

**ACCESS SERVICES
BOARD OF DIRECTORS MEETING
MONDAY, JUNE 1, 2009**

*Closed Session: 12:00 – 1:00 P.M.
General Session: 1:00 - 3:00 P.M.*

**Los Angeles County MTA
One Gateway Plaza, 3rd Floor
729 Vignes Street, Los Angeles CA 90012**

MISSION STATEMENT

*Access Services promotes access to all modes of transportation
and provides quality ADA paratransit service
on behalf of public transit agencies in Los Angeles County.*

		<u>DISPOSITION</u>
1.	CALL TO ORDER	ACTION
2.	PUBLIC COMMENT WITH RESPECT TO CLOSED SESSION ITEMS	
3.	CLOSED SESSION	DISCUSSION/ POSSIBLE ACTION
	A) CONFERENCE WITH LEGAL COUNSEL: CAL. GOV. CODE §54956.9	
	I. <u>Existing Litigation:</u> Gov. Code §54956.9 (a)	
	(a) Johnice Jones v. Access Services BC400036	
	II. <u>Anticipated Litigation:</u> Gov. Code §54956.9 (b)	
	(i) Significant exposure to litigation pursuant to subdivision (b) of Gov. Code §54956.9	
	(ii) Initiation of Litigation pursuant to subdivision (c) of Gov. Code §54956.9	
	B) CALIFORNIA GOV. CODE §54957 – PERSONNEL ISSUES	
4.	SUPERIOR SERVICE AWARDS	PRESENTATION
5.	REVIEW & APPROVAL OF MINUTES FROM THE BOARD MEETING OF APRIL 27, 2009 (page 5)	ACTION [Vote Required: majority of quorum by voice vote]
	[Staff Recommendation: Approve]	

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| 6. | REPORT FROM EX-OFFICIO BOARD MEMBERS | INFORMATION |
| 7. | GENERAL PUBLIC COMMENT | INFORMATION |
| 8. | CONSENT CALENDAR

a. Selection of Third Party Administrator For ASI’s Insurance Policies (page 18)
b. Approval of Self-Insured Retention Automobile Liability Program (page 20)
c. Approval of Commercial Business Package Insurance (page 22)
d. Overflow Service Provider Contract ASI-2689 (page 23)

[Staff Recommendation: Approve Consent Calendar] | ACTION
[Vote Required: majority of quorum by roll call] |
| 9. | COMMUNITY ADVISORY COMMITTEE RECOMMENDATION ON NEW SERVICE PROPOSAL (<i>continued from April 27, 2009 Board meeting</i>) (page 26)

[Staff Recommendation: Delay the integration of the OMC and reservations telephone numbers until the implementation of Interactive Voice Response during Fiscal Year 2009/10.] | ACTION
[Vote Required: majority of quorum by voice vote] |
| 10. | APPROVAL OF AMENDED CONTRACT TERMS AND RATES: ASI-1900 (SOUTHLAND TRANSIT, INC.), ASI-1928 (SAN GABRIEL TRANSIT, INC.), ASI-2017 (GLOBAL PARATRANSIT), ASI-2364 (CALIFORNIA TRANSIT, INC.), ASI-2492 (MV TRANSPORTATION) (page 28)

[Staff Recommendation: Effective June 21, 2009, eliminate auto liability and related insurance requirements and associated costs from the service provider contracts in connection with ASI owned vehicles and vehicles dedicated to the ASI service as follows: see item for details] | ACTION
[Vote Required: majority of quorum by roll call] |
| 11. | APPROVAL OF EXTENSION OF SERVICE CONTRACT WITH SOUTHLAND TRANSIT, INC. – ANTELOPE VALLEY SERVICE AREA (ASI-1900) (<i>continued from April 27, 2009 Board meeting</i>) (page 38)

[Staff Recommendation: Authorize an additional \$1,200,000 in funds for one year and an extension in the period of performance for one year, from November 1, 2009 through October 31, 2010. Also, authorize an increase in the per trip rate from \$18.05 to \$22.32 for the period November 1, 2009 through October 31, 2010 and a decrease in the fixed monthly rate from \$30,250 to \$28,387 for the period June 21, 2009 through October 31, 2009 and a further decrease in the fixed monthly rate from \$28,387 to \$27,921 for the period November 1, 2009 through October 31, 2010.] | ACTION
[Vote Required: majority of quorum by roll call] |

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| 12. | APPROVAL OF EXTENSION OF SERVICE CONTRACT WITH GLOBAL PARATRANSIT, INC. (ASI-2017) (continued from April 27, 2009 Board meeting) (page 40) | ACTION
[Vote Required: majority of quorum by roll call] |
| | [Staff Recommendation: Authorize an additional \$23,158,648.00 in funds and an extension in the period of performance for one year, from September 2, 2009 through September 1, 2010. Also, authorize an increase in the per trip rate from \$22.70 to \$23.02 for the period September 2, 2009 through September 1, 2010 and a decrease in the fixed monthly rate from \$511,918 to \$474,955 for the period June 21, 2009 through September 1, 2009 and a subsequent increase in the fixed monthly rate from \$474,955 to \$490,574 for the period September 2, 2009 through September 1, 2010, the first option year of the Contract.] | |
| 13. | ACCESS SAFETY CULTURE (page 42) | INFORMATION |
| 14. | RIDER 360 DEMONSTRATION | INFORMATION |
| 15. | STATUS UPDATE OFFICE OF THE INSPECTOR GENERAL'S AUDIT RECOMMENDATIONS (page 44) | RECEIVE/ FILE |
| | [Staff Recommendation: Receive and file the attached status report on the implementation of the audit recommendations from the "Report on the Evaluation of the Paratransit Eligibility Process; Administration, Performance, and Management of Paratransit Operations; and Compliance with Memorandum of Understanding."] | |
| 16. | EXECUTIVE DIRECTOR'S REPORT | INFORMATION |
| 17. | BOARD MEMBER COMMUNICATION | INFORMATION |
| 18. | NEW BUSINESS SUBSEQUENT TO THE POSTING OF THE AGENDA | DISCUSSION/
POSSIBLE ACTION |
| 19. | ADJOURNMENT | ACTION |

Access Services does not discriminate on the basis of disability. Accordingly, Access Services seeks to ensure that individuals with disabilities will have an equal opportunity to participate in the range of Access Services events and programs by providing appropriate auxiliary aids and services to facilitate communication. In determining the type of auxiliary aids and services for communication that will be provided, primary consideration is given to the request of the individual with disabilities. However, the

final decision belongs to Access Services. To help ensure availability of those auxiliary aids and services you require, please make every effort to notify Access Services of your request at least three (3) business days (72 hours) prior to the meeting in which you wish to utilize those aids or services. You may do so by contacting (213) 270-6000.

Note: ASI board meetings are held pursuant to the Ralph M. Brown Act [Cal. Gov. Code §54950] and are open to the public. The public may view and obtain all written information supporting this agenda provided to the board both initially and supplementally prior to the meeting at the agency's offices located at 707 Wilshire Blvd., 9th Floor, Los Angeles California and on its website at <http://asila.org>. Documents, including Power Point handouts distributed to Board Members by staff or Board members at the meeting will simultaneously be made available to the public. Three opportunities are available for the public to address the board during a board meeting: (1) before closed session regarding matters to be discussed in closed session, (2) before a specific agenda item is debated and voted upon regarding that item and (3) general public comment. The exercise of the right to address the board is subject to restriction as to time and appropriate decorum. All persons wishing to make public comment must fill out a yellow Public Comment Form and submit it to the Secretary to the Board. Public comment is generally limited to three (3) minutes per speaker and the total time available for public comment may be limited at the discretion of the Chairperson. Persons whose speech is impaired such that they are unable to address the board at a normal rate of speed may request the accommodation of a limited amount of additional time from the Chair but only by checking the appropriate box on the Public Comment Form. Granting such an accommodation is in the discretion of the Chair.

The Board of Directors will not and cannot respond during the meeting to matters raised under general public comment. Pursuant to provisions of the Brown Act governing these proceedings, no discussion or action may be taken on these matters unless they are listed on the agenda, or unless certain emergency or special circumstances exist. However, the board may direct staff to investigate and/or schedule certain matters for consideration at a future Board of Directors Meeting and the staff will respond to all public comment in writing prior to the next board meeting.

"Alternative accessible formats available upon request."

**MINUTES
ACCESS SERVICES
BOARD MEETING
APRIL 27, 2009**

CALL TO ORDER

The Access Services Board of Directors meeting convened at 12:00 p.m. on Monday, April 27, 2009, in the Third Floor Board Room of the Los Angeles Metropolitan Transportation Authority (Metro) Building located at One Gateway Plaza in the City of Los Angeles. The presiding Board Member was Doran Barnes, Chairperson. Board Members present included: Dolores Nason, Vice Chair, Jan Heidt, Treasurer, Joyce Rooney, Secretary, Michael Greenwood, Kurt Hagen, Hugh Hallenberg, Theresa De Vera, Jano Baghdanian, Ex-Officio's, Shawn Solomon, Joseph Stitcher and Jim Jones, Access Services Legal Counsel.

Access Services' staff members present included: Shelly Verrinder, Donna Cisco, Kristine Helin, F Scott Jewell, Evie Palicz, Erik Washington, Steve Chang, Luis Pacheco, Luis Garcia, David Foster, Linda Ross, Sean Frye, Andre Colaiace, Kandy Kuo, Brian Selwyn, Nicole Leiva, Lance Sweitzer, Susanna Cadenas, Matthew Avancena, Geetu Banerjee and Arun Prem.

PUBLIC COMMENT WITH RESPECT TO CLOSED SESSION ITEMS

No public comments were heard regarding the closed session.

CLOSED SESSION REPORT

The Board met in Closed Session and reconvened the general portion of the meeting at 1:10 p.m. at which time Shawn Solomon, Chair of the CAC, and Joseph Stitcher, Chair of TPAC, joined the general session. Chairperson Barnes asked Mr. Jones, Access Services Legal Counsel, to brief the audience on the outcome of the closed session.

Mr. Jones reported that the Board met in closed session and discussed the following pending litigation: *Viteri v. Access Services* and received a report that the case was resolved and settled. Access Services Insurance carrier paid \$250,000 and other settlement funds were paid by third parties. Other litigation discussed by the Board was *Johnice Jones v. Access Services*; no reportable action was taken by the Board with respect to this matter.

Mr. Jones explained the right for public comment and how it could be exercised. He mentioned the general three minute limitation on public comment and that anyone who by reason of a specific disability which prevented them from speaking with normal rapidity and who wished to request an accommodation should so indicate on the speaker request form so that the Chairperson could consider and potentially grant additional time to make their statement.

SUPERIOR SERVICE AWARD

Ms. Sylvia Abrica, a Reservationist/Driver for Global Paratransit Inc., was the recipient of the Superior Service Award for the month of February 2009.

REVIEW & APPROVAL OF THE MINUTES FROM THE BOARD MEETING OF FEBRUARY 23, 2009

- Motion:** Director Rooney moved approval of the February 23, 2009 meeting minutes.
- Second:** Director Baghdanian seconded the motion.
- Discussion:** None.
- Vote:** Via Voice Vote.
- In Favor:** Directors Rooney, Heidt, Hagen, Greenwood, Hallenberg, Nason, Baghdanian, and DeVera.
- Opposed:** None.
- Abstention:** None.
- Pass/Fail:** The motion carried.

REPORT FROM EX-OFFICIO BOARD MEMBERS

Shawn Solomon, Chair of the Community Advisory Committee (CAC), submitted his report. Access Services Senior Administrative Assistant, Kristine Helin read his report to the Board by stating that the committee met in March and April 2009. He stated that at the March 10, 2009 meeting the Outreach Sub-committee presented a draft state stimulus funding letter for review. Mr. Ken Metz discussed the long history of the Service Animal Subcommittee attempts to provide a solution for service animals sliding around on the floors of Access Services minivans. The committee also discussed the abuse of the no-strand policy, which was a lengthy conversation with no resolution or vote and would be continued at the May 11, 2009 meeting.

At the April 14, 2009 CAC meeting the committee completed a revised letter to U.S. Senator Barbara Boxer, which was originally drafted for the Mayor of Los Angeles. Mr. Solomon concluded his report by stating that Access Services Director of Strategic Planning, Arun Prem, provided a detailed presentation on the proposed fare increase at the March meeting and the issue was brought up again at the April meeting. The CAC voted to support staff's recommendation on the proposed fare increase with the caveat that the Board revisit the fare if additional revenue becomes available.

