



Board of Commissioners
Open Meeting
June 26, 2020
8:30 AM

Open Session Agenda

Notice of Meeting and Agenda

**Bi-State Development
Board of Commissioners Meeting (Virtual Meeting)
Friday, June 26, 2020 at 8:30 AM**

**Headquarters - Board Room, 6th Floor
One Metropolitan Square, 211 N. Broadway, Suite 650
St. Louis, Missouri 63102**

This location is accessible to persons with disabilities. Individuals with disabilities needing information or communication accommodations should call Bi-State Development at (314) 982-1400, for TTY access, call Relay 711. Sign language interpreter services or other accommodations for persons with hearing or speech disabilities will be arranged if a request for such service is made at least two days in advance of the meeting. Large print material, Braille material or other formats will also be provided upon request.

Agenda	Disposition	Presentation
1. Call to Order	Approval	Chair Windmiller
2. Roll Call	Quorum	M. Bennett
3. Public Comment	Information	Chair Windmiller
4. Approval of the Minutes of the April 24, 2020 Board of Commissioners, Open Meeting	Approval	Chair Windmiller
5. Approval of the Minutes of the May 21, 2020 Special Meeting of the Board of Commissioners, Open Meeting	Approval	Chair Windmiller
6. Report of the President	Information	T. Roach
7. Report of the Combined Operations Committee and Audit, Finance, & Administration Committee	Information	Vice Chair Zimmerman
8. Report of the Security Sub Committee	Information	Commissioner Windmiller
9. Adjustment of Consent Agenda	Approval	Chair Windmiller
10. Consent Agenda	Approval	Chair Windmiller
a. Potential Refunding of Bonds Issued to Finance Arch Motor Set Replacements (Resolution #1059)	Approval	
b. Letter of Agreement Between Bi-State Development and The Jerry Costello Group, LLC for Consulting Services for the St. Louis Regional Freightway and Bi-State Development (Resolution #1044)	Approval	
c. Contract Modification: Extension of Contract with The Harlan Company for installation of Brentwood Bus Garage Oil and Water Separator (Resolution #1060)	Approval	
d. Contract Award – Project Support Services by Center for Transportation and the Environment (Resolution #1061)	Approval	
e. Contract Award – WSP USA Inc. On-Call General Engineering Consultant (Resolution #1062)	Approval	
f. Emergency Contract Award for Employee Temperature Screenings – Vobis Sanus LLC (DBA BrightStar Care) (Resolution #1063)	Approval	

Agenda	Disposition	Presentation
g. Emergency Contract Award – DH Pace Company, Inc. for Employee Temperature Screening Gateways (Resolution #1064)	Approval	
h. Agreement with St. Clair County, Illinois Transit District (Resolution #1055)	Approval	
i. Sole Source Contracts for Hardware and Software Maintenance (Resolution #1065)	Approval	
j. Metro Transit’s Agency Safety Plan (Resolution #1066)	Approval	
k. Metro System Security Strategy (Resolution #1067)	Approval	
l. Ride and Abide Policy (Resolution #1068)	Approval	
11. Contract Award – DMS Contracting, LLC – Emerson Park and Belleville MetroLink Parking Lots (Resolution #1069)	Approval	C. Poehler / L. Jackson / G. Smith
12. Newstead Avenue Grade Crossing Signal System Modifications (Resolution #1070)	Approval	J. Mefford-Miller / C. Poehler / G. Smith
13. MOA – MetroLink Extension to Mid America (Resolution #1071)	Approval	C. Poehler
14. Operations Report	Information	J. Mefford-Miller
15. Unscheduled Business	Approval	Chair Windmiller
16. Call for the Dates of Future Board & Committee Meetings	Information	M. Bennett
17. Adjournment to Executive Session**	Approval	Chair Windmiller
18. Reconvene to Open Session	Approval	Chair Windmiller
19. Adjournment	Approval	Chair Windmiller
<p><i>**If such action is approved by a majority vote of The Bi-State Development Agency’s Board of Commissioners who constitute a quorum, the Board may go into closed session to discuss legal, confidential, or privileged matters pursuant to Bi-State Development Board Policy Chapter 10, Section 10.080 (D) Closed Records: Legal under §10.080(D)(1); Real Estate under §10.080(D)(2); Personnel under §10.080(D)(3); Health Proceedings under §10.080(D)(4); Employee Negotiations under §10.080(D)(5); Data Processing under §10.080(D)(6); Purchasing and Contracts under §10.080(D)(7); Proprietary Interest under §10.080 (D)(8); Hotlines under §10.080(D)(9); Auditors under §10.080(D)(10); Security under §10.080(D)(11); Computers under §10.080(D)(12); Personal Access Codes under §10.080(D)(13); Personal Information under §10.080(D)(14); Insurance Information under §10.080(D)(15); Rail, Bus, or Facilities Safety and Accidents under §10.080(D)(16) or Protected By Law under §10.080(D)(17).</i></p>		

***Note:** Public comment may be made at the written request of a member of the public specifying the topic(s) to be addressed and provided to the Agency’s information officer at least 48 hours prior to the meeting. No public comment shall be allowed by parties or their legal counsel in connection with any matter involving a pending bid protest, litigation, or legal matter. The following rules shall be observed: 1) All individuals shall state their name, address and topic for comment; 2) All individuals shall address the Chair and shall not proceed with public comment until recognized by the Chair; 3) No disrespectful language may be used or comments with respect to personalities shall be made; 4) An individual called to order by the Chair shall immediately desist from speaking until permitted to continue by the Chair; and 5) Public comment by an individual shall be limited to five minutes, unless permission to continue is given by motion adopted by the Board.

Open Session Item

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**BI-STATE DEVELOPMENT
BOARD OF COMMISSIONERS MEETING
(Virtual Meeting)
OPEN SESSION MINUTES
April 24, 2020**

Board Members in Attendance via Zoom

Missouri

Aliah Holman, Vice Chair
Constance Gully
Fred Pestello
Rose Windmiller
Vernal Brown, Secretary – absent

Illinois

Terry Beach
Justin Zimmerman, Treasurer
Derrick Cox
Herbert Simmons
Irma Golliday – absent

Staff in Attendance via Zoom

Taulby Roach, President and Chief Executive Officer
Barbara Enneking, General Counsel and Deputy Secretary
Myra Bennett, Manager of Board Administration
Brenda Deertz, Executive Assistant
Jessica Mefford-Miller, Executive Director Metro Transit
Mary Lamie, Executive Vice President Multi Modal Enterprises
Tamara Fulbright, Sr. Director Financial Planning & Treasury

Others in Attendance via Zoom

Brett Runge, ASL Interpreter

1. Open Session Call to Order

8:35 a.m. Vice Chair Holman called the Open Session of the Bi-State Development Agency, Board of Commissioners Meeting to order at 8:35 a.m.

2. Roll Call

8:35 a.m. Roll call was taken, as noted above.

3. Public Comment

8:36 a.m. Vice Chair Holman asked Ms. Bennett if any speaker cards had been submitted for the meeting, and Ms. Bennett indicated that none were received.

4. Minutes from the February 21, 2020, Meeting of the Board of Commissioners, Open Session

8:37 a.m. The minutes from the February 21, 2020, Meeting of the Board of Commissioners, Open Session were provided in the Board packet. A motion to approve the minutes was made by Commissioner Cox and seconded by Commissioner Zimmerman.

The motion passed unanimously.

5. Report of the President

8:38 a.m. President and Chief Executive Officer, Taulby Roach, noted that a memorial for Metro Operator, Dennis Wallace, was held on Wednesday. He stated that he was encouraged to see the courage of our operators and their commitment to keep the city moving. Mr. Roach stated that he was inspired by this difficult day.

President/CEO Roach stated that Metro will be moving forward with the implementation of hazard pay, beginning this week. He noted that there was a modest change in service implemented on Monday, which has gone well, and no trips have been missed. Mr. Roach noted that additional information regarding the effects from the COVID situation would be addressed on slides 9 – 20 of today's budget presentation.

6. Report of the Combined Operations Committee and Audit, Finance, & Administration Committee

8:24 a.m. Vice Chair Holman stated that a combined meeting of the Operations Committee and Audit, Finance, & Administration Committee was held on March 20, 2020, and the draft minutes of that meeting are included in the Board Packet under Tab #6.

She reported that the Committee is introducing seven (7) items on the Consent Agenda for consideration today, under Item #9, with the Committees' recommendation of approval.

Consent Agenda Item(s):

- a. Intergovernmental Agreement between Bi-State Development and the Madison County Mass Transit District (Resolution #1038)
- b. Title VI Program and Policy Updates (Resolution #1039)
- c. Sole Source Contract Renewal with Remix Software (Resolution #1040)
- d. Sole Source Contract Award – Public Address & Customer Information System (PA/CIS) Upgrade (Resolution #1041)
- e. Contract Modification: New Flyer, To Purchase 14 Battery Electric Articulated Buses (Resolution #1042)
- f. Revision to Board Policies – Section 10.060 – Board and Committee Meetings (Resolution #1043)
- g. Letter of Agreement between Bi-State Development and The Jerry Costello Group, LLC for Consulting Services for the St. Louis Regional Freightway and Bi-State Development (Resolution #1044)

Vice Chair Holman stated that the Committee is presenting three (3) additional items for the Board's consideration today, with the Committees' recommendation for approval, which include agenda items:

11. Bi-State Development Operating and Capital Budget FY 2021 – 2023 (Resolution #1045), which includes the authorization and approval of grant resolutions and agreements, noted as Resolution #1046 through Resolution #1052
12. Contract Award – Temporary Help Services (Resolution #1053)
13. Discussion Regarding Potential Refunding of Series 2013 Bonds for Savings (Resolution #1054)

She noted that several reports were also provided at that meeting including:

- Financial Statements
- Treasurer's Report
- Metro Transit Operations Report

7. Report of the Security Sub-Committee

8:49 a.m. Commissioner Windmiller reported that a meeting of the Security Sub-Committee was held on February 25, 2020, at 3:30 p.m., and the draft minutes of that meeting are included in the Board Packet under Tab #7. She reported that, at the February meeting, Ms. Lurae Stuart, WSP, provided a presentation to the Sub-Committee regarding the Metro System Security Strategy, and the Committee approved the WSP security strategy plan. In addition, an update regarding the status of the General Law Enforcement Contracts, Secondary Law Enforcement Contracts and the Transition to F4S was provided by Stephen Berry, General Manager of Public Safety, Vernon Summers, Manager - Contract Security, and Kevin Scott, Director of Security. An update was also provided regarding updates to the Rider Code of Conduct and the Ride and Abide Policy.

8. Adjustment of Consent Agenda

8:51a.m. Vice Chair Holman asked if there are any adjustments to be made to the Consent Agenda. Commissioner Zimmerman asked that Item 9. g. Letter of Agreement between Bi-State Development and The Jerry Costello Group, LLC for Consulting Services for the St. Louis Regional Freightway and Bi-State Development (Resolution #1044), be removed from the Consent Agenda, to be voted on separately. A motion to approve the Consent Agenda Items, 9. a. through 9. f., with the removal of Item 9. g., was made by Commissioner Zimmerman and seconded by Commissioner Simmons. **The motion passed unanimously.**

9. Consent Agenda Items

8:51 a.m. Consent Agenda Items:

- a. Intergovernmental Agreement Between Bi-State Development and the Madison County Mass Transit District (Resolution #1038)
- b. Title VI Program and Policy Updates (Resolution #1039)
- c. Sole Source Contract Renewal with Remix Software (Resolution #1040)
- d. Sole Source Contract Award – Public Address & Customer Information System (PA/CIS) Upgrade (Resolution #1041)
- e. Contract Modification: New Flyer, To Purchase 14 Battery Electric Articulated Buses (Resolution #1042)
- f. Revision to Board Policies – Section 10.060 – Board and Committee Meetings (Resolution #1043)

A motion to approve Consent Agenda Items, 9. a. through 9. f., was made by Commissioner Windmiller and seconded by Commissioner Zimmerman. **The motion passed unanimously.**

A motion to approve Item 9. g. Letter of Agreement between Bi-State Development and The Jerry Costello Group, LLC for Consulting Services for the St. Louis Regional Freightway and Bi-State Development (Resolution #1044), was made by Commissioner Windmiller and seconded by Commissioner Gully. Discussion was held regarding this issue. Commissioner Zimmerman noted that he voted against this item at the Committee level, and stated that he did not feel he has

good financial information regarding these types of consulting services. Commissioner Cox stated that he agrees with Commissioner Zimmerman. Commissioner Windmiller asked for clarification of the contract. President and CEO Roach gave an overview of the current lobbying efforts, and indicated that additional lobbying efforts will be needed regarding the CARES Act. He noted that he agrees that it is important that these types of contracts be managed effectively. Additional discussion was held regarding the number of consultants currently under contract with BSD. Mr. Roach reported that there has been an elimination of several contracts during the past fiscal year, and that BSD is currently under contract with three consultants. The Board of Commissioners agreed that this issue should be discussed in greater detail at the next Committee meeting. **The motion to approve the item failed**, as indicated below:

Aliah Holman – Yea
Constance Gully – Yea
Rose Windmiller – Yea
Fred Pestello – Yea

Terry Beach – Abstain
Derrick Cox – Abstain
Herbert Simmons – Yea
Justin Zimmerman – Nay

10. FY 2020 External Audit - Client Service Plan from RubinBrown

9:01 a.m. A briefing paper was provided in the Board packet, regarding this item. It was noted that this item was presented at the March 2020 Combined Operations / Audit, Finance and Administration Committee Meeting. This item was presented for information only.

11. Bi-State Development Operating and Capital Budget FY 2021 – 2023 (Resolution #1045)

(Note: Included with the adoption of the budget is the authorization and approval of grant resolutions and agreements, noted as Resolution #1046 through Resolution #1052.)

9:01 a.m. A briefing paper was provided in the Board packet, regarding this item, as well as the budget document and Board presentation. President/CEO Roach stated that a full presentation of the budget was provided at the March Operations/Audit, Finance, and Administration Committee Meeting, and therefore, staff will be focusing on pages 9-20 of the presentation, specifically referencing changes due to the COVID-19 situation. He noted that Bi-State Development has implemented aggressive COVID protection procedures since March 23rd, to limit exposure to staff and customers, and estimates of the costs associated with those procedures were provided. He noted that BSD will be working to secure CARES funding to cover those costs. Tammy Fulbright, Senior Director of Financial Planning and Treasury, provided an overview of the Metro Transit, Statement of Activity, which included updated figures for the FY2021 Budget, noting the impacts of COVID, and the effects on revenue. Commissioner Pestello noted that there could be a significant time frame for recovery, and Bi-State must be prepared for the potential loss of revenue and ridership. Commissioner Holman reiterated that she would like to see a system where transit is free to all riders.

President and CEO Roach stated that Bi-State could feel the impact for 20 to 30 months. He stated that he will be reaching out to our partners to discuss the impact, and what steps are appropriate to address these issues. He noted that passenger revenues are down significantly. Mr. Roach stated that fares are not being collected on the system; however, the ATU and operators have indicated that they would like to see the fares re-implemented. He noted that it may be appropriate to offer a fare free or reduced fare system, in order to regain ridership during the recovery period. Commissioner Pestello thanked Mr. Roach and staff, stating that he understands that hard decisions must be made. The Board of Commissioners agreed.

Mary Lamie, Executive Vice President of Multi Modal Enterprises, and Tammy Fulbright, provided a summary of the Statements of Activity for the Gateway Arch and Riverfront Attractions, noting the COVID impact and decrease in revenue for both. Commissioner Windmiller asked if there are plans to furlough any employees. Discussion was held. Commissioner Windmiller stated that, if there are plans to furlough employees, now is the time to implement those actions, due to the fact that, currently, the Federal government is helping to supplement those actions. Commissioner Pestello agreed. President and CEO Roach noted that these issues will continue to be reviewed and addressed in Executive Session.

Ms. Lamie gave an overview of the Statement of Activity, with COVID impacts, for the St. Louis Downtown Airport, also noting a loss of approximately \$100,000 in revenue. Discussion was held regarding the reduced number of charter flights. It was noted that there are opportunities to supplement these revenues through the CARES Act. Commissioner Windmiller posed questions regarding the requirements for use of funds through the CARES Act. Mr. Roach stated that some of these issues will be addressed in more detail in Executive Session; however, the majority of the CARES Act funding received by Bi-State Development, will be used specifically for “transit”, to make up the delta from the decrease in sales tax funding.

