SMART Board Meeting



<u>MEMORANDUM</u>

TO: SMART Board of Directors

FROM: Chairperson

DATE: April 24, 2025

SUBJECT: Call to Order



MEMORANDUM

TO: SMART Board of Directors

FROM: Chairperson

DATE: April 24, 2025

SUBJECT: Pledge of Allegiance



I pledge allegiance to the flag of the United States of America and to The Republic for which it stands: one nation under God, indivisible with liberty and justice for all.



Buhl Building • 535 Griswold St, Suite 600 • Detroit, MI 48226 • (313) 223-2100

ROLL CALL

Date: April 24, 2025

CHAIRPERSON, MR. JOHN PAUL REA

VICE-CHAIRPERSON, MR. BRET RASEGAN

MS. SHEILA COTE

DR. CURTIS IVERY

MR. ROYCE MANIKO

MS. DIANA MCBROOM

MR. ASSAD TURFE



SMART Board Meeting Agenda

April 24, 2025 2:00 PM Buhl Building 535 Griswold, Suite 600 Detroit, MI 48226

	ITEM	ACTION	PRESENTED BY
1.	Call to Order		John Paul Rea
2.	Pledge of Allegiance		John Paul Rea
3.	Roll Call		John Paul Rea
4.	Adoption of Agenda	Approval	John Paul Rea
5.	Certification of Public Notice	Information	Tiffany Martin
6.	Minutes	Approval	John Paul Rea
	A. Board Meeting Minutes for March 27, 2025B. Special Board Policy Committee Meeting Minutes for April 17, 2025		
7.	Special Board Policy Committee Report	Discussion	Committee Chairperson
	A. Recommendation: Allow for Hybrid (Virtual/In-person) Public Participation		
	B. Amendment: Authorization to Amend SMART Board of Directors Policy No. 1		
8.	Public Participation	Discussion	John Paul Rea
9.	Chairperson's Report	Information	John Paul Rea
10.	General Manager's Report	Information	Dwight Ferrell
11.	Board Briefings	Information	
	A. HR Hiring Update		Tianna Leapheart, Interim VP of Human Resources
12. New Business			
	A. Resolution: Authorization to Award a Contract for Propane Auto Gas	Approval	Le Juan Burt, VP of Maintenance
	B. Resolution: Authorization to Award a Contract for Payroll & Human Resource Information System Services	Approval	Tianna Leapheart Interim VP of Human Resources

C. Amendment: Authorization of Contract Amendment No. 3 to Increase Funding for Automated Dispatching and Scheduling Software System	Approval	De Shalon Brownlee, VP of Transportation
D. Amendment: Authorization to Approve Contract Amendment No. 1 to Increase Funding for General Planning Consultant Services	Approval	Harmony Lloyd VP of Planning & Innovation
13. Board Member Business	Discussion	John Paul Rea
14. Adjournment	Discussion	John Paul Rea



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PUBLIC NOTICE

SMART will hold the Board of Directors meeting on Thursday, April 24, 2025 at 2:00 P.M. on the sixth floor of the Buhl Building, located at 535 Griswold Street, Suite 600, Detroit, MI.

The agenda can be found on SMART's website: http://www.smartbus.org/About/Our-Organization/Board-of-Directors/Board-Meeting-Schedule.

Members of the public may attend in person. The Meeting will be live-streamed on YouTube and available at the following link: https://www.youtube.com/@MySMARTBus.

Members of the public may also submit a written comment to be read during the Public Comment period by emailing <u>SMARTBoard@smartbus.org</u> by 1:15 p.m. on the day of the meeting.

Requests for reasonable accommodations at SMART require advanced reservations. Individuals with disabilities requiring assistance should contact SMARTBoard@smartbus.org or 313-223-2110 as soon as possible. If you have difficulties joining the virtual session, contact SMARTBoard@smartbus.org and we will assist you to the best of our abilities.

Public Comment will proceed as follows:

- All comments: 3-minute limit per member of the public. Kindly state your name and county of residence.
- Public comments will be received in the following order:
 - Members of the public who attend in person
 - Written comments via email. The Board Administrator will read any submitted comments.

SUBURBAN MOBILITY AUTHORITY FOR REGIONAL TRANSPORTATION

BOARD OF DIRECTORS' MEETING

PROPOSED MINUTES – March 27, 2025

The Board of Directors of the Suburban Mobility Authority for Regional Transportation (SMART) met on Thursday, March 27, 2025, at 2:00 PM at the Buhl Building, located on 535 Griswold St. Suite 600 Detroit, MI 48226.

ATTENDANCE

SMART Board of Directors: Chairperson Mr. John Paul Rea

Mr. Bret Rasegan Ms. Sheila Cote Ms. Diana McBroom Mr. Assad Turfe

Absent Board Members: Vice-Chairperson Mr. Bret Rasegan

Dr. Curtis Ivery

Mr. Royce Maniko (Present

Via Zoom)

SMART General Manager: Mr. Dwight Ferrell

SMART Deputy GM & COO: Ms. Tiffany J. Gunter

SMART Board Administrator: Ms. Tiffany Martin-Patterson

SMART Staff Present:

Ms. Laura Bieniek

Ms. De'Shalon Brownlee

Mr. Le Juan Burt

Mr. Ryan Byrne

Mr. Melvin Evans

Ms. Beth Gibbons

Ms. Harmony Lloyd

Mr. Bernard Parker

Mr. Sean Riopelle

Mr. D'Andrae Whitley

Mr. Danny Whitehouse

Public Registered:

Jamie, Jr.

Mr. Hasan Aoun

Mr. Joel Batterman

Mr. Steven Boyle

Brother Cunningham

Ms. Donna Lowe

Mr. Robert Pawlowski

Mr. Mike Rayner

Mr. Demico Williams

1. Call to Order

2. Pledge of Allegiance

3. Roll Call

Present: Chairperson Mr. John Paul Rea, Ms. Sheila Cote, Ms. Diana McBroom, Mr. Assad Turfe

Absent: Vice-Chairperson Mr. Bret Rasegan, Dr. Curtis Ivery, Mr. Royce Maniko (Present Via Zoom)

A quorum was present.

4. Adoption of Agenda

MOTION: Moved by Ms. Diana McBroom, seconded by Ms. Sheila Cote, to approve the Agenda for the Thursday, March 27, 2025 Board of Directors Meeting.

DISCUSSION

None

VOTE: THE MOTION CARRIED.

5. Certification of Public Notice

The Board Administrator read the Public Notice and Rules of Order into the record.

6. Minutes

A. Board Meeting Minutes for SMART's February 27, 2025 Board of Directors Meeting

MOTION: Moved by Ms. Sheila Cote, seconded by Ms. Diana McBroom, to approve the Board meeting minutes for the Board of Directors Meeting on Thursday, February 27, 2025.

DISCUSSION:

None

VOTE: THE MOTION CARRIED.

7. Public Participation

Chairperson Mr. John Paul Rea declared the meeting open for Public Participation.

The following participants voiced their concerns and made comments:

- ➤ Jamie Jr. discussed being able to give virtual public comments. March's meeting was their first time attending in-person, and they experienced issues with parking and ramp accessibility. During bad weather, these problems can be further exacerbated. Much like DDOT, SMART serves a lot of people, some of whom have similar issues, and part of the reason why people wish to voice comments is to receive validation.
- ➤ Mr. Hasan Aoun of Wayne County voiced concerns regarding the contract scheduled to be awarded to Boulevard and Trumbull Towing, also known as Trumbull Towing. He alleged that Gasper Fiore has manipulated bids behind the scenes. He has served a cease-and-desist as of Monday morning. He also mentioned he was prepared to file a lawsuit should Trumbull Towing receive the contract, as its owner has been indicted by the FBI for corrupt and manipulative practices. He believes someone in the organization has received payment for this, as awarding a bid to someone with a record like that is implausible. He again urged SMART not to award the contract to Trumbull Towing.
- ➤ Mr. Joel Batterman of Wayne County happily reported that the 461 he took to get to the meeting was on time. He proposed a Hamtramck route as well as an extension of the Van Dyke into Detroit. He criticized the belief that 30 minutes between bus arrivals is high frequency—such is the minimum for Ann Arbor or even DDOT.
- ➤ Mr. Steven Boyle of Wayne County inquired about ridership after eight P.M.. If so, hours should be extended, as there are some workers who would love to have shifts at that time, but they may not be able to given the lack of transportation available to

them.

- ➤ Brother Cunningham of Wayne County stated that public comment should be virtual as well as in-person. While individuals are able to email comments over, people also want to have the ability to vocalize their comments as well, as it can be difficult for some to arrive to the meetings. He also mentioned that people should have a FAST bus on Van Dyke and Grand River. According to him, the Fort Street changes are great. SMARTer Mobility's flyers should be much more evenly distributed as well. Having printed schedules would also be a good thing. Lastly, he accused someone in the organization of gaslighting him. He expressed a desire to have that issue resolved at the next Board meeting.
- ➤ Mx. Lukas Laseki of Oakland County urged for SMART to restore virtual public comments, which were removed in April of 2023. Emails are seldom read, and all of this is not good for public policy.
- ➤ Ms. Donna Lowe alleges she has been discriminated against, as she used to get the dollar ride, but is no longer offered that anymore. Due to issues stemming from a car accident, she required physical therapy in the past, but does not anymore, but no longer can get the ride. She also has issues with drivers calling her "hon" and "babe," which makes her uncomfortable. Her ridership is limited, and her presence at the Board meeting forces her to leave her mother who battles with dementia. She also alleges profiling is taking place.
- ➤ Mr. Robert Pawlowski of Wayne County criticized changes for Wayne County, as some services in the Downriver Community. While he's supportive of FAST, it is only three routes. He suspects that the plan is to shift people over to FLEX, though that service is unreliable. Areas with less service should be improved. Public comment time should also extended to five minutes. However, Adopt-a-Stop moving forward is a good thing.
- ➤ Mr. Mike Rayner of Macomb County mentioned that public comments are great, but having Q&A segments is much more conducive to effective communication. He also mentioned there is no service to where jobs are in his area. Many of the people he's spoken with aren't familiar with Adopt-a-Stop, however, he thanked Corey Rowe, who was, and is optimistic about the program getting underway. The shelters are filthy; has anyone taken the bus to one of them to see what they look like?
- ➤ Mr. Demico Williams of Wayne County brought attention to public comments, specifically that they should be virtual once more. Also, there should be a FAST bus which goes down Grand River into downtown, preferably with extended hours. There should be a major transit hub for both SMART and DDOT to more effectively facilitate getting from the suburbs to downtown.
- ➤ Mr. Nick, general counsel for Boulevard and Trumbull Towing, availed himself to answer any questions posed by the Board.
- ➤ Mr. Thomas of J&T refuted the claim that Boulevard and Trumbull Towing were the lowest bidder. Based upon his analysis, they were not. He added his support to protesting the passing of the resolution.