Joseph Stitche, Chair of the Transportation Professionals Advisory Committee (TPAC), reported that TPAC met on Thursday, April 9, 2009 and it was announced that Access Services was named the Outstanding Paratransit System for 2009 by Cal Act. Arun Prem provided a presentation on the Paratransit Plan and the proposed fare changes as well as the outreach efforts. The committee approved the Paratransit Plan update and the proposed fare structure as presented.

Another item that was discussed was the TPAC Service Animal Subcommittee mat issue. It was recommended that Access Services not provide mats in every vehicle. After one public comment was received, TPAC approved the subcommittee recommendation. Another issue that was discussed was the return trip booking and the no-strand policy. The committee was informed that staff was looking into ways to avoid misuse of the policies and would include an update at a future meeting.

Access Services Director of Administration and Information Technology, F Scott Jewell, presented an overview of the ADEPT software. He said the initial implementation was proceeding smoothly.

Mr. Stitcher concluded his report by stating that his term as Chair, and the Vice Chair of the TPAC, were both expiring on June 30, 2009. A subcommittee to find a replacement was created and should have candidates by the June, 2009 meeting. Mr. Prem also briefed the committee on an FTA complaint that was received regarding the idea that Access Services should grant eligibility to riders based on a presumption that somewhere in Los Angeles there could be an inaccessible bus stop.

CONSENT CALENDAR

Director Director Nason pulled Items 8-a, 8-b, 8-c and 8-d for purposes of discussion.

Motion: Director Baghdanian moved approval of the remaining items on the consent calendar Items 8-e, 8-f and 8-g.

Second: Director Nason seconded the motion.

Discussion: None.

Roll Call: Chairperson Barnes asked for a roll call.

In Favor: Directors Rooney, Heidt, Hagen, Greenwood, Hallenberg, Nason, Baghdanian, and De Vera.

Opposed: None.

Abstention: None.

Pass/Fail: The motion carried.

DISCUSSION: Item 8-a (Amendment of ASI-2100 – Information Technology Consulting & Services (RIDER 360)).

Director Nason asked if there was something in the original contract for an increase in the option year. Mr. Jewell replied that the original contract's scope of work allowed for option years and the action presented to the Board was for the first option year, which would leave one additional option year for the term of the contract. Director Nason asked if there was something in the original contract to increase the amount of funds. Mr. Jewell said yes this was consistent of the original contract.

Motion: Director Nason moved approval of Item 8-a.

Second: Director DeVera seconded the motion.

Discussion: None.

Roll Call: Chairperson Barnes asked for a roll call.

In Favor: Directors Heidt, Hagen, Greenwood, Hallenberg, Nason, Baghdanian, De Vera, and Rooney.

Opposed: None.

Abstention: None.

Pass/Fail: The motion carried.

DISCUSSION: Item 8-b (Access services Vehicle Donation to Social Service Agency).

Director Nason asked, since Access Services primary funding came from Metro Prop C, shouldn't staff be donating the vehicles to a Los Angeles County organization. Mr. Prem stated that he concurred with Director Nason and said that staff's idea was to take the vehicles that have reached their useful life and distribute them to other entities in our region that can make use of the vehicles and by doing so supplement our service.

Mr. Prem stated that Access Services long-term plan was to promote the program in Los Angeles County and generate interest. Since Access Services was not at that stage and since it was a pilot program, staff thought it was a good opportunity to test what staff had been planning to do for a long time with a single vehicle. In the future, if staff plans on a larger implementation of vehicles, then it would be kept in LA County to help Access Services.

Motion: Director Baghdanian moved approval of Item 8-b.

Second: Director Heidt seconded the motion.

Discussion: None.

Roll Call: Chairperson Barnes asked for a roll call.

In Favor: Directors Hagen, Greenwood, Hallenberg, Nason, Baghdanian, De Vera, Rooney, and Heidt.

Opposed: None.

Abstention: None.

Pass/Fail: The motion carried.

DISCUSSION: Item 8-c (Amendment of ASI-1465 – Foreign Language Telephone Interpreting Contract).

Director Nason stated as she was reading the item she had a little trouble understanding it; she asked for clarification. Mr. Selwyn stated that there was a three-year base term and currently the contract was in the fourth option year. For the upcoming year, staff was asking for an additional \$17,000 in funds, which was consistent with last year. Director Nason stated if it was the same rate, why was there an increase. Mr. Selwyn replied that staff needed the money for the contract value over the upcoming year.

Director De Vera stated that the City of Los Angeles used its diverse employee population as translators. She asked if staff had looked at doing the same thing. Mr. Selwyn replied that there were many different languages spoken by our riders and the providers cannot guarantee that there would be someone available at all times that could handle every language. He stated that Access Services pays by the minute and only when an alternative language is needed.

Ms. Verrinder added that our contractors are required to have Spanish-speaking representatives on duty at all times and Access Services will not pay for Spanish translation. She also added that the top two languages are Armenian and Russian and in some cases there would be representatives on duty that can translate but when there are not the language line is available to handle those calls.

Motion: Director De Vera moved approval of Item 8-c.

- Second:** Director Hallenberg seconded the motion.
- Discussion:** None.
- Roll Call:** Chairperson Barnes asked for a roll call.
- In Favor:** Directors Greenwood, Hallenberg, Nason, Baghdanian, De Vera, Rooney, Heidt, and Hagen.
- Opposed:** None.
- Abstention:** None.
- Pass/Fail:** The motion carried.

DISCUSSION: Item 8-d (Approval of Simon and Company Extension (ASI-2016)).

Director Nason stated that Access Services received about 3.5 times their investment and she felt that the money was being put to good use with Simon and Company.

Chairperson Barnes stated that he felt that it was valuable to have a presence in Washington D.C. because there are many valuable funding partners there.

- Motion:** Director Nason moved approval of Item 8-d.
- Second:** Director DeVera seconded the motion.
- Discussion:** None.
- Roll Call:** Chairperson Barnes asked for a roll call.
- In Favor:** Directors Hallenberg, Nason, Baghdanian, De Vera, Rooney, Heidt, Hagen, and Greenwood.
- Opposed:** None.
- Abstention:** None.
- Pass/Fail:** The motion carried.

GENERAL PUBLIC COMMENT

Minister Devance stated that for the last two weeks she felt that Access Services had been treating her poorly. She also stated that the new no-show system that was currently in place was not working because the drivers are not willing to look for the rider(s). Minister Devance thanked Laura and Joseph. She continued her comment by stating that her experience with customer service was not good but if the drivers have done well the rider should be able to tip the drivers. She concluded her comment by asking if there was an African American representing her on the Board.

ENDORSEMENT IN CONCEPT OF A REVISED ACCESS SERVICES INSURANCE PROGRAM

Access Services Executive Director, Shelly Verrinder, provided a brief overview on the endorsement and concept of a revised insurance program. She then introduced Mr. Mark Nimmo, Senior Vice

President, and John Monroe, President, CEO, of SullivanCurtisMonroe. She added that SullivanCurtisMonroe is the new insurance broker for Access Services. Mark and John provided an overview of the current insurance structure along with the claims handling process and an outline of the proposed revised structure.

Board Questions &

Clarification: Director Baghdanian asked what the cost would be to Access Services.

Ms. Verrinder replied that she believed that it would be cost neutral. She said staff would have a better idea by the time they present the item at the May 18, 2009 Board of Directors meeting. She said specific costs for the Third Party Administrator (TPA) and Self-Insured Retention (SIR) staff would come from the amounts that have been budgeted by the contracts for insurance.

Director Baghdanian asked if each one of the contractor's contracts would be modified and would they be presented to the Board for approval. Ms. Verrinder replied that their contracts would be amended in May, 2009 by removing the insurance cost in the fixed fee to pay for the current insurance programs.

Director Rooney requested clarification about what constituted a TPA. Mr. Monroe replied that the TPAs are typically claims organizations which are national in scope and that they would manage the claims process for Access. He said they would be selecting from a panel of five to six of the larger specialized transportation TPAs.

Motion: Director Greenwood moved approval of Item 9.

Second: Director Hallenberg seconded the motion.

Discussion: None.

Roll Call: Chairperson Barnes asked for a roll call.

In Favor: Directors Nason, Baghdanian, De Vera, Rooney, Heidt, Hagen, Greenwood, and Hallenberg.

Opposed: None.

Abstention: None.

Pass/Fail: The motion carried.

COMPLEMENTARY ADA PARATRANSIT PLAN UPDATE EFFECTIVE FISCAL YEAR 2010

Arun Prem, Access Services Director of Strategic Planning, provided a brief presentation on the complementary paratransit plan update for FY 2010.

Public comment on item 10 (Complementary ADA Paratransit Plan Update Effective Fiscal Year 2010)

Daniel Garcia asked Ms. Sandy Varga to read his public comment to the Board of Directors. Mr. Garcia stated that the proposed fare change would have a huge impact on the disabled community because the state will also be making benefit cuts on May 1, 2009. He stated that the original idea to increase fares was acceptable because premium services improved the quality of service provided.

Mr. Garcia stated that his original support for the fare increase was that \$0.20 to \$0.30 would not really impact the disabled community and would make it easier to pay the driver by using dollar bills instead of dollars and cents. He stated that he attended a meeting in March 2009 and a study showed that people were not seeing their doctors because they did not have the funds to pay for public transportation. Mr. Garcia stated that he strongly suggested that Access Services work together with community transportation advocates to ask for money from federal and county sources. He concluded his public comment by stating that he submitted a package with material related to this issue and would like it to be distributed to each Board member. He also clarified that the odd amount of the fare made it increasingly difficult for the riders to pay.

Sandy Varga stated that she would like to compliment Mr. Joseph Stitche for appearing at a Palms neighborhood council community meeting. She said he helped solve a debate that had been going on in the community for more than three and half years which involved rerouting the number 12 Blue Bus. She thanked him for taking the time and effort in helping the community. She concluded her public comment by stating that disabled people live on a fixed income and an increase of \$0.50 would deeply affect the riders. She asked that Access Services review what they were proposing and respect the riders.

Access Services Senior Administrative Assistant, Kristine Helin read Kurt Baldwin's public comment submitted via fax to Ms. Verrinder. He briefly discussed the hardship the fare increase would cause for the disabled community; a copy of the letter is available upon request.

Board Questions &

Clarification: Director Heidt commended staff for reaching out to the community through community meetings in each of the regions and by holding a public hearing to express what Access Services was trying to do with the proposed fare changes.

Director Greenwood stated that the proposal called for a fare increase in three phases over the next three years for the Los Angeles basin. He asked if the North County fare changes were effective July 1, 2009 with no other changes in the following two years.

Mr. Prem replied that was the proposal. Director Greenwood also stated that a question was brought up at the CAC meeting regarding the fare between Santa Clarita and Antelope Valley being \$7.00 as opposed to going from San Fernando Valley to Long Beach, which only costs \$3.00. He asked if staff had a chance to analyze the difference.

Mr. Prem replied that the Board needed to keep in mind that both of those outlying areas (Santa Clarita and Antelope Valley) were considered premium services. He added that both the fare transfers from Los Angeles to Antelope Valley and from Los Angeles to Santa Clarita were based on the fixed route bus services available in that area. Mr. Prem stated that the cost to the passenger in Santa Clarita would be higher than the to Antelope Valley passengers based upon miles, so the Santa Clarita Advisory Committee requested an additional transfer time to justify the higher fare.

Director DeVera asked if the drivers would be able to make change for the riders. Mr. Prem replied that the current policy does not allow for the driver to make change and nothing had been discussed to make any changes to the policy. He added that currently there are token and coupon options available.

Director Baghdanian asked if it would be possible to make the fare \$2.25 instead of \$2.30 because it would be easier for the riders in terms of carrying change. He then

said that, in 2010, based on an evaluation the Agency could look to increase it to \$2.50 for 0-20 miles. Mr. Prem clarified Director Baghdanian's proposal by stating that the fare would be \$2.25 beginning July 1, 2009, \$2.50 the second year and stay \$2.50 the third year.

Ms. Verrinder added that it was important for everyone to keep in mind that staff had been working on bringing the TAP card to Access customers. Further, she added in May a proposal would be going to the Advisory committees regarding a proposed modification of Access Services' coupon structure to get away from the smaller denominations of the coupons.

Ms. Verrinder clarified that for the fare structure that Director Baghdanian recommended in the outer years staff would have to conduct a public hearing.

Motion: Director Baghdanian moved approval to have the fare structure from 0-20 miles adjusted to \$2.25 for 2009 and, after an additional public hearing for 2010, increase the fare to \$2.50 in 2010 and keep it the same in 2011.

