allocated by the Metropolitan Transportation Commission; and

WHEREAS, the ECCTA share of SGR funds for fiscal year 2024-25 is estimated to be \$69,649; and

WHEREAS, these funds will be used for project ECCTA Roof Resealing; and

WHEREAS, in order to qualify for these funds, ECCTA is required to submit a proposed project list to the Metropolitan Transportation Commission on an annual basis; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the ECCTA hereby approves the SB1 State of Good Repair Project List for FY 2024-25; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the ECCTA that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations, and guidelines for all SGR-funded transit capital projects.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Chief Executive Officer, or their designee, is hereby authorized to submit a request for Scheduled Allocation of the SB1 State of Good Repair Funds and to execute the related grant applications, forms, and agreements.

PASSED AND ADOPTED THIS 25th day of September 2024, by the following votes:

Eastern Contra Costa Transit Authority

Diane Burgis, Chair

Rashidi Barnes, Chief Executive Officer

AYES: _____
NOES: _____

ABSENT: _____
ABSTENTIONS: _____

TAB 7

Agenda Item #7e

**ACTION ITEM: Project Labor Agreement
(PLA)**

Board of Directors Meeting

Wednesday September 25, 2024

ECCTA Boardroom

801 Wilbur Avenue, Antioch, CA 94509

Staff Report to ECCTA Board of Directors

Meeting Date: September 25, 2024

Agenda Item: Project Labor Agreement (PLA) - Agenda Item #7e

Lead Staff: Rashidi Barnes, Chief Executive Officer

Approved: Rashidi Barnes, Chief Executive Officer



Introduction

Per the request of the Tri Delta Transit Board of Directors, during the July 24, 2024, Board of Directors meeting, staff was directed to agendize an item to discuss establishing policy for the potential use of Project Labor Agreements (PLAs) on large construction projects for Tri Delta Transit. As detailed herein, that process includes staff presenting to the Board and getting feedback on key terms for use in a PLA, seeking interested trade groups or labor organizations, and then proceeding to negotiate a PLA based on the key terms approved by the Board and include copy of PLA and corresponding Contractor Consent Agreement in RFPs on applicable projects.

Discussion

PLAs are pre-hire labor agreements between project-owner representatives and local construction unions. PLAs are permitted explicitly for use in the construction industry by Section 8(f) of the National Labor Relations Act. PLAs are often utilized for large, publicly-funded projects that spell out the specific terms and conditions of governance for the employment of labor for the project's duration. Furthermore, PLAs are intended to ensure labor harmony on project job sites and provide a uniform labor relations framework for labor and management during the construction programs. PLAs also commit contractors and subcontractors to hire unionized workers for construction projects where available. Such agreements set wages, safety protocols, local hiring measures, and training for the workforce.

More recently, some cities and public transit agencies have begun negotiating PLAs for use within their respective organizations. Typically, PLAs have fallen under two different styles of agreements. The first is when the agency establishes a policy for utilizing PLAs for all publicly-funded projects (policy), and the second type of agreement is when the agency establishes a policy to use PLAs for a defined scope of specific large-scale projects (project-specific). Whether establishing a “policy” or “project specific” PLA, the estimated construction value and types of anticipated projects tend to be the main considerations on how or when to use PLA.

Federal Transit Administration (FTA) Guidelines: Clarification on local preferences

In the previous presentation, we had informed the Board of limitations on local preferences. However, we wanted to provide some clarity on the issue. Prior to the Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act on November 15, 2021, unless architectural and engineering (A&E) services were being procured, geographic hiring preferences were prohibited by FTA (even if imposed by state or local laws). A&E contracts were the only exception because knowledge of local conditions and building codes is important for a contractor’s qualifications.

On May 21, 2021, the FTA announced an initiative to permit FTA recipients and subrecipients to utilize geographic, economic, or other hiring preferences on FTA-funded construction projects. The Bipartisan Infrastructure Law, enacted as the Infrastructure Investment and Jobs Act on November 15, 2021, includes Section 25019, Local Hiring Preference for Construction Jobs. This section allows FTA recipients to implement a local or other geographical or economic hiring preference for construction labor so long as it does not limit competition. This means that pursuant to this rule, a federally funded grantee has the prerogative to decide whether to use a PLA. Moreover, a grantee may choose whether to use a PLA on a project-specific basis or create a policy that governs how all future construction projects are completed.

