



MEMPHIS AREA TRANSIT AUTHORITY

One Commerce Square
40 South Main Street • Memphis, TN 38103
www.matatransit.com
Gary J. Rosenfeld
Chief Executive Officer

Board of Commissioners

Dr. Martin Lipinski, Chair
Shelia Williams, Vice-Chair

Angus Blair
Michael Fulton
Edward Stephens, III
Janice Holder

Kristen Bland
Michelle McKissack
Anton Mac

**Board of Commissioners
Regular Meeting AGENDA
Tuesday, January 24, 2023
3:30 PM**

- I. Call to Order Martin Lipinski
- II. Board Roll Call Bacarra Mauldin

Member	Arrived	Departed	Member	Arrived	Departed
Blair, Angus			Mack, Anton		
Burnett, Sara			McKissack, Michelle		
Fulton, Michael			Stephens, Edward		
Holder, Janice			Williams, Shelia		
Lipinski, Martin					

- III. Approval of Minutes Commissioners
 - a. Regular Board Meeting – December 13, 2022

- VIII. Finance Agenda Items
 - a. November 2022 Financials
 - b. December 2022 Financials

- IX. Acknowledgement of Public Comment

- X. Old or New Business
 - a. February Board Meeting – change date to February 21st
 - b. April Board Meeting – change date to accommodate TPTA & APTA
 - c. Potential partnership with the Memphis Grizzlies
 - d. Board Retreat 8am-12pm Saturday February 11th
 - e. Transit 101 3pm-5pm Thursday January 26th

- XI. Adjournment

The Next Regular Meeting of the:

MATA Board of Commissioners will Be:

TBD

@ 3:30 PM

At

Memphis Area Transit Authority
One Commerce Square – 40 S. Main Street
Memphis, TN 38103

Item:	Resolution 22-62 to approve the 2023 operating calendar									
Motion by:	Mack				Second By:		Stephens			
Member	Aye	Nay	Abstain	Absent	Member	Aye	Nay	Abstain	Absent	
Blair, Angus	X				Mack, Anton	X				
Bland, Kristen	X				McKissack, Michelle	X				
Fulton, Michael	X				Stephens, Edward	X				
Holder, Janice	X				Williams, Shelia				X	
Lipinski, Martin	X									

Item:	Resolution 22-63, 22-64, 22-65, & 22-66 to authorize 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.									
Motion by:	Mack				Second By:		Holder			
Member	Aye	Nay	Abstain	Absent	Member	Aye	Nay	Abstain	Absent	
Blair, Angus	X				Mack, Anton	X				
Bland, Kristen	X				McKissack, Michelle	X				
Fulton, Michael	X				Stephens, Edward	X				
Holder, Janice	X				Williams, Shelia				X	
Lipinski, Martin	X									

The meeting was adjourned by Chair Lipinski at 4:32 PM.

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**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS
RESOLUTION NO. 23-01
RESOLUTION TO ADOPT THE 2023 MATA SAFETY PLAN**

WHEREAS, The Memphis Area Transit Authority (MATA) operates a multi-modal transit trolley, fixed-route, paratransit, other transportation systems; and

WHEREAS, 2023 MATA’s Safety Plan (Public Transportation Agency Safety Plan “PTASP”) is regulated by the Tennessee Department of Transportation’s (TDOT) State Safety Oversight Agency Program Standard under 49 CFR 674, and the Federal Transportation Administration (FTA), under 49 CFR 673, which requires MATA to annually review, revise, approve, sign and approve the 2023 MATA Safety Plan; and

WHEREAS, MATA has completed a comprehensive review and revision process of MATA’s 2023 Safety Plan, which includes federal (FTA) and state (TDOT) additional regulatory requirements, improvements as determined by MATA, and industry best practices, as applicable: and

WHEREAS, MATA’s federally mandated management/labor Safety Committee(s), Safety Management Executive Review Committee (SMRC), have reviewed and approved the 2023 MATA Safety Plan, and

WHEREAS, Gary Rosenfeld, MATA Chief Executive Officer/Accountable Executive, and Ronald W. Nickle MATA Chief Safety & Security Officer (SMS Executive), have reviewed, approved, signed the 2023 MATA Safety Plan certifying that it complies and conforms with federal and state regulatory requirements, standards, guidance, and relative industry best practices, and

WHEREAS, TDOT’s State Safety Oversight Standard and FTA’s 49 CFR 673 regulations require that MATA’s Board of Commissioners review, approve, and sign the 2023 MATA Safety Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS has reviewed and approves the 2023 MATA Safety Plan, as shown in the attachments of each.

BE IT FURTHER RESOLVED That the Chief Executive Officer, Chief Safety & Security Officer, Chairman, or Vice-Chairman are authorized to execute with signatures the 2023 MATA Safety Plan.

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MEMO 23-01

TO: MATA Board of Commissioners
FROM: Gary Rosenfeld, Chief Executive Officer
SUBJECT: MATA's Annual Safety Audit and Safety Plan Programs
DATE: January 24, 2023

The 2023 MATA Safety Plan is to be reviewed, revised, and approved annually in accordance with Federal regulations (49 CFR 673), and Tennessee Department of Transportation's (TDOT) State Safety Oversight Program Standard requirements.

The 2023 MATA Safety Plan review included efforts to clarify, add, and improve MATA's safety program, implementation, and advancement towards a Safety Management System (SMS) approach to safety, and to incorporate additional regulatory requirement, guidance and recommendations from federal, state, and industry best practices, as applicable.

MATA completed its annual review, revision, and approval of the 2023 MATA Safety Plan, as completed by Gary Rosenfeld as MATA's Chief Executive Officer, as accountable executive, Ronald W. Nickle, as MATA's Chief Safety & Security Officer, as MATA's SMS executive, MATA's senior executives who serve on MATA's highest level Safety Executive Management Review Committee (SMRC), and members of management, and Safety Committee as required by new federal and state regulations.

Federal and state regulations require that MATA Board of Commissioner's review and approve the 2023 MATA Safety Plan, which once approved is signed by Chairman Dr. Martin Lewinski. MATA formally submits MATA's 2023 Safety Plan for review, approval, and signature of MATA's Board of Commissioner's Chairman.

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**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS
RESOLUTION NO. 23-02**

RESOLUTION TO ADOPT THE 2023 MATA DRUG AND ALCOHOL POLICY

WHEREAS, MATA’s Drug and Alcohol Policy is mandated and regulated by the Federal Transportation Administration (FTA), under 49 CFR 655, and said Policy was recently audited under the FTA Drug and Alcohol Compliance Auditing Program; and

WHEREAS, MATA has completed a comprehensive review and revision process of its Drug and Alcohol Policy following the conclusion of the FTA Drug and Alcohol Compliance Audit; and

WHEREAS, MATA’s Chief Executive Officer, Chief Safety & Security Officer and Drug & Alcohol Program Manager (DAPM), MATA’s Benefits Manager and Drug Employer Representative (DER), and MATA’s Chief Human Resources Officer have reviewed and approved the 2023 Drug and Alcohol Policy; and

WHEREAS, MATA’s Chief Executive Officer, has signed the 2023 Drug and Alcohol Policy, certifying that it complies and conforms with federal and state regulatory requirements, standards, guidance, and relative industry best practices, and

WHEREAS, FTA requires that MATA’s Board of Commissioners review, approve and adopt MATA’s 2023 Drug and Alcohol Policy,

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS that MATA’s 2023 Drug and Alcohol Policy be adopted according to current FTA requirements.