Second: Director Nason seconded the motion.

Discussion: Director DeVera asked if there would be any assistance available for a rider living on a fixed income who has to choose between riding Access to a doctor's appointment and having money for food and to and pay their bills.

Ms. Verrinder replied that when METRO approved their recent fare increase, they increased the funding for the immediate needs program. The immediate needs program provides fare subsidies in the form of tokens to individuals that have a hard time paying their fares.

Ms. Verrinder added when the proposed fare increase was first brought up, the Board requested that staff look into the possibility of Access providing some sort of fare subsidy. Staff worked with METRO's immediate needs staff and they agreed to considered providing tokens to Access Services riders that were having difficulty paying the fare. Ms. Verrinder stated that she believed that the METRO Board doubled the amount of funding for immediate needs to \$10 million.

Mr. Prem added that the METRO Board increased the amount of immediate needs funding but that it was earmarked for students and seniors because their passes were going to increase as part of METRO's fare increase. Ms. Verrinder informed the Board that staff would ensure that the information would be made available through our customer service department.

Director Nason stated as the Director of an Independent Living Center, she was well aware that this would be a hardship for many riders but as long as she is a member of this Board she would make every effort to find other funding sources and find a way to bring the fares down.

Director Hagen commented that he agreed with Mr. Baldwin's letter. He stated that the people commenting were not necessarily agreeing to a fare increase but they were choosing that the lesser of two evils. He expressed concern about the coupons and the changes they present every year, which could become quite confusing to riders with

cognitive disorders. Ms. Verrinder stated that staff was currently looking into a coupon like the Post Offices 'Forever' stamp.

Director Hallenberg stated that he was concerned that most of these public comments were gathered prior to that latest cuts to SSI and other programs that would take effect May 1, 2009. He felt that it needed to be addressed on a yearly basis in light of the changing economy he announced that he would be voting "NO" on the proposed fare change.

Director Barnes asked Ms. Verrinder to comment on the Federal Stimulus dollars and what they meant to this agency. Ms. Verrinder stated that while LA County is receiving approximately \$319 million, these funds were being distributed according to specific formulas and Access Services would not receive any of those funds. Access Services submitted capital projects and was on the list but behind many other projects. Ms. Verrinder also stated that the effect of the elimination of state transit assistance funds had yet to be seen which could greatly affect ASI's service area and schedule.

As Director Barnes clarified the motion before the Board more discussion ensued about whether the third year was being approved at the same rate as the second or whether it was up for discussion as well. Mr. Jones clarified that the third year should be addressed at the same time to save the money the agency would need to spend to re-amend the Paratransit plan.

Friendly

Amendment: Director Greenwood offered a friendly amendment to the original motion by stating that the Board would approve the first year increase of \$2.25 for 2009, with a review of the second and third year after a public hearing. The motion would also include the elimination of the Night Owl service.

Second: Director Nason seconded the motion.

Discussion: Director Heidt asked what would be the effect of the TAP card if they became available. Ms. Verrinder clarified that the TAP card would just be used for ease of paying the fare and won't change regardless of the fare. However, the real advantage of the TAP card is allowing seamless transfers from our service to Metrolink and other fixed route operators that will be utilizing the TAP card.

Ms. Verrinder clarified that if the budget deficit increases in the future there will have to be additional fare discussions. Ms. Verrinder also clarified that the night owl reduction in fare is also being eliminated.

Roll Call: Chairperson Barnes asked for a roll call on Mr. Baghdanian's motion which included the friendly amendment from Director Greenwood.

In Favor: Directors Baghdanian, DeVera, Rooney, Hagen, Greenwood, and Nason.

Opposed: Directors Heidt and Hallenberg.

Abstention: None.

Pass/Fail: The motion carried.

NORTH COUNTY VOTE

Motion: Director Baghdanian moved approval as recommended.

Second: Director Greenwood seconded the motion.

Discussion: None.

Roll Call: Chairperson Barnes asked for a roll call.

In Favor: Directors Rooney, Heidt, Hagen, Greenwood, Nason, Baghdanian, and DeVera.

Opposed: Director Hallenberg

Abstention: None.

Pass/Fail: The motion carried.

Final

Discussion: Director Barnes commended staff on their effort in this difficult matter and mentioned that this issue will need to be revisited.

COMMUNITY ADVISORY COMMITTEE RECOMMENDATIONS

Access Services Director of Strategic Planning, Arun Prem provided an overview on Item 11.

Public comment on item 11 (CAC Recommendations Regarding Service Animal Mats)

Mr. Ken Metz provided a summary of the issue and clarified that while this was not an ADA Requirement, the safety of the service animals was a requirement. He stated that complaints of riders with animals have not been validly tallied. He added that the sub-committee was upset at the demeaning indication that riders could not afford the mat. The burden of carrying their own mat was more of the issue. He also suggested a possible alternative belt system that would allow the leash to be tethered to the rider. He concluded his public comment by stating that it did not address the heat issue but would take care of the safety of the animal.

Ms. Sandy Varga asserted that this recommendation would reduce Access Services liability costs by ensuring the safety of the animal. She noted that service animals were very expensive and difficult to replace and she had personally witnessed animals being injured.

Ms. Pam Metz asserted that she has personally had to retire a guide dog that was slammed into a ramp. She reiterated that guide dogs were expensive and challenging to replace. She expressed disgust at having to carry her own mat that could be soiled.

Board Questions &

Clarification: Director Greenwood asked if the tie down option that was mentioned was looked into. Ms. Verrinder asked Access Services Project Administrator, David Foster to clarify. Mr. Foster stated that this issue was brought to the Board over 2 years ago. The Service Animal Subcommittee chose not to pursue the tie down issue and instead pursued the mats. He added that he had provided information to the riders at that time where a harness could be purchased.

Director Nason asked for clarification on the peer survey. Mr. Prem stated that nine other agencies were surveyed and one of the nine reported that they had heard of the

complaint and were advised to retrofit their vans with a new flooring material to resolve the issue. He added that this type of flooring was standard in all of the minivans. Under normal driving conditions the flooring should work to prevent animal slippage. It was only under extreme conditions that this issue applied and these conditions should be few and rare.

Director Baghdanian asked for clarification on the cost. Mr. Prem replied that the cost of purchasing the mats for the ASI owned fleet would be \$7,000. Ms. Verrinder clarified that the cost was not the issue, but that the cleaning, maintenance and replacement of lost mats was more of the issue. She stated that she was concerned that mats would disappear and need to constantly be replaced.

Ms. Metz clarified that the harness that Mr. Foster mentioned was not the same thing that he had mentioned. It was more challenging to latch and would slow riders down in the process of loading and unloading.

Motion: Director Rooney moved that the issue be returned to the CAC to consider the harness/leash options.

Second: Director Heidt seconded the motion.

Discussion: None.

Vote: Via Voice Vote.

In Favor: Directors Heidt, Hagen, Greenwood, Nason, Baghdanian, DeVera and Rooney.

Opposed: None.

Abstention: None.

Pass/Fail: The motion carried.

AUTHORIZE EXTENSION OF CONTRACT AND INCREASE FUNDS- GLOBAL PARATRANSIT CONTRACT (ASI-2017)

Chairperson Barnes recommended continuing this item at the May 18, 2009 Board Meeting due to time constraints.

Motion: Director Heidt moved approval to continue this item at the next Board meeting in May 2009.

Second: Director Rooney seconded the motion.

Discussion: None.

Vote: Via Voice Vote.

In Favor: Directors Rooney, Heidt, Hagen, Greenwood, Hallenberg, Nason, Baghdanian, and DeVera.

Opposed: None.

Abstention: None.

Pass/Fail: The motion carried.

AUTHORIZE EXTENSION OF CONTRACT AND INCREASE FUNDS – FOR SOUTHLAND TRANSIT INC. – ANTELOPE VALLEY (ASI-1900)

Chairperson Barnes recommended continuing this item at the May 18, 2009 Board Meeting due to time constraints.

Motion: Director Heidt moved approval to continue this item at the next Board meeting in May 2009.

Second: Director Rooney seconded the motion.

Discussion: None.

Vote: Via Voice Vote.

In Favor: Directors Rooney, Heidt, Hagen, Greenwood, Hallenberg, Nason, Baghdanian, and DeVera.

Opposed: None.

Abstention: None.

Pass/Fail: The motion carried.

STATUS UPDATE OFFICE OF THE INSPECTOR GENERAL'S AUDIT RECOMMENDATIONS

Chairperson Barnes stated that Item 14 was a standing agenda item related to the implementation of the recommendations in the OIG Audit.

EXECUTIVE DIRECTORS' REPORT

Access Services Executive Director Shelly Verrinder informed the Board that they would be receiving their copy of the Behind the Scenes Newsletter by the end of the week.

BOARD MEMBER COMMUNICATION

Mr. Solomon stated that he was pleased that the Board took action in regards to the Service Animal mat issue. He concluded his comment by stating that he felt sending the item back to the CAC and TPAC for further review was a good move.

Director Baghdanian informed the Board that he would be unable to attend the May 18, 2009 Board meeting because he will be out of the country.

Director Hagen stated that he had a comment related to the Service Animal mat item but he would wait until the item was brought back to the Board for approval at a future meeting. He also informed the Board that the Los Angeles County Commission on Disabilities, his appointing authority, lost another member, Mr. Bernard Segal, about two weeks ago. He was the long term Treasurer for many years.

Director Hallenberg stated that it was good to be back after a long stay in hospital.

Director Nason informed the Board that the month of April was volunteer month. She stated that she would like to recognize all the Board members and all the people in the audience that volunteer their time in the community.

Chairperson Barnes thanked everyone for attending the rather long meeting that covered some very important business.

NEW BUSINESS SUBSEQUENT TO THE POSTING OF THE AGENDA

No new business was heard subsequent to the posting of the agenda.

ADJOURNMENT

Motion: Director DeVera moved to adjourn the meeting.

Second: Director Rooney seconded the motion.

Vote: Via Voice Vote.

Pass/Fail: All were in favor and the meeting adjourned at 3:35 p.m.

Approval

Joyce Rooney, Secretary

Date

MAY 22, 2009

TO: BOARD OF DIRECTORS

FROM: BRIAN SELWYN, MANAGER OF PROCUREMENTS AND CONTRACTS

RE: SELECTION OF THIRD PARTY ADMINISTRATOR FOR ASI'S INSURANCE POLICIES

ISSUE:

Board approval is requested for the selection of a Third Party Administrator (TPA) to begin service on June 21, 2009.

RECOMMENDATION:

Authorize staff to execute a contract for TPA service for the year beginning June 21, 2009 with CorVel Corporation (CorVel) in an amount not to exceed \$175,000.00 for a period of one year ending on June 20, 2010, with options for five one-year extensions. Payment terms of the contract will consist of an hourly rate of \$65.00 and a flat rate fee for administration claims of \$350.00 per claim.

IMPACT ON BUDGET:

The budget impact of this contract has been included in the draft budget, which will be presented to the Board for approval at the June 22, 2009 meeting. TPA costs in previous years had been included as part of the providers' insurance costs quoted to ASI. The assumption of these costs by ASI represents a reallocation of how these costs are paid.

ALTERNATIVES CONSIDERED:

No alternatives were considered as the use of a TPA is essential to the revised administration of insurance as agreed to in concept by the Board at its May 2009 meeting.

EFFECT OF APPROVAL OF STAFF RECOMMENDATION:

If this staff recommendation is approved by the board, the staff will be authorized, but not required, to negotiate and enter into a contract with CorVel under terms that are no less favorable to Access Services than those proposed above. Access Services would not be legally bound to this contract unless it is incorporated into a formal written agreement executed by all parties thereto and approved as to form by this entity's legal counsel.

BACKGROUND:

In administering its liability insurance policies for all ASI owned and provider-owned ASI dedicated vehicles, the company requires a TPA to quickly settle insurance claims under our self-insured retention of \$50,000 per claim. The TPA will keep both ASI, our contractors, and our insurance companies informed of the progress in resolving claims, and will cooperate with the insurance companies on insured claims in excess of the SIR. They will also be involved the processing of claims against ASI required by the Tort Claims Act

This will require the TPA to keep extensive records, communicate quickly with ASI, our service contractors and our legal counsel and to resolve claims issues quickly and fairly with our “plaintiff riders” or other third party claimants. It is our expectation that the chosen TPA will reduce ASI’s insurance costs through expeditious handling of all claims and informing all parties involved thereby saving ASI money.

