



Memphis Area Transit Authority

MATA'S MISSION: To Provide a Quality Regional Transit System that meets the Present and Future Needs of all the People it Serves.

Board of Commissioners

Chairman – Sean Healy

Vice Chairman – Marion McClendon

Commissioners

Karl Birkholz

M. P. Carter

Charles “Chooch” Pickard

John C. Vergos

Andre Gibson

Board of Commissioners Meeting

Monday, January 28, 2013

3:30 pm

- | | | |
|------|--|----------------|
| I. | CALL TO ORDER | Sean Healy |
| II. | BOARD ROLL CALL | Linda Eskridge |
| III. | APPROVAL OF November 26, 2012 Minutes | Sean Healy |
| IV. | BUSINESS & REPORTS | Sean Healy |
| A. | <u>FINANCE COMMITTEE</u> | |
| | 1. Resolution to Authorize a Memorandum of Agreement with the Shelby County Health Department for a Diesel Retrofit Project – Res. No. 13-01 | William Hudson |
| | 2. Resolution to Approve Purchase of Unleaded Gasoline – Res. No. 13-02 | William Hudson |
| | 3. Resolution to Approve Purchase of Diesel Fuel – Res. No. 13-03 | William Hudson |

B. SERVICE AND DEVELOPMENT

- 1. Resolution to Approve FY13 Section 5307
Formula Capital Projects and State
Operating Assistance - Res. No. 13-04** William Hudson
- 2. Resolution to Approve FY13 Section 5309
Bus and Bus Facilities Capital Projects
-Res. No. 13-05** William Hudson
- 3. Resolution to Approve FY13 Section 5337
State of Good Repair Capital Projects
-Res. No. 13-06** William Hudson
- 4. Resolution to Approve FY13 Section 5339
Bus and Bus Facilities Capital Projects
-Res. No. 13-07** William Hudson

V. FINANCIAL REPORT Gilbert Noble

VI. MARKETING REPORT Alison Burton

VII. GENERAL MANAGER'S REPORT William Hudson

VIII. SPEAKERS

IX. OLD/NEW BUSINESS Sean Healy

**MINUTES OF BOARD MEETING
MEMPHIS AREA TRANSIT AUTHORITY
November 26, 2012**

A regular meeting of the MATA Board of Commissioners was held at 3:30 p.m. on Monday November 26, 2012 at 1370 Levee Road in the MATA Board Room.

BOARD PRESENT: Acting Chairman, Marion Dale McClendon;
Commissioners: Karl Birkholz, Mattie Carter; Charles Pickard; Sean Healy
Absent: Andre Gibson; John Vergos

STAFF: Lawson Albritton; Janice Bowers; Alison Burton; Darryl Covington; Lavelle Fitch; Don Forsee; Tom Fox; William Hudson; John Lancaster; Maury Miles; Gilbert Noble; Alvin Pearson; Tommy Wallace

OTHERS: Sherry Painter, LeMoyne Owen College; M. Igbal Shafi, LeMoyne Owen College; Samantha Bryson, The Commercial Appeal; Bryant Branch, MCIL; Brad White, Temple, Inc.; David Mason, MBRU; Eddie Settles, backinrivarcity.com; Carlos McCloud, MPO; Sheila Williams, MBRU; Bard Watkins, MBRU; Josue Rodriguez, MBRU/MCIL; Ray McClanahan, MBRU; Betty Robinson, MBRU

Vice-Chairman McClendon called the meeting to order and asked for Board roll call. Ashley Best (acting in Linda Eskridge's absence) called the Board roll. Four Board Members were present, one Board Member Sean Healy was late and two Board Members Andre Gibson and John Vergos were absent. Vice-Chairman McClendon called for approval of the October 22, 2012 Board Minutes. Mr. Birkholz made a motion for approval. Ms. Carter seconded the motion and the October Board minutes were unanimously approved.

BUSINESS & REPORTS

A. FINANCE COMMITTEE

1. Resolution to Lease a Bus to Lemoyne-Owen College - Res. No. 12-44

Discussion: Sherry Painter from Lemoyne-Owen College made a presentation on mobile science lab called Science on Wheels. Ms. Painter discussed how the bus donated from MATA would be utilized. She stated that this project will be directed at students and children in the fourth and fifth grade as well as holding teacher workshops during the summer months. Ms. Painter stated that there are only 12 states with mobile science labs and the closest to our metro area would be Atlanta. Mr. Birkholz posed a question as to the results of the mobile projects. Ms. Painter stated that they are fairly new and there are no concrete numbers but there is definitely an interest. Ms. Carter spoke briefly about the STEM Program.

