A RESOLUTION

DECLARING SIX (6) TROLLEY VEHICLES AS SURPLUS PROPERTY; AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO TAKE SUCH ACTION AS NECESSARY FOR THE SALE OF THE VEHICLES TO CAPITAL METRO, AS APPROPRIATE FOR INTERLOCAL COOPERATION; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, six (6) trolley vehicles previously used for transit services are no longer necessary because of recent route changes and modifications; and

WHEREAS, the six (6) trolley vehicles are surplus to METRO's needs; and

WHEREAS, Capital METRO in Austin, Texas wishes to purchase the trolleys to add to its fleet of public transit vehicles; and

WHEREAS, sale of the six (6) trolley vehicles to Capital METRO is appropriate for interlocal cooperation;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby declares six (6) trolley vehicles as surplus METRO property.

Section 2. The President & CEO is hereby authorized and directed to take such action as necessary for sale of the trolley vehicles to Capital METRO in Austin, Texas, as appropriate for interlocal cooperation.

Section 3. This resolution is effective immediately upon passage.

ATTEST:

PASSED this 24th day of February, 2005
APPROVED this 24th day of February, 2005

Assistant Secretary

Chairman
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO EXECUTE ALL APPROPRIATE DOCUMENTS FOR THE SALE OF AN 8.06 ACRE PARCEL OF LAND ADJACENT TO THE HIRAM CLARKE TRANSIT CENTER TO THE CITY OF HOUSTON; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, in 1987, METRO began operation of the Hiram Clarke Transit Center on an 11.9 acre tract that was previously obtained by donation (hereinafter “the property”); and

WHEREAS, the Hiram Clarke Transit Center operates from the eastern portion of the property; and

WHEREAS, the City of Houston wishes to acquire 8.06 acres of the property in order to build a Multi-Service Center to serve residents of southwest Houston; and

WHEREAS, the construction of a multi-service center adjacent to a transit center will enhance area mobility and is appropriate for interlocal cooperation; and

WHEREAS, METRO has no current or future plans for the property, and the value of the 8.06 acre parcel has been determined by independent appraisal;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to execute appropriate documents for the sale of an 8.06 acre parcel of land adjacent to the Hiram Clarke Transit Center to the City of Houston, Texas for an amount consistent with the appraised value.
Section 2. This resolution is effective immediately upon passage.

PASSED this 24th day of February, 2005
APPROVED this 24th day of February, 2005

ATTEST:

David S. Wolff
Chairman
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER PERSONAL SERVICES CONTRACTS FOR REAL ESTATE SUPPORT SERVICES; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO requires staff support for real estate activities; and

WHEREAS, METRO has used the services of Katharine Barnes Guerra and Thomas Hemingway for real estate staff support and they have performed all duties satisfactorily; and

WHEREAS, it is appropriate that METRO retain these services due to demonstrated expertise in METRO policies and state and federal guidelines, and to enable project continuity;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to negotiate, execute and deliver a one-year personal services contract with Katharine Barnes Guerra for an amount not to exceed $156,000.00.

Section 2. The President & CEO is hereby authorized and directed to negotiate, execute and deliver a one-year personal services contract with Thomas Hemingway for an amount not to exceed $176,800.00.

Section 3. This resolution is effective immediately upon passage.

PASSED this 24th day of February, 2005
APPROVED this 24th day of February, 2005

ATTEST: METRO

David S. Wolff
Chairman

Assistant Secretary
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER APPROPRIATE DOCUMENTS FOR METRO'S PARTICIPATION IN FREEWAY INCIDENT MANAGEMENT AND MOBILITY ACTIVITIES; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, since 1989, METRO has participated with the Texas Department of Transportation, the Harris County Sheriff's Department, the City of Houston, the Houston Automobile Dealers Association and Houston Cellular Telephone Company in a Motorist Assistance Program ("MAP") to improve traffic flow by assisting drivers who have had minor vehicle breakdowns; and

WHEREAS, MAP has consistently received considerable public support; and

WHEREAS, the parties wish to expand MAP by inclusion of more towing services, increased operation of motorist assistance vans, and enhanced communications at Houston TranStar; and

WHEREAS, the Board of Directors is of the opinion that MAP should be expanded and that METRO continue its participation in the program;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to negotiate, execute and deliver appropriate documents to amend the Motorist Assistance Program, and increase METRO's contribution to the program by an amount not to exceed $1.1 million.
Section 2. This resolution is effective immediately upon passage.

