



**AUSTIN TRANSIT PARTNERSHIP
BOARD OF DIRECTORS MEETING
AGENDA**

Wednesday, December 21, 2022, 2:00 p.m.

ATP Board Room

203 Colorado St. Austin, TX 78701

ADA Compliance

Reasonable modifications and equal access to communications are provided upon request. Please call 512-389-7590 or email chloe.maxwell@atptx.org if you need more information.

Board of Directors

Veronica Castro de Barrera, Chair, Steve Adler, Vice Chair, Tony Elkins, Jeffrey Travillion, Juan Garza, Gina Fiandaca (ex officio), Dottie Watkins (ex officio).

Public Comment

Public comment may be completed in person or virtual. Those wishing to contribute comments must notify ATP 24-hours before the meeting by calling 512-389-7590 or emailing chloe.maxwell@atptx.org. Please provide your name, phone number and the topic you wish to discuss. On the day of the meeting, you will be contacted, added as an attendee of the board meeting, and have 3 minutes to speak. You will have only one opportunity at the beginning of the board meeting to speak on all items you intend to address.

Watch Live

ATP Board Meetings are streamed [live](#) from the ATP website.

Executive Session

The Board of Directors may go into closed session under the Texas Open Meetings Act. In accordance with Texas Government Code, Section 551.071, consultation with attorney for any legal issues, under Section 551.072 for real property issues; under Section 551.074 for personnel matter, or under Section 551.076, for deliberation regarding the deployment or implementation of security personnel or devices; arising regarding any item listed on this agenda.

Pages

1. **Public Comment**
2. **Technical Advisory Committee Reports**
 - 2.1 Engineering, Architecture & Construction Committee
 - 2.2 Finance & Risk Advisory Committee
3. **Executive Director Report**
 - 3.1 New Executive Introductions

3.2 Project Connect Status Report

4. Action Items

4.1 Action Item 1 3
Approval of minutes from the November 16 Board Meeting

4.2 Action Item 2 7
Approval of a resolution authorizing the negotiation and execution of a contract with Stateside Right of Way, LLC and LJA Engineering Inc. for Real Estate Acquisition and Relocation Services for a term of five years in an amount not to exceed \$6,100,000 for the initial 24 months

4.3 Action Item 3 10
Approval of a resolution authorizing the Austin Transit Partnership Executive Director, or designee, to enter into Cooperative Purchasing Agreements with Sourcewell, Buyboard, OMNIA Partners, and Texas SmartBuy to allow ATP to join and participate in the Cooperative Purchasing Programs of each organization

4.4 Action Item 4 12
Approval of a resolution determining that Capital Metropolitan Transportation Authority's hiring of Certification Associates as an independent on-site monitor complies with Section 4.3 of the Joint Powers Agreement

5. Item from Internal Audit

5.1 Briefing on Internal Audit Informal Review Project: ATP task order process for certain CapMetro contracts

6. Adjournment

AUSTIN TRANSIT PARTNERSHIP

**Board of Directors Meeting
December 21, 2022**

December 21 - AGENDA

1. Public Comment

2. Technical Advisory Committee Report

1. Engineering, Architecture & Construction Committee
2. Finance & Risk Advisory Committee

3. Executive Director Report

1. New Executive Introductions
2. Project Connect Status Report

4. Action Items

1. Approval of minutes from the November 16 Board Meeting
2. Approval of a resolution authorizing the negotiation and execution of a contract with Stateside Right of Way, LLC and LJA Engineering Inc. for Real Estate Acquisition and Relocation Services for a term of five years in an amount not to exceed \$6,100,000 for the initial 24 months
3. Approval of a resolution authorizing the Austin Transit Partnership Executive Director, or designee, to enter into Cooperative Purchasing Agreements with Sourcewell, Buyboard, OMNIA Partners, and Texas SmartBuy to allow ATP to join and participate in the Cooperative Purchasing Programs of each organization
4. Approval of a resolution determining that Capital Metropolitan Transportation Authority's hiring of Certification Associates as an independent on-site monitor complies with Section 4.3 of the Joint Powers Agreement

5. Item from Internal Audit

1. Briefing on Internal Audit Informal Review Project: ATP task order process for certain Capital Metro contracts

6. Adjournment

PUBLIC COMMENT

TECHNICAL ADVISORY COMMITTEE REPORTS

EXECUTIVE DIRECTOR REPORT

ACTION ITEM 1:

Approval of minutes from the November 16, 2022 ATP Board Meeting

AUSTIN TRANSIT PARTNERSHIP BOARD OF DIRECTORS MEETING

203 Colorado St. Austin, TX 78701

~ Minutes ~

Board Secretary Casey Burack
512-369-6040

Wednesday, November 16, 2022
10:30 AM

10:41 AM Meeting Called to Order
3:15 PM Meeting Adjourned

1. Official Seating of New ATP Board Member

Chair Castro de Barrera acknowledged Mr. Juan Garza, ATP's newest Board Member. Board Member Garza shared his thoughts and objectives regarding his service on the ATP Board.

2. Briefing on Status of Updated Light Rail Implementation Plan

ATP Interim Executive Director Greg Canally introduced Thomas Rousakis, representative with Ernst & Young, to discuss trends, case studies, and observations garnered through recent listening sessions and meetings with industry experts well versed in transit and large-scale capital project delivery.