The five TPAs chosen for interview were suggested by our brokers, SullivanCurtisMonroe (SCM) for their reputation and industry knowledge. The firms were: Carl Warren and Company, NovaPro, CorVel Corporation, Crawford and Southland Claims Service, Inc.

The evaluation criteria were as follows:

1. Understanding of ASI’s specific needs with respect to working with our service providers
2. Specific knowledge of the transit industry and experience in resolving such claims
3. Demonstrated software capability for capturing claims information (expected of all TPAs)
4. Ability of TPA to promise and deliver dedicated individuals that will quickly handle and resolve all issues
5. Cost reasonableness (with guidance of SCM based on their knowledge of the industry)

The five firms were interviewed by ASI staff and the field was narrowed to three finalists - CorVel Corporation, Crawford and Southland Claims Service, Inc. Those companies were then interviewed at length by ASI staff, representatives of the service providers’ risk management departments and our insurance brokers, SCM and our Safety Consultant. The evaluation panel evaluated the three firms’ cost proposals along with their qualifications. While the three firms presented similarly competitive cost proposals (see below), the evaluation team determined that CorVel ultimately offered the best fit for Access’s needs as we embark on this new program.

Based on the assumption of 150 claims to be handled in the first (base) year of the contract, each of the finalists estimated a cap on expenses at: \$170,000 for CorVel, \$175,000 for Crawford and \$175,000 for Southland.

The evaluation panel chose CorVel based principally on their knowledge of the field and their work with public agencies with large transportation operations. The firm has also given ASI a commitment of staff and resources sufficient to meet our needs as we begin a new system of administering insurance.

MAY 22, 2009

TO: BOARD OF DIRECTORS

FROM: SHELLY VERRINDER, EXECUTIVE DIRECTOR

RE: APPROVAL OF SELF-INSURED RETENTION AUTOMOBILE LIABILITY PROGRAM

ISSUE:

Board approval is requested for a Self Insured Retention (SIR) program to be established and administered by ASI and its Third Party Administrator for all automobile liability claims up to \$50,000.00 per claim.

RECOMMENDATION:

Authorize staff to initiate a \$50,000 Self Insured Retention program with estimated liability of \$1,386,000 determined in accordance with GASB Statement No. 10 as required for public entities.

Amend the transportation service provider contracts to include a cost sharing incentive/penalty allocated to the individual providers, based on their actual loss history over the past 5 years and how the provider contributed to the total projected claims.

IMPACT ON BUDGET:

Based on actuarial studies performed by ARMTECH using a five year loss history, it is expected that this program may have a projected total cost of claims within the SIR of \$1,386,000. The final cost will depend on the actual loss history over the policy period. Aggregate stop loss insurance will be procured in order to limit aggregate SIR exposure. The aggregate insurance will become effective when Access has paid \$2,500,000 in claims. As described by staff last month at the April 2009 Board meeting, law suits and settlements in excess of \$50,000 will be insured under policies that will become effective on June 21, 2009.

This program and the other layers of insurance have all been included in the draft balanced budget for Fiscal Year 2009/10.

ALTERNATIVES CONSIDERED:

Staff first considered other ways of having providers obtain various levels of insurance for ASI-owned and provider-owned, ASI-dedicated vehicles. All of these approaches suffered from similar shortcomings as our current insurance program (i.e. arguments between insurance companies, issues of calculations of actual coverage, excessive legal fees and lack of centralized control of insurance issues.)

In evaluating the structure of our insurance program, ASI in concert with its brokers, considered not using self-insurance and going to insurance companies for all insurance from “dollar one”. An SIR was found to be more cost effective.

EFFECT OF APPROVAL OF STAFF RECOMMENDATION:

If this staff recommendation is approved by the board, the staff will be authorized, but not required, to amend its contracts with the service providers to allow for the implementation of the incentives and liquidated damages based on their claims experience.

BACKGROUND:

The proposal with an SIR and cost sharing of total claims was developed by ASI insurance brokers SullivanCurtisMonroe. The centralization and control of the insurance program by Access and its contracted Third Party Administrator will allow for control of the handling of all claims from date of incident to final resolution through claims payment and/or litigation. The data for the actuarial study consisted of individual claim detail for claims incurred from January 1, 2003 to date using data from each transportation service provider. The actuarial recommendation was to implement an SIR of \$100,000 per occurrence for ASI’s self insurance program due to the estimate that a \$100,000 SIR would cover 98% of its claims. Staff has recommended a more conservative approach during its first year of self insurance by opting for a \$50,000 SIR. About 95% of the historical claims have been below \$50,000.

In instituting this SIR, Access was cognizant of the necessity to involve the providers in the financial cost and/or success of the program. As part of the institution of this SIR, the providers will receive incentives for reducing the cost of claims as compared to their previous experience. Likewise, the providers will be penalized for a worse than expected experience. The calculations will be tabulated twice a year, with the first one using half of the annual target and paying out 25% of the credit or debit that is generated. The second calculation will be done at the policy expiration and will compare the annual target to the actual incurred claims for each provider for the year, 50% of the credit or debit that is generated at this calculation will be paid, less whatever was paid at the first calculation. These experiences have been estimated as part of the aforementioned actuarial report.

MAY 22, 2009

TO: BOARD OF DIRECTORS
FROM: SHELLY VERRINDER, EXECUTIVE DIRECTOR
RE: APPROVAL OF COMMERCIAL BUSINESS PACKAGE INSURANCE

ISSUE:

On June 21, 2009 the insurance policies consisting of Excess Business Auto for revenue service vehicles, Comprehensive General Liability, Commercial Umbrella liability, and Aggregate Stop Loss Coverage will become effective under the new Access Self Insurance Retention program. In addition, improvements in the Directors and Officers coverage will become effective. Board approval is required to execute these insurance policies.

RECOMMENDATION:

Approve the above referenced insurance policies at a premium cost not to exceed \$3,500,000 for the policy period of 6/21/09-6/21/10. The insurance placement process will be completed by June 20, 2009. Staff will seek final approval for these policies from the Chairperson by that date. A report with specific insurance carrier and policy information will be in the June Board Box.

IMPACT ON BUDGET:

The anticipated insurance costs will be included in the budget for FY 2009/10. Based upon budget projections there are adequate funds available to cover the cost of the insurance premiums. The transportation service provider contracts will be amended to remove the cost of auto liability and medical payment insurance and will partially offset the costs associated with the new insurance program.

BACKGROUND:

The decision for choosing an insurance carrier is based on a number of factors, i.e. financial strength, the 'Best Guides' industry rating, policy limits, potential covered losses and cost. SullivanCurtisMonroe, the Access insurance broker, has been instructed to obtain competitive bids in the placement of our insurance policies. As insurance companies have traditionally been very selective in bidding on the insurance Access Services currently carries, they conduct a detailed process assessing potential exposures to risk.

The amount requested for approval is an estimate based on information obtained from our insurance broker at the time of preparation of this board item. Since quotes are generally not available until the date of the actual policy renewal, it is possible that the actual cost of the premiums will be lower than the stated estimate.

MAY 22, 2009

TO: BOARD OF DIRECTORS
FROM: BRIAN SELWYN, MANAGER OF PROCUREMENT AND CONTRACTS
RE: OVERFLOW SERVICE PROVIDER CONTRACT NO. ASI-2689

ISSUE:

Board approval is requested for the selection of an Overflow Services contractor to begin service on July 1, 2009.

RECOMMENDATION:

Authorize staff to execute a contract for overflow service beginning July 1, 2009 and ending June 30, 2012 with MV Transportation (MV) in an amount not to exceed \$1,095,480.00 for the three year base period (including start-up). Payment terms of the contract will be a fixed hourly fee.

IMPACT ON BUDGET:

This action is consistent with the budget estimates for the applicable years. Cost proposals were based on the projected number of trips calculated by HDR for the upcoming fiscal years.

Rates over the five year term (base + option years) are as follows:

<u>Contract Year</u>	<u>Fixed Hourly Fee</u>
1 (Incl. Start-Up)	\$38.55
2	\$39.62
3	\$43.55
4 (Option Year)	\$44.99
5 (Option Year)	\$45.83

ALTERNATIVES CONSIDERED:

No alternatives were considered as the Contract term will expire on June 30, 2009.

FFECT OF APPROVAL OF STAFF RECOMMENDATION:

If this staff recommendation is approved by the board, the staff will be authorized, but not required, to negotiate and enter into a contract with MV Transportation as the Overflow provider under terms that are no less favorable to Access Services than those proposed above. Access Services would not be legally bound to this contract unless it is incorporated into a formal written agreement executed by all parties thereto and approved as to form by this entity’s legal counsel.

BACKGROUND:

Overflow service has been provided by MV Transportation under contract number ASI-1591 since July 2004. The base and option years of this contract have expired and thus a Request for Proposals (RFP) was issued for this service on February 16, 2009. The service entails the provision of trips directly dispatched by the Access Services Operations Monitoring Center in the event that regularly scheduled trips cannot be completed in a timely manner.

Following a pre-proposal conference on March 2, 2009, two proposals were received by the RFP due date of March 30, 2009. The two firms submitting proposals were: MV Transportation and Diversified Transportation. Both of the proposals submitted were preliminarily reviewed by staff and deemed responsive. As illustrated below, the two vendors’ total proposed costs for the three year base period were relatively close to one another.

The proposals were then reviewed and evaluated by a three-member evaluation panel very familiar with ADA paratransit service in general and Access Services Overflow service in particular.

The following table details the evaluation criteria and scores for each proposer following submission of a Best and Final Offer (BAFO), received on April 27, 2009.

Criteria	Maximum Points	MV Transportation	Diversified Transportation
Qualifications and Availability of Proposed Staff	15.00	14.00	12.00
Quality of Technical Approach	15.00	13.75	11.25
Qualifications of the Proposer	25.00	21.75	17.43
Cost/Price Proposal	30.00	27.00	24.00
Financial Qualifications of the Proposer	15.00	13.95	11.25
SUBTOTAL	100.00	90.45	75.93
<i>State Mandated Employee Retention Preference</i>	<i>10.00</i>	<i>10.00</i>	<i>10.00</i>
TOTAL SCORE	110.00	100.45	85.93

The table below details the costs submitted through the BAFO.

Proposer	Total Base Period Service Cost + Start-Up (3 Years)*
MV Transportation	\$1,095,480
Diversified Transportation	\$1,011,150

The evaluation panel commented positively on MV Transportation’s ADA paratransit experience and its proven record, as the incumbent provider, of delivering high quality and reliable service under often difficult circumstances. The panel appreciated MV’s thorough approach to driver training, its history of cooperation and its knowledge of the service area. The panel also felt that MV’s Cost Proposal, though higher than Diversified’s, fairly reflected the cost of providing overflow service as it’s presently constituted (hence the difference in scores for this criteria). While Diversified’s proposal was considered well thought out and its proposed staff qualified, the panel ultimately felt that MV would do a better job delivering this service at this time.

Based upon its receipt of the highest evaluation score among the two proposers, staff recommends award of contract ASI-2689 to MV Transportation for the period, and under the terms, specified above. This recommendation is consistent with the Board-adopted contracting principles. This contract also contains the option to extend the contract, upon Board approval, for up to two (2) one year periods. Full service will begin on July 1, 2009.

MAY 22, 2009

TO: BOARD OF DIRECTORS

**FROM: ARUN PREM, DIRECTOR OF STRTEGIC PLANNING
MATTHEW AVANCENA, MANAGER OF PLANNING AND COORDINATION**

**RE: COMMUNITY ADVISORY COMMITTEE RECOMMENDATIONS ON NEW
SERVICE PROPOSALS – Continued from April 27, 2009**

ISSUE:

At the April Board Meeting, the Board:

- Deferred discussion on integration of OMC telephone number within the reservation phone tree until May 2009 due to lack of time, and
- Asked that CAC and TPAC look at an alternative restraining device for service animals, to prevent animals from sliding in Access minivan floor; the device, resembling a modified leash, was suggested during public comment at the April Board Meeting.

RECOMMENDATION:

Staff requests that the Board:

- Ask the advisory committees to delay their recommendation of the integration of the OMC and reservation telephone numbers until the implementation of an Interactive Voice Response system during Fiscal Year 2009/10.
- The service animal issue has been agendized for discussion at a joint meeting of TPAC and CAC subcommittees. A recommendation will be brought to the Board at a later date.

IMPACT ON BUDGET:

Phone System Integration - \$36,000 per year

Calls carried over the reservation phone tree are twice as expensive as calls linked with the customer service 800 number. In addition, allowing OMC as an option on the reservation 800 number may result in higher demand on OMC from callers who have mistakenly selected OMC where they had meant to select a particular service region reservation center.

