

Minutes

RTA Committee of the Whole Meeting

10:04 a.m., November 5, 2024

Committee Members: Koomar (Chair), Welch (Vice Chair), Elder, Love, McPherson, Pacetti, Sleasman

Not present: Biasiotta, Lucas, Weiss

Staff/Other: Blaze, Caver, Cottrell, Dangelo, Davidson, Dimmick, Feke, Fesler, Fields, Fleig, Freilich, Garofoli, Harris, Hudson, Jenkins, Jones, Kirkland, Laule, Martin, Meinke, Metcalf, Miller, Moore, Reed, Rusnov, Schipper, Schnear, Sulik, Sutula, Talley, Togher, Walker-Minor, Young

The meeting was called to order at 10:04 a.m. There were seven (7) committee members present.

Railcar Option

This presentation was given by Bryan Moore, Railcar Project Lead Manager and Mabry Harris, Procurement Team Manager.

This is a request to approve the execution of the negotiated competitive contract option to purchase eighteen (18) of the remaining thirty (30) railcars off Contract No. 2021-125 with Siemens Mobility Inc. On April 18, 2023, the Authority awarded Contract No. 2021-125 to Siemens Mobility, Inc. ("Contract") for the manufacture and delivery of up to twenty-four (24), High Floor Light Rail vehicles, spare parts, tooling and training in an amount not to exceed \$163,920,115.00, with an option to procure up to thirty-six (36) additional railcars, spare parts, tooling and training to be delivered over the seven (7) year contract term.

The contract included a provision for the one-time purchase of up to six (6) railcars, within six (6) months of Notice to Proceed, at the original contract unit price of \$5,166,336.00, with no escalation. The Board of Trustees, on November 28, 2023, in Resolution No. 2023-088, authorized the first option to purchase those six (6) additional railcars. There have been four (4) additional change orders, in a total amount of \$671,718.21, authorized by the General Manager, Chief Executive Officer, as identified on the Change Order Log.

The Authority now seeks to exercise an option to purchase eighteen (18) of the thirty (30) remaining railcars under the Contract and Spare Parts and Special Tools. The Contract provided that the cost for the last thirty (30) railcars would be priced at the original base price of \$5,166,336.00 plus an inflationary price increase that would be calculated at the time of final assembly of each railcar based on the Producer Price Index for Transportation Equipment and a national labor index that is published monthly by the United States Department of Labor Bureau of Labor Statistics.

As of September 2024, the base price of \$5,166,336.00 has risen to \$5,342,171.56 based on the market indices. Application of a ten-year historical review of those indices results in a projected price of \$5.8M per railcar at the time of final assembly. Funding has been identified to fund this change order in an amount not to exceed \$112,800,000.00 for the eighteen (18) railcars, spare parts and special tools, resulting in a new total contract budgeted amount of \$308,389,850. This procurement will result in twelve (12) railcars remaining under the contract option.

Key Features of New Vehicle

- First High floor LRV built to RT1-2020 design standards
- Ice cutter pantograph on every train
- Heated windshield and pantograph
- Load leveling system to adjust floor height
- Dedicated HVAC unit for operator cab
- 52 passenger seats, 4 wheelchair areas and 2 bicycle racks (12 seats flip up)
- Passenger Information System

The program will replace the HRV and LRV vehicles with one car, spare parts, design and construction support services and infrastructure modification. Below is a list of the change orders and funding stack.

Contract Value

	Qty	Description	Unit Price	Sub-Total	Nonrecurring Costs	Change Order Total Price	Contract Value
1	24	Base Contract	\$5,166,336	\$123,992,064	\$39,928,051	\$163,920,115	
2	6	CO #01 - 6 Option Vehicles	\$5,166,336	\$30,998,016	0	\$30,998,016	\$194,918,131
3	4	CO #02 - Additional Couplers	\$127,722	\$510,888	0	\$510,888	\$195,429,019
4	N/A	CO #03 - Modification of SP20B	\$0	\$0	0	\$0	\$0
5	30	CO #04 - Smoke Detectors	2,350.34	70,510.15	\$38,406	\$108,917	\$195,537,936
6	1	CO #05 - Wheel Profiles	0.00	0.00	\$51,914	\$51,914	\$195,589,850

RAILCAR REPLACEMENT PROGRAM - FUNDING STACK				
FUNDING SOURCE	FUNDING AMOUNT	AWARDED	COMMITTED	UNCOMMITTED
GCRТА ROLLING STOCK RESERVE FUND	\$79,000,000	\$79,000,000	\$0	\$0
FTA SECTION 5307 AND 5337 FORMULA GRANT FUNDS	\$80,500,000	\$34,232,286	\$46,267,714	\$0
FTA SECTION 5337 IJIA Rail Car/USDOT BUILD/RAISE FUND	\$155,000,000	\$155,000,000	\$0	\$0
ODOT STBG/CMAQ	\$50,000,000	\$29,308,000	\$8,272,000	\$12,420,000
ODOT GRF	\$4,500,000	\$4,500,000	\$0	\$0
NOACA STBG	\$24,000,000	\$16,800,000	\$7,200,000	\$0
Total	\$393,000,000	\$318,840,286	\$61,739,714	\$12,420,000

Buy America Review

As a condition to receiving FTA grant funds for the purchase of rolling stock, GCRТА must certify compliance with Buy America and the pre-award and post-delivery audit requirements, as prescribed by 49 CFR part 663. This requirement also applies to options.