Board Member Elkins asked about a collaborative building model and the feasibility in this program as well as reactions from industry experts participating in market soundings.

Brian Buchanan, Principal Project Manager at HDR; Jennifer Pyne, ATP's Chief of Planning & Risk Management; Peter Mullan, ATP's Chief of Architecture and Urban Design; and Courtney Chavez, ATP's Director of Equity and Inclusion presented on the workplan activities to include details related to the federal grant process.

Board Member Elkins stated the importance of an updated financial model and encouraged ATP staff to build out the timeline for another year.

Chair Castro de Barrera recessed the Board Meeting at 12:24 PM

Chair Castro de Barrera reconvened the Board Meeting at 1:37 PM

3. Public Comment

There was no public comment at the meeting.

4. Technical Advisory Committee Reports

Peter Mullan presented the report of behalf of the Engineering, Architecture & Construction Committee (EAC). Mr. Mullan discussed the objective of the combined workshop of the CAC, PSEC and EAC.. Chair Castro de Barrera also briefed the Board on the regular meeting of the EAC. The EAC discussed the Project Connect Ordinance.

Ex-officio Board Member Gina Fiandaca presented on behalf of the Planning, Sustainability, Equity & DBE Committee (PSEC) and indicated the Committee also discussed the Project Connect Ordinance.

Board Member Elkins presented on behalf of the Finance & Risk Committee. The committee discussed a possible change order policy, the Project Connect light rail status update report with Mr. Buchanan, a program finance update, and project delivery options.

5. Executive Director Report

ATP Interim Executive Director Greg Canally discussed the flowing items;

- Organizational Update
- Project Connect Status Report / Board Brief

Chair Castro de Barrera provided an update on the Executive Director recruitment process.

6. Partnership Reports

1. Update by CapMetro on MetroRapid and MetroRail Projects

Molly King, CapMetro Executive Vice President of Project Connect Integration, presented on this item.

Board Member Elkins requested regular updates on the DBE goals for these projects.

2. Update by City of Austin on Proposed Project Connect Ordinance

Annick Beaudet, Project Connect Program Officer, and Donna Galati, Project Connect Office Program Lead, presented on this item.

5. Action Items

1. Approval of minutes from the September 21, 2022 Austin Transit Partnership Board Meeting
RESULT: ADOPTED [UNANIMOUS]

MOVER: Travillion
SECONDER: Elkins
AYES: Castro de Barrera, Travillion, Elkins
ABSAINED: Garza
ABSENT: Adler

2. Approval of a resolution authorizing the negotiation and execution of a contract with HUG (HKS, UNStudio, Gehl) for Systemwide Architecture, Urban Design and Engineering Services for a three-year base term and three one-year options, in an amount not to exceed \$16,700,000 for Phase 1A of the Scope of Services

RESULT: ADOPTED [UNANIMOUS]

MOVER: Travillion
SECONDER: Garza
AYES: Castro de Barrera, Travillion, Elkins, Garza
ABSENT: Adler

3. Approval of a resolution authorizing the negotiation and execution of a second interlocal agreement with the City of Austin for Support Services through September 30, 2023, with a one-year extension option, in an amount not to exceed \$9,000,000

RESULT: ADOPTED [UNANIMOUS]

MOVER: Garza
SECONDER: Travillion
AYES: Castro de Barrera, Travillion, Elkins, Garza
ABSENT: Adler

4. Approval of resolution authorizing the negotiation and execution of an interlocal agreement with CapMetro for capital reimbursements associated with the McKalla Station through September 30, 2023, with a one-year extension option, in an amount not to exceed \$25,000,000

[Item 4 & 5 adopted in a combined vote]

5. Approval of a resolution amending the ATP Fiscal Year 2023 Budget to provide funding for the funding of the McKalla Station project in an amount of \$10,703,871, for a total appropriation of \$25,000,000

RESULT: ADOPTED [UNANIMOUS]

MOVER: Elkins
SECONDER: Garza
AYES: Castro de Barrera, Travillion, Elkins, Garza
ABSENT: Adler

6. Adoption of ATP Investment Policy

RESULT: ADOPTED [UNANIMOUS]

MOVER: Garza
SECONDER: Travillion

AYES: Castro de Barrera, Travillion, Elkins, Garza
ABSENT: Adler

5. Adjournment

ADA Compliance

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BOARD OF DIRECTORS: *Veronica Castro de Barrera, Chair; Steve Adler, Tony Elkins, Jeff Travillion, Juan Garza, Gina Fiandaca (ex officio), Dottie Watkins (ex officio).*