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MEMO 23-02

TO: MATA Board of Commissioners
FROM: Gary Rosenfeld, Chief Executive Officer
SUBJECT: MATA's Drug and Alcohol Policy
DATE: January 24, 2023

During the period of September 14, 2022 to September 16, 2022, the Federal Transit Administration (FTA) conducted an audit of MATA's FTA-mandated drug and alcohol testing programs, including a review of MATA's drug and alcohol policy and presented MATA with an audit report.

MATA's Drug and Alcohol Policy has been reviewed and revised in accordance with Federal regulations (49 CFR 655) and FTA's final audit report.

MATA's Chief Executive Officer, MATA's Chief Safety & Security Officer and Drug & Alcohol Program Manager (DAPM), MATA's Benefits Manager and Drug Employer Representative (DER), and MATA's Chief Human Resources Officer have reviewed and approved the 2023 Drug and Alcohol Policy.

FTA regulations require that MATA's Board of Commissioner's review and adopt the 2023 MATA Drug and Alcohol Policy.

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**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS**

RESOLUTION 23-03

**RESOLUTION TO AWARD A CONTRACT TO JIM’S TANK SERVICE, LLC
FOR A THREE-YEAR CONTRACT FOR ENVIRONMENTAL WASTE
MANAGEMENT**

WHEREAS, The Memphis Area Transit Authority (MATA) is required by Federal, State and Local regulatory guidelines to transport, dispose of and/or recycle used oil and liquid waste; and

WHEREAS, MATA issued an Invitation for Bid (IFB) to nine companies to provide seven types of used oil and liquid waste management services with various locations for a three-year period and received one responsive bid; and

WHEREAS, The contract award is based on the lowest responsive and responsible bid; and

WHEREAS, Jim’s Tank Service has submitted the lowest responsive and responsible bids for all various requested services and locations; and

WHEREAS, MATA may call for a maximum of 12 visits per year for Oily Liquid & Sludge, 12 visits for Wash Liquids & Sludge, 26 pick-ups per year for Used Motor Oil, 12 pick-ups per year for Used Oil Filters, 26 pick-ups per year for Used Antifreeze, and 2 pick-ups per year for Used/Old Paint, 12 visits to service the various oil booms and as needed pick-ups for the 55 gallon drums at the negotiated prices over the three-year contract period; and

WHEREAS, Staff recommends approval of a contract with Jim’s Tank Service, LLC for a three-year contract for Environmental Waste Management at a cost not to exceed \$1,029,637.94.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS That a contract be awarded to Jim’s Tank Service, LLC for Used Oil Management over a three-year period at a cost not to exceed \$1,029,637.94.

BE IT FURTHER RESOLVED That the Chief Executive Officer, Deputy Chief Executive Officer, Chairman, or Vice-Chairman be authorized to execute the contract.

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MEMO 23-03

TO: MATA Board of Commissioners
FROM: Gary Rosenfeld, Chief Executive Officer
SUBJECT: IFB 23-05 THREE-YEAR ENVIRONMENTAL WASTE MANAGEMENT
DATE: January 24, 2023

MATA is required by Federal, State and Local regulatory guidelines to transport, dispose of and/or recycle used oil, liquid waste, and other potential hazardous materials. MATA requested that various types of used oil and liquid waste management services with multiple locations be routinely serviced over the three-year contract period.

- Oil Liquids & Sludge
- Wash Liquids & Sludge
- Used Motor Oil
- Used Antifreeze
- Used/Old Paint
- Used Oil Filters
- Oil Booms
- 55 Gallon Pick-up / Disposal

The IFB was sent to nine vendors, formally advertised, and posted to MATA's website. One responsive and responsible bid was received and reviewed by MATA staff. There was no DBE goal set for this procurement.

Jim's Tank Service, LLC was the lowest responsive and responsible bidder. Staff recommends that the three-year contract be awarded to Jim's Tank Service, LLC at a cost not to exceed \$1,029,637.94.

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**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS**

RESOLUTION 23-04

**RESOLUTION TO AWARD A THREE-YEAR CONTRACT TO
SOUTHERN TIRE MART FOR RETREAD TIRES**

WHEREAS, The Memphis Area Transit Authority (MATA) maintains safe, reliable and cost-effective transit services and is required to ensure efficient and continued operation of its fleet; and

WHEREAS, MATA issued an Invitation for Bid (IFB) for companies to provide five types of retread tires and tire repair services for a three-year period; and

WHEREAS, One bid was received and deemed responsive and responsible and reviewed by MATA's Staff; and

WHEREAS, Southern Tire Mart has submitted the lowest responsive and responsible bid for three-year service for retread tires at a cost not to exceed \$621,540.06; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS, That a contract be awarded to Southern Tire Mart for a Three-Year contract of Retread Tires at a cost not to exceed \$621,540.06.

BE IT FURTHER RESOLVED That the Chief Executive Officer, Deputy Chief Executive Officer, Chairman, or Vice-Chairman be authorized to execute the contract.

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MEMO 23-04

TO: MATA Board of Commissioners
FROM: Gary Rosenfeld, Chief Executive Officer
SUBJECT: IFB 23-04 THREE-YEAR SUPPLY OF RETREAD TIRES
DATE: January 24, 2023

MATA's Maintenance department must maintain a supply of retread tires and tire repair services to sustain an on-going need for refurbished bus tires. Listed below are approximate annual quantities and repair services.

MATA PART #	TIRE	EST. QTY
9000124-1	12R22.5 Load Range H	320
9000123-1	275/70R22.5 Load Range H	150
9000122-1	245/70R19.5	36
9000126-1	11R22.5 Load Range H	36
	315/80R22.5	320

OTHER REPAIRS/COSTS:

Tire Disposal	Varies
Tire Repairs:	Varies
-Stems	Varies
-Holes	Varies
-Patches	Varies
Tire – Sectioned Tires	Varies

The IFB was sent to 10 vendors, formally advertised, and posted to MATA's website. One bid from Southern Tire Mart was received and reviewed by MATA Staff and determined to be responsive and responsible.

Since this procurement is only for supplying retread tires with limited opportunities for subcontracting, the goal for participation by Disadvantaged Business Enterprises (DBE) was set at 0 %.

Southern Tire Mart was the lowest responsive and responsible bidder. MATA Staff recommends that the contract be awarded to Southern Tire Mart at a three-year base cost of \$596,540.06. MATA Staff also recommends that an additional \$25,000.00 be added to the contract to cover the various requested repair services. The three-year contract to Southern Tire Mart will be at a cost not to exceed \$621,540.06.

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**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS
RESOLUTION NO. 23-05**

**RESOLUTION TO APPROVE CHANGE ORDER #1 TO GANT SYSTEMS CARE
AGREEMENT TO INCREASE MONTHLY SERVICE FEE**

WHEREAS, MATA staff is responsible for maintaining secure IT infrastructure to include ongoing support and maintenance of IT-related products, services, and other specific IT needs and usage; and

WHEREAS, the original agreement between GANT Systems and MATA entered on January 1, 2022, as a Manage IT Services contract with customizations to include a variety of IT-related products and/or services for a flat, fixed recurring monthly fee for 36 months; and

WHEREAS, MATA staff has determined that the previous Care Agreement did not meet the needs of the current MATA IT infrastructure, support, or maintenance and that additional server coverage is deemed necessary for updates, troubleshooting, and configuration of server patches; and

WHEREAS, MATA staff has determined that the increase in the monthly cost from \$6,344.33 to \$15,099.28 is fair and reasonable based on industry standards; bringing the 36-month contract amount from \$228,395.88 to \$543,574.08 with an option for a renewal term of one (1) year; and

WHEREAS, MATA staff has determined the extra coverage is necessary for the continual implementation of MATA's current Backup and Disaster Recovery Protocols implemented in the 2021 Contingency IT Plan; and,

WHEREAS, MATA staff recommends Change Order #1 increase in monthly dollar amount from \$6,344.33 to \$15,099.28 for the duration of 36 months increasing the agreement amount from \$228,395.88 to \$543,574.08 with an option for a renewal term of one (1) year.