Commissioner Gully asked the process for budget adjustments throughout the year. Mr. Roach stated that staff will be watching closely how the first quarter of the budget year plays out, with the cushion from the CARES Act. He noted that he anticipates that we will be holding increased discussions with our funding partners for the first half of the year.

A motion to approve this agenda item, as presented, was made by Commissioner Gully and seconded by Commissioner Windmiller. **The motion passed unanimously.**

12. Contract Award – Temporary Help Services (Resolution #1053)

9:39 a.m. A briefing paper was provided in the Board packet, regarding a request that the Board of Commissioners approve a request to authorize the President and CEO to enter into a contract which consists of three (3) base years and two (2) options years with all ten (10) firms to provide temporary staffing services, on an as-needed basis, in a not to exceed amount of \$1,900,000.00. President and CEO Roach provided a brief overview of this issue.

A motion to approve this agenda item, as presented, was made by Commissioner Windmiller and seconded by Commissioner Gully. **The motion passed unanimously.**

13. Potential Refunding of Series 2013 Bonds for Savings (Resolution #1054)

9:40 a.m. A briefing paper was provided in the Board packet, regarding a request that the Board of Commissioners authorize a refinancing of the Series 2013A Bonds, and noting that this item was recommended for approval at the Combined Meeting of the Operations Committee and Audit, Finance and Administration Committee. President and CEO Roach provided a brief overview of this issue.

A motion to approve this agenda item, as presented, was made by Commissioner Beach and seconded by Commissioner Simmons. **The motion passed unanimously.**

14. Metro Transit Operations Report

9:41 a.m. Jessica Mefford-Miller, Executive Director, Metro Transit, gave an update regarding the emergency response measures that have been implemented, due to the COVID situation. She noted that there has been a high level of absenteeism, and service levels have been adjusted three times to ensure a sustainable service level for customers. She reported that Metro anticipates ramping up service in June, taking into consideration service demands. Ms. Mefford-Miller noted that employee incentives have been implemented to reward employees for their work, including a \$200 per week incentive for employees who do not miss any shifts. She stated that these types of incentives have helped reduce the rate of absenteeism.

Ms. Mefford-Miller gave an overview of the Federal funding that has been received through the CARES Act, but noted that a summer without sports and events would further impact ridership and revenue numbers. She stated that her team is tired, but are doing well, and Metro Transit is working to get the team members some breaks. Commissioner Holman thanked Ms. Mefford-Miller for her report, and posed the question regarding what areas of operation are currently the most difficult. Ms. Mefford-Miller stated that the major concern is covering service areas, with limited human resources. She stated that she is also concerned about getting operators back to work and the decrease in revenue. Ms. Mefford-Miller noted that fare collection has been temporarily suspended, but anticipates reinstating fare collecting in the coming weeks. Commissioner Windmiller expressed gratitude to the operators for their hard work and dedication, during these incredibly difficult times. She thanked Ms. Mefford-Miller and the staff for the steps that have been taken to protect the safety of the customers and operators.

15. Unscheduled Business

10:02 a.m. There was no unscheduled business.

16. Call of Dates for Future Board and Committee Meetings

10:02 a.m. Myra Bennett, Manager of Board Administration, advised the Committee of the upcoming meetings, as follows:

Security Sub-Committee Meeting:	Thursday	May 14, 2020	8:30 AM
Operations/Audit Finance & Administration:	Thursday	May 21, 2020	8:30 AM
Board of Commissioners Meeting:	Friday	June 26, 2020	8:30 AM

17. Adjournment to Executive Session – If such action is approved by a majority vote of the Bi-State Development Agency’s Board of Commissioners who constitute a quorum, the Board may go into closed session to discuss legal, confidential, or privileged matters pursuant to Bi-State Development Board Policy Chapter 10, §10.080(D) Closed Records; Legal under §10.080(D)(1); Real Estate under §10.080(D)(2); Personnel under §10.080(D)(3); Health Proceedings under §10.080(D)(4); Employee Negotiations under §10.080(D)(5); Data Processing under §10.080(D)(6); Purchasing and Contracts under §10.080(D)(7); Proprietary Interest under §10.080(D)(8); Hotlines under §10.080(D)(9); Auditors under §10.080(D)(10); Security under §10.080(D)(11); Computers under §10.080(D)(12); Personal Access Codes under §10.080(D)(13); Personal Information under §10.080(D)(14); Insurance Information under §10.080(D)(15); Rail, Bus, or Facilities Safety and Accidents under §10.080(D)(16) or Protected By Law under §10.080(D)(17).

10:03 a.m. Vice Chair Holman requested a motion to allow the Committee to move into closed session as permitted under Bi-State Development Board Policy, Chapter 10, Section 10.080, (D) (1) – Legal; (D) (2) Real Estate; (D) (3) Personnel; and (D) (10) – Audit.

A motion to move into Executive Session was made by Commissioner Simmons and seconded by Commissioner Windmiller. A roll call vote was taken as follows:

Aliah Holman – Yea
Constance Gully – Yea
Rose Windmiller – Yea
Fred Pestello – Yea

Terry Beach – Yea
Derrick Cox – Yea
Herbert Simmons – Yea
Justin Zimmerman – Yea

Motion passed unanimously, and the Committee moved into Executive Session at 10:04 a.m.

Deputy Secretary to the Board of Commissioners
Bi-State Development

Open Session Item

5

**BI-STATE DEVELOPMENT
BOARD OF COMMISSIONERS SPECIAL MEETING
(Virtual Meeting)
OPEN SESSION MINUTES
May 21, 2020
8:30 AM**

Board Members in Attendance via Zoom

Missouri

Aliah Holman, Vice Chair - Absent
Vernal Brown, Secretary
Constance Gully - Absent
Fred Pestello
Rose Windmiller

Illinois

Justin Zimmerman, Treasurer (Acting Chair)
Irma Golliday - Absent
Derrick Cox
Herbert Simmons
Terry Beach

Staff in Attendance via Zoom

Taulby Roach, President and Chief Executive Officer
Barbara Enneking, General Counsel and Deputy Secretary
Myra Bennett, Manager of Board Administration
Brenda Deertz, Executive Assistant
Jerry Vallely, External Communications Manager
Ted Zimmerman, Vice President Marketing & Communications

Others in Attendance via Zoom

Brett Runge, ASL Interpreter

1. Open Session Call to Order

8:30 a.m. Acting Chair Zimmerman called the Open Session of the Special Meeting of the Bi-State Development Agency, Board of Commissioners, to order at 8:30 a.m.

2. Roll Call

8:30 a.m. Roll call was taken, as noted above.

3. Public Comment

8:30 a.m. Chair Zimmerman noted that no speaker cards were submitted for today's meeting.

4. Election of Officers

8:32 p.m. Commissioner Simmons, Chair of the Nominating Committee, noted that a meeting of the Nominating Committee was held on May 14, 2020, at approximately 1:50 p.m., immediately following the Security Sub-Committee Meeting. He stated that the draft minutes of that meeting are included in your Board Packet under Tab #3.

Commissioner Simmons noted that, at that meeting, the Committee approved the following slate of officers for 2020-2021:

Rose Windmiller, Chair
Justin Zimmerman, Vice-Chairman
Herbert Simmons, Treasurer
Vernal Brown, Secretary

He reported that the Committee further approved that this slate of officers be forwarded to the full Board of Commissioners for approval at its next regular meeting on Friday, June 26, 2020, with the new slate of Officers to become effective immediately upon the adjournment of the meeting on June 26, 2020.

Commissioner Simmons noted that, although Board Policy indicates that the election of officers will take place in June of each year, the resignation in January of former Board Chair Buehlhorn and the upcoming appointment of a new Commissioner, who will replace Vice Chair Holman on June 1st, leaves the Board and the Agency without a Chairman or a Vice Chairman for the next several weeks; therefore, the Board may wish to consider suspending its policy of electing officers in June, and proceed with the election of officers at today's meeting. He stated that, if the Board is in agreement, a motion would be needed to suspend the Board Policy, and approve the proposed slate of officers for 2020-2021, as recommended by the Nominating Committee, with the new slate of officers to become effective immediately upon the adjournment of today's Combined Operations/Audit and Finance and Administration Committee Meeting.

Commissioner Beach made a motion to suspend Board Policy, Article III (A), regarding election of officers in June of each year and to approve the proposed slate of officers for 2020-2021, as recommended by the Nominating Committee, with the new slate of officers becoming effective immediately upon the adjournment of today's Combined Operations/Audit and Finance and Administration Committee Meeting. The motion was seconded by Commissioner Pestello. **The motion passed unanimously.**

5. **Adjournment to Executive Session – If such action is approved by a majority vote of the Bi-State Development Agency's Board of Commissioners who constitute a quorum, the Board may go into closed session to discuss legal, confidential, or privileged matters pursuant to Bi-State Development Board Policy Chapter 10, §10.080(D) Closed Records; Legal under §10.080(D)(1); Real Estate under §10.080(D)(2); Personnel under §10.080(D)(3); Health Proceedings under §10.080(D)(4); Employee Negotiations under §10.080(D)(5); Data Processing under §10.080(D)(6); Purchasing and Contracts under §10.080(D)(7); Proprietary Interest under §10.080(D)(8); Hotlines under §10.080(D)(9); Auditors under §10.080(D)(10); Security under §10.080(D)(11); Computers under §10.080(D)(12); Personal Access Codes under §10.080(D)(13); Personal Information under §10.080(D)(14); Insurance Information under §10.080(D)(15); Rail, Bus, or Facilities Safety and Accidents under §10.080(D)(16) or Protected By Law under §10.080(D)(17).**

8:35 a.m. Acting Chair Zimmerman requested a motion to allow the Committee to move into closed session as permitted under Bi-State Development Board Policy, Chapter 10, Section 10.080, (D) (1) – Legal; (D) (2) – Real Estate; (D) (3) – Personnel; and (D) (10) – Auditors.

A motion to move into Executive Session was made by Commissioner Windmiller and seconded by Commissioner Brown. A roll call vote was taken as follows:

Vernal Brown – Yea
Rose Windmiller – Yea
Fred Pestello – Yea

Terry Beach – Yea
Derrick Cox – Yea
Herbert Simmons – Yea
Justin Zimmerman – Yea

The motion passed unanimously, and the Board moved into executive session at 8:36 a.m.

Commissioner Aliah Holman & Commissioner Irma Golliday joined the meeting, via Zoom, at approximately 8:37 a.m.

Commissioner Fred Pestello left the meeting at approximately 9:15 a.m.

6. Reconvene to Open Session

9:15 a.m. The Board of Commissioners reconvened to the Regular Meeting at approximately 9:15 a.m.

Acting Chair Zimmerman noted that, per recent changes to Board Policy, no final action votes will be taken in a closed (executive) session. For items requiring final action, a roll call vote shall be taken in open session.

Commissioner Windmiller made a motion to approve Consent Agenda Items: a) Draft Passenger Revenue - Farebox Audit (Resolution #1056); b) Draft Legal Fees Expense 5030301 Audit (Resolution #1057); and c) Restructuring of Financing Agreement, Brentwood-Meridian Garage (Resolution #1058). The motion was seconded by Commissioner Brown.

Aliah Holman – Yea
Rose Windmiller – Yea
Vernal Brown – Yea

Terry Beach – Yea
Derrick Cox – Yea
Irma Golliday – Yea
Herbert Simmons – Yea
Justin Zimmerman – Yea

Motion passed.

7. Adjournment

9:18 a.m. Acting Chair Zimmerman asked if there was any further business, being none, Commissioner Brown made a motion to adjourn the meeting. The motion was seconded by Commissioner Beach. Unanimous vote in favor was taken. The motion passed, and the meeting was adjourned at approximately 9:18 a.m.

**BI-STATE DEVELOPMENT
COMBINED OPERATIONS / AUDIT, FINANCE & ADMINISTRATION
COMMITTEE MEETING
(VIRTUAL MEETING)
OPEN SESSION MINUTES
May 21, 2020**

Operations Committee Members Participating via Zoom

Derrick Cox
Irma Golliday
Vernal Brown
Rose Windmiller

Audit, Finance & Administration Committee Members Participating via Zoom

Justin Zimmerman – Acting Chair
Herbert Simmons
Constance Gully
Aliah Holman, Chair (noted that she would need to leave the meeting early)
Fred Pestello – Absent

Other Board Members Participating via Zoom

Terry Beach

Staff Participating via Zoom

Taulby Roach, President and Chief Executive Officer
Barbara Enneking, General Counsel and Deputy Secretary
Myra Bennett, Manager of Board Administration
Brenda Deertz, Administrator/Executive Assistant to the President/CEO
Jessica Mefford-Miller, Executive Director Metro Transit
Tammy Fulbright, Sr. Director, Financial Planning & Treasury
John Langa, Vice President Economic Development
Charles Stewart, Executive Vice President Organizational Effectiveness
Kevin Scott, General Manager of Field Security
Mark Vago, Sr. Vice President Chief Financial Officer, Accounting
Angela Staicoff, Sr. Internal Auditor
Gregory A. Smith, Vice President of Procurement & Inventory Management
Andrew Ghiassi, Director of Safety
Kerry Kinkade, Vice President & Chief Information Officer
David Toben, Director of Benefits

Additional Participants via Zoom

Brett Runge, ASL Interpreter

1. Open Session Call to Order

9:22 a.m. Acting Chair Zimmerman called the Open Session of the Combined Operations / Audit, Finance & Administration Committee Meeting to order at 9:22 a.m.

2. Roll Call

9:23 a.m. Roll call was taken, as noted above.

3. Public Comment

9:23 a.m. Chair Zimmerman asked Ms. Bennett if any speaker cards have been received for today's meeting. Ms. Bennett noted that no speaker cards were submitted.

4. Minutes of the March 20, 2020 Combined Operations Committee and Audit, Finance & Administration Committee, Open Meeting

9:23 a.m. The minutes of the March 20, 2020, Combined Operations Committee and Audit, Finance & Administration Committee, Open Meeting were provided in the Committee packet. A motion to approve the minutes was made by Commissioner Holman and seconded by Commissioner Brown.

The motion passed unanimously.

5. Potential Refunding of Bonds Issued to Finance Arch Motor Set Replacements

9:24 a.m. A briefing paper was presented to the Audit, Finance and Administration Committee, for discussion and referral to the Board of Commissioners for approval, regarding a resolution authorizing the refinancing (the Refunding) of BSD's Taxable Series 2014 Bonds issued in support of the Gateway Arch. Tammy Fulbright, Senior Director for Financial Planning and Treasury, gave a brief overview of this item. She noted that, although market conditions are not currently favorable, it is anticipated that the market conditions will change, and staff would like to be prepared to move forward with refunding of these bonds, if this happens.

A motion to approve this agenda item, as presented, was made by Commissioner Simmons and seconded by Commissioner Cox. **The motion passed.**

6. Letter of Agreement between Bi-State Development and The Jerry Costello Group, LLC for Consulting Services for the St. Louis Regional Freightway and Bi-State Development

9:26 a.m. A briefing paper was provided in the Committee packet, regarding a request to refer to the Board of Commissioners, for approval, an authorization to enter into a Letter of Agreement between Bi-State Development and The Jerry Costello Group, LLC for Consulting Services for the St. Louis Regional Freightway and Bi-State Development.

Commissioner Windmiller stated that she is supportive of the use of consultants; however, it is important that the Agency specifies the scope of work and deliverables.

Commissioner Zimmerman stated that he spoke with Congressman Costello, who walked him through their efforts for the Agency. Commissioner Zimmerman stated that he informed Mr. Costello that the Board of Commissioners takes their oversight role seriously, and it is anticipated

that the Costello Group will be providing a report, or will be addressing the Board, to give updates on their efforts.

President/CEO Roach stated that he spoke with Mary Lamie, Executive Vice President Multimodal Enterprises, this morning to address some of the concerns voiced by Commissioner Windmiller. He noted the assistance that has been provided regarding the CARES legislation, and noted that the Costello Group has been very instrumental in this process. Commissioner Simmons stated that he feels that the Agency needs every voice it can get, at this time.

