

**PIERCE TRANSIT BOARD MEETING**  
**Training Center, Rainier Room**  
**March 14, 2011**  
**4:00 P.M.**

**AGENDA**

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF VOUCHERS**

**PUBLIC COMMENT**

**PRESENTATION**

Employee of the Quarter - Jeff Abbott

Van Sawin, Fleet Manager - Auto

**ACTION AGENDA**

1. Ratification of Declaration of Emergency  
Related to a Fire at the Tacoma Community  
College Transit Center (TCC) Larry McCarty, Manager  
Facilities Maintenance
2. Ratification of Declaration of Emergency  
Related to the Explosion at Pierce Transit's  
Compressed Natural Gas (CNG) Fueling Station Larry McCarty

**Finance Committee Gave a Do Pass to the following:**

3. Authority to Extend the Contract for Transit and  
Bus Shelter Advertising Sales and Placement  
Services with Titan Outdoor Scott Morris, Director  
Public Affairs

**INFORMATIONAL BOARD ITEMS**

1. Sound Transit Update Commissioners Thomas, Fey, &  
McCarthy
2. Finance Committee Update Commissioners Thomas, Malloy, &  
McCarthy

**STAFF/POLICY DISCUSSIONS**

Sole Source Disclosure

Wayne Fanshier, VP  
Finance, Audit, & Administration

**ADJOURNMENT**

## FACT SHEET

TITLE: Ratification of Declaration of Emergency Related to a Fire at the Tacoma Community College Transit Center (TCC) DEPARTMENT: Transportation Services  
ORIGINATOR: Kelly Hayden

PRECEDING ACTION: N/A

COORDINATING DIVISION: Facilities Maintenance, Purchasing

APPROVED FOR SUBMITTAL:

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Vice President

APPROVED FOR AGENDA:

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Chief Executive Officer

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Legal Counsel

ATTACHMENTS: Resolution

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### BUDGET INFORMATION

2011 Budget Amount  
N/A

Required Expenditure  
N/A

Impact  
N/A

Explanation: Required expenditures will not be known until a contract for the work has been negotiated.

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**BACKGROUND:** This resolution requests ratification of the Chief Executive Officer's Declaration of Emergency made on February 16, 2011 in response to a fire at TCC Transit Center. A copy of the Declaration of Emergency is attached to this Fact Sheet.

In December 2010, an arson fire that began in a portable toilet seriously damaged the adjacent building that houses the restroom facilities owned and operated by Pierce Transit at the Tacoma Community College Transit Center at 6615 South 19<sup>th</sup> Street Tacoma, WA 98402. The current condition of the property could result in material loss or damage to property and/or bodily injury. It is a hazard and an attractive nuisance to unsuspecting passengers and the general public. The Transit Center is used by many teenagers and located next to TCC has a high population of young people who may find it difficult to avoid the area.

Therefore, in accordance with RCW 39.04.280 and Pierce Transit Procurement Procedures adopted on April 14, 2008 by the Board of Commissioners, the Chief Executive Officer has declared the existence of an emergency allowing suspension of competitive bid procedures and execution of contracts necessary to complete the repair work needed to restore the facility to a safe condition. Although competitive bid processes will be suspended the Chief Executive Officer will ensure that all other Public Work rules and regulations are adhered to and will keep the Board informed of any contracts executed to remedy the emergency.

ALTERNATIVES: The alternative would be not to ratify the Chief Executive Officer's finding of an emergency situation. However, work on the facility must be completed expeditiously to eliminate risk of injury and loss to the agency.

RECOMMENDATION: Ratify the Chief Executive Officer's declaration of emergency made on February 16, 2011 in response to the fire at TCC Transit Center.

**RESOLUTION NO. 11-**

A RESOLUTION of the Board of Commissioners of Pierce Transit  
Ratifying the Declaration of Emergency Related to a Fire at the  
Tacoma Community College Transit Center (TCC)

WHEREAS, an arson fire that began in a portable toilet seriously damaged the adjacent building that houses the restroom facilities owned and operated by Pierce Transit at the Tacoma Community College Transit Center at 6615 South 19<sup>th</sup> Street Tacoma, WA 98402; and

WHEREAS, the condition of the facility represents a risk to the safety of the public using the facility; and

