

SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT

Minutes of Special Meeting of
the Board of Directors of the District

November 14, 1974

Upon notice duly given, the Board of Directors of the Southern California Rapid Transit District met at a Special Meeting in the District Board Room, 1060 South Broadway, Los Angeles, California at 4:00 p.m. on November 14, 1974, at which time President Thomas G. Neusom called the meeting to order.

Directors Arthur Baldonado, Victor M. Carter, Adelina Gregory, Don C. McMillan, Thomas G. Neusom, Jay B. Price and George Takei were present. Directors George W. Brewster, Hugh C. Carter, Byron E. Cook and A. J. Eyraud, Jr. were absent from the meeting.

Also present were General Manager Pro Tempore Jack Stubbs; Manager of Operations George W. Heinle; General Counsel Richard T. Powers; Controller-Treasurer-Auditor Joe B. Scatchard; Chief Engineer Richard Gallagher; Manager of Planning & Marketing George L. McDonald; Secretary Richard K. Kissick and the public.

President Neusom announced that the purpose of the Special Meeting was to consider exercising an option to purchase 100 Flxible buses and requested the staff to present its report.

Mr. Scatchard presented the report dated November 14, 1974 recommending approval of Requisition No. 3399-516 covering exercising the option to purchase 100 air conditioned transit buses from The Flxible Company, the lowest responsible bidder under Bid No. 3-7411-A, at an estimated cost of \$5,703,205.00,

including sales tax and delivery charges, which purchase is funded in part under UMTA Capital Grant Project No. CA-03-0090. The report indicated that recent bids received by other agencies on buses of the type being considered range from \$61,000 to \$64,000 each, excluding sales tax and delivery charges and, by exercising the option the District will realize a savings close to \$1,000,000; that UMTA has already approved a grant covering 80% of the purchase cost of the buses, and sales tax funds are available this fiscal year which can be obligated to provide the local matching share. Also, if the option is exercised at this time, delivery is estimated to commence in August, 1975, whereas, if the District were to seek new bids, delivery would be extended from six to nine months into early 1976. A copy of the report dated November 14, 1974 is attached to these Minutes as EXHIBIT 1.

Director Carter inquired if the specifications tied into the resolution adopted by the Board on October 22 regarding provisions for the handicapped and was informed that they did not.

Director Takei inquired if this would be the last of the buses that would be purchased without facilities for the handicapped, and Mr. Heinle replied that it would; also, that the staff will be presenting specifications to the Board for consideration the first meeting in December which will include provisions for the handicapped.

General Counsel Powers reported that at the direction of the General Manager he had contacted attorneys Mason Rose and Milton Miller, who had appeared at the Board meeting on

October 22 when the resolution regarding providing specifications for the handicapped in future bus purchases was adopted. Mr. Powers stated that the attorneys were unable to attend today's meeting but they had asked him to convey to the Board their objections over exercising the option since it would bring 100 additional buses without provisions for the handicapped. They did understand, however, as attorneys, that the District could not change the specifications in this case. They both felt, however, that the price advantage of ordering these buses without provisions for the handicapped would be more than offset by paying a higher price for buses which could handle the handicapped by additional revenue as a result of increased riding by the handicapped.

Director Price moved approval of the staff recommendation, which motion was seconded by Director Gregory.

Mr. Daryl McDaniel, president of the Los Angeles Chapter of the California Physically Handicapped, appeared before the Board and stated he understood the problem the Board is facing but would still urge the Board to stand up to the resolution adopted October 22, and indicated his organization may have to press legal action if the Board adopted the staff recommendation.

Mr. Dennis Cannon, representing the San Fernando Valley Chapter of the California Physically Handicapped, concurred in Mr. McDaniel's statements and stated he doubted if any savings would be realized if the District ordered the buses and then had to retrofit them later.

Mr. Byron Blue, consultant in Barrier Free Design for the California State Department of Rehabilitation, presented a prepared statement and distributed copies of sections of the California law regarding the provisions of facilities which may be used by the handicapped, a copy of which is filed with the Secretary. Mr. Blue threatened legal action to compel equal protection under the law in the use of public transportation facilities, and stated that the Department of Rehabilitation urged only the purchase of buses and equipment providing accessibility for the physically handicapped. A copy of Mr. Blue's prepared statement is attached to these Minutes as Exhibit 2.

Director Carter stated that the District shouldn't purchase buses without facilities for the handicapped regardless of the cost savings.

Director Price said he understood the problem but felt that since it would take over a year to get buses with provisions for the handicapped we would be most foolish not to replace older buses now in service by exercising this option and saving about \$1-million of the taxpayers' money. He said it was true we couldn't change the specifications since we have UMTA approval, but that it was standard procedure in public agencies to issue change orders even if the increased cost of the change orders had to come back to the Board.