A motion to approve this agenda item, as presented, was made by Commissioner Simmons and seconded by Commissioner Golliday. **The motion passed.**

7. Contract Modification: Extension of Contract with The Harlan Company for Installation of Brentwood Bus Garage Oil and Water Separator

9:33 a.m. A briefing paper was provided in the Committee packet, regarding a request to refer to the Board of Commissioners, for approval, authorization for the President & CEO to execute a contract modification with The Harlan Company for the continuation of construction services of the Oil-Water Separator at the Brentwood Bus Garage. Jessica Mefford-Miller, Executive Director Metro Transit, gave a brief overview of this issue, noting the history of the project and the previous contract extension, and she requested an additional contract extension to be approved through September 2020.

A motion to approve this agenda item, as presented, was made by Commissioner Gully and seconded by Commissioner Brown. **The motion passed unanimously.**

8. Contract Award – Project Support Services by Center for Transportation and the Environment

9:34 a.m. A briefing paper was provided in the Committee packet, regarding a request to refer to the Board of Commissioners, for approval, a contract with the Center for Transportation and the Environment for additional Project Support Services, as needed, throughout the initial implementation of the Battery Electric Bus fleet. Jessica Mefford-Miller, Executive Director Metro Transit, gave a brief overview of this issue.

A motion to approve this agenda item, as presented, was made by Commissioner Holman and seconded by Commissioner Gully. **The motion passed unanimously.**

9. Contract Award – WSP USA Inc. On-Call General Engineering Consultant

9:36 a.m. A briefing paper was provided in the Committee packet, regarding a request to refer to the Board of Commissioners, approval to enter into a contract with WSP USA, Inc., to provide On-Call Architectural and Engineering services. It was noted that the contract would consist of three base years, and two, one year option periods, which will be awarded at the discretion of Bi-State Development. Jessica Mefford-Miller, Executive Director Metro Transit, gave a brief overview of this issue.

A motion to approve this agenda item, as presented, was made by Commissioner Brown and seconded by Commissioner Gully. **The motion passed unanimously.**

10. Emergency Contract Award – Vobis Sanus LLC (DBA BrightStar Care) for Employee Temperature Screening

9:38 a.m. A briefing paper was provided in the Committee packet, regarding a request to approve an emergency contract award for employee temperature screenings to Vobis Sanus LLC (DBA BrightStar Care). Dave Toben provided a brief overview of this issue. He noted that, in response to the COVID-19 pandemic, senior leadership initiated an employee safety program to screen employee body temperatures upon reporting to work. He stated that the Bi-State Development (BSD) Organizational Effectiveness division quickly sought out temporary medical staffing vendors, and on March 18, 2020, a total of three (3) vendors responded to the outreach. Elite Medical Staffing, Medical Staffing Network and BrightStar Care. Pricing obtained ranged from \$65 per hour for registered nurses to \$30 per hour for certified nursing assistants and/or home health aides. He noted that BrightStar Care was selected, as they were able to immediately provide resources to begin screenings by Monday March 23, 2020, at an acceptable cost per hour between \$30 and \$35. Mr. Toben noted that the costs have averaged approximately \$77,000 per week, and currently total \$421,214.23. He stated that staff is requesting that the President & CEO be authorized to continue funding the current employee temperature screening process as needed, while providing cost updates at each Board meeting, until a technical solution is established.

Commissioner Windmiller asked if there is an estimated time for implementation of a technical solution. President/CEO Roach noted that this will be addressed in the next agenda item. It was noted that this expense is currently being covered by the CARES Act.

A motion to approve this agenda item, as presented, was made by Commissioner Holman and seconded by Commissioner Simmons. **The motion passed unanimously.**

11. Emergency Contract Award – DH Pace Company, Inc. for Employee Temperature Screening Gateways

9:42 a.m. A briefing paper was provided in the Committee packet, regarding a request to refer to the Board of Commissioners, approval of an emergency contract award for the purchase of 7 Temperature Monitoring Portals from DH Pace Company, Inc. in an amount of \$114,100, which will allow the Agency to transition away from manual screening. Andrew Ghiassi, Director of Safety, provided a brief overview of this issue and how the equipment will work. Discussion held regarding other safety measures currently in effect. Commissioner Zimmerman stated that staff should feel free to report these types of activities to the Board. He stated that the Board of Commissioners is concerned, and staff should not feel that they are “bothering” the Board.

A motion to approve this agenda item, as presented, was made by Commissioner Simmons and seconded by Commissioner Golliday. **The motion passed unanimously.**

12. Agreement with St. Clair County, Illinois Transit District

9:46 a.m. A briefing paper was provided in the Committee packet, regarding a request to refer to the Board of Commissioners, approval to enter into an Agreement (“Agreement”) with the St. Clair County, Illinois Transit District (“District”) allowing BSD to assume responsibility for managing the dates, locations, times, and duties of all St. Clair County Sheriff secondary patrols on BSD facilities and conveyances within the District’s boundaries and to reimburse BSD for its respective share of providing such secondary St. Clair County Sheriff secondary patrols. Kevin

Scott, General Manager of Field Security, provided a brief overview of this issue, noting that this Agreement is for the consolidation of secondary law enforcement resources spent for BSD facilities and conveyances within the St. Clair County, Illinois Transit District boundaries. He also noted that St. Clair County Sheriff's Deputies, who are currently part-time secondary law enforcement employees of BSD, will be coordinated by BSD to staff selected posts within the District. Commissioner Gully posed questions regarding how the locations are identified, in comparison to where the incidents of crime are highest. Mr. Scott stated that locations will be determined through a collaboration with the Police Departments, and will be based on data collected. He also noted that the Agency receives monthly reports from the Federal data base, which helps in the assessment of where deployment is needed.

A motion to approve this agenda item, as presented, was made by Commissioner Gully and seconded by Commissioner Cox. **The motion passed.** (Commissioner Simmons abstained from the vote.)

13. Sole Source Contracts for Hardware and Software Maintenance

9:51 a.m. A briefing paper was provided in the Committee packet, regarding a request to refer to the Board of Commissioners, approval of sole source contracts for Hardware and Software Maintenance as budgeted for FY 2021. Kerry Kinkade, Vice President & Chief Information Officer, provided a brief overview of this issue, noting that BSD's FY 2021 Operating Budget allocates approximately \$3,002,000 for costs associated with hardware and software maintenance contracts. He noted that most of the contracts are less than \$100,000 per year, therefore, do not require approval of the Board of Commissioners; however, there are six providers, whose annual costs are anticipated to exceed the \$100,000 threshold which requires Board approval (as noted below).

<u>Supplier</u>	<u>Product Description</u>	<u>Annual Cost</u>
Kronos	Employee Timekeeping System	\$ 145,000
Oracle	Financial/ERP System	\$ 558,000
Scheidt and Bachmann	Farebox Management System	\$ 328,000
Giro	Operator Dispatch System	\$ 138,000
Tableau	Business Analytics & Reporting	\$ 136,000
Trapeze	Operations & Customer Svc. Systems	\$ 1,029,000

A motion to approve this agenda item, as presented, was made by Commissioner Gully and seconded by Commissioner Brown. **The motion passed.**

14. Metro Transit's Agency Safety Plan

9:55 a.m. A briefing paper was provided in the Committee packet, regarding a request to refer to the Board of Commissioners, approval of the Metro Transit's Agency Safety Plan, which meets and is responsive to the FTA's Public Transportation Agency Safety Program (PTASP) requirements, as set forth by 49 CFR Part 673. Andrew Ghiassi, Director of Safety, provided a brief overview of this issue, noting that Metro Transit's Agency Safety Plan guides the effort in managing safety risks and hazards within our transportation system. He noted that the plan includes the following elements:

- Processes and procedures for establishing a Safety Management System, which consists of four main elements: (1) Safety Management Policy, (2) Safety Risk Management, (3) Safety Assurance, and (4) Safety Promotion.
- Performance targets based on the safety performance criteria established under the National Public Transportation Safety Plan (49 CFR 673.11(a)(3)).
- Addresses all applicable requirements and standards as set forth in the FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan (49 CFR 673.11(a)(4)).
- Establishes a process and timeline for conducting an annual review and update of the Public Transportation Agency Safety Plan (49 CFR 673.11(a)(5)).

A motion to approve this agenda item, as presented, was made by Commissioner Windmiller and seconded by Commissioner Gully. **The motion passed unanimously.**

15. – 19. 9:58 a.m. Acting Chair Zimmerman noted that, “Items #15 through #19 consist of reports prepared by the Internal Audit Department, as information only, including:

- Treasury-Safekeeping Quarterly Accounts – Ending December 31, 2019
- Treasury-Safekeeping Quarterly Accounts – Ending March 31, 2020
- Internal Audit Follow-Up Summary – 3rd Quarter FY2020
- Internal Audit Status Report – 3rd Quarter FY2020
- Internal Audit State Safety Oversight Status Report – 1st Quarter – Calendar Year 2020

He noted that Angela Staicoff, Sr. Internal Auditor, is in attendance, if there are any questions pertaining to these reports. Being no questions, the Chair moved to Item #20.

20. Pension Plans, 401(k) Retirement Savings Program and OPEB Trust Investment Performance Update as of December 31, 2019

9:59 a.m. A briefing paper was provided in the Committee packet, regarding the Pension Plans, 401(k) Retirement Savings Program and OPEB Trust Investment Performance Update as of December 31, 2019. Charles Stewart, Executive Vice President Organizational Effectiveness, provided a brief overview of this issue, noting that 2019 was a very good year for investments. This item was presented as information only, and no action by the Committee is required.

21. Financial Statements

10:01 a.m. Financial Statements for the third quarter of FY20 were included in the Committee Packet for review. Mark Vago, Sr. Vice President & Chief Financial Officer, provided a brief summary of the statements, as well as an overview of the impacts of the COVID-19 situation on revenues and the year to date losses. This item was presented as information only, and no action by the Committee is required.

22. Treasurers Report

10:06 a.m. A Treasurer’s Report for the quarter ended March 31st was included in the Committee Packet. Tammy Fulbright, Sr. Director, Financial Planning & Treasury, provided a brief overview of this issue. This item was presented as information only, and no action by the Committee is required.

23. Procurement Report 2nd Quarter & 3rd Quarter– FY20

10:08 a.m. A memorandum was provided in the Committee packet, to provide a summary of the quarterly procurement activity for the second and third quarters of fiscal year 2020. These reports were presented for information only, and no action of the Committee is required.

24. Metro Transit Operations Report

10:10 a.m. An operations report for Metro Transit was included in the Committee packet. Jessica Mefford-Miller, Executive Director of Metro Transit provided information to the Committee regarding the COVID-19 situation. She noted that ridership is down approximately 70% for MetroLink, 50% for MetroBus, and 46% for Call A Ride. Although ridership has fallen, she noted that this is not as steep of a decline as many other transit systems have experienced. Ms. Mefford-Miller noted that keeping team members and customers safe is the highest concern, and the use of masks for all passengers and operators has been implemented, along with the increased cleaning and disinfecting, which has been in effect for several months. She noted that fare collection will resume on June 1st. Ms. Mefford-Miller also reported on the operational impact that the COVID situation has had on the system, and commended staff, especially the operators and front line employees, for their dedication. She noted that absenteeism has increased, and Metro has had over 400 COVID related absences. She stated that a schedule change is anticipated for June 15, 2020, for the busiest routes. Ms. Mefford-Miller reported that work on implementing a mobile ticketing system is continuing. This item was submitted as information only, and no action is needed by the Committee.

Commissioner Cox thanked Ms. Mefford-Miller for her dedication. Additional discussion was held regarding the implementation of the mask requirement, and the way in which information is being distributed to the customers.

25. President/CEO Report

10:26 a.m. Bi-State Development President/CEO Taulby Roach expressed concerns regarding staff exhaustion. He noted that staff has been working six to seven days per week, and he commended staff for all of their efforts. Mr. Roach noted that Metro Transit typically experiences three to four service changes per year; however, transit has experienced three to four services changes in the past several months. He also noted that he is moving forward with the presentation of the FY21 budget to our partners, and will be seeking full approval from the St. Louis County Council in the near future.

26. Unscheduled Business

10:30 a.m. Single Bid – Widening Newstead Avenue Grade Crossing Signal System Modifications. A briefing paper was provided in the Committee packet, regarding a request to refer to the Board of Commissioners, approval to enter into a contract with Wissehr Electrical Contractors to deliver MetroLink Signal System Modifications – Newstead Avenue Grade Crossing associated with Washington University School of Medicine roadway improvements. Jessica Mefford-Miller, Executive Director Metro Transit, gave a brief overview of this issue, noting that this is part of the Central West End project, and will ensure that the project continues as scheduled.

A motion to approve this agenda item, as presented, was made by Commissioner Brown and seconded by Commissioner Simmons. **The motion passed.** (Commissioner Windmiller abstained from the vote.)

Commissioner Holman left the meeting at approximately 10:30 a.m.

27. Call of Dates for Future Board and Committee Meetings

10:32 a.m. Myra Bennett, Manager of Board Administration, advised the Committee of the upcoming meetings, as follows:

Tentative schedule:

- Security Sub-Committee Meeting:	Thursday	June 11, 2020	8:30 AM
- Board of Commissioners Meeting:	Friday	June 26, 2020	8:30 AM
- Security Sub-Committee Meeting:	Thursday	August 13, 2020	8:30 AM
- Operations/Audit Finance Committee:	Thursday	August 21, 2020	8:30 AM

It was noted that currently, there are no scheduled meetings to be held in the month of July.

28. Adjournment to Executive Session – If such action is approved by a majority vote of the Bi-State Development Agency’s Board of Commissioners who constitute a quorum, the Board may go into closed session to discuss legal, confidential, or privileged matters pursuant to Bi-State Development Board Policy Chapter 10, §10.080(D) Closed Records; Legal under §10.080(D)(1); Real Estate under §10.080(D)(2); Personnel under §10.080(D)(3); Health Proceedings under §10.080(D)(4); Employee Negotiations under §10.080(D)(5); Data Processing under §10.080(D)(6); Purchasing and Contracts under §10.080(D)(7); Proprietary Interest under §10.080(D)(8); Hotlines under §10.080(D)(9); Auditors under §10.080(D)(10); Security under §10.080(D)(11); Computers under §10.080(D)(12); Personal Access Codes under §10.080(D)(13); Personal Information under §10.080(D)(14); Insurance Information under §10.080(D)(15); Rail, Bus, or Facilities Safety and Accidents under §10.080(D)(16) or Protected By Law under §10.080(D)(17).

10:33 a.m. Acting Chair Zimmerman requested a motion to allow the Committee to move into closed session as permitted under Bi-State Development Board Policy, Chapter 10, Section 10.080, (D) (1) – Legal; (D) (2) – Real Estate; and (D) (10) – Audit.

A motion to move into Executive Session was made by Commissioner Simmons and seconded by Commissioner Gully. A roll call vote was taken as follows:

Rose Windmiller – Yea
Constance Gully – Yea
Vernal Brown – Yea

Terry Beach – Yea
Derrick Cox – Yea
Irma Golliday – Yea
Herbert Simmons – Yea
Justin Zimmerman – Yea

Motion passed unanimously, and the Committee moved into Executive Session at 10:34 a.m.

29. Reconvene to Open Meeting

10:46 a.m. The Committee reconvened to the Open Meeting at approximately 10:46 a.m.

Acting Chair Zimmerman noted that, per recent changes to Board Policy, no final action votes will be taken in a closed meeting or closed (executive) session. For items requiring final action, a roll call vote shall be taken in open session.

Commissioner Brown made a motion to approve the Minutes from the March 20, 2020, Executive Session of the combined meeting of the Operations and Audit, Finance, & Administration Committee, as a closed record. The motion was seconded by Commissioner Windmiller.

Rose Windmiller – Yea
Constance Gully – Yea
Vernal Brown – Yea

Terry Beach – Yea
Derrick Cox – Yea
Irma Golliday – Yea
Herbert Simmons – Yea
Justin Zimmerman – Yea

The motion passed.