WHEREAS, repairs must be accomplished as expeditiously as possible; and

WHEREAS, in accordance with RCW 39.04.280 and Pierce Transit Procurement Procedures adopted on April 14, 2008 by the Board of Commissioners, on February 16, 2011, the Chief Executive Officer declared the existence of an emergency allowing suspension of competitive bid procedures and execution of contracts necessary to complete the repair work needed to restore the facility to a safe condition; and

WHEREAS, the Board of Commissioners of Pierce Transit finds it in the best interest of Pierce Transit to ratify the Chief Executive Officer's declaration of an emergency made in response to the fire at TCC Transit Center;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce Transit as follows:

Section 1. The Chief Executive Officer's Declaration of an Emergency made on February 16, 2011 in response to the fire at TCC Transit Center is hereby ratified in accordance with RCW 39.04.280 and Pierce Transit's Procurement Procedures.

ADOPTED by the Board of Commissioners of Pierce Transit at a regular meeting thereof held on the 14<sup>th</sup> day of March 2011.

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Claudia Thomas, Chair  
Board of Commissioners

ATTEST:

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Treva Percival, CMC  
Clerk of the Board

## FACT SHEET

TITLE: Ratification of Declaration of Emergency Related to the Explosion at Pierce Transit's Compressed Natural Gas (CNG) Fueling Station

DEPARTMENT: Transportation Services

ORIGINATOR: Kelly Hayden

PRECEDING ACTION: N/A

COORDINATING DIVISION: Facilities Maintenance, Purchasing

APPROVED FOR SUBMITTAL:

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Vice President

APPROVED FOR AGENDA:

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Chief Executive Officer

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Legal Counsel

ATTACHMENTS: Resolution

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### BUDGET INFORMATION

2011 Budget Amount  
N/A

Required Expenditure  
N/A

Impact  
N/A

Explanation: Required expenditures will not be known until a contract for the work has been negotiated.

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**BACKGROUND:** This resolution requests ratification of the Chief Executive Officer's Declaration of Emergency made on March 1, 2011 in response to an explosion at Pierce Transit's CNG fueling station. A copy of the Declaration of Emergency is attached to this Fact Sheet.

On the evening of February 28, 2011, an explosion occurred at Pierce Transit's Compressed Natural Gas Fueling Station. The explosion caused considerable damage to compressors and storage tanks and resulted in the Agency's inability to fuel at the site. As a result, the Agency's ability to operate and provide full service to the public has been severely affected and must be corrected as expediently as possible.

Therefore, in accordance with RCW 39.04.280 and Pierce Transit Procurement Procedures adopted on April 14, 2008 by the Board of Commissioners, the Chief Executive Officer has declared the existence of an emergency allowing suspension of competitive bid procedures and execution of contracts necessary to complete the repair work needed to restore the facility to a safe condition. Although competitive bid processes will be suspended, the Chief Executive Officer will ensure that all other Public Work rules and regulations are adhered to and will keep the Board informed of any contracts executed to remedy the emergency.

ALTERNATIVES: The alternative would be not to ratify the Chief Executive Officer's finding of an emergency situation. However, work on the facility must be completed expeditiously to eliminate risk of injury and loss to the agency.

RECOMMENDATION: Ratify the Chief Executive Officer's declaration of emergency made on March 1, 2011 in response to the explosion at Pierce Transit's CNG fueling station.

**RESOLUTION NO. 11-**

A RESOLUTION of the Board of Commissioners of Pierce Transit  
Ratifying the Declaration of Emergency Related to the Explosion at Pierce Transit's  
Compressed Natural Gas (CNG) Fueling Station

WHEREAS, on the evening of February 28, 2011, an explosion occurred at Pierce Transit's  
Compressed Natural Gas Fueling Station; and

WHEREAS, the explosion caused considerable damage to compressors and storage tanks and  
resulted in the agency's inability to fuel at the site; and

WHEREAS, as a result, the Agency's ability to operate and provide full service to the public has  
been severely affected and must be corrected as expediently as possible; and

WHEREAS, in accordance with RCW 39.04.280 and Pierce Transit Procurement Procedures  
adopted on April 14, 2008 by the Board of Commissioners, on March 1, 2011, the Chief Executive Officer declared the  
existence of an emergency allowing suspension of competitive bid procedures and execution of contracts necessary to  
complete the repair work needed to restore the facility to a safe and operable condition; and

WHEREAS, the Board of Commissioners of Pierce Transit finds it in the best interest of Pierce  
Transit to ratify the Chief Executive Officer's declaration of an emergency made in response to the explosion at the  
CNG fueling station;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce Transit as follows:

Section 1. The Chief Executive Officer's Declaration of an Emergency made on March 1, 2011 in  
response to the explosion at the CNG fueling station is hereby ratified in accordance with RCW 39.04.280 and Pierce  
Transit's Procurement Procedures.