8. Chairperson's Report

DISCUSSION:

Chairperson Mr. John Paul Rea stressed the importance of getting the Special Board Policy Committee Subcommittee meeting scheduled within the next couple months to discuss public comments and to ensure all practices are modern.

9. Financial Report

DISCUSSION:

ITEM REMOVED

10. General Manager's Report

DISCUSSION:

SMART's General Manager, Dwight Ferrell, had two things to report. Firstly, he spoke to the Northern Macomb Chamber of Commerce and discussed transit and the need for sustainable funding, which would assist with solving many issues brought up during public comment. SMART will be on Michigan Matters at nine o'clock, where transit and the access to jobs will be discussed.

11. Board Briefings

A. HR Hiring Update

MOTION: Moved by Ms. Sheila Cote, seconded by Mr. Assad Turfe to receive and file the HR Hiring Update.

DISCUSSION:

Presented by Tiffany Gunter. SMART's Deputy General Manager, provided the number of new hires and the total number of operators for fixed routes and paratransit, as well as mechanics were shared. SMART hired seventeen fixed route operators and two new mechanics between February 1 and February 28. As of February, six positions were open, but as of March, its 426 fixed route operator positions have been filled, with additional operators hired to account for attrition. 1341of its 142 paratransit operator positions have been filled, and 67 of 85 budgeted positions for mechanics are filled.

VOTE: THE MOTION CARRIED.

12. Old Business

A. Resolution: Authorization to Award a Contract for Towing Services for Fixed Route, Paratransit & Support Vehicles

MOTION: Moved by Ms. Diana McBroom, seconded by Ms. Sheila Cote, that the

General Manager of the Suburban Mobility Authority for Regional Transportation is hereby authorized to award a contract for towing services to Boulevard & Trumbull Towing, Inc. for an amount not to exceed \$661,494.00 for three years, starting April 1, 2025, through March 31, 2028, plus two, one-year renewal option periods for the amount not to exceed \$220,000.00 each, for an aggregate amount not to exceed \$1,101,494.00 for the five years.

Mr. Assad Turfe abstained during the vote.

DISCUSSION:

Laura Bieniek of SMART's General Counsel, mentioned, for the record, that SMART did receive a protest from J&T Towing as it relates to the contract, which was received before any potential award was issued. Policy requires that a protest must be received no later than five business days after the award is issued. SMART would be responding in time, but the protest was not received in a timely manner.

Tiffany Gunter presented the item to the Board of Directors, explaining the committee process and how the solicitation transpired. Legal, Finance, Procurement, and Maintenance all had representatives evaluating criteria for the solicitation bidders, pricing being the only thing being unequal. She expressed the urgency of awarding the contract, as the current towing contract ends on March 31.

Dwight Ferrell added that awarding the contract is a long-term strategy, counteracting the difficulty stemming from purchasing tow trucks, something which is being done.

Mr. Assad Turfe inquired about Boulevard and Trumbull being the sole bidder, requiring clarity about that statement. Ferrell mentioned they were considered the best option, though this is a reactionary move. Turfe asked about the bid protest, which Tiffany Gunter mentioned would not take place unless the Board awarded the contract.

Ms. Sheila Cote asked when internal towing would be available and how often they would use the contract. Gunter mentioned a timeline was being worked on, and Ferrell added likely within the next month following a procurement of vehicles, SMART would reveal their strategy going forward, though towing strategy would be revealed within six months.

Ms. Diana McBroom asked about the process for voting and if there would be a report back to the Board; Laura Bieniek answered that should a protest take place, it would be sent to the Board. McBroom followed up by asking if there could be a contract extension, which could not happen, according Ferrell. He added that SMART could see if the vendor would be willing to work with them for a contract extension.

Chairperson John Paul Rea addressed Laura Bieniek regarding the procurement process's legality, and the latter explained the process for procurement.

Turfe asked if there have been a history of contracts at SMART and inquired about the process. Ferrell explained why the contract had to be brought before the Board, comparing

and contrasting governmental approaches and that with transit. Bieniek added that there was a termination for convenience clause in the contract; as a result, Ferrell added that though it could cause long-term problems, it would be possible to terminate the contract if needed.

VOTE: THE MOTION FAILED.

13. New Business

A. Authorization to Award a Contract for One (1) 32-foot Medium-Duty Diesel Bus for the City of Sterling Heights

MOTION: Moved by Ms. Diana McBroom, seconded by Ms. Sheila Cote, that the General Manager of Suburban Mobility Authority for Regional Transportation is hereby authorized to award a contract to Hoekstra Transportation, Inc. for the purchase of one (1) 32-foot medium-duty diesel bus for the City of Sterling Heights. The vehicle will be purchased under a cooperative purchasing agreement through the State of Michigan – State Bus/Van Purchasing Program for an amount not to exceed \$253,823.00.

DISCUSSION:

Ms. Diana McBroom asked about the timeframe for the received vehicles. LeJuan Burt mentioned that it would be about 12-16 months, depending on the manufacturer and their load.

VOTE: THE MOTION CARRIED

B. Authorization to Award a Contract for Four (4) Medium-Duty 26-foot Gasoline Buses for Lake Erie Transit Commission

MOTION: Moved by Ms. Diana McBroom, seconded by Ms. Shela Cote, that the General Manager of Suburban Mobility Authority for Regional Transportation is hereby authorized to award a contract to Hoekstra Transportation, Inc. for the purchase of four (4) mediumduty 26-foot gasoline buses Lake Erie Transit Commission. The vehicles will be purchased under a cooperative purchasing agreement through the State of Michigan – State Bus/Van Purchasing Program for an amount not to exceed \$739,848.00.

DISCUSSION:

None

VOTE: THE MOTION CARRIED.

C. Authorization to Award a Contract for Forty-Nine (49) Small Class Gasoline Buses

MOTION: Moved by Ms. Diana McBroom, seconded by Ms. Sheila Cote, that the General Manager of Suburban Mobility Authority for Regional Transportation is hereby authorized to award a contract to Hoekstra Transportation, Inc. for the purchase of forty-

nine (49) small class gasoline buses. The vehicles will be purchased under a cooperative purchasing agreement through the State of Michigan – State Bus/Van Purchasing Program for an amount not to exceed \$7,430,681.00.

DISCUSSION:

Chairperson John Paul Rea asked if the newly-purchased buses would be going to all three counties and requested a read-out sent to the Board.

VOTE: THE MOTION CARRIED.

D. Authorization to Award a Contract for Non-Warranty Cummins Engine Repair

MOTION: Moved by Ms. Diana McBroom, seconded by Ms. Sheila Cote, that the General Manager of the Suburban Mobility Authority for Regional Transportation is hereby authorized to award a contract for non-warranty Cummins engine repair to Cummins Inc. DBA Cummins Sales and Service for an amount not to exceed \$600,000.00 for three years, starting April 1, 2025, through March 31, 2028, with two, one-year renewal option periods for the amount not to exceed \$200,000.00 each, for an aggregate amount not to exceed \$1,000,000.00 for the five years.

DISCUSSION:

NONE

VOTE: THE MOTION CARRIED.

E. Authorization to Award a Contract for Heavy Duty Batteries

MOTION: Moved by Ms. Diana McBroom, seconded by Ms. Sheila Cote, that the General Manager of the Suburban Mobility Authority for Regional Transportation is hereby authorized to award a contract for heavy duty batteries to Kirk's Automotive, Inc. for an amount not to exceed \$250,000.00 for three years, starting April 1, 2025, through March 31, 2028, plus two, one-year renewal option periods for the amount not to exceed \$90,000.00 each, for an aggregate amount not to exceed \$430,000.00 for the five years.

DISCUSSION:

None

VOTE: THE MOTION CARRIED.

F. Authorization to Award a Contract for Installation & Related Construction for Bus Shelters, Bus Stop Pads, & Other Transit Amenities

MOTION: Moved by Ms. Diana McBroom, seconded by Ms. Sheila Cote, that the General Manager of the Suburban Mobility Authority for Regional Transportation is hereby authorized to award a contract for installation and related construction for bus shelters, bus stop pads and other transit amenities to Complete Mechanical Contracting,

Inc. for an amount not to exceed \$3,600,000.00 for three-years, starting April 1, 2025, through March 31, 2028 plus two, one-year renewal option periods for the amount not to exceed \$1,200,000.00 each, for an aggregate amount not to exceed \$6,000,000.00 for the five years.

DISCUSSION:

Chairperson John Paul Rea asked how the work will be sequenced with other road projects. Harmony Lloyd mentioned working closely with MDOT and the Pontiac area regarding collaboration. Ms. Diana McBroom requested a list of projects and their locations. Rea added that something received quarterly to assist the Board in engagement would be helpful.

VOTE: THE MOTION CARRIED.

Tiffany C. Martin-Patterson

14. Board Member Business

DISCUSSION:

Chairperson John Paul Rea provided Dwight Ferrell the opportunity to address concerns with towing. Ferrell stated that SMART would negotiate with the current vendor then resolicit. He then asked Laura Bieniek how open record requests could be addressed. Bieniek highlighted the FOIA Exception which would cover SMART.

15. Adjournment

There being no further business to come before the Board. The meeting was adjourned at 3:28 P.M. upon a motion made by Mr. Assad Turfe, seconded by Ms. Sheila Cote, and unanimously carried.