Ms Painter stated that the program would start in the 38126 zip code near the college campus. Mr. Birkholz asked if the program had the funds needed to get the mobile lab going. Ms. Painter stated that they had funds to get it up and running but did not have the funds to do all they wanted to do. She also stated that they would be applying for grants and is currently in process of requesting donations of equipment and other needed things from pharmaceutical corporations. **Mr. Birkholz moved that Resolution No. 12-44 be approved. Mr. Healy seconded the motion and the resolution was unanimously approved.**

2. Resolution to Award a Contract Change Order to SMS Contractors, Inc. for Additional Work Associated with the Replacement of the Administration Building ADA Ramp - Res. No. 12-45

Discussion: Mr. Birkholz posed a question on this resolution previously being voted on. Mr. Hudson stated that this item was voted on previously, but the additions had to be brought before the Board. **Mr. Birkholz moved that Resolution No. 12-45 be approved. Ms. Carter seconded the motion and the resolution was unanimously approved.**

3. Resolution for Approval to Award a Five-year Contract for Lawn Maintenance - Res. No. 12-46

Discussion: Mr. Hudson stated that MATA formally advertised for lawn services for some of its 23 acres of land. He stated that MATA has a bid to recommend for \$304,000. Mr. Hudson stated that it has received a bid from Bartlett Lawn Service, which was the lowest bid submitted for a five-year contract. Mr. Hudson mentioned the DBE goal was set at 6% and Bartlett exceeded said goal by 12.66%. Mr. Birkholz posed a question of why if there is a 6% commitment, the majority of the bids do not have a DBE representation. Mr. Hudson stated that was a part of the goal in the evaluation and was mentioned in the beginning. **Mr. Healy moved that Resolution No. 12-46 be approved. Mr. Birkholz seconded the motion and the resolution was unanimously approved.**

B. SERVICE AND DEVELOPMENT

1. Resolution to Approve Free Trolley Rides for St. Jude Marathon Participants - Res. No. 12-47

Discussion: Mr. Hudson stated that the race participants who show their race number receive a free ride on the trolley on race day Saturday, December 1, 2012. Mr. Hudson asked if MATA could use the same guidelines for future events such as the marathon. Board Members agreed that MATA could do such. **Mr. Vergos moved that Resolution No. 12-47 be approved. Mr. Healy seconded the motion and the resolution was unanimously approved.**

2. Resolution to Award a Contract for Transit Signal Priority System for Poplar Avenue and Elvis Presley Blvd. to Temple Inc. - Res. No. 12-48

Discussion: Mr. Hudson referred to Resolution No. 11-60 from December 25, 2011 that MATA received a FTA Bus Livability Grant. He stated Dr. Fox and his team wants to expand the GPS traffic signal project to include the Poplar and Elvis Presley corridors. Hudson stated that funding for this project would be supplemented with capital funds and existing grants. The grant was originally for \$805,000 but MATA is recommending \$949,178 from the IT project. Staff recommends that IT fund the remainder of the project with \$144,178 bringing the total to \$949,178 with a DBE goal of 8.1%. Hudson stated this is a sole source project, because the City of Memphis only agrees with Opticom and manufactured by Global Traffic Technology and

distributed by Temple, Inc. The city has agreed to allow the Transit Signal priority to be installed as long as MATA uses Opticom equipment. Hudson mentioned that this expansion would be the first leg to the BRT project. Mr. Birkholz posed a question as to whether there will be a savings that could be measured from this project. Mr. Hudson stated that there would be savings as far as fuel usage goes, because the bus would stop less. McClendon questioned where the additional monies would come from. Mr. Hudson stated the funds would come from IT funds. Dr. Fox stated that the money will come from a bucket project of sorts that IT uses for various projects. He also stated that the project ended up being less than was previously thought in the beginning. **Ms. Carter moved that Resolution No. 12-48 be approved. Mr. Healy seconded the motion and the resolution was unanimously approved.**

FINANCIAL REPORT

(1st Quarter FY2013)

Gil Noble

Mr. Noble stated that MATA revenue is slightly favorable to the budget of \$400,000 and we're tracking slightly favorable to expenses as well by \$1/2 million dollars. Everything is online with the budget for the fiscal year. Mr. Noble stated that we still have a good result from the fare increase overall.

MARKETING REPORT

Alison Burton

Alison stated that marketing staff has been working on the December route changes by posting posters and putting the information on the website as well as bus announcements and a flyer with the changes. She stated that we have not received many comments about the changes, even throughout the comment period. Mr. Hudson reiterated the December sign up was the first time in four years that MATA did not cut services and ended the year on a positive note. Ms. Burton stated that gas tax info sheet and although it didn't win 38% of the vote agreed MATA does need additional funding. The discussions can continue with well over 80,000 people voting in favor of the issue. Ms. Burton made a presentation of products that MATA would like to produce to talk about its services. Alison stated that the United Way Campaign was a success. Ms. Carter asked who would see the presentation. MATA is planning on starting a more effective speaker's bureau, going around to different civic organizations and to have the discussion of funding for MATA.

GENERAL MANAGER'S REPORT

William Hudson

Mr. Hudson presented a plaque to Johnny Mosley for outstanding service. Mr. Mosley thanked Mr. Hudson and the Board for the award and spoke briefly about various events.

SPEAKERS:

Mr. McClendon acknowledged three speakers and stated that each had three minutes to speak.