NOW, THEREFORE, BE IT RESOLVED BY MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS, That Change Order #1 to GANT Systems Care Agreement increase the monthly fee from \$6,344.33 to \$15,099.28 for 36-months.

BE IT FURTHER RESOLVED that the agreement amount is increased from \$228,395.88 to \$543,574.08 with an option for a renewal term of one (1) year.

BE IT FURTHER RESOLVED that the Contracting Officer be authorized to execute Change Order #1 to the GANT Systems Care Agreement.

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MEMO 23-05

TO: MATA Board of Commissioners
FROM: Gary Rosenfeld, Chief Executive Officer
SUBJECT: Resolution to approve change order #1 to Gant Systems Care agreement to increase monthly service fee
DATE: January 24, 2023

The purpose of this resolution is to maintain a secure IT infrastructure which includes maintenance and other infrastructure needs. MATA staff determined that there were gaps in the security of the current server which left the IT infrastructure vulnerable.

MATA staff determined that during periods of potential breach, MATA server was left unmanned and current tools in place were not available to detect or troubleshoot potential issues, notify for updates, or respond to service ticket requests in a reasonable time.

MATA staff determined that the original Gant Systems Care Agreement did not provide for the necessary safeguards needed according to MATA's current Backup and Disaster Recovery Protocols implemented in the 2021 Contingency IT Plan. The Contingency IT Plan came as a result of potentially harmful breach in 2021.

For this reason, MATA staff recommends Change Order #1 increase in monthly dollar amount from \$6,344.33 to \$15,099.28 for the duration of 36 months increasing the agreement amount from \$228,395.88 to \$543,574.08 with an option for a renewal term of one (1) year.

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**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS
RESOLUTION NO. 23-06
RESOLUTION TO APPROVE JUSTIFICATION FOR PURCHASE OF ADDITIONAL
CAMERAS FOR AIRWAYS FACILITY**

WHEREAS, the MATA Board of Commissioners approved an existing contract with Memphis Communications Company (MCC) through Resolution No. 21-16 on April 27, 2021, for \$325,412.16 with monthly payments of \$6,779.74 per month for 48 months; and,

WHEREAS, MATA staff determined that additional surveillance cameras and security systems were needed based on the previous Triennial Review from 2019;

WHEREAS, MATA staff wanted to add the additional equipment and security system to the existing contract to include the uploading of current security software to the existing MATA server and to include video tagging, authentication, and safety verification, card readers for building and grounds access, and parameter setup to all facilities and access points at 1370 Levee Road location through Resolution No. 22-60; and

WHEREAS, The additional items are associated with capital maintenance items as defined in 49 U.S.C. § 5307(a)(1) procured in 2021 directly from the original manufacturer or supplier of the items purchased; and, that the price of such item is not higher than the price paid from the approved contract from Resolution No 21-16; and,

WHEREAS, MATA staff recommended that the MATA Board of Commissioners authorized the purchase of additional cameras to the current MCC contract with \$2,586.83 added to the current monthly bill of \$6,779.74. The additional amount brings the monthly bill to \$9,366.57. The additional amount over 48 months is \$124,167.80, increasing the contract from \$325,427.50 to \$449,595.40; and,

WHEREAS, MATA staff is requesting additional security cameras for the MATA Airways facility located at 3033 Airways Blvd. Memphis, Tennessee because the existing analog cameras are not compatible with the current system and compromises the integrity of the current surveillance system; and,

WHEREAS, MATA Safety and Security staff has determined that the existing surveillance system does not provide the necessary safety measures to ensure a safe working environment and secure customer-base at the location; and,

WHEREAS, MATA staff determined that the additional cost of \$1,829.59 per month. The monthly amount will go from \$9366.57 per month to \$11,196.16. This will include a 4-year equipment refresh, maintenance, support, and upgrades. The four-year increase in cost is \$87,820.32. The new 48-month contract amount will go from \$449,595.40 to \$537,415.72.

WHEREAS, MATA's staff requests that Memphis Communications Company (MCC) remain the provider for installation and maintenance of the additional equipment.

NOW, THEREFORE, BE IT RESOLVED BY MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS, That the MATA Board of Commissioners authorize the purchase of additional surveillance cameras and security systems to the existing camera for the Airways facility located at 3033 Airways Blvd, Memphis, TN.

BE IT FURTHER RESOLVED that the MATA Board of Commissioners authorizes the purchase of additional cameras to the current MCC contract with \$1,829.59 added to the current monthly bill of \$9,366.57. The additional amount brings the monthly bill to \$11,196.16. The additional amount over 48 months is \$87,820.32, increasing the contract from \$449,595.40 to \$537,415.72.

BE IT FURTHER RESOLVED that upon Board approval, MATA staff will proceed with the necessary steps to procure the requested additional cameras and security system from MCC.

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MEMO 23-06

TO: MATA Board of Commissioners
FROM: Gary Rosenfeld, Chief Executive Officer
SUBJECT: RESOLUTION TO APPROVE JUSTIFICATION FOR PURCHASE OF ADDITIONAL CAMERAS FOR AIRWAYS FACILITY
DATE: January 24, 2023

MATA Board of Commissioners approved Resolution 21-16 on April 27, 2021, to allow the IT department to contract noncompetitively with Memphis Communications Company (MCC) of Memphis to complete the upgrades to all MATA facilities so that MATA will have one security camera system. The MATA IT staff moved our agency from an analog to a complete digital camera security system.

MATA staff has maintained a working relationship with MCC where the staff considers the maintenance and support from the company to be exceptional and an integral part of MATA's security program. It became essential for the security system camera upgrades in 2021.

To meet the additional regulatory needs based on the 2019 Triennial review, MATA staff determined that the facility, located at 1370 Levee Road, had security issues that included the Main Building, Maintenance Building, Claims Building, and the Service Building (including the Coin Room). The additional equipment upgrades include proxy card readers and more surveillance equipment.

MATA's monthly bill is \$6,779.74, including camera and security system and upgrades, with a 48-month contract totaling \$325,427.50. With the additional IT Security needs, the additional amount added to the monthly bill is \$2,586.83 changing the monthly total to \$9,366.57 and the contract amount to \$449,595.40. Authorization approved through Resolution No. 22-60 during December 2022 Board meeting.

MATA Safety and Security staff during a routine investigation and inspection of the Airways facility determined that there shortfalls in the surveillance equipment in operation to ensure that the facility is safe for MATA staff and public using the facility for transportation needs. MATA Safety and Security staff requested additional surveillance cameras to cover the interior and exterior parameters. With the additional cameras for the Airways facility there is an additional cost of \$1,829.59 per month. The monthly amount will go from \$9366.57 per month to \$11,196.16. This will include a 4-year equipment refresh, maintenance, support, and upgrades. The four-year increase in cost is \$87,820.32. The new contract amount will go from \$449,595.40 to \$537,415.72.