PASSED this 24th day of February, 2005
APPROVED this 24th day of February, 2005

ATTEST:  

[Metro Transit Authority logo]

Assistant Secretary

[Signature]

David S. Wolff  
Chairman
RESOLUTION NO. 2005-25

A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO EXECUTE AND DELIVER A CONTRACT WITH SATTERFIELD & PONTIKES CONSTRUCTION, INC. FOR THE INSTALLATION OF ESCALATORS AND THE CONSTRUCTION OF RELATED STRUCTURAL IMPROVEMENTS FOR THE TEXAS MEDICAL CENTER TRANSIT CENTER; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO solicited bids for the installation of escalators and the construction of related structural improvements for the Texas Medical Center Transit Center; and

WHEREAS, the firm of Satterfield & Pontikes Construction, Inc. submitted the lowest responsive and responsible bid;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to execute and deliver a contract with Satterfield & Pontikes Construction, Inc. for the installation of escalators and the construction of related structural improvements for the Texas Medical Center Transit Center for an amount not to exceed $2,583,090.00.

Section 2. This resolution is effective immediately upon passage.

PASSED this 24th day of March, 2005
APPROVED this 24th day of March, 2005

ATTEST:

[Signature]
Assistant Secretary

[Signature]
David S. Wolff
Chairman
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER A CONTRACT WITH HOUSTON MEDICAL TESTING SERVICES, INC. FOR MEDICAL REVIEW OFFICER, AND DRUG AND ALCOHOL TESTING SERVICES; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, the Federal Transit Administration requires that transit agencies administer a drug and alcohol program which includes oversight of collection and testing procedures, and a Medical Review Officer for analysis of test results and consultations, when required; and

WHEREAS, METRO issued a Request for Proposals for a Medical Review Officer and specimen collection services; and

WHEREAS, Houston Medical Testing Services, Inc. was determined most qualified to provide the services;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to negotiate, execute and deliver a contract with Houston Medical Testing Services, Inc. for an amount not to exceed $350,000.00.

Section 2. This resolution is effective immediately upon passage.

PASSED this 24th day of March, 2005
APPROVED this 24th day of March, 2005

ATTEST:

Assistant Secretary

Chairman
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO EXECUTE AND DELIVER A CONTRACT WITH MEDTOX LABORATORY FOR LABORATORY TESTING SERVICES; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO solicited bids for laboratory testing services in support of its federally-required drug and alcohol program; and

WHEREAS, MedTox Laboratory submitted the lowest responsive and responsible bid;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to execute and deliver a contract with MedTox Laboratory for an amount not to exceed $142,560.00.

Section 2. This resolution is effective immediately upon passage.

PASSED this 24th day of March, 2005
APPROVED this 24th day of March, 2005

ATTEST:

David S. Wolff
Chairman

Assistant Secretary
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER AN AGREEMENT WITH FIRST TRANSIT, INC. FOR OPERATION AND MAINTENANCE OF WHEELCHAIR-LIFT EQUIPPED VANS USED FOR METROLIFT SERVICES; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO provides paratransit service, known as "METROLift", to persons with disabilities who are unable to use the regular bus or METRORail service; and

WHEREAS, METRO requires the operation and maintenance of wheelchair-lift equipped vans for METROLift services for a period not to exceed sixty (60) days; and

WHEREAS, First Transit, Inc. is willing to provide such services;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to negotiate, execute and deliver an agreement with First Transit, Inc. for operation and maintenance of METROLift vans for a period not to exceed 60 days, under terms and conditions consistent with Contract No. CT0000022.

Section 2. This resolution is effective immediately upon passage.

PASSED this 24th day of March, 2005
APPROVED this 24th day of March, 2005

ATTEST:

[Signature]
Assistant Secretary

[Signature]
Chairman
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO EXECUTE AND DELIVER A CONTRACT WITH ACM CONTRACTORS, INC. FOR THE RECONSTRUCTION OF SKINNER ROAD FROM US 290 TO JARVIS ROAD; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, it is necessary to reconstruct Skinner Road for improved access to the new Cypress Park & Ride lot; and

WHEREAS, METRO solicited bids for the construction of improvements to Skinner Road from US 290 to Jarvis Road; and

WHEREAS, ACM Construction, Inc. submitted the lowest responsive and responsible bid;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to execute and deliver a contract with ACM Contractors, Inc. for the reconstruction of Skinner Road, from US 290 to Jarvis Road, for an amount not to exceed $898,089.05.