ADOPTED by the Board of Commissioners of Pierce Transit at a regular meeting thereof held on the  
14<sup>th</sup> day of March, 2011.

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Claudia Thomas, Chair  
Board of Commissioners

ATTEST:

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Treva Percival, CMC  
Clerk of the Board

## FACT SHEET

TITLE: Authority to Amend and Extend the Contract for Transit and Bus Shelter Advertising Sales and Placement Services with Titan Outdoor  
DEPARTMENT: Public Affairs  
ORIGINATOR: Scott Morris

PRECEDING ACTION: Resolution No. 06-026, Authority to Execute a Contract for Transit and Bus Shelter Advertising and Placement Services  
Resolution No. 09-019, Authority to Execute Amendment No. 5 to the Contract for Transit and Shelter Advertising Sales and Placement Services  
Authority to Execute Amendment No. 7 to the Contract for Transit and Bus Shelter Advertising and Placement Services  
Resolution No. 11-005, Adoption of an Interim Transit Advertising Policy

COORDINATING DIVISION: Marketing, Purchasing

APPROVED FOR SUBMITTAL:

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Vice President

APPROVED FOR AGENDA:

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Chief Executive Officer

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Legal Counsel

ATTACHMENTS: Resolution

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### BUDGET INFORMATION

2011 Budget Amount  
N/A

Required Expenditure  
N/A

Impact  
N/A

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**BACKGROUND:** This resolution seeks authority (a) to extend the contract for transit and bus shelter advertising sales and placement services with Titan Outdoor for one year and (b) to amend the terms of the contract to remove the annual guarantee provision.

Pierce Transit traditionally contracts with a qualified firm to sell and place advertising on its buses, SHUTTLE vans, and shelters. As a result of a competitive request for proposal process, a five-year contract for these services was awarded to Titan Outdoor LLC ("Titan") on May 8, 2006. The contract calls for the sale and placement of advertising on our coaches, SHUTTLE vans, and shelters, and includes guaranteed minimum revenues to Pierce Transit for each contract year and a percentage of revenue for sales exceeding the guarantee. Titan has provided excellent service and has been an effective partner for Pierce Transit.

The current contract expires on June 30, 2011.



Traditionally, at the end of a contract for services staff would issue a request for proposals to establish a new contract. The agency, however, is considering various service revisions/reductions as a result of the current economic state of the agency, which are expected to impact service and fleet size and possibly the terms of any contract for advertising sales and placement services. Due to the uncertainties surrounding future service and fleet size, staff finds it to be in the best interest of the agency to extend the current contract with Titan for one year. This extension will provide time for staff to finalize needed service revisions/reductions, determine final fleet size, and develop a request for proposals that accurately reflects the fleet make-up.

The terms of the contract will be amended to remove the annual guarantee provision. Under the extended contract, Pierce Transit will continue to receive 63% of actual gross advertising sales.

The term extension will be subject to the agency's Interim Transit Advertising Policy approved on February 28, 2011.

This proposal has been reviewed and has received a "Do Pass" recommendation from the Finance Committee of the Board.

ALTERNATIVES: One alternative would be to issue a new request for proposals at this time. Another alternative would be not to enter into an advertising contract after the current agreement expires on June 30, 2011 and forego the revenue realized from advertising sales.

RECOMMENDATION: Authorize a one year extension of the contract for transit and bus shelter advertising sales and placement services with Titan and the amendments suggested above.