MATA staff requests that Memphis Communications Company (MCC) remains the provider for installation and maintenance of the additional equipment.

Please let me know if there are any questions.

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**SOLE SOURCE JUSTIFICATION FOR PURCHASE OF ADDITIONAL CAMERAS
FOR AIRWAYS FACILITY**

Requestor	Tommy Wallace, Sr. IT Manager
Contract Administrator	Shelia Maclin, Purchasing Manager
Funding Source	TBD
Contractor/Vendor	Memphis Communications Company (MCC)
Date of Submission	January 24, 2023

Contracting Department and Activity. MATA staff submitted to the MATA Board of Commissioners Resolution No. 21-16 during the March 2021 Board meeting to approve a sole source justification for the purchase of an upgraded camera system for MATA facilities to include the Levee Road Campus. The justification and request for approval fell under the 4.9 Non-Competitive Procurements (IV-10) of the MATA Procurement Manual.

Nature of Action Being Approved. With the approval of Resolution No. 21-16 to contract noncompetitively with Memphis Communications Company (MCC) of Memphis, Tennessee, the staff purchased digital camera equipment, maintenance, and support for upgrades.

Description of Supplies or Services. MCC provides services that include maintenance and support for current and additional installed upgraded systems to include the cameras. These upgrades were at the following locations:

- Coin room and wash bay on Levee Road.
- Trolley OPS Building
- William Hudson Transit Center
- American Way Transit Center
- Operations and Administrative Offices at Levee Road

After additional investigation, MATA Safety and Security staff determined that the MATA Airways facility located at 3033 Airways Blvd., Memphis, Tennessee security cameras were not compatible with the current system and need replacing. At the current system, there is a compromise in the integrity of the current surveillance system as well as the ability to maintain a safe working and customer-based environment.

Estimated Dollar Value. The dollar value from the original procurement was \$6779.74 from Resolution #21-16. MATA staff issued Resolution No. 22-60 for December 2022 Board Meeting to add additional equipment and software to include video tagging, authentication, safety verification, card readers for building and grounds access and a parameter setup to all facilities and access points to 1370 Levee Road. The additional cost for this equipment totaled \$2,586.83 per month. Resolution No. 22-60 authorized the increase of the monthly pay from \$6779.74 to \$9,366.57. The additional amount over the next 48 months is \$124,176.80 with the contract total increasing from \$325,427.50 to \$449,595.40.

With the additional cameras for the Airways facility there is an additional cost of \$1,829.59 per month. The monthly amount will go from \$9366.57 per month to \$11,196.16. This will include a 4-year equipment refresh, maintenance, support, and upgrades. The four-year increase in cost is \$87,820.32. The new contract amount will go from \$449,595.40 to \$537,415.72.

Statutory Authority. The proposed action may be awarded without full and open competition under the authority of the MATA Board. Section 4.9.1(a)(5),(6) concerning Sole Source indicates that the “procurement by non-competitive negotiation may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposal and at least one of the following circumstances applies:” which includes:

- The item is an associated capital maintenance item as defined in 49 U.S.C. § 5307(a)(1) that is procured directly from the original manufacturer or supplier of the item to be replaced. MATA will certify in writing to FTA: (1) that such manufacturer or supplier is the only source for such item; and (2) that the price of such item is no higher than the price paid for such item by like customers; or
- Maintenance or upgrades for software used by MATA.

Rationale Supporting Use of Citation in Statutory Authority. MATA IT has partnered with MCC for over 15 years. MATA IT staff considers the maintenance and support from the company to be exceptional. MATA concluded that the additional camera to the Airways facility will prove beneficial when the company begins the rejuvenation of the property through the securing of the facility. The current system and cameras have proven beneficial to IT and will work for the Safety and Security Department.

Other information. Provide any other facts supporting the use of other than full and open competitive, such as: MATA underwent a system upgrade in 2021. The current provider, MCC has removed all the analog cameras and upgraded MATA's infrastructure. Security of the Airways facility went unmanned and was determined that traffic and undocumented incidents; therefore, MATA IT staff and MATA Safety and Security Staff have decided that it is necessary for the safety of the facility to add new cameras.

Efforts to Identify Additional Sources: It was determined that it was not necessary to solicit other competitors at this and would prove difficult to fulfill the requirements for procuring compatible which can be costly.

Future Plans to Permit Competition. MATA will investigate the possibility of new vendors after four years. The recommendation is that MATA IT begin looking for new possibilities in the year 2025 to determine if the current system still meets MATA's needs.

Recommendations and Certification of Sole Source. Based on the above, I recommend this acquisition be conducted on the basis other than full and open competition. I certify based on information provided that the digital camera and server equipment is ordered from MATA's existing provider.

Director of Information Technology

Date

Chief Financial Officer

Date

Certifications from the Contracting Officer. It is anticipated that the price will be fair and reasonable; a notice of intent to award noncompetitively will be posted on the MATA website for seven (7) business days. A more detailed analysis and determination is included in the pre-award memorandum. This justification is accurate and complete to the best of my knowledge and belief.

APPROVALS:

Contracting Officer

Date

Director of Grants and Procurement

Date

**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS
RESOLUTION NO. 23-07**

**RESOLUTION TO APPROVE TASK ORDER #4 TO HDR, INC FOR NEPA STUDY
AND PRELIMINARY ENGINEERING WORK FOR A NEW OPERATIONS AND
MAINTENANCE FACILITY**

WHEREAS, By Resolution 21-15 on April 27, 2021, the MATA Board of Commissioners awarded a program management contract in the amount of \$1,000,000 to HDR, Engineering Inc. to provide on-call planning and engineering on services on a task order basis; and

WHEREAS, MATA was awarded \$54 million in FTA 5339 Bus and Bus Facilities grant funds in August 2022 to develop a new bus operations and maintenance facility; and

WHEREAS, MATA Staff received a proposal from HDR Engineering, Inc. dated December 21, 2022 to conduct the required National Environmental Protection Act (NEPA) study for the selected site and prepare a preliminary site plan and other preliminary engineering tasks; and

WHEREAS, HDR will assist MATA with advancing the project through an environmental review process pursuant to 23 CFR 771.118(d) with the appropriate documentation to obtain NEPA approval from the FTA based on the NEPA class of action as determined by the FTA; and

WHEREAS, MATA staff has reviewed the Scope of Work provided by HDR and determined that the cost of \$637,020.19 is fair and reasonable for the proposed task order and meets the necessary requirements; and

NOW THEREFORE, BE IT RESOLVED BY MEMPHIS AREA TRANSIT AUTHORITY BOARD OR COMMISSIONERS, That a Task Order is issued to HDR for the not to exceed amount of \$637,020.19 for the Scope of Work as provided.

BE IT FURTHER RESOLVED, That the Chief Executive Officer, Chairman, or Vice-Chairman, and Contracting Officer are authorized to execute the necessary documents.

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MEMO 23-07

TO: MATA Board of Commissioners
FROM: Gary Rosenfeld, CEO
RE: RESOLUTION TO APPROVE TASK ORDER #4 TO HDR, INC FOR THE NEPA STUDY AND PRELIMINARY ENGINEERING WORK FOR A NEW OPERATIONS AND MAINTENANCE FACILITY
DATE: January 24, 2023

The purpose of this resolution is to approve Task Order to HDR, Engineering Inc., for the National Environmental Protection Act (NEPA) environmental study and preliminary engineering tasks for the development of a new operations and maintenance facility. The FTA requires that before grantees can purchase or build on any property, that a NEPA study is performed on the perspective property that includes but is not limited to addressing current conditions for utilities, sources of power, potential flood plains, air quality, etc.