Service Animal Issue

The budget impact will be reviewed at CAC and TPAC meeting, and provided to the Board along with recommendations, at a later date.

BACKGROUND:

Integration of OMC and Reservations telephone numbers:

This issue was raised due to problems in the Santa Clarita region, where riders experienced difficulty in getting through to customer service staff during certain days/hours; it was suggested that if the reservation lines were integrated with OMC it would provide callers with an option to speak with someone without having to make a second phone call.

CAC made a recommendation in November 2008 to forward the recommendation to the board to integrate the telephone numbers.

TPAC reviewed the issue in February 2009; based on the limited number of requests and the expense involved, TPAC did not recommend approving the proposal.

Staff is recommending to delay this integration as the costs and technological changes that are associated with it will be accomplished through the implementation of the Interactive Voice Response system which is part of the centralized reservations project. It is anticipated that the project will be fully rolled out in the first half of FY09/10.

In April 2009 the Board deferred discussion/action on this Item due to time constraints.

Service Animal Mats Issue:

The CAC and TPAC had different recommendations for the Board on the use of mats in transporting service animals in Access minivans. During the discussion on the item during the April 2009 Board meeting, it was suggested that another product might resolve the riders' concerns about animals sliding across the vehicle floor under certain driving conditions. The Board then asked that CAC and TPAC look at the product and come back with recommendations. TPAC and CAC sub-committees are in the process of scheduling a joint meeting. Their recommendations will be forward to the Board after the full committees' review.

MAY 22, 2009

TO: BOARD OF DIRECTORS

FROM: BRIAN SELWYN, MANAGER OF PROCUREMENT AND CONTRACTS

RE: APPROVAL OF AMENDED CONTRACT TERMS AND RATES: ASI-1900 (SOUTHLAND TRANSIT, INC.), ASI-1928 (SAN GABRIEL TRANSIT, INC.), ASI-2017 (GLOBAL PARATRANSIT), ASI-2364 (CALIFORNIA TRANSIT, INC.), ASI-2492 (MV TRANSPORTATION)

ISSUE:

A series of steps will be necessary to facilitate the implementation of the revision to the structure of the Access vehicle liability insurance program, approved by the Board in concept at its last meeting. One of these necessary steps will be the amendment of all service provider contracts listed above to exclude insurance premium costs for coverage currently maintained by the provider and paid for by Access as part of the provider's fixed monthly charges.

RECOMMENDATION:

Effective June 21, 2009, eliminate auto liability and related insurance requirements and associated costs from the service provider contracts in connection with ASI owned vehicles and vehicles dedicated to the ASI service as follows:

1. Access Services Owned or Provider Owned, 100% Dedicated Vehicles
Remove all costs associated with vehicle liability, medical payment and any other costs related to the SIR, with the exception of Physical Damage coverage, which will continue to be paid by the service provider.
2. Changes to Contract
Approve replacement of insurance requirements in five provider Contracts with language contained in Attachment A below.
3. New Fixed Rates
Approve new provider monthly fixed rates, based on transfer of vehicle insurance responsibility from the Contractors to Access as follows.

Contracts Amended/Applicable Years

Negotiated Rates: Monthly Fixed

ASI-1900: Southland Transit Current: 6/21/09-10/31/09 (Option Year 1) 11/1/09-10/31/10 (Option Year 2)	\$30,250 \$28,387 \$27,921
ASI-1928: SGT Current: 6/21/09-4/7/10 (Option Year 1) 4/8/10-4/7/11 (Option Year 2)	\$561,669 \$526,680 \$546,449
ASI-2017: Global Paratransit Current: 6/21/09-9/1/09 (Base Year 3) 9/2/09-9/1/10 (Option Year 1)	\$511,918 \$474,955 \$490,574
ASI-2364: California Transit Current: 6/21/09-10/31/09 (Base 2) 11/1/09-10/31/10 (Base 3)	\$313,713 \$284,850 \$295,265
ASI-2492: MV Transportation Current: 6/21/09-8/2/09 (Base 1) 8/3/09-8/2/10 (Base 2) 8/3/10-8/2/11 (Base 3) 8/3/11-8/2/12 (Base 4) 8/3/12-8/2/13 (Base 5)	\$391,554 \$323,101 \$335,493 \$355,603 \$367,346 \$381,896

IMPACT ON BUDGET:

The current and anticipated upcoming year’s budgets have sufficient funds to meet the costs associated with the proposed changes.

ALTERNATIVES CONSIDERED:

Staff considered maintaining the current vehicle insurance system and, for reasons explained below and at the previous meeting of the Board, decided not to do so.

EFFECT OF APPROVAL OF STAFF RECOMMENDATION:

If this staff recommendation is approved by the Board, the staff would be authorized, but not required, to negotiate and amend the written contracts with the five contractors for specialized transportation services on terms and conditions set forth in the existing contracts and modified as in this item proposed. Access Services would not be legally bound to the revised terms or the extension periods unless and until they are incorporated into formal written amendments to the contracts executed by all parties thereto and approved as to form by this entity's legal counsel.

BACKGROUND:

Access Services currently manages its third party risk exposure through an express contractual indemnity from its providers backed up by provider supplied insurance coverage under which Access is named as an additional insured. By contract the providers are required to purchase Auto Liability coverage for vehicles used to provide Access trips. The minimum limit of liability under these policies is \$1,000,000 combined limit per accident. To protect itself against the financial inability of its providers to indemnify it for amounts in excess of the minimum coverage, Access Services purchases Excess and Contingent coverage in three levels for a total of \$11,000,000.

The proposed insurance structure, designed by SullivanCurtisMonroe, involves the following changes:

1. Access will assume responsibility for purchasing the automobile liability coverage and is the first named insured on all policies, with the providers being listed as an additional insured (Access owned vehicles and Provider-owned dedicated vehicles).
2. Access' Contingent liability for Non-dedicated vehicles will be covered after the first \$1,000,000 in provider provided coverage.
3. Total program limits to be \$26,000,000 (in excess of Self Insured Retention).
4. Implement a Self-Insured Retention (SIR) for \$50,000 or \$100,000, as determined by a qualified actuary, with the providers responsible for all or a portion of the first layer of coverage. (To be decided by the Board under separate cover at this meeting.)
5. Third Party Administrator (TPA) hired and paid by Access to manage and advise regarding claims and facilitate settlement within the SIR. (To be decided by the Board under separate cover at this meeting.)

To fund this proposed structure, Access is asking for approval to amend all of the provider contracts (with the exception of the City of Santa Clarita) to exclude insurance premium costs that are currently billed to Access in the fixed monthly charges. Staff anticipates that there may be long-term savings from reduction in claims over the next few years that could lead to lower premiums on future insurance renewals.

ATTACHMENT A

1.0 INSURANCE

- A. Except as required to be provided by Access Services in B below, Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, his agents, representatives, employees or subcontractors.
- B. Access Services will procure and maintain for the duration of this contract, commercial automobile liability insurance covering bodily injury, property damage, uninsured and underinsured motorist bodily injury and property damage and medical pay with respect to any Access Services-owned vehicle and any Contractor-owned vehicle dedicated exclusively to the service conducted hereunder with minimum bodily injury limits of \$10,000,000. The policies providing insurance required to be carried by Access Services under this paragraph shall defend and include the Contractor, its officers, employees, and agents as “Additional Insured” on a primary basis as respects to work performed in the vehicles described above pursuant to or incidental to the Access Services/Contractor contract.
- C. If the Contractor uses a subsidiary to hold vehicles for auto insurance purposes and to provide the services required by this contract, the Contractor shall identify the subsidiary to Access Services. Further, the structure of the subsidiary shall include the legal responsibility for contract compliance entered into by the subsidiary, and the Contractor shall guarantee in a format acceptable to Access Services any payment and performance by the subsidiary with respect to the this contract, including a waiver of the right of subrogation.
- D. General Conditions
 - i. During the life of any contract with Access Services and for such additional time as may be further required, the Contractor shall provide, pay for, and maintain in full force and effect, the insurance outlined herein for coverage at not less than the prescribed minimum limits of liability, covering the Contractor’s activities, those of any and all subcontractors, or anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable.
 - ii. Certificates of Insurance:
 - a. Before commencing work and during the term of this contract, the Contractor shall furnish Access Services with certificates and with original endorsements affecting coverage required by Access Services. The certificates and endorsements for each insurance policy shall be signed by a person duly authorized by the insurance carrier to bind coverages on its behalf. The certificates and endorsements are to be on forms acceptable to Access Services.
 - b. Certificates of Insurance and endorsements must certify that at least the minimum insurance coverages required by this exhibit are in effect and specify that the liability coverages are written on an “occurrence” form and that coverages will not

be canceled, suspended, voided, non-renewed, materially changed, or reduced in coverage in any way without thirty (30) days advance written notice, return receipt requested to:

Risk Management Analyst
Access Services Incorporated
707 Wilshire Blvd., 9th Floor,
Los Angeles, CA 90017.

- c. The Contractor shall not, of its own initiative, cause such insurance coverage to be canceled or materially changed during the term of the Contract.
 - d. Policies shall be endorsed to reflect that any failure of Contractor to comply with reporting provisions of the policies, or any other conditions of the policies or breaches or violations of warranties shall not affect coverage provided to Access Services, its directors, officers, agents, representatives, employees and volunteers.
 - e. The Contractor shall immediately replace certificates, policies, and endorsements for any such insurance policy(s) renewing prior to completion of contract services.
 - f. Failure of Access Services to demand such certificate or other evidence of full compliance with these insurance requirements or failure of Access Services to identify a deficiency from evidence that is provided shall not be construed as a waiver of the Contractor's obligation to maintain such insurance.
 - g. The acceptance of delivery by Access Services of any Certificate of Insurance evidencing the required insurance coverage and limits does not constitute approval or agreement by Access Services that the insurance requirements have been met or that the insurance policies shown in the Certificates of Insurance are in compliance with the requirements.
- iii. If the Contractor fails to maintain the insurance as set forth herein, Access Services shall have the right, but not the obligation, to purchase said insurance at Contractor's expense. Alternatively, the Contractor's failure to maintain the required insurance may result in termination of contract at Access Services' option.
- a. If any of the insurance coverage is required to remain in force after final payment, an additional certificate evidencing continuation of such coverage shall be submitted with the Contractor's final application for payment.
- iv. All insurance required to be carried by the Contractor shall be placed with an insurer admitted to write insurance in California with a rating of A- or better and with a financial size category of VIII or better as determined by A.M Best Company, or a non-admitted insurance carrier, authorized by Access Services, with a rating of A- or better and with a financial size category of VIII or better as determined by A.M Best Company. Due to fluctuating insurance market conditions, Access Services will upon request and a proper showing, consider the use of any admitted B+ rated carrier with a financial size category of VIII or better on a case by case basis. The request must be in writing supplying documentation substantiating that there are no A- or better rated carriers available to the Contractor or any "cut through endorsement" available from A- rated reinsurer. Also, declination documentation must be provided from two or three A- rated carriers on their company letterhead before a B+ rated carrier will be considered. All cut through

endorsements must be approved in writing by Access Services. All certificates and/or endorsements must conform to the contractual obligations as stated in the contract or as agreed to by Access Services. Receipt by Access Services of any certificates of insurance and/or endorsement does not constitute acceptance if it does not meet the contractual obligations defined in the contract or agreed to by Access Services.

- a. Certified copies of all insurance policies shall be provided to Access Services within ten (10) days of the effective dates of such policies.
- v. Any self-insurance program must be requested separately in writing for approval by Access Services. A self-insurance program must protect Access Services to the same manner and extent as the policies that are required in the Contract. All self-insured retention limits must be declared in writing as well as the identity of the third party claims administrator. The Contractor must adhere to all California statutes and regulations regarding self-insurance. Access Services may require a certified financial statement, the securing of a performance bond, certificate of deposit, or another form of financial security in addition to the self-insured certificates.
- vi. Insurance Primary: Except for coverage specified in B above, all insurance coverage required of the Contractor shall be primary over any insurance or self-insurance program carried by Access Services or any governmental agency and any insurance maintained by Access Services or any governmental agency shall not contribute with insurance required of Contractor.
- vii. Additional Insured: The policies providing insurance required to be carried by the Contractor shall defend and include the State of California, its officers, employees, and agents; and Access Services Incorporated, its directors, officers, representatives, agents, employees and volunteers as "Additional Insured" on a primary basis as respects to work performed pursuant to or incidental to the Access Services/Contractor contract.
- viii. Coverages required to be maintained by the Contractor shall contain no special limitations on the scope of protection afforded to Access Services.
- ix. The amount of Contractor's insurance shall not be reduced by the existence of any insurance which may be maintained by Access Services or any other governmental agency.
- x. No Reduction or Limit of Obligation: By requiring insurance herein, Access Services does not represent that coverage and limits will necessarily be adequate to protect the Contractor and insurance effected or procured by the Contractor shall not reduce or limit the Contractor's contractual obligation to indemnify and defend Access Services and the State of California for claims made or suits brought which result from or are in connection with the performance under the contract.
- xi. Duration of Coverage: All required insurance coverages shall be maintained without interruption and shall be "occurrence" based coverage. All policies shall be on an Annual basis. No short-term policies will be accepted unless approved in writing by Access Services.
- xii. Subcontractor's Insurance: Coverage for subcontractors shall be subject to all requirements stated herein. The Contractor shall, additionally, include all subcontractors as insured under its policies or furnish separate policies, certificates and endorsements for

each subcontractor. Access Services and the State of California shall be included as additional insured as specified throughout this exhibit.