Commissioner Gully made a motion to approve the Agreement between Bi-State Development (BSD) and St. Clair County Transit District (SCCTD) for Communications and 911 Centers at the Emerson Park - MetroLink Facility, as presented. The motion was seconded by Commissioner Windmiller.

Rose Windmiller – Yea
Constance Gully – Yea
Vernal Brown – Yea

Terry Beach – Yea
Derrick Cox – Yea
Irma Golliday – Yea
Herbert Simmons – Abstain
Justin Zimmerman – Yea

The motion passed.

30. Adjournment

10:49 a.m. Acting Chair Zimmerman asked if there was any further business. Being none, Commissioner Cox made a motion to adjourn the meeting, and the motion was seconded by Commissioner Gully. Unanimous vote in favor taken. Motion passed, and the meeting was adjourned at approximately 10:50 a.m.

**BI-STATE DEVELOPMENT
SECURITY SUB-COMMITTEE MEETING
(VIRTUAL MEETING VIA ZOOM)
OPEN SESSION MINUTES
May 14, 2020 @ 12:30 PM**

Sub-Committee Members in Attendance via Zoom

Missouri

Rose Windmiller, Co-Chair
Vernal Brown
Fred Pestello - Absent

Illinois

Herbert Simmons, Co-Chair
Derrick Cox - Absent
Irma Golliday - Joined the meeting at
approximately 12:36 pm; however, was unable
to participate in voting due to technical difficulty.

Other Commissioners in Attendance via Zoom

Terry Beach
Justin Zimmerman

Staff in Attendance via Zoom

Taulby Roach, President and Chief Executive Officer
Barbara Enneking, General Counsel and Deputy Secretary
Myra Bennett, Manager of Board Administration
Brenda Deertz, Administrator/Executive Assistant to the President & CEO
Stephen Berry, General Manager - Public Safety, Central Facility - Public Safety
Kevin Scott, Director - Public Safety, Central Facility - Public Safety
Vernon Summers, Manager - Contract Security, Central Facility - Public Safety
Jessica Mefford-Miller, Executive Director Metro Transit
Ted Zimmerman, Vice President Marketing & Communication
Jerry Vallely, External Communications Manager

Others in Attendance via Zoom

Brett Runge

- 1. Open Session Call to Order**
12:30 p.m. Chair Windmiller called the Open Session of the Bi-State Development Agency, Security Sub-Committee Meeting to order at 12:30 p.m.
- 2. Roll Call**
12:30 p.m. Roll call was taken, as noted above.
- 3. Public Comment**
12:32 p.m. Chair Windmiller noted that no speaker cards were submitted.

4. **Approval of the Minutes of the February 25, 2020 Security Sub-Committee, Open Meeting 12:32 p.m.** The minutes of the February 25, 2020 Security Sub-Committee, Open Meeting were provided in the Committee packet for review. Commissioner Windmiller asked that page 2, Item 5, first paragraph be amended. She noted that the second sentence states, “He (Commissioner Cox) stated that he had sent an e-mail to Commissioner Windmiller, asking that the plan be broken down into sections, for that vote.” She asked that a sentence be added to the minutes to indicate that she had stated that she did not receive an e-mail from Commissioner Cox. A motion to approve the minutes, as amended, was made by Commissioner Simmons and seconded by Commissioner Brown. **The motion passed.** (Commissioner Zimmerman abstained from the vote.)
5. **Ride and Abide Policy 12:34 p.m.** A briefing paper and draft policy were included in the Board informational packets regarding this item.

Stephen Berry gave a brief overview of this item. He noted that the Ride and Abide Policy addresses nuisance abatement issues. Mr. Berry stated that bad behaviors have been allowed to continue in the past, which a transit system should never have to sustain.

Commissioner Irma Golliday joined the meeting at approximately 12:36 p.m. Although present, she was unable to participate in subsequent votes, due to technical difficulty with the audio.

Mr. Berry noted that the new guidelines include an administrative process to deal with nuisance behaviors. He stated that the citation process allows Metro Transit to have a process to address issues, according to the significance of the offense, as well as address repeat offenders, and this process supports the new contract policy with G4S. Kevin Scott stated that, as previously noted, the process will allow steps to address repeat offenders, and will allow for suspension notices for those individuals, to be reviewed for accuracy and appropriateness.

Mr. Berry noted that staff will be trained on this policy and that rider Code of Conduct cards will be distributed to riders. Commissioner Simmons asked that these cards be distributed to the Board of Commissioners.

Commissioner Zimmerman posed questions regarding the enforcement mechanism in place regarding violations of policy. Mr. Berry noted that video will be used to identify offenders, as well as reports received from operations personnel. He stated that the goal is to use these policies, not just as an enforcement tool, but more importantly, as a compliance tool. Commissioner Windmiller thanked the staff for sensitivity to this issue. Commissioner Windmiller noted a minor typographical error in the policy on page 1, A. 6, stating that she believes the word “abuse” in line 2. should read “abusive”. Staff indicated a change in the wording would be made.

A motion to accept this item as presented, with the noted wording change, to be forwarded to the Board of Commissioners for approval, was made by Commissioner Simmons and seconded by Commissioner Brown. **The motion passed.**

6. Motion to move Executive Session

1:04 p.m. Chair Windmiller requested a motion to allow the Committee to move into closed session as permitted under Bi-State Development Board Policy, Chapter 10, Section 10.080, (D) (1) – Legal, (D) (2) – Personnel, and (D) (10) – Security.

A motion to move into Executive Session was made by Commissioner Zimmerman and seconded by Commissioner Simmons. A roll call vote was taken as follows:

Rose Windmiller – yea
Vernal Brown – yea

Herbert Simmons – yea
Justin Zimmerman – yea
Terry Beach – yea
Irma Golliday – unable to vote
(technical difficulty)

Motion passed unanimously, and the Committee moved into Executive Session at 1:04 p.m.

7. Reconvene to Regular Meeting

1:45 p.m. The Committee reconvened to the Regular Meeting at approximately 1:45 p.m.

Chair Windmiller asked for a motion to approve the minutes of the February 25, 2020, Security Sub-Committee, Executive Session Meeting, as presented, as a closed record. The motion was made by Commissioner Brown and was seconded by Commissioner Simmons. The poll of the Board being:

Rose Windmiller – yea
Vernal Brown – yea

Herbert Simmons – yea
Justin Zimmerman – yea
Terry Beach – yea
Irma Golliday – unable to vote
(technical difficulty)

The motion passed.

8. Adjournment

1:46 p.m. Chair Windmiller asked if there was any further business; being none, Commissioner Simmons made a motion to adjourn the meeting. The motion was seconded by Commissioner Brown. Unanimous vote in favor taken. Motion passed, and the meeting was adjourned at approximately 1:46 p.m.

**BI-STATE DEVELOPMENT
SECURITY SUB-COMMITTEE MEETING
(VIRTUAL MEETING VIA ZOOM)
OPEN SESSION MINUTES
June 11, 2020 @ 8:30 AM**

Sub-Committee Members in Attendance via Zoom

Missouri

Rose Windmiller, Co-Chair
Vernal Brown
Fred Pestello

Illinois

Herbert Simmons, Co-Chair
Irma Golliday
Derrick Cox – Absent

Other Commissioners in Attendance via Zoom

Nate Johnson
Constance Gully – Absent

Terry Beach
Justin Zimmerman – Absent

Staff in Attendance via Zoom

Taulby Roach, President and Chief Executive Officer
Barbara Enneking, General Counsel and Deputy Secretary
Myra Bennett, Manager of Board Administration
Brenda Deertz, Administrator/Executive Assistant to the President & CEO
Stephen Berry, General Manager - Public Safety, Central Facility - Public Safety
Kevin Scott, Director - Public Safety
Vernon Summers, Manager - Contract Security, Central Facility - Public Safety
Jessica Mefford-Miller, Executive Director Metro Transit
Patti Beck, Director of Communications
Ted Zimmerman, Vice President Marketing & Communication
Jerry Vallely, External Communications Manager

Others in Attendance

Lurae Stuart, WSP
Brett Runge, ASL Interpreter

1. **Open Session Call to Order**
8:30 a.m. Chair Simmons called the Open Session of the Bi-State Development Agency, Security Sub-Committee Meeting to order at 8:30 a.m.
2. **Roll Call**
8:30 a.m. Roll call was taken, as noted above.

3. **Public Comment**

8:33 a.m. Chair Simmons asked Ms. Bennett if any speaker cards were submitted for today's meeting. Ms. Bennett noted that two comment cards were submitted, and deferred to Barbara Enneking, General Counsel, for additional information. Ms. Enneking read the correspondence, as noted below:

Name: Liz Kramer

Representing: Self - City Resident

Topic: New Ride and Abide Policy Review

Comments: I'm concerned about the details of the new proposed Ride and Abide policy, and the vetting by policy experts who look for the impact on our most vulnerable populations. What protections are there to ensure that repeat offenders or those who are experiencing homelessness are not criminalized and punished? Will review committee members for appeals be specifically trained to address racial and socioeconomic equity? In general, I think the idea of being able to ban those who are causing the most problems makes sense, but I want to be sure that those with the expertise to assess the impact on vulnerable individuals have reviewed this thoroughly before it is adopted.

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Name: Mitch Eagles

Representing: Transit riders

Topic: Several Comments

Comments: I think it's ridiculous that we never stopped fare enforcement on Metro, and that metro fare enforcement are still regularly not wearing masks. Bi-State received a \$142 million grant: that's almost half your operating budget on Metro for a year, and yet we're still requiring fares and actively doing fare enforcement. And the system we've implemented seems half-thought-through. Riders who buy a cash fare get no transfer, so now they all must touch a fare machine at the MetroLink station if they are transferring. This just adds additional vectors. Given the demographics of our system, this has a disproportionate impact on Black St. Louisans, and I would guess that's even more true during a pandemic where only the most reliant on public transit are riding. If Bi-State believes that Black lives matter, then I think they really need to do a better job of showing it. I would ask the board to confirm their commitment to racial equity, rather than hand waving.

I also hope that Bi-State commissioners are listening to the national conversation about the role of police. I think any rider on our system has seen the racial bias of our "public safety" officers (I have regularly seen black riders asked to show their pass in a more discerning way than I, a white rider, am). Mr. Roach's response to my email about the coronavirus concerns was sorely disappointing: placing the perception of "safety" above the actual creation of "safety" (which would include reducing vectors of transmission for a deadly disease) is a succinct example of Bi-State's wrongheaded approach.

I have concerns about a policy allowing users to be banned from the system. While I appreciate that the policy only applies to serious issues, I have doubts trusting this in your hands when you have proven reticent to provide the public with the ability to actually oversee problems. A few months ago I brought a chart to this Board which suggested a serious increase in fare violations issued to our riders, which I made utilizing Metro's public safety data. Since then, the data I used

to make that chart has disappeared from Metro's website. I have received a response that this data will never be available to the public again. This is, frankly, bonkers.

I miss my ability to attend these meetings in person. I hope you will forgive this letter sounding terse, but these are serious issues and Bi-State continues to act like a clown. I am sad to see Commissioner Holman go, as she always seemed to be the most willing to actually work towards serving transit riders. I welcome the newest commissioner, although I would really have liked to have seen a transit-reliant person on the board (and not one who lives in the Central Corridor and primarily uses MetroLink, as that is not representative of our ridership).

Looking forward to being on the bus with regularity once this pandemic is over!

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It was noted that copies of these cards would be sent via e-mail to the Commissioners at the conclusion of today's meeting.

4. **Approval of the Minutes of the May 14, 2020 Security Sub-Committee, Open Meeting**
8:38 a.m. The minutes of the May 14, 2020 Security Sub-Committee, Open Meeting were provided in the Committee packet. A motion to approve the minutes was made by Commissioner Pestello and seconded by Commissioner Brown. **The motion passed.**

5. **WSP Scorecard for Metro Transit – Report**
8:39 a.m. Lurae Stuart, WSP, addressed the Committee, to give a summary of the most recent WSP Scorecard for Metro Transit (Metro), related to security updates. She noted that Metro has made progress in several areas since September 2019, including: Security Strategy; Police & Security Staffing; Procedures & Training; and Crime Prevention through Environmental Design (CPTED); and Technology. (President and Chief Executive Officer, Taulby Roach, stated that the “Scorecard” with a full breakdown, will be distributed to the Commissioners after today’s meeting.)

In the area of Security Strategy, the following progress was noted:

- Collaborative functional working relationships – law enforcement, Metro & contracted security
- Defined roles documented in the Security Plan and contracts
- Security Plan developed collaboratively, approved and implemented
- Security, Safety & Emergency Management combined under a single organizational unit
- Proactive communication and media strategies
- Emergency Management program functional and integrated

With regard to Police & Security Staffing, Ms. Stuart noted the following progress:

- Leadership of all three partnership programs aligned
- Staff position reallocation in process
- Transit security program direction supported by all partners
- Each level of security staff provided the proper tools for their role
- Coordinated, collaborative and complementary deployment

- Oversight at each security layer strengthened
- Active security staff deployment being implemented
- Total agreement on resolving issues out of the public realm

In the area of Procedures & Training, the following progress was noted:

- Standard operating procedures updated to support current roles and responsibilities
- Passenger Code of Conduct approved and posted
- Ride and Abide policy slated for June Bi-State Board approval
- Revised training program being developed to support revised roles
- Law enforcement partners included in training opportunities

Ms. Stuart noted that Fare Enforcement continues to need some focus; however, these items are currently being reviewed. Commissioner Windmiller posed questions regarding the Ride & Abide Policy and fare enforcement, and whether we are adhering to best practices as they relate to racial equity. Ms. Stuart stated that this issue has been reviewed, and we are ensuring training on equitable enforcement. She stated that the policies are in line with best practices; however, it is oversight of the program, training and thoughtfulness that makes the difference regarding enforcement. Kevin Scott, Director Public Safety, noted that there is now an analytical process in place to track how citations are being issued and to ensure that staff is balanced and fair in how these policies are enforced. Upon the request of Commissioner Pestello, Jessica Mefford-Miller, Executive Director Metro Transit, gave her perspective on this issue, noting that Metro is developing a program that it has never had before and it will enable us to take a close look at these issues.

With regard to Crime Prevention through Environmental Design (CPTED), Ms. Stuart noted the following progress:

- Security design criteria under development to guide consistent application of security concepts
- Signage and wayfinding being culled and updated
- CPTED evaluation of system elements in process
- Lighting and sight line strategies being developed to support security
- CPTED concepts being applied during design reviews

Stephen Berry, General Manager Public Safety, noted that CPTED evaluation should be completed by July. It was noted that design criteria has not yet been established; however, funding must also be a consideration. Ms. Mefford-Miller noted that funding for many of these projects is included in the FY21-23 Budget.

It was noted that the following progress has been made with regard to Technology:

- CCTV access provided to law enforcement
- Grant application submitted to DHS support additional cameras and technology
- Passenger Assistance and Emergency Telephones being evaluated for functionality

- Location of Fare Machines and Validators being assessed as part of the fare evaluation program
- High visibility uniforms being worn by the TSS's and contracted security

Commissioner Beach posed questions pertaining to the status of communication between the three Police Departments. Mr. Scott and Mr. Roach gave an update regarding the current status, noting that the police partners continue to discuss this issue. Commissioner Simmons stated that communication between the first responders is of utmost importance, and lack of communication is a problem waiting to happen. He stated that the channel to allow for these communications has been there since inception; however, the partners cannot agree. Mr. Roach stated that he could use some assistance from the Board members, in working with our police partners, regarding this issue.

Ms. Stuart noted the following focus areas for additional progress:

- Some elements of progress are dependent on funding: Camera; CPTED application for existing stations; Updating of lighting and communication technologies
- Some elements are depending on governmental agreement: Single radio channel
- Cohesive fare enforcement program, supported by streamlined fare instruments and technology
- Training program being revised to support updated roles and responsibilities
- Solid data to support program development, deployment and staff

6. Update – Response and Coordination to Protests

9:43 a.m. Stephen Berry stated that Metro has been working in tandem with TSA, FBI, emergency operation centers and law enforcement partners regarding recent events. He noted that over 28 rallies were held from June 3 to present. He noted that unmanned drones have been used to ensure that everyone is staying safe. Mr. Berry noted that the investigation of the incident involving a packaging truck and looters is ongoing. He stated that Security has been able to identify problem areas during these events, and has had a heightened awareness to our vulnerabilities. Mr. Berry stated that he would like to give a “shout out” to the MetroLink and MetroBus operators during these events, who continued to operate at nearly a 100% level.