Respectfully submitted,

Tiffany Martin-Patterson

Board Administrator

SUBURBAN MOBILITY AUTHORITY FOR REGIONAL TRANSPORTATION

SPECIAL BOARD POLICY COMMITTEE MEETING

PROPOSED MINUTES – April 17, 2025

The Board of Directors of the Suburban Mobility Authority for Regional Transportation (SMART) met on Thursday, April 17, 2025, at 10:00 PM virtually via Zoom.

ATTENDANCE

SMART Board Policy Committee: Chairperson Ms. Sheila Cote

Ms. Diana McBroom Mr. Assad Turfe

Other Board Members: Mr. John Paul Rea

(Board Chairperson, Ex Officio)

SMART General Manager: Mr. Dwight Ferrell

SMART Deputy GM & COO: Ms. Tiffany J. Gunter

SMART Board Administrator: Ms. Tiffany Martin-Patterson

SMART Staff Present: Ms. Laura Bieniek

Ms. De'Shalon Brownlee

Mr. Ryan Byrne Ms. Beth Gibbons Ms. Andrea Malinowski Mr. Bernard Parker Mr. D'Andrae Whitley

Mr. Danny Whitehouse

Public Registered: Mr. Steven Boyle

Brother Cunningham Mr. Duane Gholston

1. Call to Order

2. Roll Call

Present: Committee Chairperson Ms. Sheila Cote, Ms. Diana McBroom, Mr. Assad Turfe

Other Board Members: SMART Board Chairperson Mr. John Paul Rea

A quorum was present.

3. Adoption of Agenda

MOTION: Moved by Ms. Diana McBroom, seconded by Mr. Assad Turfe, to approve the Agenda for the Thursday, April 17, 2025 Special Board Policy Committee Meeting.

DISCUSSION

None

VOTE: THE MOTION CARRIED.

4. Certification of Public Notice

The Board Administrator read the Public Notice and Rules of Order into the record..

5. Public Participation

Chairperson Ms. Sheila Cote declared the meeting open for Public Participation.

The following participants voiced their concerns and made comments:

➤ Mr. Steven Boyle stated the following: "I was at a prior meeting in person, and I spoke a little bit about the access to opportunities that we experience as a as a transit rider without a vehicle, and right now my bicycle is down. It's difficult for me to consider employment in the suburbs, because the access to those opportunities is gone. We have segregated opportunities in the city and the metropolitan area, and it's based on the access that we provide through mass transit and also the economic growth organizations that consider tax abatements as something that can be long term.

We need to actually shorten up the term on tax abatement so that the taxes that are collected actually go into the systems for mass transit and take care of all people in the city, as well as our whole metropolitan area, so that we can actually get to where we would like to be able to get to. This would be a way that we can level the playing field for everyone and increase employment across the entire metropolitan area, by looking at how to serve people and making sure that these virtual meetings are

something that's normalized, so that people that are wherever they are.

I'll be going into work later tonight, and if you were to be having a meeting in the evening, I couldn't attend it, because I'm on my way to work. Now, if I'm on my way, I could potentially dial in on the meeting and participate in that way. So it gives us the flexibility to attend the meetings. And I appreciate the fact that this is a real world example of how people have access using the technology available. We need to embrace the opportunity to have hybrid meetings, where people can be both in person as well as virtual. There are many examples of how to do this. I hope that you embrace them and bring them into common practice.

➤ Brother Cunningham of Wayne County stated the following: "I have a lot of people who are disabled and they have difficulty emailing and things of that nature. And then when they come downtown, parking is expensive, their wheelchair lift or whatever cannot outlet because there's no spot to let the mobility equipment out of the vehicle, and it's difficult for them. As you heard in the last board meeting. Miss Jamie Junior, who's an advocate for the disabled, would prefer a virtual public comment. We know the meeting is virtual, but the key part is that the public comment be virtual and verbal, not just email.

"I spoke to a higher up at SMART and they said, We don't want the meetings to draw on and on and on, and we don't want to waste the board's time that person needs to go. This is a business of helping people. The Bible says, "What you've done unto the least of these you have done unto me. I don't have any degrees. Folks are trying to get to work, school, play, to use your system, and they have a right to verbally do public comment. And I end on that topic

"I'd like to shout out, Miss Gunter, Miss Tiffany Gunter, for all the great work that she does, and being in her position of power, how much humility she has. And please know that I'm praying for smart Miss Gunter in particular. And please listen to the people. There's folks today that may be speaking about virtual public comment as well. Please don't let it just fall on deaf ears, because we come all the time. I don't get paid. I don't get a salary. I don't work for anyone."

➤ Mr. Duane Gholston stated the following: "I'm a lifelong Detroiter and bus rider. Myself, I've never owned a car and mainly ride a DDOT bus but occasionally take the SMART bus to go to the airport ... What I feel needs to be addressed is that I work with Warriors on Wheels in Metropolitan Detroit as a disability advocate, and I have heard that some of our constituents told us that virtual public comments have been limited to the point where they feel that their voices won't be heard unless they appear in person.

It's not just about people with disabilities. I don't have a disability myself, but again, I don't drive. It shouldn't only be a special request to be made ahead of time. I feel as if that, just like all accessible accommodations, it benefits human community as a whole once we implement them to make them more inclusive for one group, so that everyone else can be a part of it as well.

I also want to echo the point that I'm bad with names. I know someone mentioned it earlier. I think it was Mr. Boyle, earlier in the call, mentioned about the job opportunities in a suburb being different from separate from folks in Detroit due to the lack of transportation access, and that's something I do want to stress that's really important, that remember that it's about jobs, keeping the community going, keeping the money flowing in our communities and in our economy. It's not just about a charity, getting to school or attending a meeting.

> Mx. Lukas Laseki of Oakland County stated the following: "I wanted to add my voice to the choir, asking the Board to restore virtual public comment at all meetings, because it is definitely necessary for the board to fully accommodate the needs of the interested public, especially the disabled folks who can't easily get to the Buhl building at two o'clock on a Thursday. But that really applies to a lot of people, even if not disabled, their schedules might not permit them to make the trip downtown to give their input on what smart is doing.

"Now, it was about two years ago that I gave the last virtual public comment at a smart board meeting. To date, I remember talking about flex during that meeting and hearing just a few minutes later that the board would remove virtual public comment with no prior knowledge, no prior notice to the public, nor any reason given. If I'm not mistaken ... neither you, Madam Chair, nor Ms. McBroom, nor Mr. Turfe were present at the time, and I really would like the board to restore virtual public comment. I'm giving my reasons, but I hope, that this message is heard and considered.

"In addition, I'd appreciate if special meetings like this are called in the future, that the public be given more than a day's notice. It's hard to organize and get ready to go to a meeting on only about a day's notice, and make sure the agendas are posted too, because as of the start of this meeting, there was no agenda for this meeting posted, as far as I could find on the smart website. So, no one in the public really knows what's going to be discussed today."

➤ Mr. Robert Pawlowski of Wayne County stated the following: "I'd like to thank the Board and all of the members for being able to host this hearing today, but really to specifically address my concerns regarding current Board policy at this time. So, as you all know, we have been using only in-person public comments for the last several months. The last time we had a virtual public comment was on January 26 of 2023. During that time, we also had conversations from the Board, changing the virtual and in person public comment setting to just in person, while trimming down the meeting time for our comments to three minutes.

Along that time, we did not have any agendas or any meeting postings during this change from February, March and April ... I'm very concerned as to excuse me, why they were cut, why we got to this point, and why does it we have to keep bringing this up every meeting, and it's not just me that's bringing it up. It's everyone else in

our realm that is bringing up the bringing back of our public comments virtually.

It's very inaccessible for folks to not be able to come down to the Buhl building and make their comments. Some people can't make it on Thursday afternoon. Sometimes I can't. ... It's very undemocratic, and I hope that this new board, this newly elected board, really looks at this as a very serious issue, and moves forward with the best possible solution to make it accessible for everyone, and makes it to where everyone can share their concerns about the system at each meeting,"

6. Chairperson's Report

DISCUSSION:

Committee Chairperson Ms. Sheila Cote expressed gratitude for everyone attending the meeting and acknowledged the desire for virtual public comment restoration.

7. Committee Information, Organization, and Staff Recommendations

DISCUSSION:

SMART's General Counsel, Laura Bieniek outlined the Special Committee's purpose: to review and potentially recommend updates to SMART's twenty-one Board policies, some of which are outdated.

Bieniek recommends amending the board policy to allow SMART to enter into inter-local and governmental agreements with entities that have already procured certain contracts, as encouraged by the FTA to save time and resources.

Tiffany Gunter, SMART's Deputy General Manager, provided an example of proactive procurement: acquiring fare boxes immediately after DDOT—which would have been simple given both use DART for fare payment.

8. Committee Business

A. Recommendation to Amend Public Participation Procedure to Allow for Virtual Public Comment

MOTION: Moved by Mr. Assad Turfe, seconded by Ms. Diana McBroom that restoration of virtual public comments for SMART's Board of Directors meetings be brought to the full Board for discussion and voting.

DISCUSSION:

Ms. Diana McBroom suggested a way to consolidate remarks, possibly by electing a spokesperson to state common issues. Alternatively, there could be two public comment periods: one pertaining to prioritized agenda items, the other devoted to non-agenda items. Additionally, speakers should undergo some sort of verification for follow-up, possibly by

providing a phone number or email address.

Board Chairperson John Paul Rea, as an ex officio member, stated this was of paramount importance and would be discussed at the next Board meeting.

VOTE: THE MOTION CARRIED

B. Recommendation to Amend Board Policy #1 to Allow for SMART to Enter Into State and Local Intergovernmental Agreements for Procurements or Use of Common or Shared Goods and Services.

MOTION: Moved by Ms. Diana McBroom, seconded by Mr. Assad Turfe, that an amendment for Board Policy #1, which allows for SMART to enter into State and Local Intergovernmental Agreements for Procurements or Use of Common or Shared Goods and Services be presented to the full Board of Directors for discussion.

DISCUSSION:

Committee Member Diana McBroom asked for clarification, which was provided by Laura Bieniek and Dwight Ferrell, SMART's General Manager. Mr. Assad Turfe inquired about the RFP process, specifically with respect to outreach to educate business owners and the public regarding any RFPs sent out.