- xiii. Joint Ventures: If the Contractor is a joint venture involving two or more entities, then each independent entity shall satisfy the limits and coverages specified in this exhibit or the joint venture shall be a Named Insured under each policy specified.
- xiv. Specific Waivers of Subrogation: The Contractor shall require Workers' Compensation and other policies of insurance that are in any way related to the work and that are secured or maintained by the Contractor to include clauses providing that each underwriter shall waive all of its rights of recovery, under subrogation, or otherwise, against Access Services, its directors, officers, agents, representatives, employees and volunteers; and the State of California, its officers, employees, and agents. The Contractor shall require of its subcontractors by appropriate written agreements, similar waivers each in favor of all parties enumerated in this exhibit.
- xv. Risk Management and Safety Program Cooperation: The Contractor shall cooperate with Access Service's Risk Management Policies and Procedures as they exist and as are amended from time to time during the Term. Such cooperation includes, but is not limited to:
 - 1. Contractor Loss Runs/Claims Experience Reports: The Contractor shall provide Access Services with updated loss runs/Claims experience reports on all vehicles used in providing the required services under this Contract other than Access Services owned vehicles. All Loss runs are to be sent to Access Services Risk Management Analyst on a quarterly basis.
 - 2. Accident/Incident Reports – All accident/incident reports related to vehicles operating services under this contract shall be forwarded by electronic means to any Third Party Administrator (TPA) under the Risk Management Program and to Access Services' Risk Analyst within 24 hours of the generating incident. Said reports shall include driver statements, completed in-vehicle accident reporting kit, witness statements, rider's declination of any medical treatment, and video records of the accident/incident.
 - 3. Furnish on a timely basis such additional information, witnesses or evidence in the possession or control of Contractor as the TPA may reasonably request
 - 4. Timely pay charge-backs as required by the Risk Management Program
 - 5. Participation and support in the development, adoption and implementation of a system-wide ASI safety culture, ASI paratransit safety security program plan, ASI safety program and policy, ASI-TPA accident/incident reporting system and process, and ASI safety committees and accident/incident investigation process.
 - 6. Sending Contractor road supervisors and other required Contractor personnel to accident scenes in a timely manner to assist in the collection, documentation, protection and maintenance of accident information and to cooperate with TPA's adjusters as may be required.
 - 7. Furnish on a timely basis such additional information, witnesses or evidence in the possession or control of Contractor as the TPA or ASI may reasonably request

E. Minimum Scope and Limits of Insurance

Contractor shall maintain insurance as broad as, and with limits no less than the following:

- a. Workers' Compensation and Employer's Liability: The Contractor shall maintain Workers' Compensation and Employer's Liability insurance.
 - 1) Minimum Limits:
 - a) Workers' Compensation – Statutory Limits
 - b) Employers' Liability:

Bodily Injury for Each Accident:	\$1,000,000
Bodily Injury by Disease for Each Employee:	\$1,000,000
Bodily Injury Disease Aggregate:	\$1,000,000
 - 2) If a Professional Employer organization (PEO) is utilized, the certificates issued by the PEO must include wording that the Contractor is insured under that policy. If that policy is cancelled or lapses, the Contractor is responsible to notify ASI immediately and provide replacement certificates.
- b. Commercial General Liability: The Contractor shall maintain Commercial General Liability insurance on an occurrence basis against claims for bodily injury (including death), property damage (including loss of use), and completed operations. Such insurance shall include coverage for premises, independent contractors, and blanket contractual coverage. Insurance shall provide minimum limits as follows:
 - 1) Minimum Limits:
 - a) \$1,000,000 Each Occurrence
 - b) \$2,000,000 General Aggregate
 - 2) *Defense costs shall be insured outside policy limits.*
 - 3) *Copies of endorsements evidencing coverage for discrimination and Sexual Abuse/molestation coverage shall be provided to Access Services Risk Management department prior to inception of the Contract.*
- c. Automobile Liability: With respect to vehicles utilized by Contractor in the provision of the services hereunder other than those insured by Access Services pursuant to Sec. 14.0 B. above, the Contractor shall maintain business auto liability on an occurrence basis covering liability arising out of any auto, including owned, hired, and non-owned autos. Coverage shall include any vehicle owned by the named insured or for which the named insured is obligated by contract to provide insurance; this includes, but is not limited to, Contractor and/or subcontractor - owned vehicles used in providing service under contract for Access Services.
 - 1) Minimum Limits:
 - a) \$1,000,000 Combined Single Limit Each Accident.
 - b) \$1,000,000 Uninsured Motorist
 - c) \$5,000 Medical Payments per person per occurrence *
 - 2) *Coverage shall include Contractual Liability and Pollution Liability Coverage which includes coverage for vehicle overturn and collision and pollution cleanup for sudden and accidental events.*

* Contractor may elect to self insure for medical payments coverage. If the Contractor chooses to self insure, Contractor must provide an aggregate limit of \$5,000 per incident and provide proof of payment made to rider or medical facility.

- d. Physical Damage to ASI Owned Vehicles: Regardless of the liability coverage under 14.0 B. carried by Access Services, the Contractor shall place and maintain continuously during the term hereof physical damage insurance coverage for all Access Services-owned vehicles in an amount not less than the actual cash value of each vehicle.
 - 1) *Any losses or damages not covered by insurance shall be an obligation of the Contractor and not, under any circumstances, that of Access Services.*
 - 2) *In addition to Access Services, its directors, officers, agents, representatives, employees, and volunteers are to be named as additional insured on insurance policies, and when required, the State of California. Access Services shall be identified as the "Loss Payee." When required, the State of California, Department of Transportation, shall be designated as an additional Loss Payee for all purposes of adjusting, settling, or acceptance of payment for damages to Access Services vehicles.*
 - 3) *Access Services maintains the right of expedient recovery for costs associated with comprehensive and collision claims. If Access Services does not receive settlement on any of its vehicles that have been damaged, disabled, totaled, lost or stolen within (forty-five) 45 calendar days of an incident, Access Services reserves the right to engage an appraiser(s) whose costs and the appraised value of the vehicle(s) shall be deducted from the Contractor's payment for services under the contract. The Contractor shall not remove any parts from totaled vehicles unless they purchase salvage rights to that vehicle.*
 - 4) *Equipment Floater: When Access Services provides equipment, the Contractor shall provide and maintain an "Equipment Floater" policy covering Access Services-provided equipment, borrowed, assigned, or leased to the Contractor. The scope of coverage shall be the full replacement cost of said equipment. Any self-insurance for this coverage must be requested in writing to ASI senior management.*
- e. Employment Practices Liability (EPL) Insurance: Contractors shall carry Employment Practices Liability Insurance.
 - 1) *Limits: \$500,000 per occurrence*

The insurance levels set forth in these requirements may be increased by Access Services at any time upon thirty (30) days notice to the Contractor.

B. Deductibles and Self-Insured Retentions

The Contractor shall maintain the insurance specified herein, which shall be full coverage. Any deductibles or self-insured retentions must be declared to and approved by Access Services. Any losses or damages not covered by insurance shall be an obligation of the Contractor and not, under any circumstances, of Access Services.

Access Services reserves the right to require the Contractor to procure a bond, Certificate of Deposit, or funded reserve guaranteeing payment of losses and related investigations, claim administration and defense expenses.

2.0 INDEMNIFICATION

- A. To the extent not covered by insurance under Access Services' provided coverage described in 14.0 B of this Contract, the Contractor shall indemnify, defend (with counsel mutually agreed upon by Contractor and ASI) and hold harmless Access Services, its subsidiaries and its directors, officers, agents and employees from and against any and all liability and expenses including reasonable defense costs and legal fees and claims for damages arising out of or in any way related to the performance or lack of performance of the Services described herein or caused by any negligent or intentional act or omission of the Contractor, any Subcontractor, or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable including, without limitation, any loss, cost, expense (including reasonable attorneys' fees) or liability on account of (1) bodily injury, death, injury of any person or economic interest, (2) for damage to or loss of use of property (including property of Access Services), and (3) damages, fines, penalties or exactments caused primarily by Access Services' reliance upon or use of incorrect data or other information provided or delivered by the Contractor pursuant to this Contract (collectively "Indemnified Acts"). This indemnification shall survive termination of this Contract or final payment hereunder.
- B. This indemnification is in addition to any other rights or remedies which Access Services may have under the law or under this Contract. Upon the occurrence of any Indemnified Act, Contractor shall promptly notify Access Services of the extent and nature thereof. In the event a claim for an Indemnified Act is reasonably determined by Access Services to substantially exceed the amount of any applicable insurance carried by Contractor, Access Services may, in its sole and absolute discretion: (1) determine legal counsel to handle the claim, and/or (2) appoint legal counsel at Contractor's expense to act as co-counsel in the matter, and/or (3) reserve, retain, or apply any moneys due to the Contractor under this Contract for the purpose of resolving such claims; however, Access Services may release such funds if Contractor provides Access Services with reasonable assurance of protection of Access Services' interest. Access Services shall, at its discretion, determine whether such assurance is reasonable.

MAY 22, 2009

TO: BOARD OF DIRECTORS

FROM: BRIAN SELWYN, MANAGER OF PROCUREMENT AND CONTRACTS

**RE: APPROVAL OF EXTENSION OF SERVICE CONTRACT WITH SOUTHLAND TRANSIT, INC. – ANTELOPE VALLEY SERVICE AREA (ASI-1900) –
*Continued from April 27, 2009***

ISSUE:

Board approval is needed to increase funds and extend the terms of the service contract with Southland Transit, Inc. (STI) ASI-1900 (Antelope Valley).

RECOMMENDATION:

Authorize an additional \$1,200,000 in funds for one year and an extension in the period of performance for one year, from November 1, 2009 through October 31, 2010. This action will increase the previously approved contract amount of \$3,580,820 to \$4,780,820. Also, authorize an increase in the per trip rate from \$18.05 to \$22.32 for the period November 1, 2009 through October 31, 2010 and a decrease in the fixed monthly rate from \$30,250 to \$28,387 for the period June 21, 2009 through October 31, 2009 and a further decrease in the fixed monthly rate from \$28,387 to \$27,921 for the period November 1, 2009 through October 31, 2010.

IMPACT ON BUDGET:

The rate increases proposed will be accommodated by the proposed budgets for FYs 09-10 and FY 10-11. The current rates have been in effect since September 2007.

ALTERNATIVES CONSIDERED:

While consideration was given to going out to bid, staff is confident that the contractor is meeting or exceeding the terms of its Contract and thus merits consideration for a one-year extension.

EFFECT OF APPROVAL OF STAFF RECOMMENDATION:

If this staff recommendation is approved by the Board, the staff would be authorized, but not required, to negotiate and amend the written contract with the Southland Transit, Inc. for specialized transportation services on terms and conditions set forth in the existing contract and modified as in this item proposed. Access Services would not be legally bound to the revised terms or the extension period unless and until they are incorporated into a formal written amendment to the contract executed by all parties thereto and approved as to form by this entity's legal counsel.

BACKGROUND

In February 2009, the Board approved the technical assignment of the STI contract under consideration to Tectrans. This assignment was requested due to the impending acquisition of all STI stock by Tectrans. However, this acquisition did not take place and thus STI will continue to operate its contract with Access Services under current ownership. STI began service in the Antelope Valley in October 2005. We are seeking to exercise the second of three possible option years.

