

SOUTHERN CALIFORNIA RAPID TRANSIT DISTRICT

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

August 25, 1981

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, 425 South Main Street, Los Angeles, California, at 9:00 a.m. at which time President Thomas G. Neusom called the meeting to order.

Directors Present:

Marvin L. Holen (entered 9:11 a.m.)  
Mike Lewis  
Carl Meseck  
Thomas G. Neusom  
Nick Patsaouras

Jay B. Price  
Ruth E. Richter  
Charles H. Storing  
Gordana Swanson  
George Takei

Director Absent:

Jan Hall

Staff Present:

John A. Dyer, General Manager  
Richard T. Powers, General Counsel  
Joe B. Scatchard, Controller-Treasurer-Auditor  
Richard Gallagher, Manager & Chief Engineer, Rapid Transit  
David D. Dominguez, Manager of Human Relations  
Helen M. Bolen, District Secretary

Also present were representatives of Madison-McAfee-Stull Transit Group, members of the public and the news media.

President Neusom stated that the purpose of the special meeting was to consider a protest filed by Madison-McAfee-Stull Transit Group relative to the provision of services as General Architectural Consultants, Stations, for the Metro Rail Project. He also indicated that the District has filed a reply to the protest and has received a response to that reply from Madison-McAfee-Stull Transit Group. President Neusom then asked General Counsel Powers for his recommendation in terms of procedure. General Counsel Powers commented that various alternatives are available to the Board. In summary he recommended that the protest be rejected; however, the Board was at liberty to hear from the protestors or to discuss the matter before arriving at a decision.

Appearance of Counsel on Behalf of Madison-McAfee-Stull Transit  
Group

Mr. Carl Vacketta of the law firm of Pettit & Martin appeared before the Board to present a summarization of the protest from the protestor's viewpoint. He concluded his remarks by stating that he hoped that the Board today will return to its May 28th decision to go with the joint venture relationship.

Discussion by Board Members and Motion to Reject Protest

Director Price urged the Board to reject all bids outright on this scope of work and to authorize the staff to divide this work in half and reissue Requests For Proposal, with respondents being able to respond to one or both segments of the project.

Director Patsouras disagreed with Director Price, indicating that there was nothing improper in the RFP process. The record reflects that the proposal by Harry Weese & Associates was the best, unquestionably so. He then made a motion to reject the protest, which motion was seconded by Director Takei.

Director Lewis asked if the District's General Counsel had any comments he wished to make following the presentation by Mr. Vacketta. Mr. Powers responded that he disagreed with the statement made by Mr. Vacketta that Madison-McAfee-Stull had the right to appear and be heard and comment prior to the Board's action on June 11th.

Director Lewis then inquired how much notice was given of the decision on this subject that was made on May 28th. He specifically asked if it was printed on the agenda. Staff checked the printed agenda. The only item relating to this subject was approval and award of contracts to the firms which the Board had approved for negotiation of contracts.

Director Swanson commented that she was relatively new to the Board and was not involved in the joint-venture decision made by the Board on May 28th. She also commented that the record did not substantiate the charges of irresponsibility on the part of the Board.

Director Richter commented that a review of the Minutes indicated that other contracts were approved on a much closer Board vote than this contract and she felt that other firms might have more cause for concern than Madison-McAfee-Stull Transit Group.

## Approval of Motion to Reject Protest

President Neusom indicated that the motion before the Board is to reject the protest of Madison-McAfee-Stull Transit Group. On a call for the question, the motion was passed as indicated below and the following resolution adopted:

Ayes:	Holen, Lewis, Meseck, Patsaouras, Richter, Storing, Swanson, Takei
Noes:	Neusom
Abstain:	Price
Absent:	Hall

R-81-490

WHEREAS, on April 2, 1981, under Resolution No. R-81-208, the Board of Directors authorized the negotiation of a contract with Harry Weese & Associates covering the provision of services as General Architectural Consultants, Stations, for the Metro Rail Project; and

WHEREAS, on May 28, 1981, under Resolution No. R-81-303, the Board of Directors reconsidered the action taken under Resolution No. R-81-208 and authorized the negotiation of contracts with a joint venture of Madison-McAfee-Stull Transit Group and Harry Weese & Associates with each firm to perform approximately 50% of work value and work effort; and

WHEREAS, on June 11, 1981, under Resolution No. R-81-347, the Board of Directors reconsidered the action taken under Resolution No. R-81-303, and returned to the original decision of April 2, 1981 authorizing the negotiation of a contract with Harry Weese & Associates; and

WHEREAS, a protest was filed by Madison-McAfee-Stull Transit Group concerning the action taken under Resolution No. R-81-347;

NOW, THEREFORE, BE IT RESOLVED, after due consideration of the arguments submitted by Madison-McAfee-Stull Transit Group in support of its position, the Board of Directors of the Southern California Rapid Transit District hereby rejects the protest filed by Madison-McAfee-Stull Transit Group.

Discussion Concerning Appeals

Director Lewis inquired as to what the procedures for appeals were and what the time frames would be. General Counsel Powers commented that appeal to UMTA (San Francisco office) would be the next step.

Director Meseck inquired if the Board could proceed with the award of the contract. General Counsel Powers responded that by rejecting the protest the Board reaffirmed the previous action of having made the award to Harry Weese & Associates, which award is subject to UMTA's approval.

Mr. Vacketta appeared before the Board again, indicating that they will appeal the Board's action. If the UMTA office in San Francisco does not resolve the matter, it will go to UMTA in Washington and if not resolved satisfactorily there, it will then go to the General Accounting Office for final decision.

On motion duly made, seconded and unanimously carried, the meeting adjourned at 9:27 a.m.

  
District Secretary

A transcript of the meeting is on file in the Office of the Secretary.