Ferrell mentioned that any RFPs are put out publicly, however what impacts SMART can be its own policies and procedures. Seeking additional clarification, Turfe asked what else is done during the RFP process, as some business owners may not be aware of the channels SMART uses. SMART's Vice President of Strategic Initiatives seeks to attract more business about opportunities.

Deputy General Manager Tiffany Gunter added that SMART also advertises in Michigan news websites, which the public has access to, as well as hosting pre-bid meetings to inform others in the community. Ferrell added that the process is evolving, and transparency is paramount.

VOTE: THE MOTION CARRIED.

9. Adjournment

There being no further business to come before the Board. The meeting was adjourned at 10:46 A.M. upon a motion made by Mr. Assad Turfe, seconded by Ms. Diana McBroom, and unanimously carried.

Respectfully submitted,

Tiffany Martin-Patterson

Board Administrator

Tiffany C. Martin-Patterson

MEMORANDUM

TO: SMART Board of Directors

FROM: Committee Chairperson

DATE: April 24, 2025

SUBJECT: Special Board Policy Committee Report



agenda item

DATE: April 24, 2025 DISPOSITION SOUGHT: Board Approval

TO: SMART Board of Directors SUBMITTED BY: Special Board Policy Committee

FROM: Special Board Policy Committee APPROVED BY: General Manager

SUBJECT: Authorization to Amend SMART Board of Directors Policy No. 1

RECOMMENDATION

That the Suburban Mobility Authority for Regional Transportation (SMART) Board adopt the attached resolution authorizing an amendment to Board Policy No. 1 to permit SMART to enter into State or Intergovernmental agreements for procurements or use of common or shared goods and services, provided that, where applicable, all General Conditions of the Board Policy can be met.

DISCUSSION

Article II, Section 14 of the SMART Board of Directors' By-Laws provides that, "the Board shall from time to time issue policy memoranda, the purpose of which is to maintain continuity, coherence and consistency in the policies of the Board for the benefit of all Board members and for the guidance of the General Manager as Chief Executive Officer and staff." In the FTA's Third-Party Contracting Guidance, FTA C 4220.1G, the FTA "encourages governmental recipients to enter into State and local intergovernmental agreements for procurements or use of common or shared goods and services." This would reduces cost and enable SMART to save resources in its procurement process. On April 17, 2025, the Special Board Policy Committee met to discuss a revision to Board Policy No. 1. to allow SMART to enter into State or Intergovernmental agreements for procurements or use of common or shared goods and services, provided that, where applicable, all General Conditions of the Board Policy can be met. The Special Board Policy Committee voted to bring this recommendation to the full Board. The Board, upon the recommendation of SMART Staff and the Special Board Policy Committee, has decided to revise Policy 1 in order to allow SMART to enter into State or Intergovernmental agreements for procurements or use of common or shared goods and services, provided that, where applicable, all General Conditions of the Board Policy can be met. Attached is a copy of the revision that would accomplish this goal, should the Board decide to approve it. Should the Board approve the revision, all contracts for purchases of goods or services currently requiring Board Approval would continue to require Board Approval. All other portions of Policy No. 1 would remain unchanged.

The proposed revision is below in italics and underlined:

Date: April 24, 2025

Policy Number: 1

Subject

SMART Contracting Policy

* * *

Procedure

STATEMENT OF POLICY

The General Manager shall be responsible to the Board in both competitive and non-competitive arrangements as follows: for the recommended selection of the contractor; legality and propriety of the procurement; and, contracting procedures utilized. In all cases other than those specifically

excluded in this section, the contract shall be awarded in compliance with the current FTA circular governing third party contracting, Michigan Public Act 204, as amended and other applicable federal, state and local laws, rules, and regulations and the terms of any applicable state or federal grant contracts. Contracts funded exclusively with local revenue may purchase goods and services using state contracts (when such contracts exist) through the MiDEAL extended purchasing program (MiDEAL is authorized by Act 431 of 1984), provided all General Conditions of this Board Policy can be met. *The Authority may enter into other State or Intergovernmental agreements for procurements or use of common or shared goods and services, provided that, where applicable, all General Conditions of this Board Policy can be met.* All contracts for goods in excess of \$50,000 per year, all contracts for services rendered to the Authority, including professional services, in excess of \$50,000 per year, all agreements whereby the Authority is the lessee of real property for an aggregate or single fee in excess of \$50,000 per year, and all lease agreements involving personal property greater than \$50,000 per year, shall be approved by the Board. The General Manager may execute collective bargaining agreements pursuant to the provisions of SMART Policy No. 15.

* * *

FUNDING & COSTS

The recommended change to Policy 1 is not expected to affect the SMART budget.

ATTACHMENTS

- Current Policy No. 1
- Proposed Amended Policy No. 1
- Resolution



SUBURBAN MOBILITY AUTHORITY FOR REGIONAL TRANSPORTATION

RESOLUTION

	Authorization to Amend SMART Board of Directors Policy No. 1		
Whereas,	The Suburban Mobility Authority for Regional Transportation (SMART), pursuant to the provisions of Act 204, P.A. 1967 as amended, is empowered to acquire, plan, contract, operate, and maintain public transportation systems and facilities within its jurisdiction; and		
Whereas,	Board Policy No. 1 was developed by the SMART Board of Directors in 1988, and has been revised on several occasions since then; and		
Whereas,	After careful consideration, and upon the recommendation of SMART staff and the Special Board Policy Committee, the SMART Board of Directors, by this Resolution, amends Board Policy No. 1 to allow the Authority to enter into State or Intergovernmental agreements for procurements or use of common or shared goods and services, provided that, where applicable, all General Conditions of the Board Policy can be met; now therefore be it;		
Resolved,	That the SMART Board of Directors hereby amends Board Policy No. 1 to state that "The Authority may enter into other State or Intergovernmental agreements for procurements or use of common or shared goods and services, provided that, where applicable, all General Conditions of this Board Policy can be met." All other provisions remain unchanged.		
CERTIFICATE			
Transportation	ned, duly qualified Board Secretary of the Suburban Mobility Authority for Regional a, certifies the foregoing is a true and correct copy of a resolution adopted at a legally eting of the Board of the Suburban Mobility Authority for Regional Transportation held		

Board Secretary

on April 24, 2025.

Date

Date October 26, 2017

Number 1

Subject

SMART Contracting Policy

Purpose

To establish rules, procedures, and guidelines governing contract administration.

Scope

The General Manager and Members of the Board.

Procedure

STATEMENT OF POLICY

The General Manager shall be responsible to the Board in both competitive and non-competitive arrangements as follows: for the recommended selection of the contractor; legality and propriety of the procurement; and, contracting procedures utilized. In all cases other than those specifically excluded in this section, the contract shall be awarded in compliance with the current FTA circular governing third party contracting, Michigan Public Act 204, as amended and other applicable federal, state and local laws, rules, and regulations and the terms of any applicable state or federal grant contracts. Contracts funded exclusively with local revenue may purchase goods and services using state contracts (when such contracts exist) through the MiDEAL extended purchasing program (MiDEAL is authorized by Act 431 of 1984), provided all General Conditions of this Board Policy can be met. All contracts for goods in excess of \$50,000 per year, all contracts for services rendered to the Authority, including professional services, in excess of \$50,000 per year, all agreements whereby the Authority is the lessee of real property for an aggregate or single fee in excess of \$50,000 per year, and all lease agreements involving personal property greater than \$50,000 per year, shall be approved by the Board. The General Manager may execute collective bargaining agreements pursuant to the provisions of SMART Policy No. 15.

I. GENERAL CONDITIONS

- A. The General Counsel of the Authority shall review all contracts of the Authority to assure their sufficiency as to form, compliance with laws and regulations, terms of applicable grant contracts, and to otherwise protect the best interest of the Authority.
- B. All competitive procurement transactions in excess of \$2,500 shall be conducted in a manner so as to provide maximum full and open competition.
- C. Proposed procurement actions shall be reviewed by the General Manager to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.
- D. Invitations for bids or requests for proposals shall be based upon a clear and

Page 2

accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used only when an adequate specification or more detailed description cannot be provided. When used, the description must carefully identify the minimum needs and clearly set forth those salient physical and functional characteristics of the brand name product in the solicitation. The Authority will abide by the "Buy America" provisions of the Surface Transportation Assistance Act of 1978 (P. L. 95-599) and applicable FTA regulations (43 FR 57144 and 49 CFR 660), except in cases where a purchase funded exclusively with local revenue can be completed using state contract(s) through the MiDEAL extended purchasing program.

- E. Positive efforts shall be made by SMART to utilize Disadvantaged Business Enterprise sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts. Efforts shall be taken by the General Manager to implement the Authority's Affirmative Action Policy.
- F. The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.) shall be appropriate for the particular procurement and for promoting the best interest of SMART.
- G. Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as SMART's EEO/AA Program, contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary sources.
- H. The General Manager shall be responsible for assuring that all firms doing business with the Authority (for construction, equipment, professional services or materials/supplies) are legally and professionally qualified to perform the services at competitive costs and are capable of demonstrating financial responsibility. Financial responsibility will be determined through a review of financial statements, or if unavailable, the General Manager may require sufficient bonding to assure completion of the work contracted for.
- I. Procurement records or files for purchases in amounts in excess of \$2,500, shall provide adequate records to justify the procurement method used, the reason for contractor selection or rejection, the selection of contract type, and the basis for the contract cost or price. In the case of non-competitive solicitations, the procurement records should indicate the justification for the non-competitive solicitation.
- J. For all contracts that require Board approval, the General Manager shall certify that the procurement and selection procedures undertaken by staff are in accordance with the laws of the federal and state governments, and that the Board, by adopting the resolution, will not be breaching any duties as defined by these laws.
- K. For all competitive contracts that exceed \$25,000 and all non-competitive contracts that exceed \$15,000 the General Manager shall certify that the procurement and selection procedures undertaken by staff are in accordance with the laws of the Federal and State governments, and that the Board, by adopting the resolution, will not be breaching any duties as defined by these laws.
- L. For all competitive contracts of \$25,000 or less and for all non-competitive contracts of \$15,000 or less the General Manager shall establish internal administration procedures to be used by the Authority.