In determining whether to use a PLA, a grantee may consider many factors, including, but not limited to:

- The size and complexity of the project
- The importance of the project and the need to adhere to a specific timeline
- The risk of labor unrest on the project and the circumstances that are present that may lead to a heightened risk of labor disruption, such as the history of labor unrest in the area, the anticipated working conditions of the project relating to the environment or work schedules, and the expiration of one or more collective bargaining agreements that could lead to jurisdictional disputes
- The impacts of a labor disruption on the users, the operation of the facility, and the region
- The costs of a delay should a labor disruption occur

Agenda Item #7e
Eastern Contra Costa Transit Authority
Board of Directors Meeting
September 25, 2024

- The available labor pool relative to the particular skills required to complete the project

Tri Delta Transit Past Construction Projects

As a small transit agency, most of our large-scale construction funding is provided and governed by FTA guidelines. Tri Delta Transit does not have an extensive capital/construction program and/or budget. Historically, our capital program has only focused on procuring buses, cars, service trucks, and maintenance equipment. Since 2014, Tri Delta Transit has completed two large, non-vehicle-related projects, which are listed below:

Project			Cost	Completion Year
Facility	Solar	Panel	\$1.31M	2017
Installation				
Oakley Park and Ride			\$5.6M	2022

Local PLA Examples

Within the Metropolitan Transportation Commission (MTC) region, there are 27 total public transit agencies. Tri Delta Transit staff has surveyed these agencies on PLA use over the last 60 days. Not all agencies responded to staff inquiries. Of the 18 that responded, only 39% (7) operate or have operated under some type of PLA. Of those agencies that have used a PLA, only three have an approved agency policy for all construction projects. Two of those are transit agencies that are departments within their respective cities, and those cities' PLAs govern any construction project citywide (i.e., the PLA is Citywide, and includes transit, rather than a transit-focused PLA). The remaining four transit agencies that use PLAs have all used project-specific PLAs, where the PLA only applies to large construction projects ranging from \$10M to \$2.4B.

The seven transit agencies, project type, agreement year, and contract cost are listed below:

<i>Agencies</i>	<i>Type</i>	<i>Agreement Year</i>	<i>Contract Cost</i>	Annual Capital Expenditures 2022 NTD
AC Transit	Project Specific - BRT	2016	BRT construction cost \$102M	\$38M

BART	Project Specific	2016	All construction projects exceeding \$10M	\$729M
Caltrain	Project Specific - Peninsula Electrified Corridor Project	2015	Electrification cost \$2.44B	\$611M
WETA	Project Specific - Richmond Ferry Terminal and Maintenance facilities	2013	Facility cost \$20 M	\$14M
FAST	Citywide Policy	2014	Facility cost \$59M	\$1M
Santa Rosa	Citywide Policy	2022	All construction projects exceeding \$500K	1.4M
Santa Clara Valley Transportation Authority (VTA)	Agency Policy	2016 (2021)	All construction projects exceeding \$2M	\$225M

Based on the responses from the agencies surveyed, Santa Clara Valley Transportation Authority (VTA) is the only agency with a PLA policy for all construction projects. The construction cost estimate threshold is set at \$2M. In contrast, BART has a project-specific policy covering 30 projects governed by an estimated cost threshold of \$10M. All of the agencies that have a policy or project-specific agreement have terms that are unique to the agency and its needs.

The survey results also compared the annual capital expenditures for the five agencies with a policy or project-specific PLA. As mentioned, PLAs were historically used to govern large-scale, publicly funded construction projects. The National Transportation Data (NTD) was used to provide an accurate source of data for these agencies to compare annual capital expenditures.

Available at the time of this report was the 2022 Capital expenditures. On average, excluding the transit agencies that are departments within a city, the capital funds expended in 2022 for the above-referenced agencies was \$323.4M. In comparison, Tri Delta Transit, in 2022, had a capital expenditure of \$4.3M during that same period.