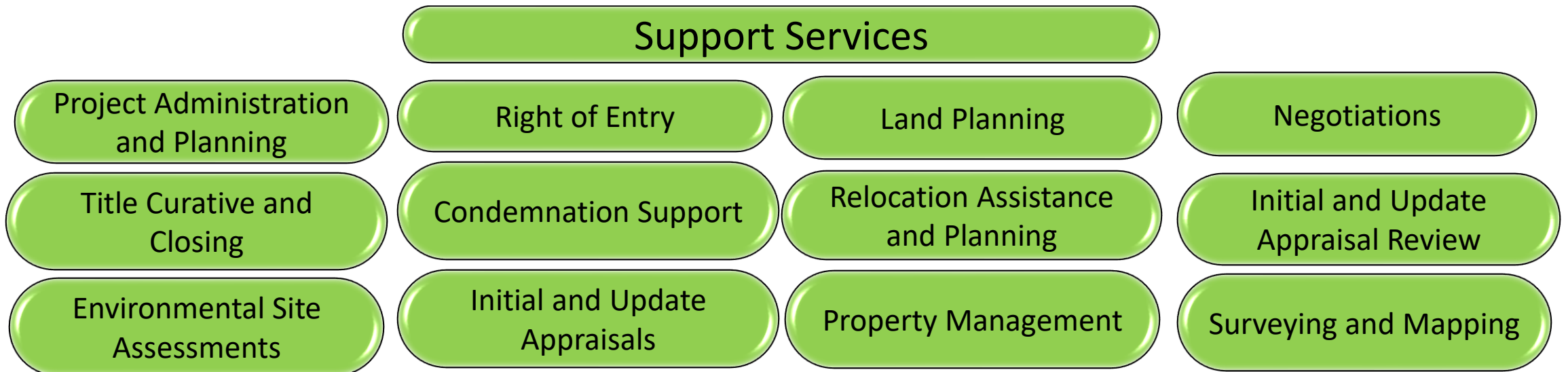
The Board of Directors may go into closed session under the Texas Open Meetings Act. In accordance with Texas Government Code, Section 551.071, consultation with attorney for any legal issues, under Section 551.072 for real property issues; under Section 551.074 for personnel matters, or under Section 551.076, for deliberation regarding the deployment or implementation of security personnel or devices; arising regarding any item listed on this agenda.

ACTION ITEM 2:

Approval of a resolution authorizing the negotiation and execution of a contract with Stateside Right of Way, LLC and LJA Engineering Inc. for Real Estate Acquisition and Relocation Services for a term of five years in an amount not to exceed \$6,100,000 for the initial 24 months

ATP's Business Needs

Austin Transit Partnership sought proposals from firms interested in providing **Real Estate and Right of Way Service Consultants** that will assist ATP in conforming to all State and Federal processes and regulations including, but not limited to, compliance with Federal Transit Administration (FTA) regulations



Solicitation: *Timeline*

Solicitation Issued	December 1, 2021
Pre-Proposal Conference	January 12, 2022
Proposal Submissions	March 2, 2022
Source Evaluations RFQ	March 4, 2022
Consensus Meeting RFQ	March 9, 2022
Source Evaluations RFP	March 13 –28, 2022
Interviews	March 22, 2022
Consensus Meeting RFP	April 20, 2022
Negotiations w/ HTO <small>(Highest Technical Offeror)</small>	April 25, 2022 – August 31, 2022
Board Approval	December 21, 2022
Contract Award NLT <small>(No Later Than)</small>	December 31, 2022

Solicitation: *Background*

The solicitation was sent to 44 registered vendors;
45 prospective bidders

Two vendors responded

The base contract is 5 years with two, one-year options

Indefinite
Delivery/Indefinite
Quantity (IDIQ) Task
Order Contract w/Not-
to-Exceed Amount