- **Ms. Brenda Woods, Women in Community Ministries** was not present to speak. Mr. Birkholz stated that he spoke to Ms. Woods after the previous Board meeting. He spoke about the services of the Women's ministries and the work it does with veterans and he spoke of an opportunity for this organization to utilize one of the buses.
- **Mr. Bennett Foster, Memphis Bus Riders Union.** Mr. Foster spoke briefly about the gas tax and it being a great opportunity to get the message out for public transportation funding. He stated that he feels that some of the opposition to the gas tax was because of the distrust of management of funds. The reason the MBRU exists now is to put a magnifying glass on the work of MATA. Mr. Foster spoke on the Green Route and the change in service from the Southland Park. He spoke about passengers being dropped off on the service road, Foster stated that he mentioned the issue to Chooch and Andre and wanted to bring it to MATA's attention. Foster stated that the MBRU has questions as to why the drop off is on the opposite side of the interstate and wanted to know why nothing was posted at the NET for two month informing the public of the change? Why are patrons paying for the services if they are subsidized by West Memphis? Why is MATA blaming West Memphis, Southland is blaming MATA and West Memphis is blaming Southland? What is MATA going to do to remedy the situation of people having to cross the street six times? Why do the flyers instruct passengers to cross a bridge, if people can be ticketed and is illegal? Mr. Hudson stated that West Memphis is under contract and they direct where all routes go. They pay \$70 an hour for these services. Neither MATA nor any Memphis government has any authority in West Memphis. West Memphis dictates to us how the route would go. Mr. Hudson stated that he spoke with the West Memphis general manager to speak about the need for the people for West Memphis to get to the dog track and they did not want any patron from MATA to come to the dog track. West Memphis designed the route. Once the bus reaches West Memphis, it is under their jurisdiction and is paid for by West Memphis. Mr. Birkholz stated that Southland does not want MATA patrons, because it's interfering with its business.
- A speaker that was not on the agenda spoke on information getting to the public two months late as far as the route change is concerned. Chooch stated that if it's a matter that involves MATA and is controversial, that MATA and the Board should be notified before being blindsided with issues.

Ms. Carter stated that the Board recognizes that there is an issue but the Board will not micromanage Mr. Hudson and his direction of MATA. The Board is now aware of the issues. Mr. Hudson stated that the city of West Memphis does not want the service to the dog track and they would come up with a route that would not endanger anyone, and it is posted in the NET. The route is now servicing the hotels which are where West Memphis has set them up to go. Josué Rodriguez raised a concern of ADA compliance for the new route. Mr. Hudson stated that if there are no curbs for the new route, there is no ADA issue. Mr. McClendon informed the speakers that they should speak with the West Memphis City Council.

OLD/NEW BUSINESS:

Chooch stated that he would like the MATA Board to adopt the same policy as Memphis City Council has when it comes to persons speaking at the Board. We are not open enough and it makes it very difficult for someone to have to schedule with Board Secretary to have to speak beforehand. He stated that if it is good enough for MCC it is good enough for MATA. The speakers would come into the meeting, sign a card, speak on the issue, Board discuss it and vote on it. At the end of the Board Meeting rather than calling for Old/New Business, the Chairman/Vice Chairman will call for any general comments.

Chooch made a motion to adopt MCC's speaking policy. (There was no second)
Sean Healy suggested the motion be taken off the floor until we find out more about MCC's policy, and have a little more structure. Vice Chairman McClendon stated this will be discussed and voted on at the January Board Meeting.

Marion Dale McClendon
Vice Chairman

**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS**

RESOLUTION NO. 13-01

**RESOLUTION TO AUTHORIZE A MEMORANDUM OF AGREEMENT WITH THE
SHELBY COUNTY HEALTH DEPARTMENT FOR A DIESEL RETROFIT PROJECT**

WHEREAS, MATA has worked cooperatively with the Shelby County Health Department Air Quality Improvement Branch (AQIB) on a number of projects to promote public transportation and improve air quality; and

WHEREAS, AQIB has received grants from the Tennessee Department of Transportation (TDOT) to provide clean air technology diesel retrofits; and

WHEREAS, AQIB has agreed to provide \$700,000 to MATA to fund diesel retrofits on up to 76 buses at no cost to MATA; and

WHEREAS, The project will consist of installation of a Diesel Particulate Filter and a Closed Crankcase Ventilation system on each bus; and

WHEREAS, A Memorandum of Agreement has been developed outlining the responsibilities of the parties which is acceptable to MATA staff and is recommended for approval; and

WHEREAS, The project will also be submitted to the Shelby County Commission for approval.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AREA TRANSIT AUTHORITY That the Memorandum of Agreement for a Diesel Retrofit Project with the Shelby County Health Department is approved.

BE IT FURTHER RESOLVED That the Letter of Agreement must also be approved by the Shelby County Commission.

BE IT FURTHER RESOLVED That the President/General Manager be authorized to execute the necessary documents.