President Neusom read Resolution No. R-74-408 adopted October 22 regarding revising specifications to include provisions for the handicapped in buses, and stated that the

Flxible Company would be most pleased if the Board did not approve exercising of the option, since the price was much lower than if we went out to bid with a new order.

Director McMillan inquired as to how far along we are on the new specifications, and Mr. Heinle repeated that the specifications will be ready for Board consideration the first meeting in December, and, further, that in the process of changing the specifications to accommodate the handicapped they must meet UMTA requirements that more than one manufacturer must be able to bid.

Mr. McMillan inquired if we could put in a change order, and Mr. Heinle replied that there are different approaches by different manufacturers. It depends upon the approach as to how much can be done. He further explained that the District specifications will not specify devices but rather a function which will allow us to award contracts to the lowest bidder.

Director Takei inquired as to how much additional cost would be involved to equip the buses to accommodate the handicapped, and Mr. Heinle replied that it was hard to say, that it depends upon the model of the buses and where major structural changes are required, but it would probably be easier on the Flxible buses. He emphasized that the cost to change specifications and reorder would no doubt be much higher than the \$1-million saving by purchasing these buses now.

Mr. J. B. Dyer, Vice President Marketing of the Flxible Company, appeared before the Board and stated that Flxible had been studying the problem that Flxible can modify present

buses and that he could give a broad spectrum of cost. One method would be to install a rear door which could be used by the handicapped only and which would add about \$5,000 to each bus. Another feature which could be added would be a rear door which could be used by both handicapped and used as an exit door which would add cost in the area of \$10,000 to each bus. He stated that Flxible is hesitant to place such devices on buses without a good period of trial, and that the inclusion of these facilities would delay bus deliveries at least more than twelve months. He suggested special buses for the handicapped which would pick them up at their doors. He further emphasized that the District would save more than \$1-million if the option were exercised, and agreed with President Neusom's statement that Flxible would be most pleased if the District did not exercise the option.

Director Baldonado asked Mr. Scatchard about the budget and Mr. Scatchard replied that we have adequate sales tax funds in the current fiscal year to meet the local matching share and recommended obligating those funds this fiscal year.

The question was called for and the following resolution was adopted, with Director Victor Carter voting "No":

RESOLUTION NO. R-74-432

WHEREAS, the contract awarded to The Flxible Company, the lowest responsible bidder under Bid No. 3-7411-A, covering the purchase of 100 air conditioned transit buses included an option to purchase an additional 100 buses at the same price plus escalation clauses included in said contract, if said option was exercised within six months from the date of the contract; and

WHEREAS, funds covering the purchase of these additional 100 buses are included in part under UMTA Capital Project No. CA-03-0090; and

WHEREAS, on November 14, 1974 this Board of Directors considered and concurred in the report dated November 14, 1974, a copy of which is attached to these Minutes as EXHIBIT 1, recommending approval of Requisition No. 3399-516 and authorization of the General Manager to exercise an option to purchase 100 air conditioned transit buses from The Flxible Company, the lowest responsible bidder under Bid No. 3-7411-A, at an estimated cost of \$5,703,205.00, including sales tax and delivery charges; and

WHEREAS, recent bids taken by other agencies on buses of the type proposed to purchase range from \$61,000 to \$64,000 per bus, excluding sales tax and delivery charges, thus resulting in an estimated savings of approximately \$1-million if the proposed option is exercised; and

WHEREAS, the report dated November 14, 1974 has been considered and concurred in by the Special Purchasing Committee required by the provisions of Section 3.3 (B) (4) of the Rules and Regulations;

NOW, THEREFORE BE IT RESOLVED, that Requisition No. 3399-516 be and the same is hereby approved, and the General Manager be and he hereby is authorized to exercise an option with The Flxible Company, 326 North Water Street, Loudonville, Ohio the lowest responsible bidder under Bid No. 3-7411-A, covering the purchase of one hundred (100) air conditioned heavy-duty transit buses at an estimated cost of \$5,703.205.00, including sales tax and delivery charges; subject to the prior concurrence of the Urban Mass Transportation Administration (Project No. CA-03-0090); with form of option contract subject to approval of the General Counsel.

President Neuson suggested that the staff submit a report of additional funds, including federal matching funds, which would be available for the acquisition of specialized equipment for the handicapped.

Director Victor Carter inquired as to the status of the employment of a handicapped person, and Manager of Employee Relations John Wilkens stated that three persons are presently being interviewed.

There being no further business, the Meeting adjourned at 4:50 p.m.