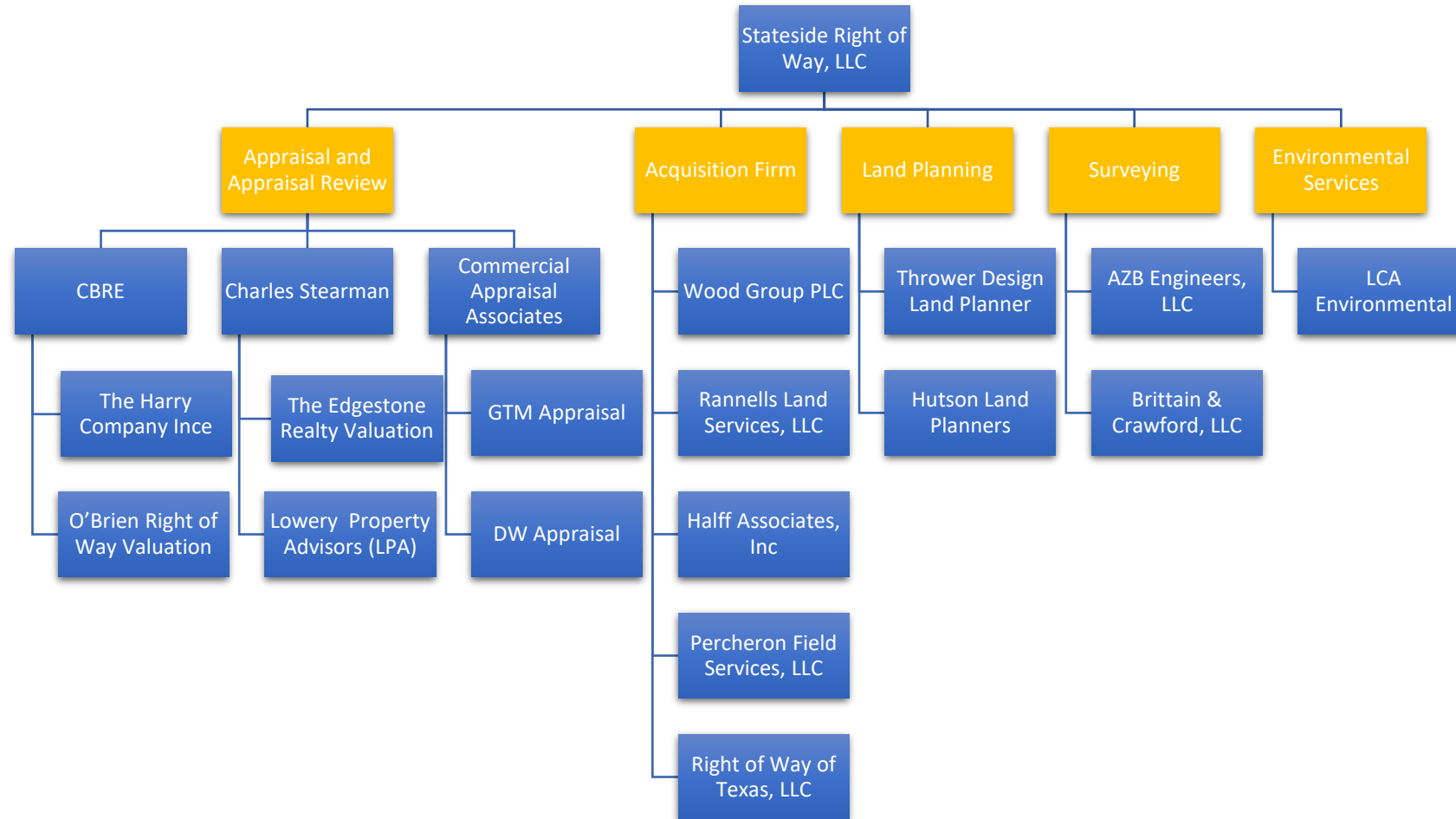
DBE Goal - 9% Overall
Contract

Solicitation: *Evaluation Results*

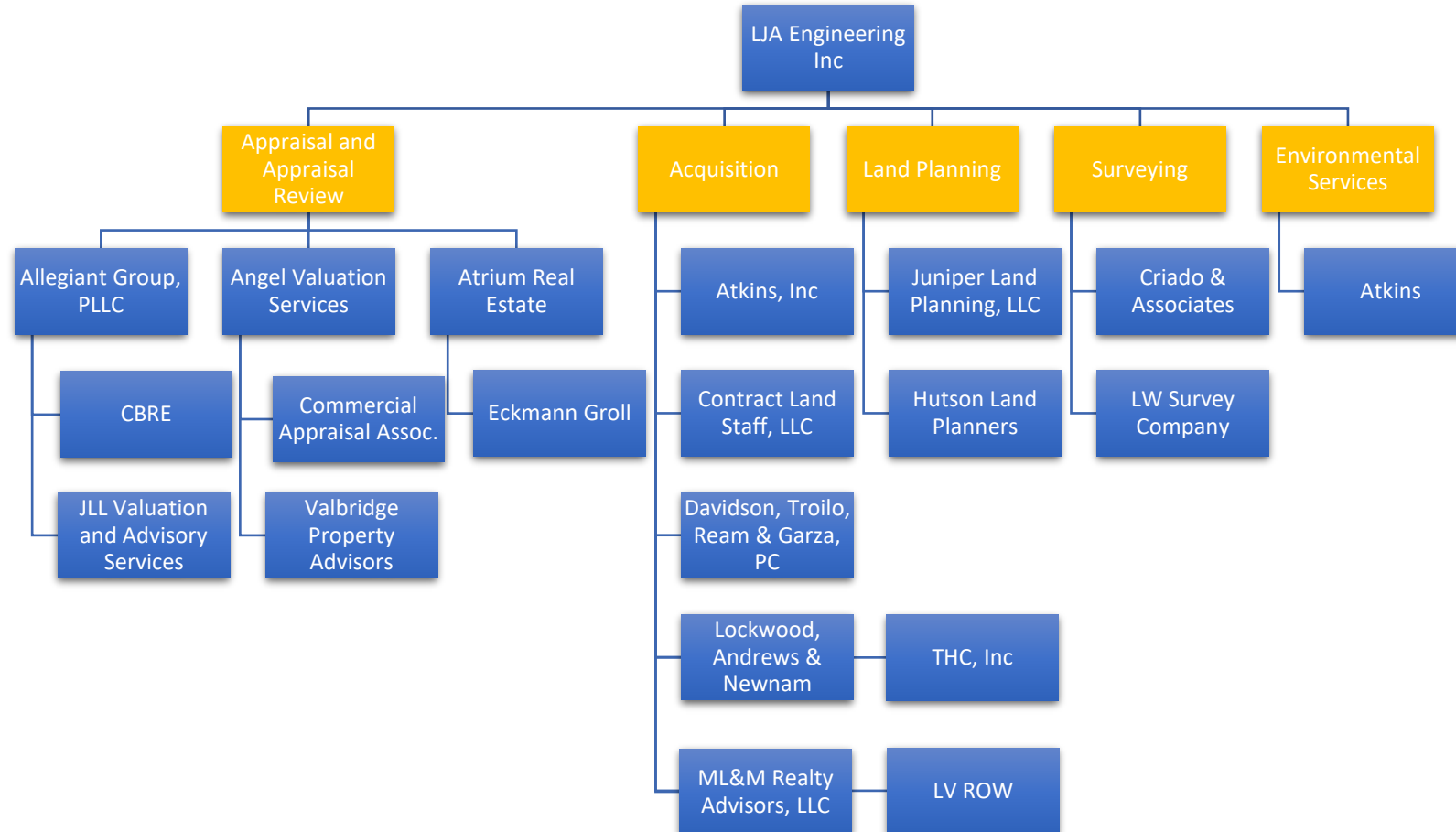
- Both firms were deemed qualified to perform the scope of services and move to Phase II.
- Phase II of the Solicitation – Technical Evaluations and Interviews for a maximum of 180 points.