*** * * * ***

Motion Made By: Charles Pickard SECONDED: John Vergos

YEA: Mattie Carter; John Vergos; Karl Birkholz; Andre Gibson; Sean Healy; Charles Pickard

NAY: None

Approved: January 28, 2013

Absent at Time: Marion McClendon

MEMORANDUM OF AGREEMENT
BETWEEN
THE SHELBY COUNTY HEALTH DEPARTMENT
AIR QUALITY IMPROVEMENT BRANCH
AND MEMPHIS AREA TRANSIT AUTHORITY

This Memorandum of Agreement (“MOA”) is made and entered into by and between Shelby County, Tennessee, on behalf of the Shelby County Health Department’s Air Quality Improvement Branch (AQIB) and the Memphis Area Transit Authority (MATA) on this _____ day of _____ 2012.

WITNESS

Whereas, Shelby County AQIB has received two federal through State grants funded through the Congestion Mitigation Air Quality section of the Federal Aid Highway Act, 23 USC 142 , TDOT grant **PIN 111533/104616 and PIN 109516**, and these are the controlling documents to this agreement; and

Whereas, the grant funds several projects including the provision of a total of \$700,000.00 dollars to provide clean air technology diesel retrofits ; and

Whereas, the Shelby County Commission has approved by resolution the acceptance of grant **111533/104616** on December 22, 2008; and

Whereas, the Shelby County Commission has approved a budget through the same resolution of December 22, 2008 in the amount of \$300,000 dollars, budget number 520-400411- 6686 and

Whereas, the Shelby County Commission has approved by resolution the acceptance of grant **109516** on October 22, 2007; and

Whereas, the Shelby County Commission has approved a budget through the same resolution of October 22, 2007 in the amount of \$400,000.00, budget number 393-400437 -6686; and

Whereas, MATA has expressed their desire to move forward with the diesel retrofit program; and

Whereas, TDOT has issued a notice to proceed to MATA to release a bid to the public for a diesel retrofit project and

Whereas Shelby County desires to execute this MOA to facilitate payment of the grant funds to MATA for reimbursement of their expenditure for clean air technology for their buses in an amount not to exceed Seven Hundred Thousand and 00/100 (\$700,000.00) Dollars.

NOW, THEREFORE, for and in consideration of these premises, and for other good and valuable consideration, the parties agree as follows:

MATA

- I. MATA will undertake the bidding, purchase and installation of EPA or CARB approved clean air technology for their buses in a manner acceptable to TDOT.
- II. MATA shall submit undisputed invoices to AQIB for reimbursement no more than monthly. Invoices shall be sent to attention of:

Larry J. Smith
Supervisor AQIB
814 Jefferson Room 438
Memphis TN 38105

- III. MATA shall not be permitted or authorized to incur costs beyond the extent that purchase orders have been issued on the approved MOA and/or purchases prior to the commencement date, during the term of the MOA, and/or subsequent to the termination date of County contracts or purchases without prior, expressly written, appropriate authorization pursuant to County purchasing procedures and rules and regulations, and in no event shall the reimbursement paid under this agreement exceed \$700,000.00. County is not obligated to pay nor shall MATA be entitled to receive payments for contract fees and expenses incurred in violation of this provision
- IV. MATA agrees to carry out the retrofit project in a timely manner, but in no event, except by amendment, shall this MOA continue in effect beyond December 31, 2013

AQIB

- I. AQIB shall submit all undisputed invoices from MATA in an amount not to exceed \$700,000.00 to Shelby County Health Department finance for payment. The

County is not obligated to pay, and will withhold from payment any amounts the County and or AQIB has in dispute with MATA.

MISCELLANEOUS

I. The term of this agreement is from the date of execution by all parties to December 31, 2013 or until the total funds of \$700,000.00 allocated to this project are exhausted, whichever occurs first unless the agreement is extended by a written agreement signed by all parties.

II. All notices regarding this agreement shall be sent to:

Yvonne S. Madlock , Director
Memphis and Shelby County Health Dept.
814 Jefferson
Memphis TN 38105

Mr. Tom Fox
Memphis Area Transit
1370 Levee Road
Memphis TN 38108

With Copy To: Larry J. Smith
814 Jefferson, Rm. 438
Memphis, TN 38105

Contracts Administration
160 North Main, St. 550
Memphis, TN 38103

III. NON-DISCRIMINATION

MATA hereby agrees, warrants, and assures compliance with the provisions of Title VI and VII of the Civil Rights Act of 1964 and all other federal statutory laws which provide in whole or in part that no person shall be excluded from participation or be denied benefits of or be otherwise subjected to discrimination in the performance of this Contract or in the employment practices of the MATA on the grounds of handicap and/or disability, age, race, color, religion, sex, national origin, or any other classification protected by federal, Tennessee State Constitutional or statutory law. The MATA shall upon request show proof of such non-discrimination and shall post in conspicuous places available to all employees and applicants notices of non-discrimination.

Any recipient entity shall be subject to the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., and regulations promulgated pursuant thereto. It shall develop a Title VI implementation plan with participation by protected beneficiaries as may be required by such law or regulations. To the extent applicable, such plan shall include Title VI implementation plans for sub-recipients of federal funds through the entity. The PROVIDER shall produce the plan upon the request of Shelby County Government. Failure to provide same shall constitute a material breach of contract.