M. The General Manager shall generally establish an evaluation committee for the purpose of evaluating responses to RFP's and providing recommendations to the General Manager. The evaluation committee shall document their proceedings and said documents shall be available to the Board on request.

II. PROCUREMENT PROCEDURES

A. Competitive Contracts

Unless adequate justification exists for a non-competitive arrangement the General Manager shall secure competitive pricing for all contracts between \$2,500 and \$25,000 other than architect/engineering services. For contracts over \$25,000, the General Manager shall publicly advertise.

B. Non-Competitive Contracts

Non-competitive procurements may be utilized if:

- 1. An exigency or emergency will not permit the delay resulting from following competitive requirements;
- 2. The good or service to be procured is available from only one source;
- 3. No acceptable quotes, bids or proposals have been received after following competitive requirements;
- 4. The Federal Transit Administration authorizes non-competitive negotiations; or.
- 5. The item is an associated capital maintenance item, i.e. as defined in 49 U.S.C. §5307 (a)(l) that is procured directly from the original manufacturer or supplier of the item to be replaced.

C. Equal Opportunity-Affirmative Action

No contract shall be awarded to any consultant, contractor or any other party who is not in compliance with equal opportunity and affirmative action laws of the federal government, the State of Michigan and the Equal Oppoltunity and Affirmative Action policies of the Authority. The General Manager shall certify compliance of all contractors according to SMART Policy Statement No. 3 Certification of EEO/AA Requirements.

D. <u>Disadvantaged Business Enterprise</u>

SMART will continue efforts that ensure disadvantaged business enterprises are given the maximum practicable opportunity to participate in the award of contracts for service and supplies. SMART will additionally strive to require that all third party contracts for goods and services will do the following: (1) allocate a designated percentage of their total contract award for disadvantaged business enterprises companies or firms to perform a commercially useful function is defined as executing a distinct element of the work of a contract by actually performing, managing and supervising the work involved, and (2) consider

making a financial or other contribution to an institution, agency, organization, etc., conducting an approved training program for minorities (amount and/or program to be determined and approved by the General Manager in accordance with Board policy). To ensure that a designated percentage of its contracts are placed with disadvantaged business enterprises, the Authority will include, but not limit, its efforts to the following:

- 1. Contract set-aside arrangements
- 2. Joint venture arrangements
- 3. Negotiated agreements
- 4. Any combination of the above or the introduction of other programs which will provide substantial and reasonable opportunities for minority business participation in SMART created awards.

E. Acquisition of Other Property

The General Manager shall obtain two (2) independent appraisals for real or personal property not normally acquired through competitive bidding, such as the purchase of land. In the acquisition of transit property, the company's independent appraiser may make one of the appraisals, provided they are technically qualified to appraise transit properties and provided their report fully documents and supports their evaluation. The purchase price, for real or personal property, may be negotiated within the limits of the two appraised values.

III. CONTRACT DOCUMENTS

A. Contract Terms

All contracts shall contain such provisions or conditions which protect the best interest of the Authority and shall be in compliance with the terms of applicable federal, state and local laws, regulations and ordinances.

B. Grant Contracts

Where project funding is obtained pursuant to a grant contract, all requirements of the grant shall be adhered to and contractual documents executed by the Authority shall reflect such requirements where appropriate.

C. Remedies

Contracts shall contain such provisions or conditions which will allow for administrative, contractual or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions, penalties or liquidated damages as may be appropriate.

D. Indemnification

All procurements contracts and all professional service contracts shall include a provision that the contractor shall indemnify, defend and save harmless the Authority, its officers, agents, employees and members of the Board of the Suburban Mobility Authority For Regional Transportation from any and all liability claims and losses occurring or resulting from any act, omission or negligence of or chargeable to the contractor, its officers, agents, employees, or subcontractors, arising under and pursuant to the contract. Regarding contracts entered into with agencies of departments of the state of Michigan, the following language shall be applicable: "It is hereby agreed that the AUTHORITY shall assume no liability for any actions or inaction's of the DEPARTMENT, its

officers, agents or employees relative to the DEPARTMENT's obligations under the terms of this contract, nor shall the DEPARTMENT assume any liability for any actions or inaction's of the AUTHORITY, its officers, agents or employees relative to the AUTHORITY's obligations under the terms of the contract."

E. Compliance with Laws

All contracts shall include a provision that the consultant or contractor shall, in the performance of the contract, be in compliance with applicable federal, state and local statutes, ordinances and regulations.

F. Insurance

- 1. All contracts, as applicable, shall provide that the contractor maintain comprehensive general liability insurance in an amount not less than \$1,000,000 including contractual liability (as well as products and completed automobile insurance of less operations), and not than \$250,000/\$500,000/\$250,000 and statutory Worker's Compensation coverage. In instances where the General Manager deems it appropriate, different insurance requirements may be established, provided that if limits are lowered the General Manager shall include such special insurance requirements in the Board resolution approving the contract.
- 2. All contractors shall be required to furnish certificates of insurance from their insurance carriers showing the amount, extent of coverage and expiration date of the policy and SMART shall generally be named as an additional insured and shall be given thirty (30) days written notice prior to cancellation or expiration of the policy.
- 3. If the contractor is self-insured, the insurance requirements of Sections 1 and 2 above may be waived by the General Manager provided that the certificate of the appropriate state agency has been furnished to SMART and that the General Manager, in the Board resolution authorizing the execution of the contract, shall certify that appropriate provisions have been made to protect the interest of the Authority.

G. Bonding Requirements

For construction or facility improvement contracts or sub-contracts, the following rules shall apply:

- 1. Contracts exceeding \$100,000, a bid guarantee from each bidder equivalent to five percent (5%) of the bid price shall be required. The bid guarantee shall consist of a firm commitment such as a bid bond or certified check and with prior approval of the General Manager other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- 2. Contracts exceeding \$100,000, a performance bond on the part of the contractor shall be required, for 100% of the contract price. A "performance bond" is one executed shortly after the award of a contract to secure fulfillment of all the contractor's obligations under such contract.

- 3. Contracts exceeding \$100,000, a payment bond on the part of the contractor shall be required for 50% of the contract price up to \$1,000,000. A "payment bond" is one executed in connection with a contract to assure payment, as required by law, of all persons supplying labor and material in the execution of the work provided for in the contract.
- 4. Contracts under \$100,000, the following minimum bonds will be required:
 - a) Bid Bonds

0 - \$100,000 Not mandatory b) Performance Bonds \$25,000 - \$100,000 50% - \$25,000 Not mandatory c) Payment Bonds

\$50,000 - \$100,000 25% - \$ 50,000 Not mandatory

- 5. Bid, performance and payment bonds shall not be mandatory on nonconstruction projects.
- 6. When essential to the best interests of the Authority, or as required by law, the General Manager may waive or require bonding, or may increase bonding amounts on any contract or purchase. In determining when bonds should be required, the General Manager shall be guided by the provisions of the FTA External Operating Manual, federal procurement regulations, the State Administrative Manual, and the U.S. Department of Transportation Minority Business Enterprise regulations. If a performance bond is required for the full contract price, the General Manager shall certify, in the Board resolution approving the contract, that the Director of Finance has reviewed the financial statements of the contractor and is satisfied that the contractor has the potential to perform under the terms of the contract.

H. Contract Change Orders

In order to provide a means of effecting uninterrupted progress on any procurements governed by this policy, the General Manager may authorize changes subject to the following:

- 1. The cumulative amount of such changes shall not increase the total amount of the original approved project contract by more than ten percent (10%).
- 2. A single change order shall not be in excess of Fifty Thousand Dollars (\$50,000).
- 3. Change orders to a contract that did not initially have board approval causing a contract amount to exceed \$50,000 shall be approved by the board.
- 4. It is not the intent of this authorization to allow the General Manager to make change orders that materially change the scope and size of the project.
- 5. The General Manager shall also implement such internal policies and procedures as are necessary for the administration of contract change orders.

IV. LEASE AGREEMENTS

A. Ownership

Title to the project equipment shall at all times remain with SMART (lessor) unless otherwise provided for under the terms of the grant contract or administrative regulations. Upon termination of the lease agreement, or if the lessee ceases operations, the equipment shall be returned to SMART in the same condition as when received by the lessee, reasonable wear and tear resulting from use thereof excepted.

B. Use of Property

Unless otherwise agreed to by the Board, equipment shall be operated by the lessee to serve the best interest and welfare of the public.

C. Maintenance of Property

Lessee shall maintain equipment at a high level of cleanliness, safety, and mechanical soundness under maintenance procedures outlined by SMART. SMART shall have the right to conduct periodic maintenance inspections for the purpose of confirming the existence, condition and proper maintenance of the project equipment.

D. Insurance

Lessee will carry proper insurance covering losses that may be incurred as a result of the operation and maintenance of project equipment and SMART, where practical, will be a named insured upon any such insurance policies maintained by lessee. Lessee shall provide SMART with cellificates indicating that such insurance is in effect prior to possession.

E. Self-Insurance

Where the lessee is self-insured, the insurance requirements in paragraph D above may be waived by the General Manager provided that the General Manager, in the Board resolution authorizing the execution of the lease, shall certify that appropriate provisions have been made to protect the interest of the Authority.

F. Indemnification

All lease agreements shall include a provision that the lessee shall indemnify, defend and save harmless the Authority, its officers, agents, employees and members of the Board of the Suburban Mobility Authority for Regional Transportation from any and all liability claims and losses occurring or resulting from any act, omission or negligence of or chargeable to the lessee, its officers, agents, employees, or subcontractors, arising under the pursuant to the lease agreement.

Date April 24, 2025

Number 1

Subject

SMART Contracting Policy

Purpose

To establish rules, procedures, and guidelines governing contract administration.

Scope

The General Manager and Members of the Board.