HDR Engineering, Inc. has an existing program management contract with MATA that was previously awarded by the MATA Board of Commissioners in April of 2021 to perform on-call planning and engineering work as required for this project. HDR will be the prime consultant, who along with their subconsultants will perform the in-depth NEPA study as well as associated public outreach, public involvement, and conduct any assessments needed to identify any hazardous materials or waste in the area.

The estimated cost of the study and preliminary engineering work is \$637,020.19 and has been determined by MATA staff to be fair and reasonable.
See Exhibit A for additional information.

Please let me know if you have any questions.

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**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS**

RESOLUTION NO. 23-08

**RESOLUTION TO APPROVE ADDITIONAL EQUIPMENT PURCHASE FOR
GRANICUS SOFTWARE**

WHEREAS, The Memphis Area Transit Authority (MATA) Board of Commissioners approved Resolution No. 22-21 on June 28, 2022, to sign a commitment agreement with Granicus for Board Agenda Software; and

WHEREAS, MATA has purchased the Board Agenda Software; and

WHEREAS, MATA staff has determined that there were other needed hardware and licensing fees for the Granicus software that included the following:

- VoteCast Setup and Configuration (station) = 1 each
- VoteCast Setup and Configuration (tablet) = 20 hours
- VoteCast Onsite Training = 2 days
- VoteCast Tablet (surface) = 20 each
- VoteCast Standard Hardware Package (w/surface tablet) = 1 each

WHEREAS, MATA staff recommends approval of Granicus Quote Q-247126 One-Time Fees in the amount of \$38,010.00 and New Subscription Fees of \$24,000 bringing the total to \$62,010.00; and

WHEREAS, MATA staff has determined that based on available funding that this procurement is approved; and,

WHEREAS, MATA staff recommends approval of Granicus Quote Q-247126 with a not to exceed amount of \$62,010.00 for additional hardware and licenses by MATA Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS That the Granicus Quote Q-247126 be approved with a not to exceed amount of \$62,010.00 for additional hardware and licenses.

BE IT FURTHER RESOLVED That the Chief Executive Officer, Chairman or Vice-Chairman is authorized to execute the necessary documents for this procurement.

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MEMO 23-08

TO: MATA BOARD OF COMMISSIONERS

FROM: Gary Rosenfeld, CEO

RE: RESOLUTION TO APPROVE ADDITIONAL EQUIPMENT PURCHASE FOR GRANICUS SOFTWARE

DATE: January 24, 2023

MATA staff entered into an agreement with Granicus through Resolution No. 22-21 for software that MATA deemed necessary to improve its voting and oversight of the Board of Commissioners meetings.

MATA, through its research determined that the software used is the same software used with the City of Memphis and Shelby County. The software used proved advantageous to our governing agencies; therefore, MATA staff determined that to remain uniformed in the processes concerning how Board elections were held, decided that the software would prove beneficial.

MATA staff determined that the necessary hardware and licenses were needed to better equip the Board to be more effective and efficient with its election process. MATA staff worked with Granicus to obtain the following information and cost from Quote Q-247126.

ONE TIME FEES			
Solution	Billing Frequency	Quantity Unit	One-Time Fee
VoteCast Station (ME) – Setup and Configuration	One Time	1 each	\$450.00
VoteCast Tablet (ME) – Setup and Configuration	One Time	20 hours	\$4,500.00
VoteCast – Onsite Training	Upon Delivery	2 Days	\$5,000.00
VoteCast Tablet – (Surface)	Upon Delivery	20 each	\$28,000.00
US Shipping Charge B – Medium Item	Upon Delivery	1 each	\$60.00
SUBTOTAL			\$38,010.00
NEW SUBSCRIPTION FEES			
Solution	Billing Frequency	Quantity Unit	One-Time Fee
VoteCast Standard Hardware Package (w/Surface Tablets (ME)	ANNUAL	1 EACH	\$24,000.00
SUBTOTAL			\$24,000.00
FINAL TOTAL			\$62,010.00

MATA is requesting that the Board of Commissioners approve this resolution for the additional purchases in the total amount of \$62,010.00

Please let me know if you have any questions.

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**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS
RESOLUTION NO. 23-09**

RESOLUTION TO APPROVE CHANGE ORDER #2 TO THE KIMLEY-HORN AND ASSOCIATES CONTRACT FOR THE ENGINEERING AND DESIGN OF THE MEMPHIS INNOVATION CORRIDOR PROJECT

WHEREAS, By Resolution 19-12 on March 29, 2019, the MATA Board of Commissioners awarded a contract to Kimley-Horn Associates for the engineering and design of the Memphis Innovation Corridor Project for a total contract amount of \$7,585,718.66; and

WHEREAS, In accordance with MATA's procurement policy, Change Order #1 in the amount of \$678,150 (less than 10% of the total contract amount) was approved by MATA's CEO and Contracting Officer in September 2021 for additional services to submit the project for funding through FTA's Small Starts Grant and Rating process for a revised total not to exceed contract amount of \$8,263,868.66; and

WHEREAS, Due to adjustments in the scope and time required to complete the project, as well as other procurement and bid phase services as the project enters the construction phase, through collaboration with KHA, the City of Memphis, and MATA have determined that the existing contract with Kimley-Horn and Associates will require a second amendment and approval of Change Order #2;

WHEREAS, MATA staff have reviewed the revised scope of work prepared by KHA and addition funds are available; and

WHEREAS, Kimley-Horn and Associates made recommendations for **Task 1.0 Project Management Controls** tasks to include work breakdown, design and coordination with adjustments to pricing that are as follows:

- | | | | |
|---|------|-----------------------------------------------------------|---------------------|
| • | 1.2 | Project Management | \$201,600.00 |
| • | 1.3 | Jurisdictional Agreements and Permits | \$ 68,600.00 |
| • | 1.4 | Risk Management | \$102,100.00 |
| • | 1.11 | BUILD Grant Assistance | \$ 12,000.00 |
| • | 1.16 | Small Starts Capital Investment Grant Assistance | <u>\$217,200.00</u> |
| | | Total Fee – Task 1 Project Management and Controls | \$655,500.00 |

WHEREAS, Kimley-Horn and Associates have made recommendations for **Task 3.0 – NEPA** tasks to include work breakdown, design, and coordination with adjustment to pricing that are as follows:

- | | | | |
|---|-------|----------------------------------|---------------------|
| • | 3.2.8 | Phase II ESA | <u>\$132,700.00</u> |
| | | Total Fee – Task 3.0 NEPA | \$132,700.00 |

WHEREAS, Kimley-Horn and Associates, made recommendations for **Task 4.0 Public and Stakeholder Engagement** to include work breakdown, design, and coordination with adjustments to pricing that are as follows:

- | | | | |
|---|-----|------------------------------------------------------------|---------------------|
| • | 4.0 | Public and Stakeholder Engagement | <u>\$155,300.00</u> |
| | | Total Fee- Task 4 Public and Stakeholder Engagement | \$155,300.00 |

WHEREAS, Kimley-Horn and Associates made recommendations for **Task 6.0 Preliminary Engineering and Design** to include work breakdown, design, and coordination with adjustment to pricing that are as follows:

- | | | | |
|---|------|----------------------------------------------------------------|---------------------|
| • | 6.11 | Additional Design and Coordination | <u>\$146,000.00</u> |
| | | Total Fee – Task 6.0 Preliminary Engineering and Design | \$146,000.00 |

WHEREAS, Kimley-Horn and Associates made recommendations for **Task 7.0 Procurement and Bid Phase Services** to include work breakdown, design, and coordination with adjustment to pricing that are as follows:

- 7.2 Right of Way Acquisition \$355,800.00
- 7.3 Bid Phase Services \$ 54,500.00
- Total Fee – Task 7.0 Procurement and Bid Phase Services \$410,300.00**

WHEREAS, MATA Staff recommends approval of Change Order #2 for a not to exceed amount of **\$1,499,800.00** for a total contract amount of **\$9,763,668.66**; and

NOW THEREFORE, BE IT RESOLVED BY MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS, that Change Order #2 is approved to the Kimley-Horn Associates Contract for the not to exceed amount of **\$1,499,800.00** for a total contract amount to **\$9,763,668.66**.