IV. OPEN RECORDS

Notwithstanding anything to the contrary contained herein or within any other document supplied to COUNTY, MATA understands and acknowledges that COUNTY is a governmental entity subject to the laws of the State of Tennessee and that any reports, data or other information supplied to COUNTY by MATA due to Services performed pursuant to this Contract is subject to being disclosed as a public record in accordance with the laws of the State of Tennessee.

V. The parties recognize that both Shelby County Government and Memphis Area Transit Authority (MATA) are governmental entities as defined by T.C.A. § 29-20-101 et seq. and that Shelby County Government is self-insured for acts of negligence of its officers and employees. Accordingly, liability shall be limited to the provisions of the Tennessee Governmental Tort Liability Act, T.C.A. § 29-20-101 et seq., for causes sounding in tort. The County shall not be responsible for any personal injury, property damage or other loss resulting from MATA's own negligence in the performance of this agreement.

VI. This agreement will be interpreted in accordance with the laws of the State of Tennessee. By execution of this agreement, MATA agrees that all actions, whether sounding in tort or contract, relating to the validity, construction, interpretation and enforcement of this agreement will be instituted and litigated in the courts of the State of Tennessee, located in Shelby County, Tennessee, and in no other. In accordance herewith, the parties to this agreement submit to the jurisdiction of the courts of the State of Tennessee located in Shelby County, Tennessee.

VII. This agreement constitutes the entire agreement and cannot be amended except by a written agreement signed by both parties.

Date

Date

William Hudson, Jr.
President / General Manager
Memphis Area Transit Authority

Mark Luttrell Jr.
Mayor
Shelby County, Tennessee

ATTEST:

Shelby County Attorney

**BOARD OF COMMISSIONERS
MEMPHIS AREA TRANSIT AUTHORITY**

RESOLUTION NO. 13-02

RESOLUTION TO APPROVE PURCHASE OF UNLEADED GASOLINE

WHEREAS, The Memphis Area Transit Authority (MATA) is required to maintain a sufficient supply of unleaded gasoline to ensure the efficient and continued operation of its system; and

WHEREAS, MATA has funds available through its operating funds to purchase such unleaded gasoline; and

WHEREAS, This procurement was formally advertised; and

WHEREAS, Staff has reviewed bids received for MATA's requirements for unleaded gasoline and recommends that a contract be awarded to Ports Petroleum Company, Inc. for the purchase of 45,000 gallons at a firm price of \$2.8130 per gallon.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS That a contract for the purchase of 45,000 gallons of unleaded gasoline for a period of one-year be awarded at a price not to exceed \$2.8130 per gallon to Ports Petroleum Company, Inc.

BE IT FURTHER RESOLVED That the President/General Manager, Chairman or Vice-Chairman is authorized to execute any and all documents necessary to process such contract(s).

*** * * * ***

Motion Made By: John Vergos SECONDED: Charles Pickard

YEA: Mattie Carter; John Vergos; Karl Birkholz; Andre Gibson; Sean Healy; Charles Pickard

NAY: None

Approved: January 28, 2013

Absent at Time: Marion McClendon



To: The MATA Board of Commissioners

From: William Hudson, President/General Manager

Date: January 17, 2013

Re: IFB 12-20, Purchase of Unleaded Gasoline

Staff recently solicited bids for the purchase of 45,000 gallons of unleaded gasoline.

Bids were solicited from 27 vendors. Four bids were received for secured and unsecured pricing. MATA prefers the secured (firm) pricing so that we can have a better picture of the gasoline cost on MATA's budget. The four bids were subject to fluctuation based upon the NYMEX settlement until MATA locked in the price.

MATA checked with the bidders to determine their price based upon the NYMEX settlement price, and Ports Petroleum Company, Inc. was the lowest bidder at \$2.8130/gallon. Staff was instructed to lock in the price of not to exceed \$2.8130 per gallon with Ports Petroleum for 45,000 gallons of unleaded gasoline.

Staff recommends that a firm price for a one-year contract be awarded to Ports Petroleum Company, Inc. for the purchase of 45,000 gallons of unleaded gasoline at a cost of \$2.8130 per gallon.

**BOARD OF COMMISSIONERS
MEMPHIS AREA TRANSIT AUTHORITY**

RESOLUTION NO. 13-03

RESOLUTION TO APPROVE PURCHASE OF DIESEL FUEL

WHEREAS, The Memphis Area Transit Authority (MATA) is required to maintain an inventory of diesel fuel to ensure the efficient and continued operation of its fleet; and

WHEREAS, MATA has funds available through its operating funds to purchase such diesel fuel; and

WHEREAS, This procurement was formally advertised; and

WHEREAS, Staff has reviewed bids received for MATA's requirements for ultra-low sulfur diesel fuel and recommends that a contract be awarded to Mansfield Oil Company for the purchase of 1,800,000 gallons at a firm price of \$3.0534 per gallon.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS That a contract for the purchase of 1,800,000 gallons of ultra-low sulfur diesel fuel for a period of one year be awarded at a price not to exceed \$3.0534 per gallon to Mansfield Oil Company.