Vendor No.	Firm	Total Score	Rank
1	Stateside Right of Way, LLC	157.52	1
2	LJA Engineering Inc.	154.49	2

The Team – *Stateside Right of Way, LLC*



The Team – *LJA Engineering, Inc.*



Contract Term

Real Estate Acquisition and Relocation Services

- Stateside Right of Way Services, LLC
- LJA Engineering, Inc
- Base 5-year Contract Period in an authorized amount not to exceed an initial amount of \$6.1M
 - As project development continues and additional scope is needed, staff will come back to ATP Board for additional funding approval
 - Work for scope of services will be issued via negotiated task orders
 - Two, one-year options are available, and would be brought back to the ATP Board for approval



SUBJECT: Approval of a resolution authorizing the Austin Transit Partnership (“ATP”) Executive Director, or their designee, to negotiate and execute a contract with Stateside Right of Way, LLC (“Stateside”) and LJA Engineering Inc. (“LJA”), for Real Estate Acquisition and Relocation Services for a term of five years in an amount not to exceed \$6,100,000 for the initial 24 months.

FISCAL IMPACT: None.

RESPONSIBLE DEPARTMENT: Procurement.

EXECUTIVE SUMMARY: This resolution authorizes the ATP Executive Director, or their designee, to negotiate and execute a contract with Stateside and LJA for Real Estate Acquisition and Relocation Services for a term of five years in an amount not to exceed \$6,100,000 dollars for the initial 24 months. The Contractors will be expected to accomplish the following real estate services: project administration, rights of entry (ROE), title and closing, initial, update, review appraisal services, land planning, negotiation, relocation assistance and planning, preliminary condemnation, condemnation support services; property management services, real estate acquisition and relocation management plan (RAMP), relocation plan; surveying; and mapping services and environmental site assessments.

PROCUREMENT SUMMARY: Austin Transit Partnership sought proposals from firms interested in providing Real Estate and Right of Way Service that will assist ATP in conforming and compliance to all State and Federal processes and regulations including, but not limited to, compliance with Federal Transit Administration (FTA) regulations.

ATP issued a Request for Qualifications (RFQ) and Request for Proposals (RFP) on December 1, 2021, which was sent to 35 registered vendors. Two vendors responded to the solicitation. Stateside and LJA were deemed qualified to perform the scope of services and move to Phase II. Stateside and LJA Engineering Inc are both technically qualified based on ATP’s evaluation criteria. Stateside Right of Way, LLC and LJA Engineering Inc have the capacity and expertise to perform the contract and are recommended for award.

The base contract is for a five-year term. Two, one-year renewal options are available and would be brought back to the Board for approval.



DISADVANTAGED BUSINESS ENTERPRISE PROGRAM SUMMARY:

After reviewing the RFP and evaluating availability of vendors with Disadvantaged Business Enterprise (DBE) certification, ATP set a race conscious DBE goal of 9% on the overall contract. Stateside is a certified DBE, therefore Stateside is deemed to have already met the goal as a DBE prime contractor. LJA Engineering has committed to meeting the 9% DBE goal and identified DBE subcontractors to complete this effort. ATP will track DBE progress as task orders are issued.



**RESOLUTION
OF THE
AUSTIN TRANSIT PARTNERSHIP
BOARD OF DIRECTORS**

STATE OF TEXAS

Resolution ID: ATP-2022-020

COUNTY OF TRAVIS

Contract Award for Real Estate Acquisition and Relocation Services

WHEREAS, the Austin Transit Partnership (“ATP”) Board of Directors recognizes the need to procure the services of a qualified firm to provide real estate acquisition and relocation services in support of the implementation of Project Connect; and

WHEREAS, ATP issued a Request for Qualifications and Request for Proposals for real estate acquisition and relocation services, and, two firms, Stateside Right of Way, LLC (“Stateside”) and LJA Engineering Inc. (“LJA”) responded; and

WHEREAS, Stateside and LJA were both evaluated and determined to be qualified to perform the scope of services as specified in the Request for Proposals and Request for Qualifications; and

WHEREAS, the ATP Board of Directors desires to ensure industry best practices and standardized organizational practices for the implementation of Project Connect; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of ATP that the ATP Executive Director, or their designee, is authorized to negotiate and execute a contract with Stateside Right of Way, LLC and LJA Engineering Inc., for Real Estate Acquisition and Relocation Services for a term of five years in an amount not to exceed \$6,100,000 for the initial 24 months.