The remaining 11 surveyed transit agencies, which range in size and capital expenditures, do not currently have PLAs. These agencies are Tri Delta Transit, County Connection, WestCat, LAVTA, SamTrans, Napa, Marin, SolTrans, Petaluma, SMART, and Contra Costa Transportation Authority (CCTA). The average capital expenditure for 2022 among the agencies without PLAs was \$6M, compared to the \$323.4M cited above. Please see attachment A for further information on the results of the staff's survey.

Since the estimated capital cost for a project historically has triggered the use of a PLA, projected capital projects tend to be the basis of determining whether to use a PLA. Below are the forecasted capital projects and their estimated expenditures for Tri Delta Transit over the next five years.

Project Name	Projected Cost	Estimated Timeline	Notes
Hydrogen fuel cell station	\$6M-\$10M	Issue RFP Jan 2025	\$10M of Federal funding has been secured for the project. Funds need to be executed by 6/2026
Maintenance building retrofitting	\$1M-\$3M	Issue RFP Jan 2025	Approximately \$900K in funding has been set aside for the project
Battery electric charging structure upgrade	\$2M-\$3M	2027 -2029	No current funding secured
Antioch Mobility Hub	\$5M-\$15M	TBD	The Feasibility Study is currently underway. The cost and start of the project will depend on the study's results and available funding.

Current Tri Delta Transit Procurement Guidelines

Tri Delta Transit's Board approved procurement guidelines govern all capital/construction projects. Furthermore, under the California Public Works Contract Registration Law (SB 854), a public works project generally refers to construction, alteration, demolition, installation, or repair work done under contract and paid for in part or whole with public funds. Per California Labor Code section 1770 et. seq., prevailing wage requirements apply to all public works projects over

\$1,000. The prevailing wage rates are usually based on rates specified in collective bargaining agreements.

Process for completing a PLA

The general process for adopting and implementing a PLA is as follows:

1. Set key terms for utilizing in a negotiated PLA (staff to develop suggested terms and the board approval).
2. Prepare a Draft agreement.
3. Issue a letter to local trade/labor organizations interested in negotiating a PLA
4. Negotiate PLA
5. Include a copy of PLA and the corresponding Contractor Consent Agreement in RFPs on applicable projects.

Financial Impact

Negotiating, implementing, and managing a PLA for Tri Delta Transit will involve indirect and direct costs. Those costs will include staff time in developing key terms, as well as in contacting and working with local trade councils or labor organizations. In addition, there are staff time and legal costs in negotiating a PLA. Such costs are difficult to estimate. In reviewing efforts of similar entities, negotiating a PLA may be on the shorter side and take a couple of months or may involve protracted negotiations. For Example, in a June 18, 2021, board report, the Santa Clara Valley Transportation Authority stated that its agreement with the Santa Clara and San Benito Counties Building and Constructions Trades Council took three years to develop the final deal terms.

Given the budget constraints for Tri Delta Transit and the looming fiscal cliff, and the fact that these costs were not included in the budget for FY 24/25, there is a risk that these costs could increase to the point of creating financial burdens on Tri-Delta Transit for FY 24/25, which could negatively impact service.

Requested Action

Staff recommends the Board provide direction on the next steps. If the Board desires staff to proceed in the development of a PLA, staff will need to develop a set of suggested key contract terms for use in PLAs and account for the development/negotiation of a PLA in the budget for

the next fiscal year (FY 25/26), and will provide a follow-up presentation to the Board after the FY 25/26 budget has been approved.

Alternatively, the Board may direct staff to take no further action at this time.