BE IT FURTHER RESOLVED That the President/General Manager, Chairman or Vice-Chairman is authorized to execute any and all documents necessary to process such contract(s).

*** * * * ***

Motion Made By: John Vergos SECONDED: Karl Birkholz

YEA: Mattie Carter; John Vergos; Karl Birkholz; Andre Gibson; Sean Healy; Charles Pickard

NAY: None

Approved: January 28, 2013

Absent at Time: Marion McClendon



To: The MATA Board of Commissioners

From: William Hudson, President/General Manager

Date: January 17, 2013

Re: IFB 12-20 Purchase of Diesel Fuel

Staff recently solicited bids for the purchase of 1,800,000 gallons of ultra-low sulfur diesel fuel.

Bids were solicited from 27 vendors. Four bids were received for secured and unsecured pricing. MATA prefers the secured (firm) pricing so that we can have a better picture of the fuel cost on MATA's budget. Mansfield Oil Company submitted the lowest secured bid at \$3.0434 per gallon; however, their price was based on the fact that the price was subject to fluctuation based upon the NYMEX settlement until MATA locked in the price.

By the time of the bid opening, the NYMEX settlement price had increased, and when MATA checked with Mansfield their price had increased to \$3.0534. They were still the lowest of the four bidders. Staff was instructed to lock in the price of not to exceed \$3.0534 per gallon with Mansfield for 1,800,000 gallons of ultra-low sulfur diesel fuel.

Staff recommends that a firm price for a one-year contract be awarded to Mansfield Oil Company for the purchase of 1,800,000 gallons of ultra-low sulfur diesel fuel at a cost of \$3.0534 per gallon.

**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS**

RESOLUTION NO. 13-04

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE
FEDERAL TRANSIT ADMINISTRATION, AN ADMINISTRATION OF THE UNITED
STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL ASSISTANCE
AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE AND
OTHER FEDERAL STATUTES ADMINISTERED BY THE FEDERAL TRANSIT
ADMINISTRATION AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION**

WHEREAS, The Federal Transit Administrator has been delegated authority to award Federal financial assistance for transportation projects; and

WHEREAS, The grant for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs in the program; and

WHEREAS, The Memphis Area Transit Authority (MATA) has or will provide all annual certifications and assurances to the Federal Transit Administration required for the projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS:

- 1. That the President/General Manager, Assistant General Manager, Chairman or Vice-Chairman of MATA is authorized to execute and file an application for federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration to aid in the financing of capital and operating assistance projects, and with the Tennessee Department of Transportation in accordance with the program of projects and budget. MATA has received authority from the City of Memphis to apply for Urbanized Area Formula Program assistance.**
- 2. That the President/General Manager, Assistant General Manager, Chairman or Vice-Chairman is authorized to execute and file with its applications, the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant.**
- 3. That the President/General Manager, Assistant General Manager, Chairman or Vice-Chairman of MATA is authorized to execute grant agreements on behalf of MATA.**

*** * * * ***

Motion Made By: Karl Birkholz SECONDED: Andre Gibson

YEA: Mattie Carter; John Vergos; Karl Birkholz; Andre Gibson; Sean Healy; Charles Pickard

NAY: None

Approved: January 28, 2013

Absent at Time: Marion McClendon

**MEMPHIS AREA TRANSIT AUTHORITY
49 U.S.C. § 5307 FORMULA FUNDS
AND STATE OPERATING ASSISTANCE
PROGRAM OF PROJECTS AND BUDGET
FISCAL YEAR 2013**

<u>PROJECT</u>	<u>FEDERAL SHARE</u>	<u>STATE SHARE</u>	<u>LOCAL SHARE</u>	<u>TOTAL SHARE</u>
1. Up to Seven Fixed-Route Buses	2,304,000	288,000	288,000	2,880,000
2. Associated Transit Improvements	128,000	16,000	16,000	160,000
3. Paratransit Service	1,080,000	135,000	135,000	1,350,000
4. Preventive Maintenance	<u>9,400,000</u>	<u>1,175,000</u>	<u>2,320,000</u>	<u>12,895,000</u>
TOTAL CAPITAL	\$12,912,000	\$1,614,000	\$2,759,000	\$17,285,000
5. State Operating Assistance	\$ 0	\$6,339,191	\$ 0	\$ 6,339,191



TO: MATA Board of Commissioners
FROM: William Hudson, Jr., President/General Manager
SUBJECT: Descriptions for Capital Projects on Grant Resolutions
DATE: December 27, 2012

MATA applies for grants annually as funds are appropriated/allocated by FTA, TDOT and the City of Memphis. Due to FTA appropriating funds under various sections of the Federal Transit Act, MATA has to apply for each program separately. This is the reason for having four different grant resolutions.