BE IT FURTHER RESOLVED, That the Chief Executive Officer and Contracting Officer are authorized to approve Change Order #2 and execute the necessary documents.

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MEMO 23-09

TO: MATA Board of Commissioners
FROM: Gary Rosenfeld, CEO
RE: RESOLUTION TO APPROVE CHANGE ORDER #2 TO THE KIMLEY-HORN AND ASSOCIATES CONTRACT FOR THE ENGINEERING AND DESIGN OF THE MEMPHIS INNOVATION CORRIDOR PROJECT
DATE: January 24, 2023

In 2019 Kimley-Horn and Associates were awarded a contract for the engineering and design of the Memphis Innovation Corridor project. The design process has been a collaborative effort between numerous local stakeholders as well as the Federal Transit Administration (FTA), Tennessee Department of Transportation (TDOT), and City of Memphis.

The purpose of Change Order #2 is to cover additional costs due to adjustments in the scope and timeframe of the project, as well as procurement and bid phase services as the project moves into the construction phase. These costs include additional requirements for project management, right-of-way acquisition, risk mitigation, public and stakeholder involvement, and to satisfy the FTA Capital Investment Grant (CIG) requirements to secure the Construction Grant Agreement. The work required will build upon the work accomplished to date. The duration of the additional work is estimated to extend through bid phase services in August 2023 based on the information provided by FTA.

The additional cost incurred for the continuation of the project is estimated at **\$1,499,800.00**. The additional cost brings the contract amount to **\$9,763,668.66**. This amount also includes Changer Order #1 for Amendment #1 in the amount of **\$678,150.00** that was issued in September of 2021.

MATA staff recommends and requests the approval of Change Order #2 in the amounts noted above.

Please let me know if you have any questions.

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**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS**

RESOLUTION NO. 23-10

**RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS/OBSOLETE COMPUTER
EQUIPMENT ITEMS**

WHEREAS, The Memphis Area Transit Authority (MATA) has surplus/obsolete computer equipment that is no longer useful to the Authority; and

WHEREAS, The computer equipment has exceeded its useful life; and

WHEREAS, MATA has listed in Exhibit A computer items that are considered surplus/obsolete; and

WHEREAS, It is in the best interest of MATA to dispose of the surplus/obsolete computer equipment; and

WHEREAS, Said surplus/obsolete computer equipment shall be disposed by written bids, electronic bids, trade-in, FTA transfer, negotiated sale price or by public auction; and

WHEREAS, If MATA is unsuccessful in disposing of said items in the manner stated above, then they may be donated to a non-profit organization, a local government entity or agency, or discarded; and

WHEREAS, Staff recommends that personnel employed by Mid-South Transportation Management, Inc. or RATP Dev USA, Inc. not be permitted to bid on any of the items sold by MATA.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS That the Chief Executive Officer is hereby authorized to dispose of the aforementioned surplus/obsolete computer equipment by written bids, electronic bids, trade-in, FTA transfer, negotiated sale price or by public auction.

BE IT FURTHER RESOLVED That personnel employed by Mid-South Transportation Management, Inc. or RATP Dev USA, Inc. not be permitted to bid on any of the items sold by MATA.

BE IT FURTHER RESOLVED That if the aforementioned methods of disposing of the obsolete/surplus computer equipment are unsuccessful, they may be donated to a non-profit organization, a local government entity or agency, or discarded.

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Memphis Area Transit Authority					
Asset Disposal Listing					
For Board Meeting 1-24-2023					
Asset Description	Quantity or Serial Num	Asset Description	Quantity or Serial Number	Asset Description	Quantity or Serial Number
Dell Optiplex 9020 Tower	2ZBHKB2	HP Printer OfficeJetPro	1	Hewlett Packard Rack Server	USE036N1PX
Dell Laptop	C21SLJ1	HP Printer OfficeJetPro	1	Hewlett Packard Rack Server	USE107N4R7
Dell Optiplex 9020 Tower	18CWG42	HP Printer OfficeJetPro	1	Hewlett Packard Rack Server	USE107N4R8
Dell Optiplex 9020 Tower	53S89N2	HP Printer OfficeJetPro	1	Hewlett Packard Rack Server	USE107N4R5
HP Printer OfficeJetPro	CN4APD321G	HP Printer OfficeJetPro	1	Hewlett Packard Rack Server	USE036N1Q0
Dell XPS Tower	21DD8Y1	HP Printer OfficeJetPro	1	Hewlett Packard Rack Server	USE036N1PV
Dell Optiplex 9020 Tower	73QPG42	Dell Vostro Tower	GFGT1R1	Hewlett Packard Rack Server	USE036N1Q1
HP OfficeJetPro 8610	CN4APD324R	Dell Laptop	4MNSJQ2	Hewlett Packard Rack Server	USE036N1Q5
Laptop Alienware	7BN05K1	Dell Laptop	WAZZJ29	Hewlett Packard Rack Server	USE036N1Q3
Dell All-IN-One	GWL2YM2	HP Laptop	CNU8042106	PowerEdge 2850 Server	8Y6P8F1
Dell Optiplex 9020 Tower	53Q99N2	Compaq laptop	X15-537558	Samsung Monitor	1
Dell Optiplex 9020 Tower	2Z5GKB2	Accedian	G4134108	Samsung Monitor	1
Dell Optiplex 9020 Tower	2ZBFBK2	Allworx	536C000ADD39DD4	Dell Tower	D113004
Vostro Tower	GDZL1R1	Canoga Perkins NID	CNUIAEPEAA	Compaq Monitor	1
Sonny Laptop	U53121	ETN Powerware	612-19493-01	Dell Optiplex 360 Tower	5LQDHK1
HP Laptop	CNU80420QY	Dell Laptop	HHW75H2	Cisco 1700 Juniper	164102008000189
Qosmio Laptop	7D183713C	Dell Rack Server	53CX6S1	LA2000 Call Logger	542208
Dell Optiplex 9020 Tower	JG8WG42	Dell Rack Server	93CX6S1	HP Tower	906320
Dell Optiplex 9020 Tower	7WBWG42	Dell Rack Server	63CX6S1	Proccard Dell Tower	763JQ31
Dell Optiplex 9020 Tower	2Z5HKB2	Dell Rack Server	E025001	Dell Tower	310H8Y1
ASUS Tower	X1881962	Dell Rack Server	73CX6S1	Dell Tower	22XC8Y1
Dell XPS Tower	2ZRD8Y1	Dell Rack Server	2F2V8Q1	Dell Tower	2XYD8Y1
Dell Optiplex 9020 Tower	2ZDGKB2	CYBERNETICS RACK SERVER	7110160	Quantum Tower	00DR02580634
Dell Optiplex 9020 Tower	53Q69N2	PowerEdge 2850	B0V1391		
Dell Optiplex 9020 Tower	2CQKMM1	Dell Rack Server	83CX6S1		
Dell Optiplex 9020 Tower	53N89N2	Dell PowerEdge	GJFML91		
Samsung Monitor	1	Avocent Sever	320026302		
Samsung Monitor	1	Hewlett Packard Rack Server	HSTNS2120		
Samsung Monitor	1	Fujitsu DX Rack Server	4311026636		
Samsung Monitor	1	Hewlett Packard Rack Server	USE036N1PR		
Samsung Monitor	1	Hewlett Packard Rack Server	USE036N1Q6		
Dell Optiplex 9020 Tower	2Z6FKB2	Hewlett Packard Rack Server	USE036N1PZ		
Dell Optiplex 9020 Tower	2Z86KB2	Hewlett Packard Rack Server	USE036N1PT		
Dell Optiplex 9020 Tower	2ZCHKB2	Hewlett Packard Rack Server	USE036N1Q2		
Dell Optiplex 9020 Tower	2Z4HKB2	Hewlett Packard Rack Server	USE107N4R6		
Z240 Tower	2UA7502P05	Hewlett Packard Rack Server	USE036N1Q4		
Dell Optiplex 9020 Tower	2ZFHKB2				
HP MONITOR	1				
HP MONITOR	1				
Samsung Monitor	1				
Dell All-IN-One	68M9XK2				
HP Printer OfficeJetPro	1				