Procedure

STATEMENT OF POLICY

The General Manager shall be responsible to the Board in both competitive and non-competitive arrangements as follows: for the recommended selection of the contractor; legality and propriety of the procurement; and, contracting procedures utilized. In all cases other than those specifically excluded in this section, the contract shall be awarded in compliance with the current FTA circular governing third party contracting, Michigan Public Act 204, as amended and other applicable federal, state and local laws, rules, and regulations and the terms of any applicable state or federal grant contracts. Contracts funded exclusively with local revenue may purchase goods and services using state contracts (when such contracts exist) through the MiDEAL extended purchasing program (MiDEAL is authorized by Act 431 of 1984), provided all General Conditions of this Board Policy can be met. The Authority may enter into other State or Intergovernmental agreements for procurements or use of common or shared goods and services, provided that, where applicable, all General Conditions of this Board Policy can be met. All contracts for goods in excess of \$50,000 per year, all contracts for services rendered to the Authority, including professional services, in excess of \$50,000 per year, all agreements whereby the Authority is the lessee of real property for an aggregate or single fee in excess of \$50,000 per year, and all lease agreements involving personal property greater than \$50,000 per year, shall be approved by the Board. The General Manager may execute collective bargaining agreements pursuant to the provisions of SMART Policy No. 15.

I. GENERAL CONDITIONS

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C. Proposed procurement actions shall be reviewed by the General Manager to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

- D. Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used only when an adequate specification or more detailed description cannot be provided. When used, the description must carefully identify the minimum needs and clearly set forth those salient physical and functional characteristics of the brand name product in the solicitation. The Authority will abide by the "Buy America" provisions of the Surface Transportation Assistance Act of 1978 (P. L. 95-599) and applicable FTA regulations (43 FR 57144 and 49 CFR 660), except in cases where a purchase funded exclusively with local revenue can be completed using state contract(s) through the MiDEAL extended purchasing program.
- E. Positive efforts shall be made by SMART to utilize Disadvantaged Business Enterprise sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts. Efforts shall be taken by the General Manager to implement the Authority's Affirmative Action Policy.
- F. The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.) shall be appropriate for the particular procurement and for promoting the best interest of SMART.
- G. Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of proposed procurement. Consideration shall be given to such matters as SMART's EEO/AA Program, contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary sources.
- H. The General Manager shall be responsible for assuring that all firms doing business with the Authority (for construction, equipment, professional services or materials/supplies) are legally and professionally qualified to perform the services at competitive costs and are capable of demonstrating financial responsibility. Financial responsibility will be determined through a review of financial statements, or if unavailable, the General Manager may require sufficient bonding to assure completion of the work contracted for.
- I. Procurement records or files for purchases in amounts in excess of \$2,500, shall provide adequate records to justify the procurement method used, the reason for contractor selection or rejection, the selection of contract type, and the basis for the contract cost or price. In the case of non-competitive solicitations, the procurement records should indicate the justification for the non-competitive solicitation.
- J. For all contracts that require Board approval, the General Manager shall certify that the procurement and selection procedures undertaken by staff are in accordance with the laws of the federal and state governments, and that the Board, by adopting the resolution, will not be breaching any duties as defined by these laws.

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- K. For all competitive contracts that exceed \$25,000 and all non-competitive contracts that exceed \$15,000 the General Manager shall certify that the procurement and selection procedures undertaken by staff are in accordance with the laws of the Federal and State governments, and that the Board, by adopting the resolution, will not be breaching any duties as defined by these laws.
- L. For all competitive contracts of \$25,000 or less and for all non-competitive contracts of \$15,000 or less the General Manager shall establish internal administration procedures to be used by the Authority.
- M. The General Manager shall generally establish an evaluation committee for the purpose of evaluating responses to RFP's and providing recommendations to the General Manager. The evaluation committee shall document their proceedings and said documents shall be available to the Board on request.

II. PROCUREMENT PROCEDURES

A. Competitive Contracts

Unless adequate justification exists for a non-competitive arrangement the General Manager shall secure competitive pricing for all contracts between \$2,500 and \$25,000 other than architect/engineering services. For contracts over \$25,000, the General Manager shall publicly advertise.

B. Non-Competitive Contracts

Non-competitive procurements may be utilized if:

- 1. An exigency or emergency will not permit the delay resulting from following competitive requirements;
- 2. The good or service to be procured is available from only one source;
- 3. No acceptable quotes, bids or proposals have been received after following competitive requirements;
- 4. The Federal Transit Administration authorizes non-competitive negotiations; or.
- 5. The item is an associated capital maintenance item, i.e. as defined in 49 U.S.C. §5307 (a)(l) that is procured directly from the original manufacturer or supplier of the item to be replaced.

C. Equal Opportunity-Affirmative Action

No contract shall be awarded to any consultant, contractor or any other party who is not in compliance with equal opportunity and affirmative action laws of the federal government, the State of Michigan and the Equal Oppoltunity and Affirmative Action policies of the Authority. The General Manager shall certify compliance of all contractors according to SMART Policy Statement No. 3 Certification of EEO/AA Requirements.

D. <u>Disadvantaged Business Enterprise</u>

SMART will continue efforts that ensure disadvantaged business enterprises are given the maximum practicable opportunity to participate in the award of contracts for service and supplies. SMART will additionally strive to require that all third party contracts for goods and services will do the following: (1) allocate a designated percentage of their total contract award for disadvantaged business enterprises companies or firms to perform a commercially useful function is defined as executing a distinct element of the work of a contract by actually performing, managing and supervising the work involved, and (2) consider

making a financial or other contribution to an institution, agency, organization, etc., conducting an approved training program for minorities (amount and/or program to be determined and approved by the General Manager in accordance with Board policy). To ensure that a designated percentage of its contracts are placed with disadvantaged business enterprises, the Authority will include, but not limit, its efforts to the following:

- 1. Contract set-aside arrangements
- 2. Joint venture arrangements
- 3. Negotiated agreements
- 4. Any combination of the above or the introduction of other programs which will provide substantial and reasonable opportunities for minority business participation in SMART created awards.

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The General Manager shall obtain two (2) independent appraisals for real or personal property not normally acquired through competitive bidding, such as the purchase of land. In the acquisition of transit property, the company's independent appraiser may make one of the appraisals, provided they are technically qualified to appraise transit properties and provided their report fully documents and supports their evaluation. The purchase price, for real or personal property, may be negotiated within the limits of the two appraised values.

III. CONTRACT DOCUMENTS

A. Contract Terms

All contracts shall contain such provisions or conditions which protect the best interest of the Authority and shall be in compliance with the terms of applicable federal, state and local laws, regulations and ordinances.

B. Grant Contracts

Where project funding is obtained pursuant to a grant contract, all requirements of the grant shall be adhered to and contractual documents executed by the Authority shall reflect such requirements where appropriate.

C. Remedies

Contracts shall contain such provisions or conditions which will allow for administrative, contractual or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions, penalties or liquidated damages as may be appropriate.

D. <u>Indemnification</u>

All procurements contracts and all professional service contracts shall include a provision that the contractor shall indemnify, defend and save harmless the Authority, its officers, agents, employees and members of the Board of the Suburban Mobility Authority For Regional Transportation from any and all liability claims and losses occurring or resulting from any act, omission or negligence of or chargeable to the contractor, its officers, agents, employees, or subcontractors, arising under and pursuant to the contract. Regarding contracts entered into with agencies of departments of the state of Michigan, the following language shall be applicable: "It is hereby agreed that the AUTHORITY

shall assume no liability for any actions or inaction's of the DEPARTMENT, its officers, agents or employees relative to the DEPARTMENT's obligations under the terms of this contract, nor shall the DEPARTMENT assume any liability for any actions or inaction's of the AUTHORITY, its officers, agents or employees relative to the AUTHORITY's obligations under the terms of the contract."

E. Compliance with Laws

All contracts shall include a provision that the consultant or contractor shall, in the performance of the contract, be in compliance with applicable federal, state and local statutes, ordinances and regulations.

F. Insurance

- 1. All contracts, as applicable, shall provide that the contractor maintain comprehensive general liability insurance in an amount not less than \$1,000,000 including contractual liability (as well as products and completed automobile insurance of operations), and not less than \$250,000/\$500,000/\$250,000 and statutory Worker's Compensation coverage. In instances where the General Manager deems it appropriate, different insurance requirements may be established, provided that if limits are lowered the General Manager shall include such special insurance requirements in the Board resolution approving the contract.
- 2. All contractors shall be required to furnish certificates of insurance from their insurance carriers showing the amount, extent of coverage and expiration date of the policy and SMART shall generally be named as an additional insured and shall be given thirty (30) days written notice prior to cancellation or expiration of the policy.
- 3. If the contractor is self-insured, the insurance requirements of Sections 1 and 2 above may be waived by the General Manager provided that the certificate of the appropriate state agency has been furnished to SMART and that the General Manager, in the Board resolution authorizing the execution of the contract, shall certify that appropriate provisions have been made to protect the interest of the Authority.

G. Bonding Requirements

For construction or facility improvement contracts or sub-contracts, the following rules shall apply:

- 1. Contracts exceeding \$100,000, a bid guarantee from each bidder equivalent to five percent (5%) of the bid price shall be required. The bid guarantee shall consist of a firm commitment such as a bid bond or certified check and with prior approval of the General Manager other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- 2. Contracts exceeding \$100,000, a performance bond on the part of the contractor shall be required, for 100% of the contract price. A "performance bond" is one executed shortly after the award of a contract to secure fulfillment of all the contractor's obligations under such contract.

- 3. Contracts exceeding \$100,000, a payment bond on the part of the contractor shall be required for 50% of the contract price up to \$1,000,000. A "payment bond" is one executed in connection with a contract to assure payment, as required by law, of all persons supplying labor and material in the execution of the work provided for in the contract.
- 4. Contracts under \$100,000, the following minimum bonds will be required:
 - a) Bid Bonds

0 - \$100,000 Not mandatory

b) Performance Bonds

\$25,000 - \$100,000 50%

0 - \$25,000 Not mandatory

c) Payment Bonds

\$50,000 - \$100,000 25%

0 - \$ 50,000 Not mandatory

- 5. Bid, performance and payment bonds shall not be mandatory on non-construction projects.
- 6. When essential to the best interests of the Authority, or as required by law, The General Manager may waive or require bonding or may increase bonding amounts on any contract or purchase. In determining when bonds should be required, the General Manager shall be guided by the provisions of the FTA External Operating Manual, federal procurement regulations, the State Administrative Manual, and the U.S. Department of Transportation Minority Business Enterprise regulations. If a performance bond is required for the full contract price, the General Manager shall certify, in the Board resolution approving the contract, that the Director of Finance has reviewed the financial statements of the contractor and is satisfied that the contractor has the potential to perform under the terms of the contract.