Kevin Scott stated that additional security measures were put into place on June 2nd, along with a readjustment of security personnel. He noted that these redeployments remain in place. Mr. Scott noted that Metro has been in close collaboration with its municipal partners to rebuild and revamp relationships throughout the region.

7. Update – May 29, 2020 Belleville Station Incident

9:46 a.m. Kevin Scott gave a brief update regarding the May 29, 2020 Belleville Station incident; however, he noted that information is limited, due to the fact that this is an ongoing investigation. He noted that the incident involved an apparent overdose, and that the subject was found unresponsive and in possession of narcotics. Narcan was administered; however, it had no effect.

9:48 a.m. Chair Simmons stated that the only Executive Session item on today's agenda is the approval of the Minutes of the May 14, 2020 Security Sub-Committee, Executive Session Meeting. He stated that if no discussion is needed regarding this item, the Committee can forego today's Executive Session, and move forward with taking a motion and roll call vote to approve this item. Being no discussion, Chair Simmons asked for a motion to approve the minutes of the May 14, 2020, Security Sub-Committee, Executive Session Meeting, as presented, as a closed record. The motion was made by Commissioner Windmiller and was seconded by Commissioner Brown. The poll of the Board being:

Rose Windmiller – yea
Vernal Brown – yea
Fred Pestello – yea
Nate Johnson – yea

Herbert Simmons – yea
Terry Beach – yea
Irma Golliday – yea

Motion passed.

President and CEO, Taulby Roach noted that there will be two items coming before the Board in the near future. He stated that the Ride & Abide Policy will be coming before the Board of Commissioners in June, and asked that the policy be thoroughly reviewed. In addition, he noted that Ms. Jessica Mefford-Miller and Ted Zimmerman are moving forward with a mobile ticketing project, and there will be an update on that item in June as well. Mr. Roach thanked Ms. Mefford-Miller, Mr. Berry, Mr. Scott, and the entire Safety team for working diligently through the recent events.

8. Adjournment

9:55 a.m. Chair Simmons asked if there was any further business, and being none, Commissioner Johnson made a motion to adjourn the meeting. The motion was seconded by Commissioner Brown. Unanimous vote in favor taken. The motion passed, and the meeting was adjourned at approximately 9:55 a.m.

Open Session Item

10 a

**Bi-State Development Agency
Board of Commissioners
Open Meeting Agenda Item
June 26, 2020**

From: Taulby Roach, President and Chief Executive Officer
Subject: **Potential Refunding of Bonds Issued to Finance Arch Motor Set Replacements**
Disposition: Approval
Presentation: Mark Vago, Sr. Vice President & Chief Financial Officer;
Tammy Fulbright, Sr. Director Financial Planning & Treasury;
Adam Pope (Columbia Capital Management, LLC)

Objective:

To present to the Board of Commissioners for approval, a resolution authorizing the refinancing (the Refunding) of BSD's Taxable Series 2014 Bonds issued in support of the Gateway Arch.

Background:

As of February 1, 2014, BSD and the National Park Service (NPS) executed the Jefferson National Expansion Memorial (JNEM) Fee Management and Services Agreements (the NPS Agreements) extending the unique partnership for the management of attractions at the JNEM. The NPS Agreements required separate written amendments to authorize BSD to issue bonds (the NPS Amendments).

The Agency's Compact permits it to issue bonds and provide for payment of principal and interest thereon out of the revenues derived from facilities owned or operated by BSD. In renegotiating the NPS Agreements, the parties contemplated that BSD would use this borrowing authority to issue bonds in support of replacement of the Arch Tram motor generator sets and related projects. As a result, BSD issued \$7,656,000 million in bonds in 2014 to finance the replacement of the motor generator sets and the roof over the then existing visitor center, part of the facility expansion realized by the City-Arch River project, along with required reserves and costs of issuance. Interest on the Arch Tram Bonds is subject to both Federal and Missouri state income tax.

BSD issued its 2014 Bonds on December 3, 2014, with the following terms:

- Bonds are repaid solely from Arch Tram revenues
- A direct purchase of the bonds by PNC Bank, National Association
- An amortization of 30 years
- A fixed-rate financing term of 10 years
- A delay in principal amortization to reduce stress on Arch finances during construction
- A provision to permit additional bonds to be issued in the future with the same security as this financing
- A debt service reserve fund maintained at roughly one year's debt service
- A BSD right to call the bonds prior to the expiration of the fixed rate financing term

Analysis:

Prior to the disruption of financial markets due to the COVID-19 pandemic, Columbia Capital Management, LLC, BSD's financial advisor, provided analysis that a refunding of the 2014 Bonds would produce debt service savings of approximately \$400,000 in 2020 dollars (estimated in early March). However due to changes in the recent financial markets, there are no savings at this time. However BSD staff wants to be prepared to take advantage of debt service savings if the markets turn.

BSD staff proposes authorization to refund all outstanding 2014 Bonds, replacing them with a 2020 series that does not change the amortization pattern or final maturity on the bonds. BSD staff requests authority to select a purchaser (the Purchaser) that would have the ability to execute the refunding transaction based on the terms specified and at a rate that would meet the savings parameters discussed below.

The plan of finance for the proposed refunding matches that of the 2014 Bonds. BSD pledges the net revenues of the Arch Tram operations as security to the bondholder, along with a debt service reserve fund maintained at the maximum debt service coming due in the then-current and any future year. **The net revenues of the Arch Tram system are the only Agency resources available to the bondholder.** The interest rate on the bonds will be fixed for approximately 10 years and the final maturity on the bonds will remain December 2044.

As in 2014, because the Purchaser will purchase the bonds directly, BSD will not need to secure a credit rating for the bonds or prepare an official statement, reducing both transaction costs and staff effort in executing the transaction. The current bond rate is 4.016% and BSD is seeking a rate that does not exceed 3.60%.

The resolution before the Board seeks authorization for Execute Committee action to approve the financing subject to certain parameters, particularly the generation of an interest rate not to exceed 3.60%.

Previous Action:

This item was recommended for approval at the May 21, 2020 Combined Meeting of the Operations Committee and Audit, Finance, & Administration Committee.

Board Action Requested:

It is requested that the Board of Commissioners approve a resolution to enable the Refunding of existing 2014 Arch Bonds.

Attachment:

Resolution of the Board of Commissioners of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District Approving and Providing for the Refunding of Certain of BSD's Obligations.

Funding Source:

Pursuant to Section 30.080, *Debt Issuance and Administration*, the Bi-State Development Agency of the Missouri-Illinois Metropolitan District is a body corporate and politic created and existing by reason of a joint compact (**Compact**) between the States of Missouri and Illinois (Sections 70.370 *et seq.* of the Revised Statutes of Missouri, as amended, and Illinois Compiled Statutes, Chapter 45, Act 100, as amended) and approved by the United States Congress and the President. The Powers to Issue Debt, *RSMo Section 70.373; 45 ILCS 110/1* was ratified by Congress as follows: Joint Resolutions of the United States Congress of August 31, 1950, 64 Stat. 568, Pub. L. No. 81-743; September 21, 1959, 73 Stat. 582, Pub. L. No. 86-303; September 30, 1985, 99 Stat. 477, Pub. L. No. 99-106; April 1, 1996, 110 Stat. 883, Pub. L. No. 104-125; December 19, 2011, 125 Stat. 775, Pub. L. No. 112-71. Bi-State Development is authorized to borrow money for any of the authorized purposes of BSD and to issue the negotiable notes, bonds or other instruments in writing of BSD in evidence of the sum or sums to be borrowed. The power to issue debt is vested in the Board of Commissioners.

As with the 2014 Bonds, the proposed Series 2020 Bonds will be repaid solely from the net revenues of the Arch Tram system.

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-
ILLINOIS METROPOLITAN DISTRICT APPROVING AND
PROVIDING FOR THE REFUNDING OF CERTAIN OF THE
AGENCY'S OBLIGATIONS**

PREAMBLES:

Whereas, the Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the "Agency") is a body corporate and politic, created by an interstate compact (the "Compact") between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the "Board"); and

Whereas, the Agency is authorized by its Compact and by Mo. Rev. Stat. §§ 70.370 *et seq.* and 45 Ill. Comp. Stat. 100/1 *et seq.* to acquire by gift, purchase or lease, and to plan, construct, operate and maintain passenger transportation and rail facilities; to contract with municipalities or other political subdivisions for the services or use of any facility owned or operated by the Agency, or owned or operated by any such municipality or other political subdivision; to receive for its lawful activities any contributions or moneys appropriated by municipalities, counties, state or other political subdivisions or agencies, or by the Federal Government or any agency or officer thereof, and to perform all other necessary and incidental functions; and

Whereas, the Agency is further authorized and empowered under the provisions of the Compact to issue bonds upon the security of the revenues to be derived from facilities owned and operated by it, or upon any property held or to be held by it; to borrow money for any of the authorized purposes of the Agency, and to issue the negotiable notes, bonds or other instruments in writing of the Agency in evidence of the sum or sums to be so borrowed; to provide that all negotiable notes, bonds or other instruments in writing issued shall be payable, both as to principal and interest, out of the revenues collected for the use of any facility or combination of facilities owned and operated by the Agency, or out of any other resources of the Agency, and may be further secured by a mortgage or deed of trust upon any property owned by the Agency; to prescribe the details of such notes, bonds or other instruments in writing, and of the issuance and sale thereof; and to enter into covenants with the owners of such notes, bonds or other instruments in writing, not inconsistent with the powers granted to the Agency, without further legislative authority; and

Whereas, the Agency has previously issued its Taxable Arch Tram Revenue Bonds, Series 2014 (the "Series 2014 Bonds") on December 3, 2014 in the original principal amount of \$7,656,000; and

Whereas, the Agency now desires to issue its Taxable Arch Tram Refunding Revenue Bonds, Series 2020 (the "Refunding Bonds") pursuant to the Compact and pursuant to a Master Trust Indenture dated as of December 1, 2014 (the "Master Indenture") and a Supplemental Trust Indenture No. 2 (the "Supplemental Indenture No. 2" and together with the Master Indenture and all other supplemental indentures, the "Indenture") to be entered into by and between the Agency and BOKF, N.A., as trustee (the "Trustee"), as successor trustee to The Bank of New York Mellon Trust Company, N.A., in order to provide funds to defease and refund all of the outstanding Series 2014 Bonds (the "Refunding"); and

Whereas, the terms of sale of the Refunding Bonds shall be specified in an agreement to be executed and delivered by the Agency and the purchaser thereof; and

Whereas, it is feasible, necessary and in the public interest for the Agency to issue the Refunding Bonds in order to provide funds for the Refunding.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings. The Board hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Authorization of Refunding Bonds.

(a) The Board hereby approves the issuance, execution and delivery of the Refunding Bonds, subject to the terms and conditions set forth herein, for the purpose of (i) paying the costs of the Refunding, including a termination payment to the original purchaser of the Series 2014 Bonds, and (ii) paying the costs of issuance with respect to the Refunding Bonds.

(b) The Refunding Bonds, together with interest thereon, shall constitute special, limited obligations of the Agency and are payable solely out of the Pledged Revenues (as defined in the Indenture) and other funds to be pledged under the Indenture. The Refunding Bonds shall not be a debt of the National Park Service (as defined in the Indenture), the State of Missouri or the State of Illinois and none of the National Park Service, the State of Missouri, the State of Illinois, or any political subdivision of the State of Missouri or the State of Illinois shall be liable thereon nor in any event shall the Refunding Bonds be payable out of any funds or properties other than those acquired or pledged under the Indenture, and the Refunding Bonds shall not constitute an indebtedness within the meanings of any constitutional or statutory debt limitation or restriction. In addition, notwithstanding anything contained in the Indenture to the contrary, the Agency shall not have a general obligation for the payment of other amounts required to be paid by the Agency under the Indenture, such amounts to be payable only from the sources pledged pursuant to the Indenture for the payment of the Refunding Bonds, and neither the Trustee nor any holder of any Refunding Bonds shall bring or maintain any suit, action or other proceeding for judgment against the Agency for any payment required to be made under the Indenture, it being understood that the Trustee and the owners of the Refunding Bonds will look, insofar as the Agency is concerned, solely to the sources pledged pursuant to the Indenture for the payment of the Refunding Bonds for payment of all of the Agency's obligations under the Indenture, and no other property or assets of the Agency shall be subject to levy, execution or other enforcement procedure for the satisfaction of the Agency's obligations under the Indenture.

Section 3. Authorization of Executive Committee. The Board hereby authorizes its Executive Committee to act for and on behalf of the Board and the Agency to:

- (a) Determine and approve the final terms of the Refunding Bonds, including the interest rate or rates, the maturity amounts, the redemption provisions and redemption dates and other terms of the Refunding Bonds. The Refunding Bonds will be issued in an aggregate principal amount not to exceed \$7,850,000, representing the (i) costs of the Refunding, (ii) the costs of issuance of the Refunding Bonds and (iii) any amounts required to fund a

debt service reserve account for the Refunding Bonds if not funded from other available moneys; will mature no later than December 1, 2044 subject to prior prepayment at the option of the Agency; and will bear interest at a fixed rate that will not exceed 3.60% per annum.

- (b) Approve and execute the Supplemental Indenture No. 3 with the Trustee.
- (c) Approve and execute a continuing covenant agreement, purchase agreement, loan agreement or other similar document relating to the purchase of the Refunding Bonds, (the "Purchase Agreement"), between the Agency and the purchaser of the Refunding Bonds identified therein (the "Purchaser"). The Refunding Bonds shall be sold to the Purchaser at a purchase price of 100% of the par amount of the Refunding Bonds.

For purposes of this Resolution, a quorum of the Executive Committee shall consist of not less than two of the four members of the Executive Committee.

The approval of the Executive Committee shall be conclusively evidenced by a resolution, adopted by a unanimous vote of the members of the Executive Committee participating at a meeting for such purpose, setting forth the final terms of the Refunding Bonds and approving the final form of the above-listed documents. Such resolution is to be signed by the Chairman or Vice Chairman of the Executive Committee and attested by the Chief Financial Officer or Deputy Secretary of the Agency.

Section 4. Appointment of Successor Trustee. The Board hereby appoints BOKF, N.A. as successor trustee to The Bank of New York Mellon Trust Company, N.A. under and pursuant to the Indenture.

Section 5. Actions of Officers Authorized. The officers of the Agency, including the Chairman, Vice Chairman, Treasurer, Secretary and Deputy Secretary of the Board and the President and Chief Financial Officer of the Agency shall be, and they each hereby are, authorized and directed to execute and deliver all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution, giving direction to the Trustee to give notices of redemption of the Series 2014 Bonds, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 6. Partial Invalidity. If any term or provision of this Resolution, the Refunding Bonds or other document approved hereby or the application thereof for any reason or circumstance shall to any extent be held invalid or unenforceable, the remaining provisions or the application of such term or provision to persons in situations other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each remaining term and provision hereof and thereof shall be valid and enforced to the fullest extent permitted.

Section 7. Execution of Documents. The officers of the Agency, including the Chairman, Vice Chairman, Treasurer, Secretary and Deputy Secretary of the Board and the President and Chief Financial Officer of the Agency, are authorized and directed to execute and deliver all documents, including without limitation, the Supplemental Indenture No. 3 and the Purchase Agreement and to take such actions as they may deem necessary or advisable in order to carry out the purposes of this Resolution.

Section 8. Payment of Costs. The Chief Financial Officer of the Agency is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to the Refunding and the issuance of the Refunding Bonds.

Section 9. No Personal Liability. No member of the Board, officer or employee of the Agency shall have any personal liability for acts taken in accordance with this Resolution.

Section 10. Effective Date. This Resolution shall become effective immediately upon its adoption.

ADOPTED by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 26th day of June, 2020.