Section 2. This resolution is effective immediately upon passage.

PASSED this 28th day of April, 2005
APPROVED this 28th day of April, 2005

ATTEST:

Assistant Secretary

Chairman
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER CONTRACTS WITH HUITT-ZOLLARS, INC. AND WITH ROSS & BARUZZINI, INC. FOR ENGINEERING, ARCHITECTURAL AND SECURITY DESIGN SERVICES; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO solicited Qualification Statements and Letters of Interest from firms to provide professional mechanical, electrical, plumbing, civil and structural engineering, architectural and security design services; and

WHEREAS, the firms of Huitt-Zollars, Inc. and Ross & Baruzzini, Inc. were determined most qualified;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to negotiate, execute and deliver a contract with Huitt-Zollars, Inc. for an amount not to exceed $3,500,000.

Section 2. The President & CEO is hereby authorized and directed to negotiate, execute and deliver a contract with Ross & Baruzzini, Inc. for an amount no to exceed $1,500,000.

Section 3. This resolution is effective immediately upon passage.

PASSED this 28th day of April, 2005
APPROVED this 28th day of April, 2005

ATTEST:

Assistant Secretary

David S. Wolff
Chairman
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO EXECUTE AND DELIVER A CONTRACT WITH WEBER'S WHITE TRUCKS, INC. FOR THE PURCHASE OF BENDIX AIR BRAKE PARTS; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO issued an invitation for bids for the purchase of Bendix air brake parts for transit vehicles; and

WHEREAS, Weber's White Trucks, Inc. submitted the lowest responsive and responsible bid;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to execute and deliver a three-year contract with Weber's White Trucks, Inc. for the purchase of Bendix air brake parts for an amount not to exceed $652,449.00.

Section 2. This resolution is effective immediately upon passage.

PASSED this 28th day of April, 2005
APPROVED this 28th day of April, 2005

ATTEST:

[Signature]
Assistant Secretary

[Signature]
Chairman
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER A CONTRACT WITH TRAPEZE SOFTWARE GROUP, INC. FOR THE ACQUISITION OF TRIP ITINERARY PLANNING, INTERACTIVE VOICE RESPONSE AND PARATRANSIT SCHEDULING SYSTEMS; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO desires to enhance current trip planning and customer response capabilities with a web-based bus, rail and paratransit trip planning system, a paratransit scheduling system and an interactive voice response system (the "systems"); and

WHEREAS, METRO solicited proposals for acquisition of the Systems; and

WHEREAS, Trapeze Software Group, Inc. is most qualified to provide the Systems;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to negotiate, execute and deliver a contract with Trapeze Software Group, Inc. for acquisition of trip itinerary planning, interactive voice response and paratransit scheduling systems, for an amount not to exceed $4,758,178.00.

Section 2. This resolution is effective immediately upon passage.

PASSED this 28th day of April, 2005
APPROVED this 28th day of April, 2005

ATTEST:

David S. Wolff
Chairman
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO UNDERTAKE THE SALE OF APPROXIMATELY 12.3 ACRES OF SURPLUS PROPERTY TO THE CITY OF HOUSTON; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO previously used approximately 12.3 acres of land on Boone Road (hereinafter referred to as "the property") for operation of a park & ride facility, known as the Alief Park & Ride Lot; and

WHEREAS, operation of the Alief Park & Ride Lot was discontinued due to low patron usage, and the property was declared surplus to METRO’s needs; and

WHEREAS, the City of Houston desires to purchase the property for use for a public health facility; and

WHEREAS, the Board of Directors is of the opinion that the property is appropriate for intergovernmental cooperation and the President & CEO should be authorized to undertake the sale of such property;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to undertake the sale of approximately 12.3 acres of land situated on Boone Road to the City of Houston for an amount consistent with its appraised value.

Section 2. This resolution is effective immediately upon passage.