Secretary



SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT

1060 SOUTH BROADWAY • LOS ANGELES, CALIFORNIA 90015 • TELEPHONE (213) 749 6977

JACK R. GILSTRAP
GENERAL MANAGER

November 14, 1974

TO: Board of Directors

FROM: Jack R. Gilstrap

SUBJECT: Exercise Option To Purchase 100 Additional Heavy-Duty Buses

CONSIDER APPROVAL OF REQUISITION 3399-516 AND EXERCISING THE OPTION TO PURCHASE 100 BUSES FROM FLXIBLE COMPANY, 326 NORTH WATER STREET, LOUDONVILLE, OHIO, THE LOWEST RESPONSIBLE BIDDER UNDER BID 3-7411-A. THE ESTIMATED COST OF THIS OPTION IS \$5,703,205.00, INCLUDING SALES TAX AND DELIVERY CHARGES. FORM OF CONTRACT SUBJECT TO APPROVAL OF THE GENERAL COUNSEL. THIS PURCHASE WILL BE FUNDED IN PART UNDER UMTA PROJECT GRANT NO. CA-03-0090.

On April 23, 1974, the District awarded a contract to the Flxible Company for the purchase of 100 heavy-duty buses with an option to purchase an additional 100 buses within six months at a quoted base price of \$51,275.00 plus $\frac{1}{2}$ of 1% for each month after award. (This does not include sales tax or delivery charges.) By exercising this option for 100 additional buses prior to November 15, 1974, the District will realize a savings close to \$1,000,000.00. Recommendation to exercise this option is concurred with by General Counsel Powers.

Recent bids taken by other agencies on buses of this type range from \$61,000.00 to \$64,000.00, excluding sales tax and delivery charges.

Furthermore, UMTA has already approved a grant covering 80% of the purchase cost of the buses.

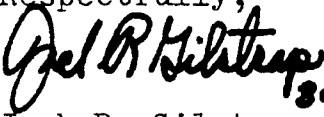
It is to the District's advantage to exercise the option at this time rather than seek new bids since not only will there be a substantial cost saving but sales tax funds are available this Fiscal Year which can be obligated to provide the local matching share.

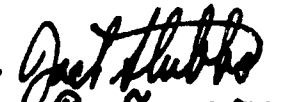
Delivery is estimated to commence in August, 1975, and we will, therefore, have these buses available at that time, either for the replacement of some of the Atlanta buses or expansion of service, depending upon funding evaluation for Fiscal Year 1976. If we were to seek new bids on these 100 buses, as we intend to do on the additional 200 buses also included in the above grant, delivery would be extended from six to nine months into early 1976.

Board of Directors
November 14, 1974
Page 2

I concur with Staff's recommendation to exercise the option of purchasing 100 additional buses from Flexible Company at a base price of \$51,275.00 plus sales tax and delivery charges, plus the escalation charges as outlined above. Verbal approval has been received from UMTA. This will be funded in part under UMTA Project Grant No. CA-03-0090, with form of contract subject to approval of the General Counsel.

Respectfully,


Jack R. Gilstrap


Pro Tempore



By J. B. Scatchard
Controller

37-19
6/73

SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT

361 EAST 55TH STREET
LOS ANGELES, CALIFORNIA, 90011
Telephone (213) 749-6977

P. O. No. _____
Reqn. No. 3399-516

ACCOUNT NO. Capital	A.F.E. NO. to be assigned	WORK ORDER	RESOLUTION NO.	DATE November 14, 197
------------------------	------------------------------	------------	----------------	--------------------------

Supplier

Please ship to:

375 East 55th St.
L.A. Calif. 90011

TERMS	F.O.B.	DELIVERY SCHEDULE
-------	--------	-------------------

DATE REC'D	QUANTITY	PART NO., CODE AND/OR DESCRIPTION	ORDER ONLY ONE CLASS OF MATERIAL ON A REQUISITION	PRICE	PER	EXTENSION
	100	AIR-CONDITIONED, 47-51 PASSENGER TRANSIT BUSES PER SPECIFICATIONS ON BID NO. 3-74-11A		\$51,275.00	Ea.	51,275.
		1/2 of 1% Escalation (6 Months)				1,538.
		6% Sales Tax				52,813.
		Estimated Delivery Charge				3,168.
		TOTAL - 100 Buses				55,982.
						1,050.
						57,032.
						\$5,703,205.

APPROVAL OF DEPARTMENT HEAD George B. Powell SIGNATURE Fred L. Bader
 GEORGE B. POWELL FRED L. BADER
 FOR USE OF PURCHASING DEPARTMENT

RECEIVED BY _____ SUB-TOTAL \$ _____
 APPROVED BY _____ TAX \$ _____
 REMARKS _____ DELIVERY \$ _____
 TOTAL \$ _____

APPROVAL REQUIRED Under Paragraph 8 District Regulations	DATE	CHECK IF APPROVAL REQUIRED
General Manager		
Board Approval		

Buyer _____ Date _____

SEND IN QUADRUPLICATE DIRECT TO PURCHASING DEPARTMENT
APPROVALS WILL BE OBTAINED AFTER PRICING.