The manufacturer must demonstrate the cost of domestic components is greater than 70% of the value of the total car cost. We must verify the manufacturer's information. Final assembly of the vehicles must take place in the United States in accordance with 49 CFR Part 661.11. The rolling stock procured is the same product described in its solicitation specification; and the proposed manufacturer is a responsible manufacturer with the capability to produce a vehicle that meets the GCRТА's specification.

Internal Audit completed the pre-award audit for the base order of 24 cars in May 2023. An additional pre-award audit for the 6 option cars was completed and the certificates were issued on December 7, 2023. IA will complete the pre-award audit for the second option of vehicles upon approval by the board. The audit is tentatively scheduled for December 2, 2024 pending approval.

Recommendation

Staff requests that the Committee of the Whole recommend to the Board of Trustees the award of an option for the purchase and delivery of eighteen (18), of the remaining thirty (30), High Floor Light Rail Vehicles, Spare Parts and Special Tooling, in an amount not to exceed \$112,800,000.

Ms. Elder asked for the definition of committed and uncommitted on the funding stack. Ms. Young said funding amounts are what is identified as the budget. The awarded amount is the amount we have in house. The committed amounts are outstanding but we have received notification from the grantor that it is coming. The uncommitted amounts are out years for continued applications for competitive grants. Ms. Welch asked why we are not ordering more rail cars considering inflation. Ms. Young said at this point we don't know what the price will be in the future. Based on the funding stack, the final contract amount is \$380 M which is what we have in hand. Dr. Caver added that to purchase the last remaining cars we must have the funds in hand to make a future purchase commitment.

Ms. Pacetti asked what the plan is for purchasing the remaining 12 rail cars. Ms. Young said the intention is to purchase all 30 cars. The plan is to purchase 60 vehicles, however, based on the available funding, staff are being more conservative in anticipating what can be done at this time. As long as we stay consistent with the option years, another 6 or 12 cars will be purchased based on the funding. We will continue to get competitive grants while looking at the future cost. The cost of the 18 has already escalated in cost from \$5.1 M to \$5.3 M. Future cars could be between \$5.8 M and \$6 M.

Ms. Pacetti asked for continued updates and context around the plan for purchasing the remaining 12 cars considering the price increase. Mayor Koomar asked if the funding stack could be added to the documents for the Board vote and to include page numbers on the slides.

It was moved by Mayor Koomar seconded by Mr. Love and approved to move this to the full board.

Civilian Oversight Committee

Ms. Welch, COC Board Liaison, Dr. Caver, Deputy General Manager, Operations and John Sulik, Associate Counsel II gave the presentation. Ms. Welch commended the hard work of this committee. This presentation is to proposed the reappointment of two COC members.

After 2019, RTA updated the Transit Police department with 21st century police policies. Officers received body worn cameras. Transit Ambassadors and Crisis Intervention Specialists were added to the department to help customers in crisis. De-escalation and cultural competency training increased. The choke hold policy was reviewed.

Purpose & History

- To review and investigate public complaints filed against GCRTA Transit Police employees and make recommendations to the Chief of Police on disposition.
- Recommendations must be consistent with GCRTA/TP rules, policies, procedures, and any applicable collective bargaining agreements.
- Five initial members were appointed on September 26, 2023.
- Two more members were appointed on June 25, 2024.
- First official meeting held on January 30, 2024.
- Seven individuals from diverse communities within Cuyahoga County.
- At least one retired police officer with Ohio Peace Officer Training Academy (OPOTA) training and investigative experience.
- Selected by application to the COC by the Board of Trustees.
- Terms for COC members shall be three years (staggered).

Candidates for Reappointment

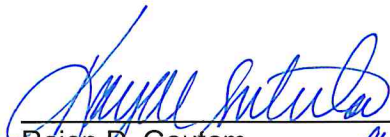
- Morris, David: David has 20+ years of HR experience, with job duties and responsibilities including handling investigations of employee misconduct and citizen complaints. David presently works as the Human Resources Manager for the City of Bedford Heights. David served as the Chair of the COC during its first year of operation.
- Wharton, Rebecca: Rebecca presently works as the HR manager for Malachite Innovations, L.L.C. and has responsibility and oversight of over 60 company clients. Rebecca has a history working in a multitude of HR-related positions including the management of all aspects of HR duties and responsibilities. Rebecca also worked as a constituent liaison for the State of Ohio's Department of Public Safety.

Recommendation

That the Committee of the Whole recommend to the Board of Trustees the re-appointment of David Morris and Rebecca Wharton as members of the Civilian Oversight Committee. Ms. Welch added that the process of identifying candidates, selecting committee members and training them was extensive. Dr. Caver added that this will be a 3-year term.

It was moved by Mayor Koomar, seconded by Ms. Pacetti and approved to move this to the full Board.

The meeting was adjourned at 10:40 a.m.



Rajan D. Gautam
Secretary/Treasurer

*acting on
behalf of
Rajan D. Gautam*



Theresa A. Burrage
Executive Assistant