Date: _____

Casey Burack
Secretary of the Board

ACTION ITEM 3:

Approval of a resolution authorizing the Austin Transit Partnership Executive Director, or designee, to enter into Cooperative Purchasing Agreements with Sourcewell, Buyboard, OMNIA Partners, and Texas SmartBuy to allow ATP to join and participate in the Cooperative Purchasing Programs of each organization

ATP's Business Need

Austin Transit Partnership is seeking additional sources to provide cooperative contracts through the following Cooperative Purchasing Programs:

- Sourcewell
- BuyBoard
- OMNIA Partners
- Texas SmartBuy or TXMAS

Benefit of Cooperative Purchasing Programs

- Procurement efficiencies
 - Streamlined process
 - Lower administrative costs
 - Saves time and money
- Increased Purchasing Power
- No cost to join
- No purchasing obligation or liability

ATP Responsibility

- ✓ Follow ATP Procurement Policies and Guidelines for all purchases
- ✓ Understand participation rules of each cooperative
- ✓ Follow laws and regulations of each cooperative
- ✓ Ensure that vendor agreements contain applicable clauses
- ✓ Ensure contracts contain applicable minority participation goals
- ✓ Ensure contracts contain applicable insurance requirements

Cooperative Agreement for Sourcewell

- Eligibility and Authorization
 - Local Government Code Chapter 271, Subchapter F
 - Interlocal Cooperation Act, Texas Government Code 791.025
 - Minnesota Statute 123A.21, subd. 7(23)
- Membership Requirements
 - Sign and Execute Participation Agreement

Sample Products Available: *Sourcwell*

- Administrative Services
 - Office Equipment – Copiers, Printers, & Software
 - Mailing & Shipping Software Solutions
 - Copiers, Printers, & Multi-Function Devices
 - Office Supplies
 - Office Furniture
 - Janitorial Supplies

Cooperative Agreement: *Buyboard*

- Eligibility and Authorization

- The Texas Cooperative is open to all local governments, and other political subdivisions in the state that are authorized to be a party to an interlocal cooperation agreement under the Interlocal Cooperation Act.
- Interlocal Cooperation Act, Chapter 791 of the Texas Government Code
- Local Cooperative Organization, Chapter 271 Subchapter F, of the Texas Local Government Code

- Membership Requirements

- Interlocal Participation Agreement
 - Signed by ATP approving official and identifying point of contact
- ATP Board Resolution

Sample Products Available: *Buyboard*

- Audiovisual Supplies/Equipment
- Awards, Trophies, & Personal Recognition Products
- Copiers, Duplicators, & Supplies
- Copy & Print Services
- Document Management Services
- Office Supplies/Equipment
- Oral Interpretation & Written Translation Services
- Paper, Toner, & Copier

Cooperative Agreement: *OMNIA Partners*

- Eligibility and Authorization
 - Interlocal Cooperation Act, Chapter 791 of the Texas Government Code
 - Local Cooperative Organization, Chapter 271 Subchapter F, of the Texas Local Government Code
 - 42 C.F.R Section 1001.952(j)
 - (Group Purchasing Organizations)
- Membership Requirements
 - Master Intergovernmental Cooperative Purchasing Agreement
 - Accept Terms and Conditions via Online Form
 - Provide Agency Information and Point of Contact

Sample Products Available: *OMNIA Partners*

- Business Products and Services
 - Office Products
 - Travel Services
 - Multifunctional Devices
 - Managed Print Services
 - Language Services
- Facilities Supplies
- Furniture
- Information Technology
 - Hardware
 - Software
 - Data Storage and Management

Cooperative Agreement: *Texas SmartBuy*

- Eligibility and Authorization
 - Sections 271.082 and 271.083 of the Texas Local Government Code
 - Texas Government Code Chapter 791
- Membership Requirements
 - Complete Texas SmartBuy Membership Application
 - ATP Board Resolution

Sample Products Available: *TX State Term*

- Copiers, Duplicators, & Supplies
- Copy & Print Services
- Office Supplies/Equipment
- Office Furniture
- Paper & Toner—Office and Copier
- First Aid & Safety Equipment



Subject: Approval of a resolution authorizing the Austin Transit Partnership (“ATP”) Executive Director, or designee, to enter into Cooperative Purchasing Agreements with Sourcewell, BuyBoard, OMNIA Partners, and Texas SmartBuy to allow ATP to join and participate in the Cooperative Purchasing Programs of each organization.

Fiscal Impact: Does not apply.

Business Case: Does not apply.

Executive Summary: Chapter 271 of the Texas Local Government Code permits local governments to form and join purchasing cooperatives to engage in cooperative purchasing for the benefit of all parties. The purpose of the Cooperative Purchasing Agreements is to streamline and simplify compliance with Texas Local Government Code, Ch. 791, the Interlocal Cooperation Act, which authorizes local government entities to enter interlocal agreements for the purposes of forming and joining cooperative purchasing programs. Under the Sourcewell, BuyBoard, OMNIA Partners, and Texas SmartBuy purchasing cooperatives, ATP can authorize and access their cooperative contracts, eliminating the need to go through the formal procurement process.