Section 5307 Formula Funds

Section 5307 Formula funds are apportioned to grantees on a formula based upon data as reported in the National Transit Database. The variables in the formula include measure such as passengers, passenger miles, population, and population density.

MATA has the ability to allocate Section 5307 Formula funds to FTA-eligible projects. MATA proposes the following projects using Section 5307 funds for FY13:

1. **Purchase up to Seven Fixed-Route Buses – MATA plans to purchase up to seven 40'low-floor diesel buses to replace up to seven 40' 2000 NovaBus diesel buses that have met their useful service life.**
2. **Associated Transit Improvements – FTA requires grantees to spend at least 1% of their apportionments on associated transit improvement projects. There are seven categories of eligible projects. MATA intends to use these funds for bus shelters and/or benches, trash receptacles, signage and pedestrian access/walkways.**
3. **ADA Paratransit Service – FTA allows grantees to use 10% of their apportionment for operating costs associated with the provision of ADA paratransit service. MATA includes the use of these capital funds to cover operating costs of the MATAPlus operations.**
4. **Preventive Maintenance – FTA allows grantees to use their apportionments for eligible preventive maintenance costs. MATA charges costs such as**

maintenance-related labor costs, fringe benefits, services, materials and supplies, utilities, etc. to preventive maintenance. Fuel and insurance costs are ineligible for this category.

5. **State Operating Assistance – TDOT allocates funds to transit systems in the state based upon a formula basis.**

Section 5309 Bus and Bus Facilities Funds

These funds are provided on a discretionary basis by FTA. TDOT received a grant from FTA for the Tennessee transit systems, and MATA's share of the Federal funds is approximately \$4,240,000. With the non-Federal match added, MATA will have \$5,300,000 available. MATA plans to use these funds for the purchase of up to nine low-floor hybrid-electric 40' buses to replace up to nine 40' 2000 NovaBus diesel buses that have met their useful service life and for spare bus components. These projects will be funded 80% by Federal funds, 10% by TDOT and 10% by the City of Memphis.

Section 5337 State of Good Repair Funds

These funds are provided on a formula basis for fixed-guideway systems, e.g., the trolley system, that are at least seven years old. All three lines of MATA's trolley system are seven years old, so these funds are available for eligible capital projects for MATA's trolley system. MATA plans to use these funds for eligible preventive maintenance costs as described under Section 5307 above. The Federal funds cover 80% of the costs, and the remaining share is split between TDOT (10%) and the City of Memphis (10%).

Section 5339 Bus and Bus Facilities Funds

These funds are provided on a formula basis by FTA for bus and bus facilities projects. MATA plans to use these funds for the purchase of one low-floor hybrid-electric 40' bus and two diesel 40' buses to replace up to three 40' 2000 NovaBus diesel buses that have met their useful service life and for various bus facility improvements. These projects will be funded 80% by Federal funds, 10% by TDOT and 10% by the City of Memphis.

Let me know if you have questions.

**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS**

RESOLUTION NO. 13-05

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION
WITH THE FEDERAL TRANSIT ADMINISTRATION, AN ADMINISTRATION OF THE
UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR
FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C.
CHAPTER 53, TITLE 23 UNITED STATES CODE AND OTHER FEDERAL
STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION AND
THE TENNESSEE DEPARTMENT OF TRANSPORTATION**

WHEREAS, The Federal Transit Administrator has been delegated authority to award Federal financial assistance for transportation projects; and

WHEREAS, The grant for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs in the program; and

WHEREAS, The Memphis Area Transit Authority (MATA) has or will provide all annual certifications and assurances to the Federal Transit Administration required for the projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS:

- 1. That the President/General Manager, Assistant General Manager, Chairman or Vice-Chairman of MATA is authorized to execute and file an application for federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration to aid in the financing of capital assistance projects, and with the Tennessee Department of Transportation in accordance with the program of projects and budget.**
- 2. That the President/General Manager, Assistant General Manager, Chairman or Vice-Chairman is authorized to execute and file with its applications, the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant.**
- 3. That the President/General Manager, Assistant General Manager, Chairman or Vice-Chairman of MATA is authorized to execute grant agreements on behalf of MATA.**

*** * * * ***

Motion Made By: Karl Birkholz SECONDED: Andre Gibson

YEA: Mattie Carter; John Vergos; Karl Birkholz; Andre Gibson; Sean Healy; Charles Pickard

NAY: None

Approved: January 28, 2013

Absent at Time: Marion McClendon

**MEMPHIS AREA TRANSIT AUTHORITY
49 U.S.C. § 5309 BUS AND BUS FACILITIES FUNDS
PROGRAM OF PROJECTS AND BUDGET
FISCAL YEAR 2013**

<u>PROJECT</u>	<u>FEDERAL SHARE</u>	<u>STATE SHARE</u>	<u>LOCAL SHARE</u>	<u>TOTAL SHARE</u>
1. Up to Nine Fixed- Route Buses	\$4,140,000	\$ 517,500	\$517,500	\$5,175,000
2. Spare Bus Components	<u>100,000</u>	<u>12,500</u>	<u>12,500</u>	<u>125,000</u>
TOTAL CAPITAL	\$4,240,000	\$ 530,000	\$530,000	\$5,300,000