H. Contract Change Orders

In order to provide a means of effecting uninterrupted progress on any procurements governed by this policy, the General Manager may authorize changes subject to the following:

- 1. The cumulative amount of such changes shall not increase the total amount of the original approved project contract by more than ten percent (10%).
- 2. A single change order shall not be in excess of Fifty Thousand Dollars (\$50,000).
- 3. Change orders to a contract that did not initially have board approval causing a contract amount to exceed \$50,000 shall be approved by the board.
- 4. It is not the intent of this authorization to allow the General Manager to make change orders that materially change the scope and size of the project.
- 5. The General Manager shall also implement such internal policies and procedures as are necessary for the administration of contract change orders.

IV. LEASE AGREEMENTS

A. Ownership

Title to the project equipment shall at all times remain with SMART (lessor) unless otherwise provided for under the terms of the grant contract or administrative regulations. Upon termination of the lease agreement, or if the lessee ceases operations, the equipment shall be returned to SMART in the same condition as when received by the lessee, reasonable wear and tear resulting from use thereof excepted.

B. <u>Use of Property</u>

Unless otherwise agreed to by the Board, equipment shall be operated by the lessee to serve the best interest and welfare of the public.

C. Maintenance of Property

Lessee shall maintain equipment at a high level of cleanliness, safety, and mechanical soundness under maintenance procedures outlined by SMART. SMART shall have the right to conduct periodic maintenance inspections for the purpose of confirming the existence, condition and proper maintenance of the project equipment.

D. Insurance

Lessee will carry proper insurance covering losses that may be incurred as a result of the operation and maintenance of project equipment and SMART, where practical, will be a named insured upon any such insurance policies maintained by lessee. Lessee shall provide SMART with cellificates indicating that such insurance is in effect prior to possession.

E. Self-Insurance

Where the lessee is self-insured, the insurance requirements in paragraph D above may be waived by the General Manager provided that the General Manager, in the Board resolution authorizing the execution of the lease, shall certify that appropriate provisions have been made to protect the interest of the Authority.

F. Indemnification

All lease agreements shall include a provision that the lessee shall indemnify, defend and save harmless the Authority, its officers, agents, employees and members of the Board of the Suburban Mobility Authority for Regional Transportation from any and all liability claims and losses occurring or resulting from any act, omission or negligence of or chargeable to the lessee, its officers, agents, employees, or subcontractors, arising under the pursuant to the lease agreement.

$\underline{MEMORANDUM}$

TO: SMART Board of Directors

FROM: Chairperson

DATE: April 24, 2025

SUBJECT: Public Participation

TO: SMART Board of Directors

FROM: Chairperson

DATE: April 24, 2025

SUBJECT: Chairperson's Report

$\underline{MEMORANDUM}$

TO: SMART Board of Directors

FROM: Chairperson

DATE: April 24,2025

SUBJECT: General Manager's Report

TO: SMART Board of Directors

FROM: SMART Staff

DATE: April 24, 2025

SUBJECT: Board Briefings

TO: SMART Board of Directors

FROM: SMART Staff

DATE: April 24, 2025

SUBJECT: New Business



DATE: April 24, 2025 DISPOSITION SOUGHT: Board Approval TO: SMART Board of Directors SUBMITTED BY: General Manager

FROM: VP of Maintenance APPROVED BY: Certification Committee

SUBJECT: Authorization to Award a Contract for Propane Auto Gas

RECOMMENDATION

That the Board adopt the attached resolution authorizing the award of a contract:

- for propane auto gas for the paratransit fleet
- to Webster & Garner located at 3346 W. Vienna, Clio, MI 48420
- for one year starting June 1, 2025, through May 31, 2026
- at an amount not to exceed \$900,000.00 for one year

DISCUSSION

The SMART paratransit fleet consists of propane-fueled cutaway vehicles and needs liquefied petroleum gas fuel to operate. It is estimated that SMART consumes approximately 750,000 gallons of propane annually. Due to market volatility, this contract is bid annually.

PROCUREMENT PROCESS

Procurement Method:	⊠ Sealed Bid	\square Proposal	☐ Quote	☐ Sole Source
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Advertising: Michigan Chronicle and Michigan Inter-governmental Trade Network

Number of Downloads: 12 Downloads Number of Responses: 2 Sealed Bids

Rationale for Award: Webster & Garner was found to be the lowest-priced, responsive and

responsible bidder. Price has been determined to be fair and reasonable.

FUNDING & COSTS

This project is funded via: Operating Funds

Description	Not to Exceed Amount
June 1, 2025, through May 31, 2026	\$900,000.00

ATTACHMENTS

• Resolution

/MB



RESOLUTION

	Authorization to Award a Contract for Propane Auto Gas
Whereas,	The Suburban Mobility Authority for Regional Transportation (SMART) maintenance department requires propane auto gas for its paratransit fleet; and
Whereas,	An Invitation for Bid (IFB) was advertised in the Michigan Chronicle and published on the Michigan Inter-governmental Trade Network (MITN). SMART received two sealed bids; and
Whereas,	Webster & Garner was found to be the lowest-priced, responsive and responsible bidder. Price has been determined to be fair and reasonable; and
Whereas,	The project is funded via operating funds; and
Whereas,	The Vice President of Finance is satisfied that Webster & Garner has the potential to perform under the terms and conditions of the contract; and
Whereas,	The EEO Department is satisfied that Webster & Garner is in compliance with the equal opportunity and affirmative action laws and policies of the Federal and State governments and the affirmative action policies of SMART; now, therefore be it
Resolved,	That the General Manager of the Suburban Mobility Authority for Regional Transportation is hereby authorized to award a contract for propane auto gas to Webster & Garner for an amount not to exceed \$900,000.00 for one year, starting June 1, 2025, through May 31, 2026.
	CERTIFICATE
Transportati	igned, duly qualified Board Secretary of the Suburban Mobility Authority for Regional on, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally neeting of the Board of the Suburban Mobility Authority for Regional Transportation held 2025.
Date	Board Administrator



DATE: April 24, 2025 DISPOSITION SOUGHT: Board Approval TO: SMART Board of Directors SUBMITTED BY: General Manager

FROM: VP of Human Resources APPROVED BY: Certification Committee

SUBJECT: Authorization to Award a Contract for Payroll & Human Resource Information System

Services

RECOMMENDATION

That the board adopt the attached resolution authorizing a contract:

- for payroll and human resource information systems services
- with ADP, Inc. located at 340 E. Big Beaver Rd., Troy, MI 48083
- for three years starting May 1, 2025, through April 30, 2028, plus two, one-year renewal options
- at an amount not to exceed \$937,000.00 for three years, plus two one-year renewal options for an amount not to exceed \$1,555,120.00 for five years

DISCUSSION

The Suburban Mobility Authority for Regional Transportation (SMART) human resources and finance department requires payroll and human resource information system services. Since 2019, ADP, Inc. has provided the needed services and equipment for electronic payroll, time and attendance, vacation and accrual balances, benefits, recruiting, labor relations services, employee records, new hire onboarding, and secure web-based access for SMART Personnel.

The award of a sole source contract to ADP, Inc. reduces substantial duplication costs and avoids an unacceptable delay in fulfilling these services according to FTA guidelines.

PROCUREMENT PROCESS

Procurement Method:	☐ Sealed Bid	☐ Proposal	☐ Quote	⊠ Sole Source
Rationale for Award:	The actual produ	act or service ca	n only be ful	filled from one source. FTA
	Circular 4220.10	G states: "When	the recipier	nt's requirement can only be
	fulfilled from o	one source, the	recipient m	nay make a noncompetitive
	award." Price ha	s been determin	ed to be fair	and reasonable.

FUNDING & COSTS

The project is funded via: operating funds

Description	Not to Exceed Amount
Base 3 Years: May 1, 2025 – April 30, 2028	\$937,000.00
Option Year 1: May 1, 2028 – April 30, 2029	\$306,000.00
Option Year 2: May 1, 2029 – April 30, 2030	\$312,120.00
Total	\$1,555,120.00

ATTACHMENTS

Resolution

/CB



RESOLUTION

Authori	ization to Award a Contract for Payroll & Human Resource Information System Services
Whereas,	The Suburban Mobility Authority for Regional Transportation (SMART) human resources and finance department requires payroll and human resource information system services; and
Whereas,	The award of a contract to ADP, Inc. reduces substantial duplication costs and avoids an unacceptable delay in fulfilling the needed services and equipment for electronic payroll, time and attendance, vacation and accrual balances, benefits, recruiting, labor relations services, employee records, new hire onboarding, and secure web-based access for SMART Personnel; and
Whereas,	The actual product or service can only be fulfilled from one source. FTA Circular 4220.1G states: "When the recipient's requirement can only be fulfilled from one source, the recipient may make a noncompetitive award." Price has been determined to be fair and reasonable; and
Whereas,	The project is funded via operating funds; and
Whereas,	The Vice President of Finance is satisfied that ADP, Inc. has the potential to perform under the terms and conditions of the contract; and
Whereas,	The EEO Department is satisfied that ADP, Inc. is in compliance with the equal opportunity and affirmative action laws and policies of the Federal and State governments and the affirmative action policies of SMART; now, therefore be it
Resolved,	That the General Manager of the Suburban Mobility Authority for Regional Transportation is hereby authorized to award a contract for payroll and human resource information system services to ADP, Inc. for an amount not to exceed \$937,000.00 for three years, starting May 1, 2025, through April 30, 2028, with two, one-year renewal options for an aggregate amount not to exceed \$1,555,120.00.
	CERTIFICATE
Transportati	gned, duly qualified Board Secretary of the Suburban Mobility Authority for Regional on, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally eeting of the Board of the Suburban Mobility Authority for Regional Transportation held 2025.