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**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS
RESOLUTION NO. 23-11**

**RESOLUTION TO AWARD A FIVE-YEAR CONTRACT TO SHUTTLESWORTH
PLLC FOR LEGAL SERVICES FOR TRANSIT CLAIMS**

WHEREAS, The Memphis Area Transit Authority (MATA) requires legal services for transit claims in the conduct of its business; and

WHEREAS, MATA issued a Request for Proposal (RFP) for firms to provide this service; and

WHEREAS, Two responsive proposals were received in response to MATA’s procurement and were evaluated by the Evaluation Committee; and

WHEREAS, The procurement was formally advertised; and

WHEREAS, The Evaluation Committee determined Shuttlesworth PLLC’s proposal was the best proposal in both technical scoring and in price and presented the best value to MATA; and

WHEREAS, Operating funds are available for this procurement; and

WHEREAS, Shuttlesworth PLLC’s hourly rates for their primary representatives are as follows; and

HOURLY RATES FOR SHUTTLESWORTH PLLC

YEAR	PARTNER	ASSOCIATE	PARALEGAL
YEAR 1	\$ 180.00	\$ 175.00	\$ 100
YEAR 2	\$ 180.00	\$ 175.00	\$ 100
YEAR 3	\$ 180.00	\$ 175.00	\$ 100

WHEREAS, The Evaluation Committee recommends that a contract be awarded to Shuttlesworth PLLC for legal services involving transit claims at the rates stated above for a period of five years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS That a three-year contract be awarded to Shuttlesworth PLLC for legal services involving transit claims at the rates stated above beginning February 1, 2023, and ending on January 31, 2026.

BE IT FURTHER RESOLVED THAT Chief Executive Officer, Deputy Chief Executive Officer, Chairman or Vice-Chairman is authorized to execute any and all documents necessary to process this contract.

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MEMO 23-11

TO: MATA Board of Commissioners
FROM: Gary Rosenfeld, Chief Executive Officer
SUBJECT: IFB 23-09 THREE-YEAR LEGAL SERVICES FOR TRANSIT CLAIMS
DATE: January 24, 2023

This memo summarizes the procurement process for MATA's solicitation for a three-year contract for legal services for transit claims. MATA's Purchasing Department sent the RFP to multiple firms, formally advertised and placed on MATA's website.

Since this procurement has limited opportunities for subcontracting, a DBE goal was not assigned.

Two responsive and responsible proposals were received. MATA's Evaluation Committee reviewed the two responsive proposals and discussed their findings based on the evaluation criteria set forth in the RFP. The proposers could receive a maximum of 550 points. The results of the Committee's evaluation were as follows:

Vendor	Total Points
Brittenum Ward	440
Shuttleworth PLLC	530

An analysis of the hourly rates provided by the proposers is shown on Exhibit A. The Evaluation Committee recommends a three-year contract be awarded to Shuttlesworth PLLC at the hourly rates shown on Exhibit A.

Let me know if you have questions.

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MEMO 23-11

EXHIBIT A

BRITTENUM WARD LAWYERS

YEAR	PARTNER	ASSOCIATE	PARALEGAL
YEAR 1	\$ 300.00	\$ 242.00	\$ 100.00
YEAR 2	\$ 300.00	\$ 242.00	\$ 100.00
YEAR 3	\$ 300.00	\$ 242.00	\$ 100.00

SHUTTLESWORTH LLC

YEAR	PARTNER	ASSOCIATE	PARALEGAL
YEAR 1	\$ 180.00.	\$ 175.00	\$ 100.00
YEAR 2	\$ 180.00.	\$ 175.00	\$ 100.00
YEAR 3	\$ 180.00.	\$ 175.00	\$ 100.00

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**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS
RESOLUTION NO. 23-12**

**RESOLUTION FOR THE PURCHASE OF EIGHT GILLIG DIESEL BUSES
UTILIZING THE WASHINGTON STATE PROCUREMENT CONTRACT**

WHEREAS, The Memphis Area Transit Authority (MATA) is a public agency responsible for providing public transportation services within the City of Memphis and surrounding communities; and

WHEREAS, MATA will utilize the provisions of of the Washington State procurement contract #2020 06719-01 for the purchase of up to eight (8) new GILLIG Diesel Buses; and

WHEREAS, MATA has grant funds available for this procurement; and

WHEREAS, MATA recommends the purchase of up to four (4) 40-foot low floor new diesel buses at a cost of \$536,304 each and four (4) 29-foot low floor new GILLIG Diesel buses at a cost of \$522,337 each off the Washington State contract at a not to exceed cost of \$4,234,564; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS That the Memphis Area Transit Authority is authorized to purchase up to four (4) 40-foot and four (4) 29-foot low floor new Gillig Diesel buses at a total cost not to exceed \$4,234,564 based upon the unit prices stated above.

BE IT FURTHER RESOLVED That the Chief Executive Officer and MATA Board of Commissioners authorize the execution of the necessary contract documents and procurement documents.

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MEMO 23-12

TO: The MATA Board of Commissioners
FROM: Gary Rosenfeld, Chief Executive Officer
DATE: January 24, 2023
SUBJECT: Purchase up to Eight Gillig Diesel Buses

MATA propose to purchase up to four (4) 40 foot low-floor and four (4) 29-foot low-floor new Gillig Diesel Buses for service to replace vehicles that have met their useful service life.

A DBE goal was not assigned since FTA regulations require Transit Vehicle Manufacturers (TVM) to submit their own goals to FTA and be on FTA's TVM list.

MATA will purchase up to four (4) 40-foot low-floor buses at a cost of \$536,304 each and four (4) 29-foot low-floor buses at a cost of \$522,337 off the Washington State contract.

MATA recommends the purchase of up to eight (8) new Gillig Diesel Buses utilizing the provisions of the Washington State procurement contract for a total cost not to exceed \$4,234,564.