PASSED this 28th day of April, 2005
APPROVED this 28th day of April, 2005

ATTEST:

Assistant Secretary

Chairman

David S. Wolff
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO EXECUTE AND DELIVER A CONTRACT WITH STEWART & STEVENSON SERVICES, INC. FOR DETROIT DIESEL ENGINE PARTS; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, an invitation for bids was issued for Detroit Diesel Corporation Series 40 engine parts and rebuild kits for METRO's bus fleet; and

WHEREAS, Stewart & Stevenson Services, Inc. submitted the lowest responsive and responsible bid;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to execute and deliver a contract with Stewart & Stevenson Services, Inc. for the purchase of Detroit Diesel engine parts and rebuild kits, for an amount not to exceed $1,324,418.00.

Section 2. This resolution is effective immediately upon passage.

PASSED this 28th day of April, 2005
APPROVED this 28th day of April, 2005

ATTEST:

Assistant Secretary

David S. Wolff
Chairman
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER A CONTRACT WITH FIRST TRANSIT, INC. FOR OPERATION AND MAINTENANCE OF WHEELCHAIR-LIFT EQUIPPED VANS USED FOR METROLIFT SERVICES; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO provides paratransit services, known as "METROLift", to persons with disabilities who are unable to use the regular bus or METRORail service; and

WHEREAS, METRO issued a Request for Proposals for operation and maintenance of the wheelchair-lift equipped vans used for METROLift services; and

WHEREAS, First Transit, inc. is most qualified to do the work;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to negotiate, execute and deliver a five-year contract with First Transit Inc. for an amount not to exceed $77,922,975.00.

Section 2. This resolution is effective immediately upon passage.

PASSED this 28th day of April, 2005
APPROVED this 28th day of April, 2005

ATTEST:

Assistant Secretary

Chairman
A RESOLUTION

SUPPORTING LEGISLATIVE INITIATIVES REFLECTING A CONSENSUS REACHED WITH THE ENGINEERING COMMUNITY FOR A HYBRID DELIVERY SYSTEM THAT AUTHORIZES METRO'S USE OF ALTERNATIVE DELIVERY SYSTEMS FOR CERTAIN CAPITAL PROJECTS; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO’s enabling legislation, as codified in Chapter 451 of the Texas Transportation Code, identifies competitive bidding as the conventional methodology by which METRO can enter into contracts for capital projects and the construction of improvements to the transit system; and

WHEREAS, alternative delivery systems, such as a hybrid delivery system provides flexibility which can enable greater efficiency, cost savings and earlier project completion; and

WHEREAS, other public entities, such as the Texas Department of Transportation, Regional Mobility Authorities, school districts, navigation districts, cities and counties possess the statutory authority to use alternative delivery systems as optional methodologies for the construction of their capital projects, and have used such alternative delivery systems successfully; and

WHEREAS, METRO has no such statutory authority; and

WHEREAS, the Board of Directors is of the opinion that METRO should have the capability to select the most effective delivery system for construction of its capital projects; and

WHEREAS, legislation is under consideration before the Texas Legislature which would provide METRO with greater flexibility for the use of alternative delivery systems;
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby supports those legislative initiatives, including HB 2300 now pending before the Texas Legislature, proposed to be amended, to reflect a consensus reached with the engineering community, which authorizes and enables METRO’s use of alternative delivery systems, including a hybrid delivery system which embodies competitive negotiation as generally defined in the attached Exhibit for the construction of capital projects and other transit system improvements.

Section 2. The President & CEO is hereby authorized and directed to forward a copy of this Resolution to members of the Texas Legislature and other persons, as may be appropriate, as an expression of METRO’s official position on this matter.

Section 3. This resolution is effective immediately upon passage.