In Witness Whereof, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**BOARD OF COMMISSIONERS OF THE
BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN
DISTRICT**

[SEAL]

Attest:

By: _____
Name: Rose Windmiller
Title: Chairman of the Board Commissioners

By: _____
Name: Vernal Brown
Title: Secretary of the Board of the Commissioners

Open Session Item

10 b

**Bi-State Development Agency
Board of Commissioners
Open Meeting Agenda Item
June 26, 2020**

From: Taulby Roach, President and Chief Executive Officer
Subject: **Letter of Agreement Between Bi-State Development and The Jerry Costello Group, LLC for Consulting Services for the St. Louis Regional Freightway and Bi-State Development**
Disposition: Approval
Presentation: Mary Lamie, Executive Vice President of Multi Modal Enterprises

Objective:

To present to the Board of Commissioners (**Board**) for approval, a Letter of Agreement (**Agreement**) between BSD and The Jerry Costello Group, LLC (**Consultant**) for consulting services for the St. Louis Regional Freightway (**the Freightway**) and Bi-State Development (**BSD**), with terms in effect beginning April 1, 2020, through March 31, 2022.

Board Policy:

Per the Collected Board Policies of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, Chapter 50:

§50.010(A)(8): Definitions – “Non-Competitive Procurement” means a method by which goods and/or services are procured from a single offeror; and

§50.010(E)(1)(b): Award Authority – The Board of Commissioners shall approve the following procurements: Non-Competitive Procurements which exceed \$100,000.

Non-Competitive Procurements are also known as “sole-source” or “single-bid” contracts. This Agreement is a non-competitive procurement that exceeds \$100,000, and thus requires Board approval.

Funding Source:

The funding for this contract will be split between the Freightway operating budget and BSD Executive Services. Each cost center will contribute 50% of the total contract amount and of each invoice submitted by the Consultant.

Background:

The Consultant entered into an initial Letter of Agreement with BSD in the summer of 2015 as the Freightway was created and activities were getting underway.

Following the initial contract, the Consultant continued to work for the Freightway and BSD under two additional contracts. The most recent contract covered the period of April 1, 2018 through March 31, 2020. On April 1, 2019, this contract was amended, lowering the Consultant’s monthly fee. See **Exhibit 1** attached.

Analysis:

Consistent with the Agreement in place today, the Consultant will provide strategic advice and planning for the Freightway and BSD and work closely with the Executive Vice President of Multi Modal Enterprises and BSD Executive Staff, including the President and Chief Executive Officer. In addition to providing strategic planning and advice, the Consultant will coordinate activities between the Freightway and the U.S. Secretary of Transportation and its office, as well as with members of the U.S. Congress and other government officials in the St. Louis region.

The Consultant will also work with class I railroads in the St. Louis region to identify strategies to fund Freightway projects. Former Congressman Jerry Costello will be the lead person for the Consultant.

The proposed Agreement provides these services at the same rate of \$9,000 per month and would be in effect for twenty-four (24) months, starting on April 1, 2020, through March 31, 2022. See **Exhibit 2** attached.

Previous Action:

This item was recommended for approval at the May 21, 2020 Combined Meeting of the Operations Committee and Audit, Finance, & Administration Committee.

Board Action Requested:

It is requested that the Board of Commissioners approve the Letter of Agreement between BSD and The Jerry Costello Group, LLC for consulting services for the Freightway and BSD, with terms in effect for a twenty-four (24) month period of April 1, 2020, through March 31, 2022.

Attachments:

Exhibit 1: Existing Letter of Agreement with The Jerry Costello Group, LLC

Exhibit 2: Draft Letter of Agreement with The Jerry Costello Group, LLC

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT
APPROVING A SOLE SOURCE AGREEMENT WITH THE
JERRY COSTELLO GROUP LLC FOR CONSULTING SERVICES**

PREAMBLES:

Whereas, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/“BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

Whereas, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to acquire by gift, purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, airports, wharves, docks, harbors, and industrial parks adjacent to and necessary and convenient thereto, bridges, tunnels, warehouses, grain elevators, commodity and other storage facilities, sewage disposal plants, passenger transportation facilities, and air, water, rail, motor vehicle and other terminal or parking facilities; to contract and to be contracted with; and to perform all other necessary and incidental functions; and

Whereas, Board Policy Chapter 50, §50.010 (E)(1)(b), requires Board approval of all Non-competitive (“sole source or single bid”) Negotiation Procurements exceeding \$100,000; and

Whereas, BSD entered into an initial Letter of Agreement with the Consultant in the summer of 2015, and following the initial contract, the Consultant continued to work for the Freightway and BSD under two additional contracts. The most recent contract covered the period of April 1, 2018 through March 31, 2020, and on April 1, 2019, the contract was amended, lowering the Consultant’s monthly fee;

Whereas, consistent with the current Agreement, the Consultant will provide strategic advice and planning for the Freightway and BSD and work closely with the Executive Vice President of Multi Modal Enterprises and BSD Executive Staff, including the President and Chief Executive Officer; and

Whereas, in addition to providing strategic planning and advice, the Consultant will coordinate activities between the Freightway and the U.S. Secretary of Transportation and its office, as well as with members of the U.S. Congress and other government officials in the St. Louis region; and

Whereas, the Consultant will also work with Class I railroads in the St. Louis region to identify strategies to fund Freightway projects, and former Congressman Jerry Costello will be the lead person for the Consultant; and

Whereas, the proposed Agreement provides these services at the current rate of \$9,000 per month and would be in effect for twenty-four (24) months, starting on April 1, 2020, through March 31, 2022; and

Whereas, it is feasible, necessary and in the public interest for the Agency to approve a sole source Agreement between BSD and The Jerry Costello Group, LLC for consulting services for the Freightway and BSD, with terms in effect for a twenty-four (24) month period of April 1, 2020, through March 31, 2022, in an amount not to exceed \$9,000 per month, in accordance with the terms and conditions described herein.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Approval of the Sole Source Agreement. The Board of Commissioners hereby approves a sole source Agreement between BSD and The Jerry Costello Group, LLC for consulting services for the Freightway and BSD, with terms in effect for a twenty-four (24) month period of April 1, 2020, through March 31, 2022, in an amount not to exceed \$9,000 per month, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Form of the Agreement. The form of the Agreement (as provided in the Attachment to the Briefing Paper and made a part hereof), in substantially the form presented to this meeting is hereby approved, and officers of the Agency, including without limitation, the President and CEO, are hereby authorized and directed to negotiate, execute and deliver and attest, respectively, the Agreement, with such changes, modifications, insertions and omissions as may be deemed necessary or desirable to effect the Agreement, with the necessity or desirability of such changes, modifications, insertions and omissions being conclusively evidenced by their execution thereof.

Section 4. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO is hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Contract and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 5. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 6. Rights under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and the Jerry Costello Group, LLC.

Section 7. Governing Law. The laws of the State of Missouri shall govern this Resolution and the Contract.

Section 8. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution and the Contract.

Section 9. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution and Contract.

Section 10. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 26th day of June, 2020.

In Witness Whereof, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By _____
Title _____

[SEAL]

ATTEST:

By _____
Deputy Secretary to the Board of Commissioners

Open Session Item 10 b

Exhibit 1



THE JERRY COSTELLO GROUP, LLC

Jerry F. Costello
Member of Congress
1988 - 2013

LETTER OF AGREEMENT

This Letter of Agreement ("Agreement") between The Bi-State Development Agency of the Missouri-Illinois Metropolitan District ("Client"), and The Jerry Costello Group, LLC ("Consultant") defines the terms of their relationship.

Client retains Consultant to advise Client and work with other parties as necessary to promote the Client's goals, interests and objectives regarding the Regional Freight Project. Client will keep Consultant fully apprised of the current issues and objectives of the Client.

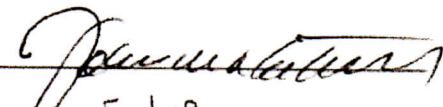
Client and Consultant agree that Jerry F. Costello will be primarily responsible for the performance of the services referred to in this Agreement, however, as needed, Consultant is allowed to retain third party consultants to provide assistance in performing the Agreement, at no cost to the Client, unless agreed upon by the Client.

Consultant will devote time and resources necessary in performing the services described in this Agreement. Consultant shall have full discretion in selecting the dates and times necessary to complete the terms of the agreement giving due regard to the needs of the Client.

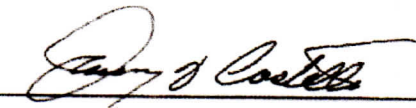
The term of this agreement shall commence on April 1, 2018 and continue through March 31, 2020.

Client agrees to pay Consultant a monthly fee of ~~\$10,000~~ ^{9,000.00 TR}. Monthly fees will be paid on the 1st business day of each month, starting on April 1, 2018. A monthly invoice will be mailed to the Client. The client agrees to pay Consultant any reasonable expenses the Consultant deems necessary in accomplishing the terms of this Agreement. Such expenses shall be documented and submitted to the Client for reimbursement within 60 days after the expenses were incurred. The Client shall reimburse the Consultant within 30 days of the date the request for reimbursement is received by the Client. Total expenses shall not exceed \$1000 in any month unless expressly permitted by the Client in advance.

This agreement is not a contract of employment. Consultant is an independent contractor of the Client and shall have no authority to obligate the Client. Consultant shall have the exclusive right to determine the method, manner and means by which it will perform the Agreement.


Date: 5-4-18


John Nations
Bi-State Development Agency of the
Missouri-Illinois Metropolitan District
211 N. Broadway, Suite 700
St. Louis, MO 63102


Date: 3/26/18

Jerry F. Costello
The Jerry Costello Group, LLC
144 Lincoln Place Court
Suite 3
Belleville, IL 62221
thejerrycostellogroup@gmail.com
618-234-6701 - office
618-971-6200 - cell

Addendum to Agreement - April 1, 2019

Per verbal agreement between Taulby Roach, President & CEO and Jerry Costello, Consultant, the monthly rate will now be \$9,000.00 a month. Please affirm with your signature and return to our office.


Taulby Roach, President


Jerry F. Costello

Exhibit 2



THE JERRY COSTELLO GROUP, LLC

Jerry F. Costello

Member of Congress
1988 – 2013

LETTER OF AGREEMENT

This Letter of Agreement ("Agreement") between The Bi-State Development Agency of the Missouri-Illinois Metropolitan District ("Client"), and The Jerry Costello Group, LLC ("Consultant") defines the terms of their relationship.

Client retains Consultant to advise Client and work with other parties as necessary to promote the Client's goals, interests and objectives regarding both Bi-State Development and the St. Louis Regional Freightway. Client will keep Consultant fully apprised of the current issues and objectives of the Client.

Client and Consultant agree that Jerry F. Costello will be primarily responsible for the performance of the services referred to in this Agreement, however, as needed, Consultant is allowed to retain third party consultants to provide assistance in performing the Agreement, at no cost to the Client, unless agreed upon by the Client.

Consultant will devote time and resources necessary in performing the services described in this Agreement. Consultant shall have full discretion in selecting the dates and times necessary to complete the terms of the agreement giving due regard to the needs of the Client.

The term of this amended agreement shall commence on April 1, 2020 and continue through March 31, 2022.

Client agrees to pay Consultant a monthly fee of \$9,000. Monthly fees will be paid on the 1st business day of each month, starting on April 1, 2020. A monthly invoice will be mailed to the Client. The client agrees to pay Consultant any reasonable expenses the Consultant deems necessary in accomplishing the terms of this Agreement. Such expenses shall be documented and submitted to the Client for reimbursement within 60 days after the expenses were incurred. The Client shall reimburse the Consultant within 30 days of the date the request for reimbursement is received by the Client. Total expenses shall not exceed \$1000 in any month unless expressly permitted by the Client in advance.

This agreement is not a contract of employment. Consultant is an independent contractor of the Client and shall have no authority to obligate the Client. Consultant shall have the exclusive right to determine the method, manner and means by which it will perform the Agreement.

Date: _____

Taulby Roach
Bi-State Development Agency of the
Missouri-Illinois Metropolitan District
211 N. Broadway, Suite 700
St. Louis, MO 63102

Date: _____

Jerry F. Costello
The Jerry Costello Group, LLC
138 Lincoln Place Court
Suite 101
Belleville, IL 62221
thejerrycostellogroup@gmail.com
618-234-6701 – office
618-971-6200 - cell

**Bi-State Development Agency
Board of Commissioners
Open Meeting Agenda Item
June 26, 2020**

From: Taulby Roach, President and Chief Executive Officer
Subject: **Contract Modification: Extension of Contract with The Harlan Company for Installation of Brentwood Bus Garage Oil and Water Separator**
Disposition: Approval
Presentation: Jessica Mefford-Miller, Executive Director Metro Transit;
Christopher C. Poehler, Assistant Executive Director – Engineering;
Greg Smith, Vice President Purchasing, Materials Management and Supplier Diversity; Timothy F. Nittler, Director of Capital Projects

Objective:

To present to the Board of Commissioners for approval, a request to authorize the President & CEO to execute a contract modification with The Harlan Company for the continuation of construction services of the Oil-Water Separator at the Brentwood Bus Garage.

Background:

On July 16, 2018, Metro issued a Request for Sealed Bids (18-SB-105225-CB) for the construction of a new replacement Oil-Water Separator at the Brentwood Bus Garage. The construction firm, The Harlan Company, was the low bidder and was awarded the construction contract, and the Notice to Proceed was issued on March 21, 2019, with a completion date of November 30, 2019. The original contract award amount was \$404,800.

As part of the construction contract, The Harlan Company was tasked with developing a design of a system that would be suitable to be installed at the facility. The Harlan Company commenced with design activities and requested a meeting with City of Brentwood Building Permit officials.

Through no fault of The Harlan Company, the meeting with the City Building Permit staff did not occur until the fall of 2019, with a follow up meeting held in February 2020. The Harlan Company now has developed a design that will be permitted by the City of Brentwood. Construction of the improvements will begin in late spring, 2020. The original contract and the contract modification are based on lump sum prices. The Harlan Company is requesting a contract extension as defined in Contract Article 1.09, Contract Extensions.

Analysis

Due to the City of Brentwood delay, BSD's Procurement prepared a contract modification to extend the period of performance from November 30, 2019, to May 31, 2020, in accordance with Section 00 72 13, General Conditions, Article 1.09.A.; however, more time is now required, until September 30, 2020, to allow The Harlan Company to complete the installation of the Oil-Water Separator as originally contracted.

Previous Action:

This item was recommended for approval at the May 21, 2020 Combined Meeting of the Operations Committee and Audit, Finance, & Administration Committee.

Board Action Requested:

It is requested that the Board of Commissioners approve the request to allow Metro to issue a second contract modification to The Harlan Company, which will extend the period of performance from May 31, 2020 to September 30, 2020.

Funding Source:

Funding will be provided from approved FTA formula funds and Prop M funds for local match.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT
MODIFYING A CONTRACT TO THE HARLAN COMPANY FOR
CONTINUATION OF CONSTRUCTION SERVICES BY GRANTING A
CONTRACT EXTENSION**

PREAMBLES:

Whereas, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/ “BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

Whereas, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to plan, construct, maintain, own and operate passenger transportation facilities, and to perform all other necessary and incidental functions, and to disburse funds for its lawful activities, to adopt rules and regulations for the proper operation of its passenger transportation facilities and conveyances, to contract and to be contracted with; and

Whereas, Board Policy Chapter 50, §50.010(G), requires Board approval for contract extensions in excess of 180 days; and

Whereas, on July 16, 2018, Metro issued a Request for Sealed Bids (18-SB-105225-CB) for the construction of a new replacement Oil-Water Separator at the Brentwood Bus Garage; and

Whereas, the construction firm, The Harlan Company, was the low bidder and was awarded the construction contract, with the Notice to Proceed issued on March 21, 2019, and a completion date of November 30, 2019; and

Whereas, through no fault of The Harlan Company, the meeting with the City of Brentwood Building Permit staff was delayed, and did not occur until the fall of 2019, with a follow up meeting held in February 2020; and

Whereas, as a result, BSD’s Procurement prepared a contract modification to extend the period of performance up to 180 days (November 30, 2019, to May 31, 2020), in accordance with Section 00 72 13, General Conditions, Article 1.09.A.; however, more time is required, until September 30, 2020, to allow The Harlan Company to complete the installation of the Oil-Water Separator as originally contracted; and

Whereas, it is feasible, necessary and in the public interest for the Agency to modify the contract award to The Harlan Company, to extend the period of performance from May 31, 2020 to September 30, 2020, in accordance with the terms and conditions described herein.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Approval of the Modification of the Contract. The Board of Commissioners hereby approves the modification of the contract award to The Harlan Company, to extend the period of performance from May 31, 2020 to September 30, 2020, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, and Vice President of Procurement are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Contract and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and The Harlan Company.