Board Administrator

Date



DATE: April 24, 2025 DISPOSITION SOUGHT: Board Approval TO: SMART Board of Directors SUBMITTED BY: General Manager

FROM: VP of Bus Operations APPROVED BY: Certification Committee

SUBJECT: Authorization of Contract Amendment No. 3 to Increase Funding for Automated

Dispatching and Scheduling Software System

RECOMMENDATION

That the Board adopt the attached resolution authorizing Contract Amendment No. 3:

- for software upgrade to Trapeze Ops
- with Trapeze Software Group, Inc. located at 5265 Rockwell NE, Cedar Rapids, Iowa 52402
- for approval to increase funding at a cost not to exceed \$111,670.00 for software upgrade to Trapeze Ops
- for an aggregate total cost not to exceed \$2,135,715.00 for the five-year period

DISCUSSION

In 2020, the SMART board approved a contract with Trapeze Software Group, Inc. for Trapeze OPS to assist with dispatching, scheduling, and timekeeping. The recent ratification of the Collective Bargaining Agreements (CBA) with the Teamsters and ATU unions requires SMART to update employee dispatching and timekeeping modules to match the requirements of the CBA. This one-time software upgrade for Trapeze Ops presents an opportunity to streamline operations and enhance overall efficiency, allowing for the following improvements:

- 1. Self-service for employees to select work
- 2. Self-service for employees to request time off
- 3. Updated coding for Earned Sick Time Act leave

All other terms and conditions will remain unchanged. Price has been determined to be fair and reasonable.

FUNDING & COSTS

The project is funded via capital funds: Project No: 36543 / 40850; Federal Grant No: MI-90-X678 / MI-2018-018 (5307); State Grant No: 2012-0170 P17 / 2017-0130 P11

Stage	Date Board Approval	Work	Cost
Original Project	September 24, 2020	Trapeze OPS automatic dispatching & scheduling software, timekeeping, interface with payroll to include installation, testing, warranty, and maintenance for 5 yrs.	\$1,794,760
POCA #1	May 27, 2021	OPS to EAM integration service	\$40,613
Contract Amendment No. 1	June 24, 2021	OPS display board and one-year maintenance	\$50,326
Contract Amendment No. 2	December 2, 2021	OPS accrual generation module and one-year maintenance	\$138,346
Contract Amendment No. 3	April 24, 2025	Software Upgrade to Trapeze Ops	\$111,670
		TOTAL	\$2,135,715

ATTACHMENTS

Resolution



RESOLUTION

Authorization of Contract Amendment No. 3 to Increase Funding for Automated Dispatching and Scheduling Software System

Whereas,	On September 24, 2020, the Board of the Suburban Mobility Authority for Regional Transportation (SMART) approved a contract with Trapeze Software Group, Inc. for Automated Dispatching and Scheduling Software System; and
Whereas,	The recent ratification of the Collective Bargaining Agreements (CBA) with the Teamsters and ATU unions requires SMART to update the employee dispatching and timekeeping modules to match the requirements of the CBA. This one-time software upgrade for Trapeze Ops presents an opportunity to streamline operations and enhance overall efficiency; and
Whereas,	Contract Amendment No. 3 will increase funding at a cost not to exceed \$111,670.00 for the base five years. All other terms and conditions will remain unchanged. Price has been determined to be fair and reasonable; and
Whereas,	The aggregate total will not exceed \$2,135,715.00 for the five years; and
Whereas,	This project is paid for using capital funds: Project No: 36543 / 40850; Federal Grant No: MI-90-X678 / MI-2018-018 (5307); State Grant No: 2012-0170 P17 / 2017-0130 P11; and
Whereas,	The Vice President of Finance is satisfied that Trapeze Software Group, Inc. has performed under the contract terms and conditions; and
Whereas,	The EEO Department is satisfied that Trapeze Software Group, Inc. is in compliance with the equal opportunity/affirmative action policies of the Federal and State government and the affirmative action policies of SMART; now, therefore be it
Resolved,	That the General Manager of the Suburban Mobility Authority for Regional Transportation is hereby authorized to approve Contract Amendment No. 3 to increase funding at a cost not to exceed \$111,670.00 for the base five years to Trapeze Software Group, Inc. for an aggregate total that will not exceed \$2,135,715.00 for the five years.
	CERTIFICATE
Transportatio	gned, duly qualified Board Secretary of the Suburban Mobility Authority for Regional on, certifies the foregoing is a true and correct copy of a resolution adopted at a legally setting of the Board of the Suburban Mobility Authority for Regional Transportation held 2025.

Board Administrator

Date



DATE: April 24, 2025 DISPOSITION SOUGHT: Board Approval TO: SMART Board of Directors SUBMITTED BY: General Manager

FROM: VP of Planning & Innovation APPROVED BY: Certification Committee

SUBJECT: Authorization to Approve Contract Amendment No. 1 to Increase Funding for General

Planning Consultant Services

RECOMMENDATION

That the Board adopt the attached resolution authorizing Contract Amendment No. 1:

- for general planning consultant services
- with HNTB Michigan, Inc. located at 400 Renaissance Center, Suite 1800, Detroit, MI 48243
- to increase funding at a cost not to exceed \$2,000,000.00 for the base three-year contract ending December 31, 2026
- for a total cost not to exceed \$3,700,000 for the base three years and a total not to exceed amount of \$4,833,333.34 for the five years

DISCUSSION

On December 7, 2023, the SMART Board approved a contract with HNTB Michigan for general planning consultant services. This contract is currently in the second year of a three-year agreement, which is set to expire on December 31, 2026, with two option years available.

As this was a contract for general consulting services and not a specific project, the amount requested in the original contract was the best estimate. These funds have been expended or committed to several projects, including:

- 1) Bus Stop Design Manual (completed)
- 2) Mobility App Procurement and Implementation Support (in progress)
- 3) Economic and Revenue Analysis (in progress)
- 4) Installation Planning, Project Management and Inspection Services for the Construction of Bus Shelters, Bus Stop Pads and Other Transit Amenities (begins May 1)

Contract Amendment No. 1 is proposed to increase the funding at a cost not to exceed \$2,000,000. This funding is necessary to conduct several additional projects, including, but not limited to:

- 1. Bus stop inventory and condition assessment
- 2. Traffic flow analysis at Oakland Terminal
- 3. Continued and additional planning activities for Wayne and Macomb counties
- 4. Future multimodal planning

All terms and conditions of the original contract approved by the board on December 7, 2023, remain unchanged. The rates have been determined to be fair and reasonable.



FUNDING & COSTS

This project is paid for using capital funds: Project No: 36696/40871; Federal Grant No: NA / MI-2018-018 (5307); State Grant No: 2022-0138 P25/2017-0130 P11, with additional grant funding to be determined.

Stage	Date Board Approval	Work	Cost
Base 3-year contract – 1/1/2024 through 12/31/2026	12/7/2023	General Planning Consultant Services	\$1,700,000.00
Contract Amendment No. 1	4/24/2025	Contract Amendment #1 Increase Funds	\$2,000,000.00
Option Year 1 – 1/1/2027 through 12/31/2027	12/7/2023	General Planning Consultant Services	\$566,666.67
Option Year 2 – 1/1/2028 through 12/31/2028	12/7/2023	General Planning Consultant Services	\$566,666.67
		TOTAL	\$4,833,333.34

ATTACHMENTS

• Resolution



RESOLUTION

Authorization of Contract Amendment No. 1 to Increase Funding for General Planning Consultant Services

	e e
Whereas,	On December 7, 2023, the Board of the Suburban Mobility Authority for Regional Transportation (SMART) approved a contract with HNTB Michigan, Inc. for General Planning Consultant Services; and
Whereas,	This contract is currently in the base three-year term set to expire on December 31, 2026; and
Whereas,	The current funding has been expended or committed to several projects, including: Bus Stop Design Manual (completed), Mobility App Procurement and Implementation Support (in progress), Economic and Revenue Analysis (in progress), Installation Planning, Project Management and Inspection Services for the Construction of Bus Shelters, Bus Stop Pads and Other Transit Amenities (begins May 1); and
Whereas,	An increase in funding is necessary to conduct several additional projects, including, but not limited to: bus stop inventory and condition assessment, traffic flow analysis at Oakland Terminal, continued and additional planning activities for Wayne and Macomb counties, and future multimodal planning; and
Whereas,	Contract Amendment No. 1 will increase funding at a cost not to exceed \$2,000,000.00 for the base three years. All other terms and conditions will remain unchanged. The rates have been determined to be fair and reasonable; and
Whereas,	The aggregate total will not exceed \$4,833,333.34 for the five years; and
Whereas,	This project is paid for using capital funds: Project No: 36696/40871; Federal Grant No: NA / MI-2018-018 (5307); State Grant No: 2022-0138 P25/2017-0130 P11, with additional grant funding to be determined; and
Whereas,	The Vice President of Finance is satisfied that HNTB Michigan, Inc. has performed under the contract terms and conditions; and
Whereas,	The EEO Department is satisfied that HNTB Michigan, Inc. is in compliance with the equal opportunity/affirmative action policies of the Federal and State government and the affirmative action policies of SMART; now, therefore be it
Resolved,	That the General Manager of the Suburban Mobility Authority for Regional Transportation is hereby authorized to approve Contract Amendment No. 1 to increase funding at a cost not to exceed \$2,000,000.00 for the base three years to HNTB Michigan, Inc. for an aggregate total that will not exceed \$4,833,333.34 for the five years.

CERTIFICATE

The undersigned, duly qualified Board Secretary of the Suburban Mobility Authority for Regional Transportation, certifies the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Board of the Suburban Mobility Authority for Regional Transportation held on April 24, 2025.

Date	Board Administrator

$\underline{MEMORANDUM}$

TO: SMART Board of Directors

FROM: Chairperson

DATE: April 24, 2025

SUBJECT: Board Member Business

TO: SMART Board of Directors

FROM: Chairperson

DATE: April 24, 2025

SUBJECT: Adjournment