Agencies	No	Yes	Type	Agreement Year	Contract Cost	Annual Capital Expenditures 2022 NTD	Notes
AC Transit		X	Project Specific - BRT	2016	\$102M	\$38M	Project Information
BART		X	Project Specific	2016	>\$10M	\$729M	During the execution of the MPPSA there were only nine (9) covered projects, but currently there are more than thirty (30). Applies to contracts above \$10 million and sometimes to projects below the threshold, which are <i>considered on a case-by-case basis depending on the specialized work/trades</i>
Caltrain		X	Project Specific - Peninsula Electrified Corridor Project	2015	\$2.44B	\$611M	Project Information
FAST		X	Citywide Policy	2014	\$59M	\$1M	Construction of the Intermodal Station Project
Santa Rosa		X	Citywide Policy	2022	\$1.2M	1.4M	Santa Rosa Transit is a city department. All public works projects, over \$500K fall under the active PLA.
VTA		X	Policy	2016 (2021)	>\$2M	\$225M	Emergency repairs or remediation projects are excluded
WETA		X	Project Specific - Richmond Ferry Terminal and Maintenance facilities	2013	\$20 M	\$14M	No current agreement
CCTA	X					\$441K	
SamTrans	X					\$10M	
Napa	X					\$13M	
Marin	X					\$10M	
Sol Trans	X					\$6M	
SMART	X					\$4.2M	
TDT	X					\$4.3M	
CCCTA	X					\$500K	
West Cat	X					\$3M	
Petaluma	X					\$35K	
LAVTA	X					\$1.3M	

TAB 8

Agenda Item #7f

ACTION ITEM: Bus Shelter Installation

Board of Directors Meeting

Wednesday September 25, 2024

ECCTA Boardroom

801 Wilbur Avenue, Antioch, CA 94509

Staff Report to ECCTA Board of Directors

Meeting Date: September 25, 2024

Agenda Item: Bus Shelter Installation – Agenda Item #7f

Lead Staff: Joe Chappelle, Manager of Administrative Services

Approved: Rashidi Barnes, Chief Executive Officer



Background

In November 2023, ECCTA received a grant as part of the Clean California Local Grant Program, which seeks to help local communities beautify and improve local streets and roads, tribal lands, parks, pathways, and transit centers. Our proposal included updating the bus shelters at our two stops at the Los Medanos College campus in Pittsburg. The Board of Directors approved the purchase of the bus shelters on June 26, 2024.

An Invitation for Bids (IFB) for the installation of those shelters was originally published on July 8, 2024. In response, two bids were submitted on August 8. However, the bid prices that came in were prohibitively expensive, with the lowest bid coming in at over \$100,000 more than the engineer's estimate. After consulting with our A&E consultant, Stantec, ECCTA decided that the cost difference was due to contractor misunderstanding of certain parts of the scope of work. It was further decided that a new solicitation would be published.

IFB #2024-03 was published on August 20, 2024, with revised specifications and additional notes to prospective contractors for clarification. Three bids were received on September 20. The lowest, responsible bidder was Construction West Services, Inc.

Discussion

None.

Financial Impact

The bid price, including a 10% contingency, is \$107,507.

Requested Action

Adopt Resolution #240925F authorizing the CEO to enter into a contract for the installation of three bus shelters at the Pittsburg Los Medanos College campus with Construction West Services, Inc., for \$107,507 which includes a 10% contingency.



TRI DELTA TRANSIT

Eastern Contra Costa Transit Authority
801 Wilbur Avenue • Antioch, California 94509
Phone 925.754.6622 Fax 925.757.2530

RESOLUTION #240925F

Authorization for Award of Contract for Bus Shelter Installation

Resolution #240925F authorizes the CEO to enter into a contract for the installation of three bus shelters at the Pittsburg Los Medanos College campus.

WHEREAS, ECCTA is a recipient of a Clean California Local Grant Program grant in the amount of \$200,000; and

WHEREAS, the awarded grant project was to upgrade the bus shelters at the Pittsburg Los Medanos College campus; and

WHEREAS, IFB 2024-03 for the installation of bus shelters was advertised on August 20, 2024; and

WHEREAS, Construction West Services, Inc. was the lowest responsible bidder;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Eastern Contra Costa Transit Authority to adopt Resolution #240925F authorizing the CEO to enter into contract for the installation of three bus shelters at the Pittsburg Los Medanos College campus with Construction West Services, Inc. for \$107,507, which includes a 10% contingency.

PASSED AND ADOPTED THIS 25th day of September 2024, by the following votes:

EASTERN CONTRA COSTA TRANSIT AUTHORITY

Diane Burgis, Chair

Rashidi Barnes, Chief Executive Officer

AYES: _____

NOES: _____

ABSENT: _____

ABSTENTIONS: _____