Responsible Department: Procurement

Procurement Summary: Using cooperative agreements will create procurement efficiencies by streamlining the purchase process, saving both time and money. The cooperatives have gone through the procurement process and the contracts have been awarded to qualified vendors. There is no cost to join and joining does not create a purchasing obligation or liability.

ATP will follow the guidelines of its procurement policy in relation to purchasing from the various cooperatives. ATP will also be responsible for ensuring that any purchase orders have applicable clauses for local, state, and federal procurements. In addition, ATP will be responsible for ensuring that the purchase orders comply with minority participation goals.



**RESOLUTION
OF THE
AUSTIN TRANSIT PARTNERSHIP
BOARD OF DIRECTORS**

STATE OF TEXAS

Resolution ID: ATP-2022-021

COUNTY OF TRAVIS

Authorization to, Sourcewell, BuyBoard, OMNIA Partners, and Texas SmartBuy and Texas SmartBuy Cooperative Purchasing Programs

WHEREAS, purchasing cooperatives between and among local government entities in the State of Texas have been shown to improve competition, quality, services, provide lower prices for materials and services, and avoid duplication of effort; and

WHEREAS, ATP Chapter 791 of the Texas Government Code, the Interlocal Cooperation Act, authorizes local governments to contract, to the greatest possible extent, with one another and agencies of the State of Texas; and will be the recipient of public funds from both local and federal sources of funding; and

WHEREAS, Chapter 271 of the Texas Local Government Code permits local governments to form purchasing cooperatives to engage in cooperative purchasing for the benefit of all parties; and

WHEREAS, by entering into the Cooperative Purchasing Agreements with Sourcewell, BuyBoard, OMNIA Partners, and Texas SmartBuy, ATP will become a member of the Cooperatives and gain access to a large pool of competitively procured contracts, which has the potential to expedite purchases, provide lower prices for goods and services, and avoid duplication of efforts.

NOW, THEREFORE, BE IT RESOLVED by the Austin Transit Partnership Board of Directors that the Executive Director, or their designee, is authorized to enter into Cooperative Purchasing Agreements with Sourcewell, BuyBoard, OMNIA Partners, and Texas SmartBuy for the purpose of participating in cooperative procurement opportunities.

Casey Burack
Secretary of the Board

Date: _____

ACTION ITEM 4:

Approval of a resolution determining that the Capital Metropolitan Transportation Authority's hiring of Certification Associates as an independent on-site monitor complies with Section 4.3 of the Joint Powers Agreement



Approval of a Resolution Determining CapMetro's Hiring of Certification Associates to Provide Independent On-site Monitoring Complies with the Joint Powers Agreement

SUBJECT: Approval of a resolution determining that Capital Metropolitan Transportation Authority's (CapMetro) hiring of Certification Associates as an independent on-site monitor complies with Section 4.3 of the Joint Powers Agreement.

FISCAL IMPACT: No Fiscal Impact.

BUSINESS CASE: Does not apply.

EXECUTIVE SUMMARY: The Joint Powers Agreement (JPA) between Austin Transit Partnership, Capital Metro, the City of Austin, effective October 29, 2021, contained a provision in Section 4.3 requiring the ATP Board to make a determination that any onsite monitors hired for Project Connect construction projects are: (1) independent of construction companies or their affiliates; (2) not fiscally sponsored by construction companies or industry trade groups; and (3) accredited by a community organization that represents the interest of workers.

This resolution makes that determination in accordance with the JPA, and through this resolution, the Board has determined that CapMetro's hiring of Certification Associates to provide on-site monitoring services for the MetroRapid and MetroRail construction projects complies with Section 4.3.

RESPONSIBLE DEPARTMENT: Legal

PROCUREMENT SUMMARY: Does not apply.



**RESOLUTION
OF THE
AUSTIN TRANSIT PARTNERSHIP
BOARD OF DIRECTORS**

STATE OF TEXAS

Resolution ID: ATP-2022-022

COUNTY OF TRAVIS

***Approval of a Resolution Determining CapMetro’s
Hiring of Certification Associates to Provide
Independent On-site Monitoring Complies with the
Joint Powers Agreement***

WHEREAS, the Austin Transit Partnership Board of Directors (“Board”) entered into a Joint Powers Agreement with the Capital Metropolitan Transportation Authority (“CapMetro”) and the City of Austin to “set forth the roles and responsibilities of all three Parties in a manner that further details ATP as the principal entity responsible for implementing Project Connect in a manner independent of the City and Capital Metro”; and

WHEREAS, CapMetro has hired Certification Associates as an independent on-site monitor for their MetroRapid and MetroRail construction projects that form a portion of Project Connect; and

WEHEREAS, per Section 4.3 of the Joint Powers Agreement (JPA), the ATP Board must make a determination that CapMetro’s onsite monitors are: (1) independent of construction companies or their affiliates; (2) not fiscally sponsored by construction companies or industry trade groups; and (3) accredited by a community organization that represents the interest of workers; and

WHEREAS, the Worker’s Defense Project and CapMetro (Attachment A) have certified that Cerification Associates meets the aforementioned requirements of the JPA; and

NOW, THEREFORE, BE IT RESOLVED by the Austin Transit Partnership Board of Directors that CapMetro’s hiring of Certification Associates for the provision of onsite monitoring services complies with the requirements of JPA Section 4.3 as evidenced by Attachment A.