**SOUTHERN CALIFORNIA
RAPID TRANSIT DISTRICT**

1060 SOUTH BROADWAY • LOS ANGELES, CALIFORNIA 90015 • TELEPHONE (213) 749-6977

Recommendation of
Special Purchasing Committee

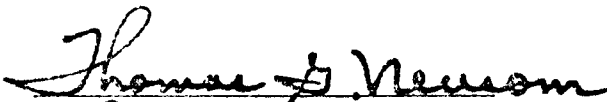
In accordance with the provisions of Section 8.3 (B) (4) of the Rules and Regulations, the below listed members of a Special Purchasing Committee met on November 14, 1974 to review Item No. 1 on the Agenda for the Board of Directors' Special Meeting on November 14, 1974, as follows:

1. Consider approval of Requisition No. 3399-516 and exercise of option with The Flxible Company, the lowest responsible bidder under Bid No. 3-7411-A covering the purchase of 100 air conditioned transit buses at an estimated cost of \$5,703,205; subject to the prior concurrence of the Urban Mass Transportation Administration; form of option subject to approval of the General Counsel.

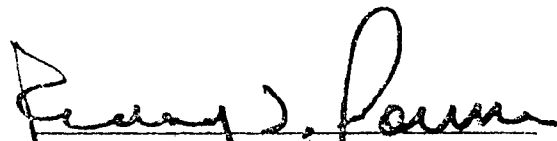
Funds covering the above purchase are included as a part of UMTA Project No. CA-03-0090.

The Committee recommends approval of Requisition No. 3399-516 and exercise of option with the Flxible Company, the lowest responsible bidder under Bid No. 3-7411-A, covering the purchase of 100 air conditioned transit buses at an estimated cost of \$5,703,205; subject to the prior concurrence of the Urban Mass Transportation Administration; form of option subject to approval of the General Counsel.

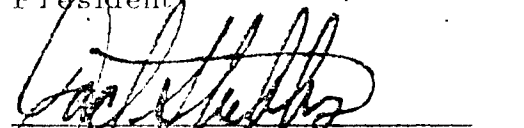
Dated: November 14, 1974



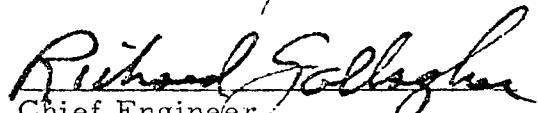
President



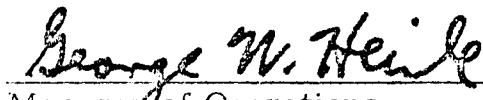
General Counsel



General Manager Pro Tempore



Chief Engineer



Manager of Operations



Purchasing Agent

STATEMENT OF BYRON BLUE FOR THE DEPARTMENT OF REHABILITATION TO THE SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT BOARD OF DIRECTORS MEETING OF NOVEMBER 14, 1974

My name is Byron Blue and I am a consultant in Barrier Free Design for the California State Department of Rehabilitation. The Department of Rehabilitation was most pleased when you passed a resolution at the October 22 meeting to purchase only buses accessible by the physically handicapped. It was a momentous occasion applauded by the handicapped through-out the state of California and recognized as such in a letter of commendation to you from State Director of Rehabilitation, Allan C. Nelson.

It was significant because such a large portion of our population will be able to use a large metropolitan transit system for travel, as never before, to recreation, employment, education and all other aspects of normal living. It was significant in view of changes in California law in the last few years incorporating into the government code, Health and Safety Code, and Civil Code, requirements that all Public Facilities, whether constructed in this state with public or private funds, shall be accessible to through and within their doors without loss of function, space, or facility where the general public is concerned. It means the handicapped now have the means to reach those facilities and use them within the main stream of our population and as guaranteed by the Constitution.

So important is this to the Department of Rehabilitation, that we may approach the Attorney General for legal action in one or more jurisdictions to compel equal protection under the law in the use of public transportation facilities. Legal counsel for the Department of Rehabilitation has advised me that the courts have repeatedly held the right to travel is constitutionally protected.

A report of the National Commission on Architectural Barriers to Rehabilitation of the handicapped contained the finding that 18% of all persons in America are affected by mobility barriers with 7% of these being disabled themselves and 11% having handicapped persons in their families. This percentage is higher in California because of its ideal climate so important to the handicapped, and if one considers the needs of the elderly in addition to the needs of the handicapped, it can be conservatively estimated that 25% of our population is significantly affected by mobility barriers.

In conclusion, the Department of Rehabilitation strongly urges you to purchase only buses and equipment providing accessibility for the physically handicapped.