**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS**

RESOLUTION NO. 13-06

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION
WITH THE FEDERAL TRANSIT ADMINISTRATION, AN ADMINISTRATION OF THE
UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR
FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C.
CHAPTER 53, TITLE 23 UNITED STATES CODE AND OTHER FEDERAL
STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION AND
THE TENNESSEE DEPARTMENT OF TRANSPORTATION**

WHEREAS, The Federal Transit Administrator has been delegated authority to award Federal financial assistance for transportation projects; and

WHEREAS, The grant for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs in the program; and

WHEREAS, The Memphis Area Transit Authority (MATA) has or will provide all annual certifications and assurances to the Federal Transit Administration required for the projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS:

- 1. That the President/General Manager, Assistant General Manager, Chairman or Vice-Chairman of MATA is authorized to execute and file an application for federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration to aid in the financing of capital assistance projects, and with the Tennessee Department of Transportation in accordance with the program of projects and budget.**
- 2. That the President/General Manager, Assistant General Manager, Chairman or Vice-Chairman is authorized to execute and file with its applications, the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant.**
- 3. That the President/General Manager, Assistant General Manager, Chairman or Vice-Chairman of MATA is authorized to execute grant agreements on behalf of MATA.**

*** * * * ***

Motion Made By: Karl Birkholz SECONDED: Andre Gibson

YEA: Mattie Carter; John Vergos; Karl Birkholz; Andre Gibson; Sean Healy; Charles Pickard

NAY: None

Approved: January 28, 2013

Absent at Time: Marion McClendon

**MEMPHIS AREA TRANSIT AUTHORITY
49 U.S.C. § 5337 STATE OF GOOD REPAIR FUNDS
PROGRAM OF PROJECTS AND BUDGET
FISCAL YEAR 2013**

<u>PROJECT</u>	<u>FEDERAL SHARE</u>	<u>STATE SHARE</u>	<u>LOCAL SHARE</u>	<u>TOTAL SHARE</u>
1. Preventive Maintenance for Rail System	<u>\$1,080,000</u>	<u>\$135,000</u>	<u>\$135,000</u>	<u>\$1,350,000</u>
Total	\$1,080,000	\$135,000	\$135,000	\$1,350,000

**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS**

RESOLUTION NO. 13-07

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION
WITH THE FEDERAL TRANSIT ADMINISTRATION, AN ADMINISTRATION OF THE
UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR
FEDERAL TRANSPORTATION ASSISTANCE AUTHORIZED BY 49 U.S.C.
CHAPTER 53, TITLE 23 UNITED STATES CODE AND OTHER FEDERAL
STATUTES ADMINISTERED BY THE FEDERAL TRANSIT ADMINISTRATION AND
THE TENNESSEE DEPARTMENT OF TRANSPORTATION**

WHEREAS, The Federal Transit Administrator has been delegated authority to award Federal financial assistance for transportation projects; and

WHEREAS, The grant for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs in the program; and

WHEREAS, The Memphis Area Transit Authority (MATA) has or will provide all annual certifications and assurances to the Federal Transit Administration required for the projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS:

- 1. That the President/General Manager, Assistant General Manager, Chairman or Vice-Chairman of MATA is authorized to execute and file an application for federal assistance authorized by 49 U.S.C. Chapter 53, Title 23, United States Code, or other Federal statutes authorizing a project administered by the Federal Transit Administration to aid in the financing of capital assistance projects, and with the Tennessee Department of Transportation in accordance with the program of projects and budget.**
- 2. That the President/General Manager, Assistant General Manager, Chairman or Vice-Chairman is authorized to execute and file with its applications, the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant.**
- 3. That the President/General Manager, Assistant General Manager, Chairman or Vice-Chairman of MATA is authorized to execute grant agreements on behalf of MATA.**

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Motion Made By: Karl Birkholz SECONDED: Andre Gibson

YEA: Mattie Carter; John Vergos; Karl Birkholz; Andre Gibson; Sean Healy; Charles Pickard

NAY: None

Approved: January 28, 2013

Absent at Time: Marion McClendon

**MEMPHIS AREA TRANSIT AUTHORITY
49 U.S.C. § 5339 BUS AND BUS FACILITIES FUNDS
PROGRAM OF PROJECTS AND BUDGET
FISCAL YEAR 2013**

<u>PROJECT</u>	<u>FEDERAL SHARE</u>	<u>STATE SHARE</u>	<u>LOCAL SHARE</u>	<u>TOTAL SHARE</u>
1. Up to Three Fixed- Route Buses	\$1,040,000	\$130,000	\$130,000	\$1,300,000
2. Bus Facility Improvements	<u>20,000</u>	<u>2,500</u>	<u>2,500</u>	<u>25,000</u>
Total	\$1,060,000	\$132,500	\$132,500	\$1,325,000