There are several factors that have contributed to the requested increase in STI's cost per trip. The first of these is an increase in driver wages. The lowest paid drivers will see an hourly wage increase from \$9.00 to \$9.75, while the highest paid drivers will see an increase in wages from \$10.50 to \$10.75 per hour. Staff feels that these wages are within line of industry standards and should contribute to a reduction in driver attrition. (Close to seventy percent of drivers hired by STI to participate in the Access program since September 2005 are no longer doing so.) A secondary factor that has contributed to the increase in the cost per trip is the increased cost for outside maintenance, which includes vehicle parts for the new larger vehicles now being used in revenue service. Based on ridership demand, trip patterns unique to the Antelope Valley and operational needs, STI is able to maximize its ability to provide revenue service by utilizing these larger vehicles. Whereas the original RFP called for the use of two full-size and eight mini vans, the current fleet mix is one mini-van and nine larger full size vans and cutaways.

In March 2009, STI had an on time performance of 95.02% and an average initial hold time of 50 seconds, both of which are within contract compliance. Currently, STI performs its reservation and dispatch duties from its Sun Valley facility. STI will shortly relocate its reservation center to the El Monte facility now utilized by sister companies San Gabriel Transit and California Transit, Inc. and its dispatchers to the STI Lancaster facility within the Antelope Valley. This move should allow for optimal performance and improved operational coordination.

MAY 22, 2009

TO: BOARD OF DIRECTORS
FROM: BRIAN SELWYN, MANAGER OF PROCUREMENT AND CONTRACTS
RE: APPROVAL OF EXTENSION OF SERVICE CONTRACT WITH GLOBAL PARATRANSIT, INC. (ASI-2017) – *Continued from April 27, 2009*

ISSUE:

Board approval is necessary to exercise the first option year of contract ASI-2017 with Global Paratransit, Inc. (GPI) for service in the Southern Region.

RECOMMENDATION:

Authorize an additional \$23,158,648.00 in funds and an extension in the period of performance for one year, from September 2, 2009 through September 1, 2010. This action will result in an increase in the previously approved contract amount of \$60,012,029.00 to \$83,170,677.00. Also authorize an increase in the per trip rate from \$22.70 to \$23.02 for the period September 2, 2009 through September 1, 2010 and a decrease in the fixed monthly rate from \$511,918 to \$474,955 for the period June 21, 2009 through September 1, 2009 and a subsequent increase in the fixed monthly rate from \$474,955 to \$490,574 for the period September 2, 2009 through September 1, 2010, the first option year of the Contract.

IMPACT ON BUDGET:

The rate increases proposed will be accommodated by the proposed budgets for FY 09-10 and FY 10-11.

ALTERNATIVES CONSIDERED:

No alternatives were considered. Staff is confident that the contractor has met the terms of the Contract and thus merits consideration for an extension of its term.

EFFECT OF APPROVAL OF STAFF RECOMMENDATION:

If this staff recommendation is approved by the Board, the staff would be authorized, but not required, to negotiate and amend the written contract with the GPI for specialized transportation services on terms and conditions set forth in the existing contract and modified as in this item proposed. Access Services would not be legally bound to the revised terms or the extension period unless and until they are incorporated into a formal written amendment to the contract executed by all parties thereto and approved as to form by this entity's legal counsel.

BACKGROUND

At its September 2008 meeting, the Access Services Board of Directors agreed to the adoption of two changes to contract ASI-2017, setting the rate of reimbursement for taxicabs and independent contractors at \$2.70 per mile and eliminating the gasoline price adjustment for independent contractors. Based on these changes as well as an increase in revenue miles of greater than 20% (when compared to the number of revenue miles projected in their original contract), GPI requested an increase in their rates of compensation for the remainder of the final base year of their contract. The Board granted this increase for the period October 1, 2008 through September 1, 2009. At the time that it negotiated a rate change for the current year, staff also requested that GPI propose new rates of compensation for the two option years of their contract. Board approval is now required to approve the rate increase for the first of these two option years and to extend the contract for this one year period.

GPI has been providing paratransit service in the Southern service area since 2000. For the past year, GPI has exceeded the standards set for both on-time performance and average initial hold time, with a mean on-time performance of over 91% and a mean average initial hold time of less than two minutes. GPI continues to maintain a positive working relationship with Access Services based on a commitment on the part of both organizations to maintain the highest performance standards.

MAY 22, 2009

TO: BOARD OF DIRECTORS

FROM: WALT DIANGSON, ACTING SAFETY MANAGER

RE: ACCESS SAFETY CULTURE

ISSUE:

Access Services is committed to safety for its riders. As part of this commitment and our ongoing efforts to improve the Access Paratransit service, staff began a study several years ago to improve the approach to safety and risk management. As part of this initiative ASI retained an independent contractor/ expert, Walter R. L. Diangson of WRLDCO, to help further develop and maintain its overall safety culture.

RECOMMENDATION:

None; this item is for information only.

IMPACT ON THE BUDGET:

The contract with Walter R. L. Diangson began on April 1, 2009 and has a one-year term with a total contract value of \$74,000. The proposed budget for FY 2009/10 will contain approximately \$200,000 for safety programs and training.

BACKGROUND:

As a result of the study and in order for the new structure of the ASI provided self insured retention and excess liability insurance to be most effective, it is imperative that the safety culture of Access be evaluated, further developed and maintained. This effort will include ASI policy and advisory bodies; management and staff; ASI service providers – paratransit contract providers and taxi providers; ASI riders, care-givers and agencies; and the general public.

The principal elements of the plan include:

1. Determining the current and prevailing safety culture and its operating elements throughout the ASI system through a safety culture survey;
2. Determining the ASI organizational structure for risk management and safety administration, including the staff and provider roles, flow of communications and information, supervision of responses, follow-up and other required actions;
3. Determining the baseline of expected services from the contract providers in terms of the original request for proposals (RFP), provider proposals and existing contracts with ASI;
4. Based on the prevailing cultural orientation towards safety and current safety practices, identifying opportunities for developing a system-wide enhanced safety culture, which

incorporates the value for safety, including desired behaviors and attitudes; policies, procedures, processes; and relationships and communications;

5. Developing a positive safety culture within the ASI system by policy, advisory and executive management elements; by administrative support unit; by service provider; and among users of the service and their related interested parties; and
6. Defining a staff position to serve as safety coordinator within ASI administration and as the enthusiastic supporter and facilitator of safety throughout the ASI system, as well as maintaining the developed safety culture.

The general scope of work of the initiative is to establish a more effective ASI safety culture within ASI administration, with the service providers and with the riding public through:

- (a) Effective team and leadership development for risk management, operations, other supporting elements of Access Services, for the service providers, for the riders and for the providers' insurers;
- (b) Increased risk management and safety training and communications for ASI staff, service providers and riders;
- (c) Procurement and employment of selected technology, methods, outside services and operating practices to improve overall safety performance; data collection, analysis and fact finding; and risk management policies and procedures; and
- (d) An increased role and commitment by ASI policy makers and management in making safety the number one priority and basis for an effective safety culture.

MAY 22, 2009

TO: BOARD OF DIRECTORS

FROM: STEVE CHANG, ACTING MANAGER OF CONTRACT SERVICES

RE: STATUS UPDATE OFFICE OF THE INSPECTOR GENERAL'S AUDIT RECOMMENDATIONS

ISSUE:

The audit of Access Services Incorporated conducted on behalf of the Metro Office of Inspector General (OIG) in FY 07 – 08 confirmed Access Services system design and operational compliance with the ADA and funding requirements and the general satisfaction of Access Services riders with that service. The audit contained no negative findings, but the auditors did make sixteen recommendations and the audit report contains Access Services affirmative responses to these recommendations.

This item comprises the monthly update for May 2009. Of the sixteen recommendations, twelve have been completed as shown in the attached update.

RECOMMENDATION:

Receive and file the attached status report on the implementation of the audit recommendations from the “Report on the Evaluation of the Paratransit Eligibility Process; Administration, Performance, and Management of Paratransit Operations; and Compliance with Memorandum of Understanding.”

BACKGROUND:

One of the early recommendations from the OIG was for Access to develop a procedure to periodically update the Board of Directors on the status of recommendations contained within audit reports performed on Access Services. Reporting on the status of audit recommendations through the Board Agenda should provide the Board and the general public assurance that recommendations/findings contained in audit reports were being addressed.

The majority of the recommendations were implemented by July 1, 2008 and the remaining few will be addressed by the implementation of the new reservations/scheduling software.. A written status report on the recommendations will be on the Board, CAC and TPAC monthly agendas until all recommendations have been implemented.

STATUS REPORT ON THE IMPLEMENTATION OF THE AUDIT RECOMMENDATIONS

Recommendation 1 – CLOSED in July 2008

ASI should reassess its recertification policy and consider a) periodically reviewing its criteria for determining individuals that are allowed to renew without in-person reevaluations, b) increasing the recertification period on a case-by-case basis, and c) adopting a tiered approach for recertifying riders. The tiered eligibility determination approach should include an option to recertify a rider without the need for a face-to-face interview or functional test.

Apr - 08	A modification to the recertification policy to allow for a tiered approach to eligibility without the need for an in person interview or functional test requires a change in the adopted Paratransit Plan Update. The proposed revision will be presented to the Transportation Professionals Advisory Committee (TPAC) on April 10, 2008 and the Quality Services Subcommittee (QSS) on April 17, 2008. A public hearing has been scheduled for April 22, 2008. The Community Advisory Committee (CAC) will discuss the revision at their May 13, 2008 meeting and member agencies will provide their input via electronic mail during the month of May. The final approval for the revision will be placed on the May 19, 2008 Board of Directors Agenda. Assuming Board approval, the revision will be implemented on July 1, 2008.
May - 08	Staff prepared a recommendation for the Board to approve an updated to the Coordinated ADA Paratransit Plan specifying changes to the recertification process, which address Recommendation 1. If approved, the changes will be effective July 1, 2008.
June - 08	At the regular ASI Board of Directors meeting on May 19, 2008, the Board of Directors approved Agenda Item 10 - REVISION OF PARATRANSIT PLAN UPDATE which modified the recertification process to include a tiered approach versus a mandatory in person evaluation. The updated Plan will be mailed to FTA in June 2008.
July - 08	The revised recertification process has been implemented. This item is now considered to be closed.

Recommendation 2 – CLOSED in September 2008

ASI should a) review the narrative comments included on the Eligibility Survey and initiate any appropriate actions or changes, b) consider client comments/concerns when making any future changes or improvements to the eligibility evaluation process or the evaluation facility, and c) evaluate whether ASI can offer more evaluation locations through the use of mobile evaluation units.

Apr - 08	All of the narrative comments from the surveys have been organized into categories of service. ASI staff is in the process of reviewing the comments to identify areas of concern. The narrative comments will be presented at the May 2008 QSS meeting. Any potential recommendations will be forwarded to the CAC and TPAC prior to being presented to the Board of Directors for approval.
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May - 08	Narrative comments from the eligibility survey were placed on the May QSS meeting agenda.
June - 08	QSS reviewed the narrative comments at the May QSS meeting and the top concerns raised in the survey will be used as a blueprint for discussion at future meetings.
July - 08	QSS will review the narrative comments from the eligibility survey in August 2008 and include them in the prioritization discussion topics established in July 2008. Any recommendations will be presented to the CAC as appropriate.
Aug - 08	The narrative comments on eligibility were presented to QSS at the August 2008 meeting. Due to a full agenda the committee tabled the item until the September 2008 meeting.
Sept - 08	In September 2008, the QSS prioritized the narrative comments from the eligibility survey and added these comments to their current list of comments from the rider survey to be discussed at future meetings. Any recommendations will be presented to the CAC as appropriate.

Recommendation 3

ASI should evaluate the process for informing individuals who complete the eligibility evaluations of their right to appeal and the process on how to make an appeal.

Apr - 08	ASI will re-evaluate the eligibility determination packet with the help of TPAC and CAC to ensure that appeal information is presented in a manner most likely to be understood by applicants. Staff is anticipating a new brochure to be available in July of 2008.
May - 08	ASI will work with communications professionals and small focus groups to re-evaluate the eligibility determination packet. This will be implemented in July 2008.
Jun - 08	No update to report.
July - 08	On July 17, 2008, the QSS reviewed recommended changes to the eligibility fact sheets. New information sheets detailing the eligibility and appeal process are being formatted by Metro Design Center and will be available in September 2008. Per ASI Policy, alternative accessible formats will be available upon request.
Aug - 08	The formatted fact sheets are expected to be ready for distribution in the near future.
Feb -08	The Board of Directors approved a new identity program for Access Paratransit at their February 2009 meeting. Metro Design Center will begin work on finalizing these new information sheets. The new sheets are expected to be distributed in April 2009.
May -09	The eligibility and appeal information sheets consisted of four different parts. The four parts have been condensed and simplified into one user friendly document. Metro Design is currently finalizing the language and the layout. It is expected that the finalized document will be distributed in the Summer of 2009.