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution and the Contract.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution and the Contract.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 26th day of June, 2020.

In Witness Whereof, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By _____
Title _____

[SEAL]

ATTEST:

By _____
Deputy Secretary to the Board of Commissioners

Open Session Item

10 d

**Bi-State Development Agency
Board of Commissioners
Open Session Agenda Item
June 26, 2020**

From: Taulby Roach, President and Chief Executive Officer
Subject: **Contract Award – Project Support Services by Center for Transportation and the Environment**
Disposition: Approval
Presentation: Jessica N. Mefford-Miller, Executive Director, Metro Transit;
Darren Curry, Chief Mechanical Officer;
Christopher Poehler, Asst. Exec. Director Engineering Systems

Objective:

To present to the Board of Commissioners for approval, a request to contract with the Center for Transportation and the Environment (CTE) for additional Project Support Services, as needed, throughout the initial implementation of the Battery Electric Bus (BEB) fleet.

Background:

Bi-State Development / Metro Transit is in the process of procuring an initial fleet of BEBs to partially replace the fleet of diesel buses currently in operation, and also the charging systems to enable efficient operation of these assets. This initial fleet will consist of fourteen (14) New Flyer, sixty foot, articulated BEBs and four (4) Gillig, forty foot, BEBs. Gradual implementation of this fleet is expected to start in fall 2020 and continue into spring 2021.

Metro utilized guidance from CTE in the early stages of developing this project and partnered with them in applying for grant funding under the FTA's Low-Mo Emissions Program. CTE provides a wealth of technical and practical knowledge, having been involved in numerous similar BEB implementations throughout the country. CTE also provided the scope for the charging system implementation and is contracted to provide technical support for the initial construction efforts. CTE's continued support through commissioning, startup, validation of operating assumptions, and establishing appropriate operating parameters will be an important element of Metro's successful project.

Analysis:

For an analysis of BEB battery sizing and expected performance, Metro issued a sole source contract previously to CTE for \$29,000. For installation of infrastructure, Metro contracted previously with CTE for development of the charging infrastructure scope and for project support services through the initial phases of construction, for a total of \$99,537. CTE has proposed to provide additional support services to now support both those portions of the project, as needed, for an amount not expected to exceed \$128,150, which does include a 10% contingency. This amount is considered fair and reasonable, and this is within the project budget.

Previous Action:

This item was recommended for approval at the May 21, 2020 Combined Meeting of the Operations Committee and Audit, Finance, & Administration Committee.

Board Action Requested:

Request that the Board of Commissioners approve this request to authorize the President and CEO to enter into a sole source contract with CTE for Project Support Services, not exceeding \$128,150.

Funding Source:

This project is supported by FTA Section 5339 funds, with Prop M funds as the local match.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT
APPROVING A SOLE SOURCE AGREEMENT WITH THE CENTER FOR
TRANSPORTATION AND THE ENVIRONMENT (CTE) FOR
PROJECT SUPPORT SERVICES RELATING TO THE IMPLEMENTATION
OF THE BATTERY ELECTRIC BUS (BEB) FLEET**

PREAMBLES:

Whereas, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/“BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

Whereas, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to acquire by gift, purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, airports, wharves, docks, harbors, and industrial parks adjacent to and necessary and convenient thereto, bridges, tunnels, warehouses, grain elevators, commodity and other storage facilities, sewage disposal plants, passenger transportation facilities, and air, water, rail, motor vehicle and other terminal or parking facilities; to contract and to be contracted with; and to perform all other necessary and incidental functions; and

Whereas, Board Policy Chapter 50, §50.010 (E)(1)(b), requires Board approval of all Non-competitive (“sole source or single bid”) Negotiation Procurements exceeding \$100,000; and

Whereas, Bi-State Development / Metro Transit is in the process of procuring an initial fleet of Battery Electric Buses (BEBs) to partially replace the fleet of diesel buses currently in operation, and also the charging systems to enable efficient operation of these assets; and

Whereas, Metro utilized guidance from the Center for Transportation and the Environment (CTE) in the early stages of developing this project and partnered with them in applying for grant funding under the FTA’s Low-Mo Emissions Program; and

Whereas, CTE also provided the scope for the charging system implementation and is contracted to provide technical support for the initial construction efforts; and

Whereas, for an analysis of BEB battery sizing and expected performance, Metro issued a sole source contract previously to CTE for \$29,000; and

Whereas, for installation of infrastructure, Metro contracted previously with CTE for development of the charging infrastructure scope and for project support services through the initial phases of construction, for a total of \$99,537; and

Whereas, CTE has proposed to provide additional support services to support both portions of the project, as needed, for an amount not expected to exceed \$128,150, which includes a 10% contingency; and

Whereas, it is feasible, necessary and in the public interest for the Agency to authorize the President and CEO to enter into a sole source contract with CTE for Project Support Services, not exceeding \$128,150, in accordance with the terms and conditions described herein.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Approval of the Sole Source Agreement. The Board of Commissioners hereby authorizes the President and CEO to enter into a sole source contract with CTE for Project Support Services, not exceeding \$128,150, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO is hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Contract and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and the Center for Transportation and the Environment (CTE).

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution and the Contract.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution and the Contract.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution and Contract.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 26th day of June, 2020.

In Witness Whereof, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By _____
Title _____

[SEAL]

ATTEST:

By _____
Deputy Secretary to the Board of Commissioners

Open Session Item

10 e

**Bi-State Development Agency
Board of Commissioners
Open Session Agenda Item
June 26, 2020**

From: Taulby Roach, President and Chief Executive Officer
Subject: **Contract Award- WSP USA Inc. On-Call General Engineering Consulting Services Multiple Disciplines (Architectural Services, Mechanical, Civil and Structural Engineering, Surveying, Environmental, Geotechnical Services and Material Testing)**
Disposition: Approval
Presentation: Jessica N. Mefford-Miller, Executive Director Metro Transit;
Christopher C. Poehler, Assistant Executive Director of Engineering Systems;
Larry Jackson, Executive Vice President of Administration;
Gregory A. Smith, Vice President of Procurement & Inventory Management

Objective:

To present to the Board of Commissioners, a request for approval to enter into a contract with WSP USA, Inc., to provide On-Call Architectural and Engineering services. The contract will consist of three base years and two, one year option periods. Option years will be awarded at the discretion of Bi-State Development (**BSD**).

Background:

These past few years have proven our increasing need for engineering support of our projects. This On- Call General Engineering Consultant (**GEC**) Contract will allow us to request such services as independent cost estimating, support of design and construction projects, performing feasibility studies as well as developing plans for maintenance projects.

The current On-Call GEC Consulting Services contract is being increasingly relied upon to supply engineering support for a range of BSD projects. During the current contract period of performance, which consists of three base years and one option year, BSD issued task orders totaling \$2.5-\$3 million for GEC services.

On February 7, 2020, BSD issued Solicitation 20-RFP-106674-CG - On Call GEC Consulting Services/Multiple Disciplines in the area of Architectural Services, Mechanical, Civil and Structural Engineering, Surveying, Environmental, Geotechnical Services and Material testing from qualified engineering firms.

Technical Proposals were due March 24, 2020; a total of eight (8) proposals were received.

Analysis:

In response to the solicitation, eight (8) technical proposals were received, reviewed, and forwarded to the evaluation team, which consisted of four (4) individuals within BSD Engineering Division. The Procurement of an A&E firm will be based on the Brooks Method as defined in 40 U.S.C. 541, Brooks Act.

The Brooks Act requires that:

- a. Qualifications be evaluated.
- b. Price be excluded as an evaluation factor.
- c. Negotiations be conducted with only the most qualified offeror.
- d. Failing agreement of price, negotiations with the next most qualified offeror be conducted until contract award be made to the most qualified offeror whose price is fair and reasonable.

The technical proposals were evaluated based on the below pre-determined technical criteria listed in order of importance:

1. Technical Competence
2. General Experience of Personnel
3. Team Experience
4. Capacity
5. Utilization of Disadvantage Business Enterprise

On April 13, 2020, a consensus meeting was conducted with the evaluation team.
The table below indicates the consensus technical scores.

Firm	Consensus Technical Scores	Ranking of Firms
WSP	426.25	1st
TWM	410.00	2nd
HDR	406.25	3rd
HNTB	395.63	4th
Oates & Associates	390.00	5th
Juneau	338.13	6th
Ross & Baruzzini	301.25	7th
Heideman	263.75	8th

The highest possible attainable score was 500.

The primary objective of the evaluation process is to select for award the highest ranked Technical Proposal from a responsible and responsive Offer.

Based on the above scores, the committee determined WSP USA, Inc. is the most qualified firm to provide services to BSD engineering staff in support of the Agency's in-house projects. On April 24, 2020, a cost proposal, which consisted of hourly rates was requested from the highest ranked firm, WSP Inc. BSD staff members will negotiate the hourly rates with the Consultant. Each individual task order will be negotiated based on these approved rates.

Previous Action:

This item was recommended for approval at the May 21, 2020 Combined Meeting of the Operations Committee and Audit, Finance, & Administration Committee.

Board Action Requested:

It is recommended that the Board of Commissioners approve this request to authorize the President and CEO to enter into a contract with WSP USA, Inc., for three base years and two, one year options, at BSD discretion, in the amount not to exceed **\$2,500,000.**

Funding Source:

Funding will be provided from approved FTA formula funds and Prop M funds for local match.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT
AWARDING A CONTRACT TO WSP USA, INC. FOR GENERAL-ON-CALL
ENGINEERING CONSULTING SERVICES (MULTIPLE DISCIPLINES)**

PREAMBLES:

Whereas, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/ “BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

Whereas, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to plan, construct, maintain, own and operate passenger transportation facilities, and to perform all other necessary and incidental functions, and to disburse funds for its lawful activities, to adopt rules and regulations for the proper operation of its passenger transportation facilities and conveyances, to contract and to be contracted with; and

Whereas, Board Policy Chapter 50, §50.0 I 0(A)(2) and §50.010 (E)(I)(a), requires Board approval of all negotiated procurements exceeding \$500,000; and

Whereas, funding will be provided from approved FTA formula funds and Prop M funds for local match; and

Whereas, these past few years have proven an increasing need for engineering support of BSD projects, and the On-Call General Engineering Consultant (GEC) Contract will allow the Agency to request such services as independent cost estimating, support of design and construction projects, performing feasibility studies as well as developing plans for maintenance projects; and

Whereas, on February 7, 2020, BSD issued Solicitation 20-RFP-106674-CG – On-Call GEC Consulting Services/Multiple Disciplines in the area of Architectural Services, Mechanical, Civil and Structural Engineering, Surveying, Environmental, Geotechnical Services and Material Testing from qualified engineering firms; and

Whereas, in response to the solicitation, eight (8) technical proposals were received, reviewed, and forwarded to the evaluation team, which consisted of four (4) individuals within BSD Engineering Division, and the Procurement of the A&E firm was based on the Brooks Method as defined in 40 U.S.C. 541, Brooks Act; and

Whereas, based on the scores, the committee determined WSP USA, Inc. is the most qualified firm to provide services to BSD engineering staff in support of the Agency’s in-house projects; and

Whereas, it is feasible, necessary and in the public interest for the Agency to award a contract to WSP USA, Inc., for three base years, and two, one year options, in the amount not to exceed \$2,500,000, for On-Call GEC Consulting Services/Multiple Disciplines in the area of Architectural Services, Mechanical, Civil and Structural Engineering, Surveying, Environmental, Geotechnical Services and Material Testing, in accordance with the terms and conditions described herein.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Approval of the Contract. The Board of Commissioners hereby approves the award of a contract to WSP USA, Inc., for three base years and two, one year options, in the amount not to exceed \$2,500,000, for On-Call GEC Consulting Services/Multiple Disciplines in the area of Architectural Services, Mechanical, Civil and Structural Engineering, Surveying, Environmental, Geotechnical Services and Material Testing, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, and Vice President of Procurement are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Contract and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and WSP USA, Inc.

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution and the Contract.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution and the Contract.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 26th day of June, 2020.

In Witness Whereof, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By _____
Title _____

[SEAL]

ATTEST:

By _____
Deputy Secretary to the Board of Commissioners

Open Session Item

10 f

**Bi-State Development Agency
Board of Commissioners
Open Session Agenda Item
June 26, 2020**

From: Taulby Roach, President and Chief Executive Officer
Subject: **Emergency Contract Award for Employee Temperature Screenings –Vobis Sanus LLC (DBA BrightStar Care)**
Disposition: Approval
Presentation: David Toben, Director of Benefits;
Charles Stewart – Executive Vice President – Organizational Effectiveness;
Larry Jackson – Executive Vice President – Administration;
Gregory A. Smith, Vice President - Procurement, Materials Management

Objective:

To present to the Board of Commissioners for approval, a request to approve an emergency contract award for employee temperature screenings to Vobis Sanus LLC (DBA BrightStar Care).

Background:

In response to the COVID-19 pandemic, senior leadership initiated an employee safety program to screen employee body temperatures upon reporting to work. It was recommended that these occur through a clinically trained third party vendor to help ensure proper temperature screening protocols were followed, in addition to providing privacy and confidentiality for employees. These screenings are also required for any vendor, contractor or visitor entering a BSD facility and occur 24x7.

The Bi-State Development (BSD) Organizational Effectiveness division quickly sought out temporary medical staffing vendors. On March 18, 2020, a total of three (3) vendors responded to the outreach. Elite Medical Staffing, Medical Staffing Network and BrightStar Care. Pricing obtained ranged from \$65 per hour for registered nurses to \$30 per hour for certified nursing assistants and/or home health aides.

BrightStar Care was selected, as they were able to immediately provide resources to begin screenings by Monday March 23, 2020 at an acceptable cost per hour between \$30 and \$35. Daily costs were estimated at \$4,500 predicated on having one, vendor provided screener at seven designated locations, paired with a transit service manager (TSM) and security personnel to manage flow and social distancing practices.

During the week of March 23rd, it became apparent that the TSM resources would be needed elsewhere to keep the system operating, and that available security resources would end with the termination of the Securitas contract on March 31. BrightStar Care was asked to increase staffing to compensate and manage the entire screening process. A second screener was added to each location to manage social distancing and flow along with providing back up support. A clinically trained field supervisor was deployed to manage staffing, provide additional back-up, troubleshoot issues, replace thermometers and deliver personal protection equipment (PPE) and most

importantly to ensure clinical protocols were being followed and scans were being delivered effectively and safely. Daily costs for this increased coverage was estimated at \$11,000.

Analysis:

A cost summary of the first six weeks follows and has stabilized at approximately \$77,000 per week.

Period	Amount
Week 1 – 3/23 thru 3/29	\$38,245.73
Week 2 – 3/30 thru 4/5	\$66,441.45
Week 3 – 4/6 thru 4/12	\$84,617.06
Week 4 – 4/13 thru 4/19	\$77,971.18
Week 5 – 4/20 thru 4/26	\$76,453.75
Week 6 – 4/27 thru 5/3	\$77,485.06
Total	\$421,214.23

Maintaining the program at existing staffing levels through the end of May required funding of approximately \$746,000. Management realizes that this is not a sustainable solution and is in the process of sourcing a technology based solution, such as a temperature screening thermographic camera product, designed to detect elevated skin-surface temperatures that could be installed at BSD points of facility entry as well as potentially for customers using the transit system. There is a need for on-going funding approval for the current screening process until such time as technology is employed to replace the manual screening provided by BrightStar Care.

Previous Action:

This item was recommended for approval at the May 21, 2020 Combined Meeting of the Operations Committee and Audit, Finance, & Administration Committee.

Board Action Requested:

It is recommended that the Board of Commissioners approve a request that the President & CEO be authorized to continue funding the current employee temperature screening process, utilizing BrightStar Care, as needed, while providing cost updates at each Board meeting.