Casey Burack
Secretary of the Board

Date: _____

November 3, 2022

RE: On-site monitoring of Project Connect projects

The [October 2021 Joint Partnership Agreement](#) (JPA) executed between the Austin Transit Partnership (ATP), Capital Metropolitan Transportation Authority (CapMetro), and the City of Austin (the City), as well as other foundational governance documents related to Project Connect, provide stipulations for on-site monitoring to ensure worker safety and quality of life protections as described in the documents, such as those related to wages for construction workers, and access to healthcare.

As the entity responsible for the construction of Project Connect MetroRapid and MetroRail improvements, CapMetro executed a contract with Certification Associates, Inc. for the purposes of on-site monitoring to ensure CapMetro's contractors adhere to the below-described worker protections. Certification Associates, Inc., was identified as a firm accredited by Worker's Defense Project, a community organization that represents the interest of workers, as is required by in the Joint Partnership Agreement.

The Joint Partnership Agreement requires the ATP Board of Directors to make a determination that the on-site monitors are independent of construction companies. Certification Associates, Inc., already has extensive experience completing on-site monitoring of construction sites, in partnership with public agencies and private firms in the region. CapMetro sourced this contract through a sole-source procurement in order to meet the specific parameters and qualifications in the JPA and has confirmed that Certification Associates, Inc., is independent of the contractors working on the Project Connect MetroRapid and MetroRail projects, and their affiliates. They will complete on-site monitoring at both MetroRail and MetroRapid project sites, including Park and Rides, on an established, regular schedule in coordination with our construction schedules using a questionnaire developed in partnership with CapMetro staff. The questions will allow on-site construction workers to provide a direct response about whether they have access to the below-described protections, and the answers will be the basis of a regular report to CapMetro from Certification Associates, Inc. With these reports, CapMetro will be able to take corrective action with contractors if necessary. These reports will also be shared with stakeholders such as the Project Connect Community Advisory Committee.

This on-site monitoring is in addition to wage compliance monitoring and construction site safety assessments completed by the CapMetro staff team to fulfill our requirements as an agency that receives certain Federal funding.

Regarding worker protections for-which Certification Associates Inc. will be monitoring, the Joint Partnership Agreement requires the agencies implementing Project Connect to ensure worker protections on construction sites including:

- Completion of OSHA 10-hour training for workers;
- Completion of OSHA 30-hour training for supervisors;
- Receipt of personal protective equipment free-of-charge for workers;
- Coverage by workers' compensation insurance;
- Wages that are a living wage as established by the City of Austin, or the prevailing wage under the Davis-Bacon Act, which ever is higher, and based on position; and,
- Access to health care and paid sick leave, wherever possible.

Additionally, the Joint Partnership Agreement requires the creation of a construction careers program which meets the requirements of federal law and regulations and includes City of Austin hiring goals to hire workers from apprenticeship and craft training programs, and which promotes the hiring of local workers so long as possible within the existing workforce. A question related to participation in these types of programs will be included in the on-site monitoring questionnaire.

Should you require additional information regarding CapMetro's approach to on-site monitoring and worker protections, please contact CapMetro Deputy Chief of Staff, Cheyenne Krause (Cheyenne.Krause@capmetro.org) and she will work quickly to respond.



Workers Defense Project
Proyecto Defensa Laboral



December 9, 2022

RE: Independent On-site monitoring of Project Connect MetroRapid and MetroRail

In October 2021, a [Joint Partnership Agreement \(JPA\)](#) was executed between the Austin Transit Partnership (ATP), Capital Metropolitan Transportation Authority (CapMetro), and the City of Austin (the City), in conjunction with Workers Defense Project (WDP) as a community partner. WDP worked with CapMetro to require Better Builder® standards on all construction sites associated with Project Connect. As the creators of the Better Builder® Program, WDP's role on the project is to administer the program and the consistent application of the standards and to certify projects upon completion. These standards stipulate that on-site monitoring is required to ensure worker safety, a living wage, and to prevent wage theft.

WDP also oversees the on-site monitoring process on Project Connect MetroRapid and MetroRail project sites to confirm quality and independence in monitoring. Certification Associates, Inc. (CA) is the accredited monitoring entity on Project Connect MetroRapid and MetroRail sites. WDP has worked with CA as an accredited monitor for several years on dozens of Better Builder® certified construction projects and can verify that CA is independent from construction companies, contractors' associations, or other industry-affiliated entities.

WDP has created a process of transparency in the monitoring process to affirm the entities' (in this case, CA's) independence. First, WDP accompanies CA on site visits on a quarterly basis as a quality assurance of their monitoring process. WDP also receives monthly reports from CA that thoroughly summarize their findings from site visits and compliance levels. Finally, CA includes WDP on all of its correspondence with contractors on compliance-related matters. These processes help to ensure independence and that monitors conduct their business objectively and transparently.

For any questions regarding the Better Builder® Program or Workers Defense Project, please contact Andrea Nicholls, the Better Builder® Director (andrea@workersdefense.org).

Thank you,

Andrea Nicholls
Better Builder® Director
Workers Defense Project

ITEM FROM INTERNAL AUDIT

Briefing on Internal Audit Informal Review Project: ATP task order process for certain CapMetro contracts