**RESOLUTION NO. 11-**

A RESOLUTION of the Board of Commissioners of Pierce Transit  
Authorizing a One-Year Extension of and an Amendment to the Contract for Transit and  
Bus Shelter Advertising Sales and Placement Services with Titan Outdoors LLC

WHEREAS, by Resolution No. 06-026, approved on the 8<sup>th</sup> day of May 2006, the Board of Commissioners of Pierce Transit authorized execution of a contract for transit and bus shelter advertising sales and placement services with Titan Outdoor LLC ("Titan"); and

WHEREAS, by Resolution No. 09-019, approved on the 12<sup>th</sup> day of October 2009, the Board of Commissioners of Pierce Transit authorized execution of Amendment No. 5 to the contract for transit and bus shelter advertising sales and placement services; and

WHEREAS, by Resolution No. 10-011, approved on the 12<sup>th</sup> day of July 2010, the Board of Commissioners of Pierce Transit authorized Amendment No. 7 to the contract for transit and bus shelter advertising sales and placement services; and

WHEREAS, the contract with Titan expires on June 30, 2011; and

WHEREAS, due to uncertainties in Pierce Transit service and fleet size, staff is unable to provide reliable information as the basis for a new request for proposals; and

WHEREAS, staff therefore recommends that the current contract be extended for one year to ensure that sufficient information is available to secure advantageous proposals for a new contract; and

WHEREAS, the contract with Titan will be amended to eliminate the annual guarantee provisions; and

WHEREAS, Pierce Transit will continue to receive revenue share of 63% of gross advertising sales; and

WHEREAS, the contract extension will be subject to the terms of the Interim Transit Advertising Policy approved by the Board of Commissioners of Pierce Transit on February 28, 2011; and

WHEREAS, Titan is willing to perform under the amended contract for the additional term; and

WHEREAS, the Board of Commissioners of Pierce Transit finds it in the best interest of Pierce Transit to extend the contract with Titan including the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce Transit as follows:

Section 1. The Chief Executive Officer is hereby authorized to extend the contract for transit and bus shelter advertising with Titan for an additional one year term and to amend the contact as described herein.

ADOPTED by the Board of Commissioners of Pierce Transit at a regular meeting thereof held on the 14<sup>th</sup> day of March 2011.

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Claudia Thomas, Chair  
Board of Commissioners

ATTEST:

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Treva Percival, CMC  
Clerk of the Board

**Change Orders & Amendments - Sole Source Over \$10,000**

	Name	Description/Project	Explanation	Contract Amount	Eff. Date
1	Amaya Electric	Change Order 1, for lighting retro fit for replacement of explosion proof lighting in building 1 ground pits	Change in contractor would cause delays/hardships/added costs	\$18,117.04	2/2/2011

**Contracts/Proprietary - Sole Source Over \$10,000**

	Name	Description/Project	Explanation	Contract \$ Amount	Eff. Date
2	City of Tacoma	Interlocal agreement for coordination, construction, implementation and ongoing operations of transit signal priority	Sole provider for this service	\$297,908.00	11/8/2010
3	Pierce County	Beyond the Borders special needs transportation	Sole provider for this service	\$300,000.00	1/1/2011
4	Screaming Eagle Enterprises	Rental of property at 9421 39th Ave., Ct. N.W., Lakewood, WA	Property owner	\$6,000.00 per month plus tax & assessments	3/1/2011
5	Washington State Department of Transportation	Testing and inspection of signal priority equipment to be installed on DOT owned intersections of SR7	Sole provider for this service	\$30,700.00	12/15/2010

**Other - Sole Source Over \$10,000**

	Name	Description/Project	Explanation	Contract \$ Amount	Eff. Date
6	Microsoft Corporation	Software support and maintenance for all Microsoft products at Pierce Transit	Service provider for existing systems, equipment and services. Microsoft would need to be contacted and extra fees would be charged	\$65,826.00	11/1/2010
7	Richard Howells and Associates	Facilitation for Board Work Sessions	Familiarity with Pierce Transit and Board	\$40,000.00	1/1/2011

8	SCINTECH Associates, Inc.	Installation and maintenance services for mobile radio CAD/AVL system	Only service provider for existing systems, equipment, and services	\$40,000.00	11/29/2010
9	T.S. Marshall & Associates	Master agreement for employee training - Analytics courses	Specialized training specific to meet the needs of Pierce Transit	\$20,000.00	1/1/2011

**Change Orders & Amendments:** Master Agreements sometimes have Change Orders and Amendments. The reason could be for time extensions to a contract, or a situation where changing a contractor before the work is complete could cause delays, hardships, and/or added costs to the project. Change Orders and Amendments most often happen with construction contracts.

**Contracts/Proprietary:** The service or product is not provided by another vendor.

**Other:** A special circumstance when specialized knowledge or skill is needed for a project and there is limited time and vendors with the expertise.