Recommendation 4 – CLOSED in July 2008

ASI should continue to critically evaluate its eligibility determination policies, general approach, and specific processes to ensure that reasonable eligibility determinations are being made, that the impact on and inconvenience for those seeking eligibility is reasonable, and that the total costs of the eligibility determination process are consistent with the value of the process.

Apr - 08	ASI will continue to evaluate the eligibility processes and policies used in Los Angeles County. ASI will continue to monitor the best practices used in the industry by participating in various forums and seeking out documents and reports published by organizations such as, but not limited to, Easter Seals Project Action, Transportation Research Board Synthesis Studies, National Transit Institute, as well as from advocacy groups like the Disability Rights Education and Defense Fund. In addition, on a local level the eligibility contractor, under the new contract, will form a Community Council as an advisory group to provide feedback. ASI will be a part of that Council. This Council will begin in July 2008.
May - 08	No update to report.
Jun - 08	CARE held its first Customer Care Committee on Thursday June 29, 2008. The group had seven riders attend and discuss their experience with the evaluation process. CARE will use those comments to train staff and modify customer service procedures. The Committee will be meeting once a month.
July - 08	With the implementation of the revised recertification process and the opening of the new eligibility evaluation center in July, this item is now considered closed.

Recommendation 5 – CLOSED in August 2008

ASI should review the narrative comments on the Rider Survey and initiate any appropriate actions or changes.

Apr - 08	All of the narrative comments from the surveys have been organized into categories of service. For instance, comments regarding the order taking process have all been grouped together. ASI staff is in the process of reviewing the comments to identify areas of concern. The narrative comments will be presented at the May 2008 meetings of the transportation service providers and the QSS. Any potential recommendations will be forwarded to the CAC and TPAC prior to being presented to the Board of Directors for approval.
May - 08	Narrative comments from the rider survey were placed on the May QSS meeting agenda, and the May Provider meeting agenda.
Jun - 08	In May 2008, the QSS and Provider groups reviewed the narrative comments from the Rider Survey. Each group agreed that the top concerns would be discussed at future meetings to determine how to improve the service.
July - 08	On July 17, 2008 QSS prioritized the narrative comments from the rider survey into four groups with subtopics to be discussed at future meetings beginning in August 2008. Any

	recommendations will be presented to the CAC as appropriate.
Aug -08	At the August 2008 QSS meeting, the committee began discussion on one of the four groups of comments. The committee has agreed to have the narrative comments as a standing item on their agenda until all of the groups have been discussed and the appropriate action taken. This item is now considered closed.

Recommendation 6

ASI should evaluate whether the service providers are using the most efficient methodology for scheduling vehicles and drivers and whether there are opportunities to shift resources from low demand to peak demand periods.

Apr - 08	Prior to the audit in January 2006, ASI retained the services of the IBI Group to perform a Needs Analysis on ASI's Access Paratransit service. The recommendations from the analysis were presented to the Access Services Board of Directors in March 2007. One of the principal recommendations was the design and implementation of a centralized reservation/scheduling software to be used by all of ASI providers. The Board approved the award for that reservation/scheduling software in November 2007. The first phase of the implementation of this recommendation is scheduled to begin in August 2008. The implementation of the first service region, with phase--in to other regions as contracts renew, is scheduled for fall of 2008.
May - 08	The centralized reservation/scheduling software will be implemented within the first service region in September 2008 and will be phased in by region as contracts are renewed. Staff is anticipating system wide implementation will be completed in 2010.
Jun - 08	A notice to proceed was issued to the software contractor on June 9, 2008 and a kick off meeting was held with Global Paratransit.
July - 08	The project team has begun the implementation period for the software installation in the Southern Region. As the system is implemented relevant ride statistics such as travel times, will be reported monthly in the Operations Report contained in the Board Box.
Aug - 08	No status update to report.
Feb - 09	Due to beta testing and related infrastructure issues the implementation of the new software has taken longer than expected. The first phase of implementation will begin in the Southern Region in Spring 2009.
May - 09	Implementation began in the Southern Region. The contractor is working to fine tune all of the scheduling parameters within the software and things are moving accordingly.

Recommendation 7 – CLOSED in July 2008

ASI should reinforce to contractor call takers the goal of providing courteous and helpful service to clients. In this regard, ASI should provide call takers with a written document that reinforces the policies and rules of conduct and service to paratransit customers, and ASI's commitment to

quality service.

Apr - 08	A draft of an Order Taker Code of Conduct is scheduled to be presented to the Transportation Service Providers at their meeting in May of 2008. Staff anticipates distribution of an Order Taker Code of Conduct in June of 2008.
May - 08	A draft of the Order Taker Code of Conduct was placed on the May Provider Meeting Agenda.
Jun - 08	The Order Taker Code of Conduct was reviewed at the Provider meeting in May. The Contractors will begin distribution and the document will be posted on the ASI website by June 23, 2008.
July - 08	The Order Taker Code of Conduct has been distributed and can be viewed on the ASI website. This item is now considered closed.

Recommendation 8

ASI should evaluate the scheduling system to minimize or eliminate circuitous routing of share rides and to ensure that the routing/dispatching methodology minimizes wait times and trip times.

See Recommendation 6 above.

Recommendation 9 – CLOSED in July 2008

ASI should reinforce to contractor staff ASI’s policy on call-outs, and the importance of making all call outs that are requested.

Apr - 08	ASI is in the process of redesigning new employee training tests for drivers, call takers, and dispatchers. Questions regarding call out procedures will be included in these tests. The driver, call taker, or dispatcher will be required to pass this test with a score of 90% or greater before they are allowed to work on the ASI contract. This test will be completed no later than July 2008. ASI Road Supervisors and Dispatch Coordinators monitor compliance with currently required continuous training for each contractor. The call-out procedures are a part of that training. Immediately, ASI will instruct the service providers to include this topic in the next rotation of training beginning in May 2008.
May - 08	Service providers were instructed to include “call out procedures” in the rotation of training beginning in May 2008.
Jun - 08	Providers are in the process of updating the tests and training materials.
July - 08	All materials have been updated and the new materials have been implemented. A copy of the revised test is available upon request. This item is now considered closed.

Recommendation 10 – CLOSED in May 2008

ASI should reinforce to service provider contractors ASI’s goal of providing courteous and quality service to clients. In this regard, ASI should provide contractor drivers and call takers with a written document, which reinforces the policies and rules of conduct and service to paratransit customers, and ASI’s commitment to quality service.

Apr - 08	The Driver Code of Conduct will be distributed to all certified drivers by May 1, 2008. The Order Taker Code of Conduct is scheduled for distribution in June 2008.
May - 08	Driver Code of Conduct was delivered to contractors on May 1, for distribution to drivers; it can be viewed at www.asila.org . This item is now considered closed.

Recommendation 11

ASI should reinforce to paratransit applicants and riders that the primary purpose of using Access Paratransit Services is that the individual is unable to use the regular bus and rail service.

Apr - 08	ASI will work with TPAC and CAC to ensure that information on eligibility is consistent with the recommendation and presented in a manner most likely to be understood by applicants. Staff is anticipating new brochures to be available in July of 2008.
May - 08	Staff is anticipating new brochures to be available in July of 2008.
Jun - 08	No update to report.
July – 08	In addition to the information sheets discussed in Recommendation 3, the new eligibility center’s transit theme and presentation should reinforce the connection between Access Paratransit and regular bus and rail service.
Aug – 08	See item 3 above.

Recommendation 12 – CLOSED in April 2008

ASI should:

- a) Develop a written manual or procedures for processing and inputting complaints, and ensure that the list of complaint type codes and definitions are kept up-to-date.**
- b) Institute a formal training program for the employees who handle complaints, for both new employees and periodic refresher training for current employees.**
- c) Record all complaints relevant to the eligibility determination process so that any underlying problems can be trended and solved.**
- d) Conduct a periodic trend analysis of complaints to identify problem areas to improve customer service.**

- e) **Develop a specific process to mark closed complaints, and incorporate this process into the policy and the staff training materials.**
- f) **Re-evaluate the complaint types used in the performance measure of Complaints per 1,000 Trips.**
- g) **Assure that no sequential complaint numbers are deleted from the database.**
 - a) The Complaints and Customer Service departments have developed a procedures manual with input from the Complaints Process Modification Subcommittee of the CAC. The manual was completed in April 2008. This item is considered closed.
 - b) As of January 12, 2008, formal training now includes Customer Service workshops, as well as follow up and refresher trainings, one-on-one review with all Customer Support Supervisors and management, side-by-side training, and review of completed procedures manual. The Complaint Specialists now attend regular monthly meetings to address any observations and/or needed training refreshers to ensure that procedures remain standardized. New staff members are now required to train with both Customer Service and Complaints and are provided a copy of the procedural manual. This item is considered closed.
 - c) As of February 25, 2008, all complaints related to eligibility have been entered into the complaint database as well as the relevant eligibility or appeal record. This item is considered closed.
 - d) More intense trend analysis of complaints has been in place since January 29, 2008. New complaint procedures have freed up additional time so that staff can dedicate more of their resources to the analysis of information. This item is considered closed.
 - e) The procedures manual has been completed. See item (a) above. This item is considered closed.
 - f) Additional complaint categories have been added to the service complaints per 1,000: Animal, Booking, Conduct, Discourtesy, Routing, Service, Travel time, Urgent and Vehicle. These additional categories will be reflected in the April 2008 operations report to the Board of Directors.
 - g) Sequential complaint numbers were deleted by ASI's Information Technology department in order to avoid combining real complaints with system tests. All complaints that are either duplicated or entered incorrectly are voided out but remain recorded in the database. To ensure that there are no duplications of complaint numbers, and as a security measure, as of January 29, 2008, the current system and Rider 360 does not recycle unused complaint numbers or complaints used for system testing. This item is considered closed.

Recommendation 13 – CLOSED in July 2008

To improve its management and oversight of paratransit service providers, we recommend that ASI a) require all paratransit service providers to perform driver performance evaluations annually and maintain the evaluations in the driver personnel file for periodic ASI review, and b) develop a standard driver code of conduct and require each driver to sign and agree to such conduct.

Apr - 08	<p>a) ASI required an annual driver performance evaluation to be maintained in the driver training record in the most recent transportation service provider scope of work. Staff is in the process of negotiating with our existing contractors in order to implement the recommended change system wide effective July 1, 2008.</p> <p>b) See recommendation 10 response.</p>
May - 08	<p>a) ongoing</p> <p>b) Driver Code of Conduct was delivered to contractors on May 1, for distribution to drivers; it can be viewed at www.asila.org. This item is now considered closed.</p>
Jun - 08	No update to report.
July - 08	All contractors have agreed to implement an annual driver performance evaluation beginning in July of 2008. This item is now considered closed.

Recommendation 14 – CLOSED in April 2008

ASI management should increase its monitoring of average daily phone hold times to ensure compliance with the contractual performance requirement. Increased monitoring should identify the reasons why there are certain instances when daily phone hold times per hour exceed 4 minutes.

The audit recommendations were based upon operating statistics from fiscal year 2007. Average initial hold times after the audit period had dropped considerably and have been less than 1 minute for the last year. This recommendation is considered closed.

Recommendation 15 – CLOSED in April 2008

ASI should consider requesting that back-up providers submit their invoices semi-monthly to be consistent with other paratransit providers. ASI then will be able to concurrently review invoices and supporting documentation from both paratransit providers and back-up providers to determine if payments due are for actual services.

ASI has requested that back up providers submit invoices semi-monthly. The majority cannot comply with the request. This recommendation is considered closed.

Recommendation 16 – CLOSED in April 2008

We recommend that the Accounting Manual, General Accounting Desk Manuals, and other accounting policies and procedures be approved by ASI Senior Management. In addition, the effective dates of the Accounting Manual, General Accounting Desk Manuals, and other accounting policies and procedures should be properly determined. Furthermore, the pages of these accounting documents should be properly numbered and cross-referenced. For accounting procedures that are still in handwritten editing mode, ASI should finalize the procedures as soon as possible.

Updated Accounting Manual and General Accounting Desk Manuals have been approved by ASI Senior Management. Each Manual includes an effective date and is properly numbered and cross referenced. Copies of these manuals are available upon request. This recommendation is considered closed.