PASSED this 5th day of May, 2005
APPROVED this 5th day of May, 2005

ATTEST:

David S. Wolff
Chairman
Houston Council of Engineering Companies (HCEC) and METRO
Understanding of METRO Solutions Program Implementation and any Related Legislative Action

1. Applies to Houston METRO only.
2. This only applies to projects $100 million and greater unless the chosen technology for a given extension line results in a slightly lower price. The intent here is to limit the applicability of this delivery system to only the METRO Solution extension lines for mass transit as detailed below.
3. Will only be for the 5 planned extension lines. These include: the North Line (two segments), Harrisburg Line, Southeast Line, East/West Line (old Westpark Line), and Uptown Line. Should funds be available, the old Inner Loop Line could also be included.
4. Must have a 10 year Sunset clause.
5. No wording related to Comprehensive Development Agreements (CDA’s).
6. This is not a design/build whereby a contractor hires and controls an engineer without QBS.
7. This is termed a “Hybrid Delivery System (HDS)”
8. Must define two fundamental components of the overall project: a) the System Components; and b) the Civil Works Components. Both components are defined as:
   a. System Components – all those rolling stock system components related to the system itself including rolling stock cars (or buses in the case of bus rapid transit), tracks – if any, special signals and communication systems, and related power systems such as guide ways – if any.
   b. Civil Works Components – all those civil works that are associated with the project including underground utilities, paving, drainage, structures including elevated platforms and bridges, and all vehicular traffic related items. This could also include related work items such as primary power supply distribution systems (not to be confused with the proprietary power controls for the system components); the architectural systems of transfer stations and depots; and the related MEP work. In essence, if we were dealing with an at-grade rail system, everything below the steel rail itself would be considered Civil Works Components – everything but the rolling stock and their rails, power and communication systems, and related appurtenances. The same applies to elevated systems – structural components are a part of the Civil Works.
9. All Civil Works shall be designed by local firms.
10. These local firms shall be selected as currently mandated by the Texas Professional Services Procurement Act (PSPA) and applicable Federal procurement laws.
11. At some point in the design development, say approximately 30%, competitive proposals are received from Facility Providers and builders – now called the “Facility Provider.”
12. The Facility Provider must enter into a contract with Metro that retains the Civil Works team or firm and that provides full protection and covenants to the team or firm with guarantees that the access and direct communication and association is preserved between the Civil Works team and Metro – without any repercussions possible against the team in any cases of conflicts. This must be done to provide full protection of the Civil Works team. Included herein is all payment related issues, etc.
13. The Facility Provider may not competitively price any Civil Works design efforts. No violations of the PSPA allowed.
14. The Facility Provider can only provide design management and coordination over the Civil Works Components and must integrate the system components design and all other elements of the project unless design assistance is requested by the Civil Works team.
15. Considering the total fees and cost associated with the design of the Civil Works Components, the Facility Provider’s involvement related to the design management and coordination cannot exceed 8%. With 35% small business set-asides, this leaves a minimum of 57% for prime sub-tier Civil Works teams.
16. All consideration shall be given to using the Civil Works design firms and/or other local firms for quality assurance activities and as applicable for the construction management.
17. Covenants are to be included that provide suitable involvement of the local construction and supply industry.
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER A CONTRACT WITH KPMG LLP BY EXERCISING AN OPTION FOR CONTINUED EXTERNAL FINANCIAL AUDITING SERVICES; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO entered into contract with KPMG LLP for external financial auditing services; and

WHEREAS, the contract contains two one-year options for continued services; and

WHEREAS, KPMG LLP has performed satisfactorily, and it is appropriate that METRO exercise the first option for a continuation of external financial auditing services;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to negotiate, execute and deliver a modification to the contract with KPMG LLP by exercising the first one-year option for continued services, and to increase the maximum authorized expenditures under the contract by an amount not to exceed $145,800.00.

Section 2. This resolution is effective immediately upon passage.

PASSED this 19th day of May, 2005
APPROVED this 19th day of May, 2005

ATTEST:

Assistant Secretary

David S. Wolff
Chairman
A RESOLUTION

APPROVING AND ADOPTING THE FISCAL YEAR 2005 SECTION 5307 PROGRAM OF PROJECTS; APPROVING AND ADOPTING THE FISCAL YEARS 2003, 2004 AND 2005 SECTION 5309 FIXED GUIDEWAY MODERNIZATION PROGRAM PROJECTS; APPROVING AND ADOPTING THE FISCAL YEAR 2005 SECTION 5309 DISCRETIONARY BUS PROGRAM PROJECTS; AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO PREPARE, SUBMIT AND EXECUTE APPROPRIATE GRANT AGREEMENTS WITH THE FEDERAL TRANSIT ADMINISTRATION FOR RECEIPT OF FEDERAL FUNDING; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO is eligible for funding for various capital projects through the Federal Transit Administration; and

WHEREAS, a pre-requisite for receipt of funds is the designation of projects for fund usage; and

WHEREAS, METRO staff has recommended candidate projects for receipt of funds under the federal government's Section 5307 Program of Projects, the Section 5309 Fixed Guideway Modernization Program and the Section 5309 Discretionary Bus Program; and

WHEREAS, the Board of Directors has reviewed the candidate projects and is of the opinion that these projects should be approved;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The Board of Directors hereby approves the projects identified for FY2005 Section 5307 and CMAQ grant allocations, as set forth in Attachment 1.