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**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS
RESOLUTION NO. 23-13**

RESOLUTION TO INTRODUCE NEW BEST VALUE FARE POLICY AND ON-DEMAND FARE

WHEREAS, MATA has determined that it is in the best interest of our customers to introduce a new “Best Value” fare policy and \$2.00 fare for the new on-demand services in conjunction with the pending full implementation of the Next Generation Fare System; and

WHEREAS, MATA has determined that the introduction of a new “Best Value” fare policy and on-demand fare will provide an equitable benefit to all customers and improve accessibility for many customers; and

WHEREAS, MATA’s existing fare structure has not been changed significantly since December 4, 2011, with the most recent change being the elimination of zone fares on April 8, 2020, and the temporary reduction of fares due to the COVID pandemic that are still in effect currently; and

WHEREAS, The MATA Board of Commissioners have the authority to determine public transportation service levels and to establish fares; and

WHEREAS, Comments from the public were solicited through six public meetings hosted by MATA at local libraries, churches, and transit centers between October 15th – 29th, and notices published in local newspapers, and advertised on MATA’s website and social media; and

WHEREAS, Public comments from customers and the community have been considered; and

WHEREAS, The proposed changes have been reviewed according to MATA’s Title VI policies, adopted on November 28th, 2017, and a fare equity analysis was performed to determine whether the new service would have adverse effects, potential disparate impacts, or disproportionate burdens to minority or low-income populations; and

WHEREAS, MATA staff has determined that there will be no adverse effects, potential disparate impacts, or disproportionate burdens to minority or low-income populations associated with these proposed fare changes; and

WHEREAS, Staff recommends that the new Best Value fare policy and \$2.00 fare for on-demand services be adopted.

NOW THEREFORE BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS, that a new Best Value fare policy and \$2.00 on-demand fare be implemented with an effective date of **/ /2023**.

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MEMO 23-13

TO: MATA Board of Commissioners
FROM: Gary Rosenfeld, Chief Executive Officer
SUBJECT: Resolution to Introduce New Best Value Policy and On-Demand Fare
DATE: January 24th, 2023

As MATA seeks to implement the Next Generation Fare System, MATA staff have determined that it is in the best interest of MATA and our passengers to implement a new "Best Value" policy. A Best Value fare policy, also defined as fare-capping, allows passengers that have registered with MATA's new account-based fare collection system to pay as they go and once the daily or monthly fare cap (maximum cost of a daily or monthly pass) is reached they are no longer charged for additional trips for the remainder of the day or month as long as they utilize their registered fare account. This essentially allows an agency to offer its "best value" fare to all customers, opening opportunities to those who are unable to access the discounts afforded by transit passes due to their upfront costs. A Best Value fare policy or fare-capping is one of the best ways to improve equitability in fare policies for minority and low-income customers.

MATA seeks to implement a new \$2.00 across the board fare for new on-demand services that have recently operated as pilot programs in Memphis and for the proposed new on-demand service in West Memphis, Arkansas.

MATA has determined that implementation of a Best Value fare policy and the introduction of a \$2.00 fare for new on-demand services will not have a disparate impact on minority populations or result in a disproportionate burden for low-income populations.

Since the MATA Board of Commissioners has the authority to determine service levels and to establish fares, MATA Staff is recommending that the MATA Board of Commissioners approve the new Best Value policy and \$2.00 fare for on-demand services with an effective date of / / 2023.

Please let me know if you have any questions.

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**MEMPHIS AREA TRANSIT AUTHORITY
BOARD OF COMMISSIONERS
RESOLUTION NO. 23-14**

**RESOLUTION ACCEPTING RESULTS OF THE TITLE VI FARE EQUITY ANALYSIS
OF THE PROPOSED BEST VALUE AND ON-DEMAND FARE PRICING POLICY
CHANGES**

WHEREAS, MATA has determined that the introduction of a new “Best Value” fare policy and on-demand fare will provide an equitable benefit to all passengers and improve accessibility to the region’s transit system; and

WHEREAS, MATA’s existing fare structure has not been changed significantly since December 4, 2011, with the most recent change being the elimination of zone fares on April 8, 2020, and the temporary reduction of fares due to the COVID pandemic that are still in effect currently; and

WHEREAS, The MATA Board of Commissioners have the authority to determine public transportation service levels and to establish fares; and

WHEREAS, Comments from the public were solicited through six public meetings hosted by MATA at local libraries, churches, and transit centers between October 15th – 29th, and notices published in local newspapers, and advertised on MATA’s website and social media; and

WHEREAS, The Best Value fare policy was developed in direct coordination with MATA’s Board of Commissioners and the public; and

WHEREAS, The proposed fare pricing changes have been reviewed according to MATA’s Title VI policies, adopted on November 28th, 2017 and a fare equity analysis was performed to determine whether the proposed fare policy changes would have adverse effects, potential disparate impacts, or disproportionate burdens to minority or low-income populations; and

WHEREAS, MATA staff has determined that there will be no adverse effects, potential disparate impacts, or disproportionate burdens to minority or low-income populations associated with these proposed fare changes; and

WHEREAS, The Title VI Fare Equity Analysis results indicate that the proposed fare policy pricing changes provide an equitable fare structure; and

WHEREAS MATA staff recommends acceptance of the results of Title VI Fare Equity Analysis of the proposed Best Value and on-demand fare pricing policy changes.

NOW THEREFORE BE IT RESOLVED BY THE MEMPHIS AREA TRANSIT AUTHORITY BOARD OF COMMISSIONERS accepts the results of the Title VI Fare Equity Analysis of the proposed Best Value and on-demand fare pricing policy changes on January 24, 2023.

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MEMO 23-14

TO: MATA Board of Commissioners
FROM: Gary Rosenfeld, Chief Executive Officer
SUBJECT: Title VI Fare Equity Analysis
DATE: January 24th, 2023

As MATA seeks to implement the Next Generation Fare System (NGFS), MATA staff have determined that it is in the best interest of MATA and our passengers to implement a new “Best Value” fare policy and on-demand fare. A Best Value fare policy, also defined as fare-capping, allows passengers that have registered with MATA’s new account-based fare collection system to pay as they go and once the daily or monthly fare cap (maximum cost of a daily or monthly pass) is reached they are no longer charged for additional trips for the remainder of the day or month. Fare capping allows MATA to offer its "best value" fare to all registered passengers, making transit more accessible for passengers who are unable to receive the discounts afforded by transit passes due to their upfront costs. To accomplish this fare policy, MATA is proposing phasing out some current methods of passenger fare payment while introducing new methods through the implementation of the NGFS. The NGFS and corresponding fare payment methods are critical elements for being able to implement the proposed Best Value fare policy.

In compliance with MATA’s Title VI policies, adopted on November 28th, 2017, a fare equity analysis was performed to determine whether the proposed fare pricing policy changes would have adverse effects, potential disparate impacts, or disproportionate burdens to minority or low-income populations. Through this analysis, MATA has determined that the implementation of a Best Value fare policy and on-demand fare will not have a disparate impact on minority populations or provide a disproportionate burden for low-income populations.

The Title VI Fare Equity Analysis concluded that the proposed fare pricing policy changes provide an equitable fare structure. The Best Value fare policy extends benefits to all passengers by increasing access to the monetary savings accrued from the purchase of multi-day passes and limits the increase of base fares to a value no greater than the fare pricing structure in place prior to implementing MATA’s temporary COVID-19 fare pricing policy.

Since the MATA Board of Commissioners has the authority to determine service levels and to establish fares, MATA Staff is recommending that the MATA Board of Commissioners accept the results of the Title VI Fare Equity Analysis of the proposed Best Value and on-demand fare pricing policy changes.

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