Section 2. The Board of Directors hereby approves the projects identified for FY2003, 2004 and 2005 Section 5309 Fixed Guideway Modernization program funding, as set forth in Attachment 2.
Section 3. The Board of Directors hereby approves the projects identified for FY2005 Section 5309 Discretionary Bus Program funding, as set forth in Attachment 3.

Section 4. The President & CEO is hereby authorized and directed to undertake all actions reasonable and necessary to prepare, submit and execute grant agreements with the Federal Transit Administration for receipt of federal funding.

Section 5. This resolution is effective immediately upon passage.

PASSED this 19th day of May, 2005
APPROVED this 19th day of May, 2005

ATTEST:

Assistant Secretary

David S. Wolff
Chairman
### ATTACHMENT 1

**FUNDING SUMMARY AND PROPOSED ALLOCATION:**
**FY2005 SECTION 5307 & CMAQ**
*(All Figures Are Net Federal Dollars)*

<table>
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<th>CAPITAL PROGRAM ELEMENT</th>
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</tr>
<tr>
<td>Major Facility Rehabilitation Initiative</td>
<td>$100,000</td>
<td>$0</td>
<td>$0</td>
<td>$100,000</td>
</tr>
<tr>
<td>Farebox/SmartCard Replacement</td>
<td>$7,154,464</td>
<td>$1,891,004</td>
<td>$8,554,532</td>
<td>$17,600,000</td>
</tr>
<tr>
<td>RCTSS (outside Beltway 8)</td>
<td>$900,000</td>
<td>$0</td>
<td>$0</td>
<td>$900,000</td>
</tr>
<tr>
<td>North Corridor PE</td>
<td>$5,000,000</td>
<td>$5,000,000</td>
<td></td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Southeast Corridor PE</td>
<td>$5,000,000</td>
<td>$5,000,000</td>
<td></td>
<td>$5,000,000</td>
</tr>
<tr>
<td>METRORail Enhancements</td>
<td>$12,648,634</td>
<td></td>
<td></td>
<td>$12,648,634</td>
</tr>
<tr>
<td>TOTAL ALLOCATION</td>
<td><strong>$59,029,338</strong></td>
<td><strong>$76,064,444</strong></td>
<td><strong>$58,129,338</strong></td>
<td><strong>$193,223,120</strong></td>
</tr>
</tbody>
</table>

**NOTES:**
(1) FY2005 represents actual appropriation; forecast for FY2006 and FY2007 has been updated to match FY2005 actual.
(2) Capital projects are reimbursed at 80%.
(3) Grantees are required to spend 1% of total annual allocation on "enhancement" projects. METRO assigns this allocation to Bus Shelters and Buffalo Bayou Capitalized Preventive Maintenance, costs that METRO would incur during normal business operations irrespective of grant funding.
(4) Regulations allow 10% of annual allocation to be used for paratransit operating expenses; METRO started using the maximum amount in FY2000.
ATTACHMENT 2

FUNDING SUMMARY AND PROPOSED ALLOCATION:
FY2003-2004-2005 SECTION 5309 FIXED GUIDEWAY MODERNIZATION
(All Figures Are Net Federal Dollars)

<table>
<thead>
<tr>
<th>CAPITAL PROGRAM ELEMENT</th>
<th>FY2003</th>
<th>FY2004</th>
<th>FY2005</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual Allocations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 5309 FGM (1)</td>
<td>$7,455,635</td>
<td>$6,847,000</td>
<td>$6,958,562</td>
<td>$21,261,197</td>
</tr>
<tr>
<td>TOTAL AVAILABLE GRANT FUNDS</td>
<td>$7,455,635</td>
<td>$6,847,000</td>
<td>$6,958,562</td>
<td>$21,261,197</td>
</tr>
<tr>
<td>Allocations to Projects (2)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HOV Gates/CCTV</td>
<td>$1,370,000</td>
<td>$0</td>
<td>$0</td>
<td>$1,370,000</td>
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<tr>
<td>HOV to HOT Conversion</td>
<td>$6,085,635</td>
<td>$3,805,562</td>
<td>$0</td>
<td>$9,891,197</td>
</tr>
<tr>
<td>North Intermodal Facility</td>
<td>$0</td>
<td>$3,041,438</td>
<td>$6,958,562</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>TOTAL ALLOCATION</td>
<td>$7,455,635</td>
<td>$6,847,000</td>
<td>$6,958,562</td>
<td>$21,261,197</td>
</tr>
</tbody>
</table>

NOTES:
(1) All 3 years' allocations have already been appropriated by Congress.
(2) Eligible capital projected costs are reimbursed at 80%.
### FUNDING SUMMARY AND PROPOSED ALLOCATION:
**FY2005 SECTION 5309 DISCRETIONARY BUS**
(All Figures Are Net Federal Dollars)

<table>
<thead>
<tr>
<th>CAPITAL PROGRAM ELEMENT</th>
<th>FY2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual Allocations</td>
<td></td>
</tr>
<tr>
<td>Section 5309 Discretionary Bus</td>
<td></td>
</tr>
<tr>
<td>Addicks P&amp;R (1)</td>
<td>$4,373,003</td>
</tr>
<tr>
<td>Other P&amp;R Projects</td>
<td>$9,717,782</td>
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<tr>
<td><strong>TOTAL AVAILABLE GRANT FUNDS</strong></td>
<td>$14,090,785</td>
</tr>
<tr>
<td>Allocations to Projects (2)</td>
<td></td>
</tr>
<tr>
<td>Addicks P&amp;R &amp; T-ramp Modifications</td>
<td>$4,373,003</td>
</tr>
<tr>
<td>Addicks P&amp;R &amp; T-ramp Modifications (3)</td>
<td>$3,070,997</td>
</tr>
<tr>
<td>West Bellfort Phase 2 (3)</td>
<td>$1,313,470</td>
</tr>
<tr>
<td>Texas Medical Center P&amp;Rs/TCs</td>
<td>$5,333,315</td>
</tr>
<tr>
<td><strong>TOTAL ALLOCATION</strong></td>
<td>$14,090,785</td>
</tr>
</tbody>
</table>

**NOTES:**
1. Project is named and allocation specifically assigned in FY2005 federal appropriations bill.
2. Eligible capital projected costs are reimbursed at 80%.
3. Completes funding required for project.
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER A CONTRACT WITH MERCER HUMAN RESOURCES CONSULTING FOR BENEFITS CONSULTING AND BROKERAGE SERVICES; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO requires benefits consulting and brokerage services to provide assistance in the selection and implementation of employee benefits programs; and

WHEREAS, METRO issued a Request for Proposals for benefits consulting and brokerage services; and

WHEREAS, the firm of MERCER Human Resources Consulting was determined most qualified;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to negotiate, execute and deliver a contract with MERCER Human Resources Consulting for an amount not to exceed $585,000.00.

Section 2. This resolution is effective immediately upon passage.

PASSED this 19th day of May, 2005
APPROVED this 19th day of May, 2005

ATTEST:

Assistant Secretary

Chairman
A RESOLUTION

AUTHORIZING AND DIRECTING THE PRESIDENT & CEO TO NEGOTIATE, EXECUTE AND DELIVER A CONTRACT WITH NATIONWIDE CLEANING SERVICES, INC. FOR JANITORIAL SERVICES; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

WHEREAS, METRO issued a Request for Proposals for cleaning services for METRO's downtown administrative office building and the adjacent parking area; and

WHEREAS, Nationwide Cleaning Services, inc. can best provide the necessary services;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The President & CEO is hereby authorized and directed to negotiate, execute and deliver a contract with Nationwide Cleaning Services, Inc. for janitorial services for an amount not to exceed $450,531.84.

Section 2. This resolution is effective immediately upon passage.

PASSED this 19th day of May, 2005
APPROVED this 19th day of May, 2005

ATTEST:

David S. Wolff
Chairman