Funding Source:

Funding is provided through operating funds and will be reimbursed through FEMA or the CARES Act.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT
APPROVING A SOLE SOURCE, EMERGENCY CONTRACT AWARD TO
VOBIS SANUS, LLC D/B/A BRIGHTSTAR CARE FOR EMPLOYEE
TEMPERATURE SCREENING SERVICES**

PREAMBLES:

Whereas, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/”BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

Whereas, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to acquire by gift, purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, airports, wharves, docks, harbors, and industrial parks adjacent to and necessary and convenient thereto, bridges, tunnels, warehouses, grain elevators, commodity and other storage facilities, sewage disposal plants, passenger transportation facilities, and air, water, rail, motor vehicle and other terminal or parking facilities; to contract and to be contracted with; and to perform all other necessary and incidental functions; and

Whereas, Board Policy Chapter 50, §50.010 (E)(1)(b), requires Board approval of all Non-competitive (“sole source or single bid”) Procurements exceeding \$100,000; and

Whereas, in response to the COVID-19 pandemic, senior leadership initiated an employee safety program to screen employee body temperatures upon reporting to work, with these screenings to occur through a clinically trained third party vendor to help ensure proper temperature screening protocols were followed, in addition to providing privacy and confidentiality for employees; and

Whereas, on March 18, 2020, a total of three (3) vendors responded to outreach by BSD, including: Elite Medical Staffing, Medical Staffing Network, and BrightStar Care; and

Whereas, BrightStar Care was selected, as they were able to immediately provide resources to begin screenings by Monday March 23, 2020 at an acceptable cost per hour between \$30 and \$35; and

Whereas, during the week of March 23rd, it became apparent that BSD staff could no longer assist with the temperature screening process as they were needed elsewhere; therefore, BrightStar Care was asked to increase staffing to compensate and manage the entire screening process; and

Whereas, maintaining the program at existing staffing levels through the end of May required funding of approximately \$746,000, and on-going funding must be approved for the current temperature screening process, until such time as technology is employed to replace the manual screening; and

Whereas, it is feasible, necessary and in the public interest for the Agency to approve an emergency contract award for employee temperature screenings to Vobis Sanus LLC (DBA BrightStar Care), in accordance with the terms and conditions described herein.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Approval of the Contract. The Board of Commissioners hereby approves an emergency contract award for employee temperature screenings to Vobis Sanus LLC (DBA BrightStar Care), under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO and Vice President of Procurement are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Contract and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and Vobis Sanus LLC (DBA BrightStar Care).

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution and the Contract.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution and the Contract.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution and Contract.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 26th day of June, 2020.

In Witness Whereof, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By _____
Title _____

[SEAL]

ATTEST:

By _____
Deputy Secretary to the Board of Commissioners

Open Session Item

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**Bi-State Development Agency
Board of Commissioners
Open Session Agenda Item
June 26, 2020**

From: Taulby Roach, President and Chief Executive Officer
Subject: **Emergency Contract Award – DH Pace Company, Inc. for Employee Temperature Screening Gateways**
Disposition: Approval
Presentation: Andrew Ghiassi, Director of Safety; David Toben, Director of Benefits;
Jessica Mefford-Miller – Executive Director – Metro Transit;
Larry Jackson – Executive Vice President – Administration

Objective:

To present to the Board of Commissioners, a request to approve an emergency contract award for employee temperature screening equipment necessary to allow BSD to transition away from manual screening.

Background:

In response to the COVID-19 pandemic, senior leadership initiated an employee safety program to screen employee body temperatures upon reporting to work. It was recommended that these occur through a clinically trained third party vendor to help ensure proper temperature screening protocols were followed in addition to providing privacy and confidentiality for employees. These screenings are also required for any vendor, contractor or visitor entering a BSD facility and occur 24x7.

BSD staff has reviewed equipment available in the market at this time that can be employed to reduce the manual effort of the existing temperature screening process. Technology is rapidly developing and the array of products to meet this need will continue to prove themselves and become viable in the coming months.

Analysis:

Management has determined that of the products currently available in the market, the Temperature Monitoring Portal Model B from DH Pace provides a product and technology from which we can start to automate our employee temperature screening process. This equipment is new to the U.S. market and staff has been able to obtain seven (7) units for deployment at BSD operating facilities. These units will be available for installation in late May/early June after which they will integrate into BSD employee badging and other systems.

Previous Action:

This item was recommended for approval at the May 21, 2020 Combined Meeting of the Operations Committee and Audit, Finance, & Administration Committee.

Board Action Requested:

It is recommended that the Board of Commissioners approve a request to authorize the President & CEO to execute a contract for the purchase of seven (7) Temperature Monitoring Portals from DH Pace Company, Inc. in an amount of \$114,100.

Funding Source:

Funding is provided through operating funds and will be reimbursed through the CARES Act.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT
APPROVING AN EMERGENCY CONTRACT AWARD TO
DH PACE COMPANY, INC. FOR
EMPLOYEE TEMPERATURE SCREENING EQUIPMENT**

PREAMBLES:

Whereas, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/”BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

Whereas, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to acquire by gift, purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, airports, wharves, docks, harbors, and industrial parks adjacent to and necessary and convenient thereto, bridges, tunnels, warehouses, grain elevators, commodity and other storage facilities, sewage disposal plants, passenger transportation facilities, and air, water, rail, motor vehicle and other terminal or parking facilities; to contract and to be contracted with; and to perform all other necessary and incidental functions; and

Whereas, Board Policy Chapter 50, §50.010 (E)(1)(b), requires Board approval of all Non-competitive (“sole source or single bid”) Procurements exceeding \$100,000; and

Whereas, in response to the COVID-19 pandemic, senior leadership initiated an employee safety program to screen employee body temperatures upon reporting to work, with these screenings to occur through a clinically trained third party vendor to help ensure proper temperature screening protocols were followed, in addition to providing privacy and confidentiality for employees; and

Whereas, BSD staff has reviewed equipment available in the market that can be employed to reduce the manual effort of the existing temperature screening process; and

Whereas, management has determined that, of the products currently available in the market, the Temperature Monitoring Portal Model B from DH Pace provides a product and technology from which BSD can start to automate the employee temperature screening process; and

Whereas, it is feasible, necessary and in the public interest for the Agency to approve an emergency contract award and authorize the President & CEO to execute a contract for the purchase of seven (7) Temperature Monitoring Portals from DH Pace Company, Inc. in an amount of \$114,100, in accordance with the terms and conditions described herein.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Approval of the Contract. The Board of Commissioners hereby approves an emergency contract award and authorizes the President & CEO to execute a contract for the purchase of seven (7) Temperature Monitoring Portals from DH Pace Company, Inc. in an amount of \$114,100, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO and Vice President of Procurement are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Contract and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and DH Pace Company, Inc.

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution and the Contract.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution and the Contract.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution and Contract.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 26th day of June, 2020.

In Witness Whereof, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By _____
Title _____

[SEAL]

ATTEST:

By _____
Deputy Secretary to the Board of Commissioners

**Bi-State Development Agency
Board of Commissioners
Open Meeting Agenda Item
June 26, 2020**

From: Taulby Roach, President & CEO
Subject: Agreement with St. Clair County, Illinois Transit District
Disposition: Approval
Presentation: Kevin Scott, General Manager of Field Security

Objective:

To present to the Board of Commissioners, a request for approval of an Agreement (“Agreement”) with the St. Clair County, Illinois Transit District (“District”) allowing BSD to assume responsibility for managing the dates, locations, times, and duties of all St. Clair County Sheriff secondary patrols on BSD facilities and conveyances within the District’s boundaries and to reimburse BSD for its respective share of providing such secondary St. Clair County Sheriff secondary patrols.

Background:

This Agreement is for the consolidation of secondary law enforcement resources spent for BSD facilities and conveyances within the St. Clair County, Illinois Transit District boundaries. St. Clair County Sheriff’s Deputies, who are currently part-time secondary law enforcement employees of BSD, will be coordinated by BSD to staff selected posts within the District.

Analysis:

This Agreement allows for the District to reimburse BSD for its respective share of the cost of providing secondary law enforcement security services on BSD facilities and conveyances within the District’s boundaries not to exceed \$365,000.00, for a one (1) year term. This will include any cost in excess of the current 5th and Missouri secondary law enforcement security detail, which is currently funded and managed by BSD.

Previous Action:

This item was recommended for approval at the May 21, 2020 Combined Meeting of the Operations Committee and Audit, Finance, & Administration Committee.

Board Action Requested:

Management recommends that the Board of Commissioners approve the Agreement with the St. Clair County, Illinois Transit District, allowing for the consolidation of resources spent for BSD facilities and conveyances within the St. Clair County, Illinois Transit District boundaries, in an amount not to exceed \$365,000.00, for a one (1) year term.

Attachments:

1. Draft Agreement with St. Clair County, Illinois Transit District for the consolidation of secondary law enforcement resources.

Funding Source:

BSD General Operating Budget reimbursed by the St. Clair County, Illinois Transit District.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT APPROVING
AN AGREEMENT WITH THE ST. CLAIR COUNTY, ILLINOIS,
TRANSIT DISTRICT FOR SECONDARY LAW ENFORCEMENT SECURITY**

PREAMBLES:

Whereas, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/“BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

Whereas, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, passenger transportation facilities, and motor vehicle and other terminal or parking facilities; to contract with municipalities or other political subdivisions for the services or use of any facility owned or operated by the Agency, or owned or operated by any such municipality or other political subdivision; to contract and to be contracted with; and to perform all other necessary and incidental functions; and

Whereas, the Agency is authorized by Mo. Rev Stat. 70.378.1 and 45 Ill. Comp. Stat. 110/5 to employ or appoint personnel to maintain safety and order and to enforce rules and regulations of the Agency upon the public mass transportation system, passenger transportation facilities, conveyances, and other property that the Agency may own, lease, or operate; and

Whereas, Section 5 of the “Intergovernmental Cooperation Act”, 5 Ill. Comp. State. 220/5 provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity or undertaking or to combine, transfer, or exercise any powers, functions, privileges, or authority which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract; and

Whereas, Board Policy, Chapter 90, Transit Operations. Section 90.020, *Fare Enforcement*, provides that to ensure that transit fares are collected for all modes of transportation, the Agency shall employ security personnel to enforce the collection of fares; and

Whereas, Board Policy, Chapter 90, Transit Operations. Section 90.030, *Regulation of Conduct on Conveyances and Facilities*, provides that the Agency shall employ security personnel to enforce state laws, local ordinances and Agency regulations pertaining to conduct upon Agency facilities, conveyances and other property of the Agency, and is empowered to adopt regulations for the conduct of persons upon facilities and conveyances of the Agency which have the force and effect provided by the laws of the signatory states; and

Whereas, an Agreement (“Agreement”) between BSD and St. Clair County, Illinois Transit District (“SCCTD”) provides for the consolidation of secondary law enforcement resources spent for BSD facilities and conveyances within the SCCTD boundaries, and St. Clair County Sheriff’s Deputies, who are currently part-time secondary law enforcement employees of BSD, will be coordinated by BSD to staff selected posts within the SCCTD; and

Whereas, the Agreement allows for the SCCTD to reimburse BSD for its respective share of the cost of providing secondary law enforcement security services not to exceed \$365,000.00 for a one (1) year term. This will include any cost in excess of the current 5th and Missouri secondary law enforcement security detail, which is currently funded and managed by BSD; and

Whereas, it is feasible, necessary and in the public interest for the Agency to authorize the President and CEO to execute the Agreement with the St. Clair County, Illinois Transit District, allowing for the consolidation of resources spent for secondary law enforcement within the St. Clair County, Illinois Transit District boundaries, not to exceed \$365,000.00 for a one (1) year term, in accordance with the terms and conditions described herein.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Approval of Authorization to Execute Agreement. The Board of Commissioners hereby approves the authorization of the President and CEO to execute the Agreement with the St. Clair County, Illinois Transit District allowing for the consolidation of resources spent for secondary law enforcement within the St. Clair County, Illinois Transit District boundaries, not to exceed \$365,000.00 for a one (1) year term, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Form of the Agreement. The form of the Agreement (as provided in the Attachment to the Briefing Paper and made a part hereof), in substantially the form presented to this meeting is hereby approved, and officers of the Agency, including without limitation, the President and CEO, are hereby authorized and directed to execute and deliver and attest, respectively, the Agreement, with such changes, modifications, insertions and omissions as may be deemed necessary or desirable to effect the Agreement, with the necessity or desirability of such changes, modifications, insertions and omissions being conclusively evidenced by their execution thereof.

Section 4. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 5. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 6. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution and the Agreement.

Section 7. Rights Under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and the St. Clair County, Illinois, Transit District.

Section 8. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution.

Section 9. Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 10. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 26th day of June, 2020.

In Witness Whereof, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By _____
Title _____

[SEAL]

ATTEST:

By _____
Deputy Secretary to the Board of Commissioners

Open Session Item 10 h

Attachment

COOPERATIVE AGREEMENT

This COOPERATIVE AGREEMENT (hereinafter the “Agreement”) entered into on this _____ day of April, 2020, by and between the BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT (“Agency”) and the ST. CLAIR COUNTY TRANSIT DISTRICT (“District”), (each a “Party” and collectively, the “Parties”).

RECITALS

WHEREAS, Agency is a legally constituted body corporate and politic created and existing by reason of a joint compact between the States of Missouri and Illinois which is codified at Section 70.370 et seq. of the Missouri Revised Statutes, as amended, and 45 ILCS 100/1 et seq. of the Illinois Compiled Statutes, as amended and ratified by the United States Congress (the “Compact”); and

WHEREAS, District is a mass transit district organized pursuant to the Mass Transit District Act of the State of Illinois and provides and manages transportation services for fifteen townships in St. Clair County, Illinois (collectively, the “District Boundaries”);

WHEREAS, the Agency’s authority to own and operate passenger transportation systems includes St. Clair County, Illinois, and the Agency is the owner of certain transit facilities that include MetroLink and MetroBus stations and routes within the District Boundaries (the “Agency Facilities and Conveyances”);

WHEREAS, Agency and District desire to enter into an agreement to share the costs for the provision of security services in/on the Agency Facilities and Conveyances within the District Boundaries;

WHEREAS, pursuant to a Memorandum of Understanding with St. Clair County, Illinois, on behalf of the St. Clair County Sheriff’s Department (“County”), dated November 11, 2019, Agency contracts with County for the engagement of off-duty St. Clair County Sheriff’s Department deputy sheriffs to provide secondary law enforcement protection and presence on the Agency’s facilities and conveyances, including its light rail system (the “Secondary MOU”);

WHEREAS, the Parties agree that District will reimburse Agency for its respective share of the cost of the Secondary MOU.

NOW THEREFORE, in consideration of the premises and for the other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Security Cooperation. Agency and District acknowledge and agree that Agency entered into specific elements of the Secondary MOU in furtherance of the Parties’ collective purpose of the security of the Agency Facilities and Conveyances within District Boundaries. Agency shall be responsible for managing the dates, locations, times and

duties of all County Sheriff secondary security patrols on Agency Facilities and Conveyances within District Boundaries pursuant to the Secondary MOU.

2. Allocation of Resources. The Parties hereby agree to consolidate resources spent on security for Agency Facilities and Conveyances within District Boundaries. District agrees to reimburse Agency for its respective share of the costs of providing secondary security services on Agency Facilities and Conveyances within District Boundaries in an amount not to exceed \$365,000 (“Services Fees”) for a one (1) year term. The District’s respective share of the costs of providing secondary security services will be those costs in excess of the costs for providing the secondary services detail at the 5th and Missouri, MetroLink location.
3. Payment. Agency shall be the sole contracting entity with County. As such, Agency shall remit payment directly to County for all consideration owed pursuant to the Secondary MOU. Agency shall furnish District with a monthly invoice summarizing the District’s respective secondary law enforcement services provided within District Boundaries and the District’s Services Fees payable, based on the rates approved by the Agency and County pursuant to the Security MOU, for the current billing period. Within 15 calendar days of such invoice, District shall remit payment to Agency.
4. Term; Termination. The term of this Agreement shall commence on the date of its execution by the Parties and shall remain in effect for one (1) year, unless terminated earlier in accordance with this Agreement. Thereafter, this Agreement shall automatically renew for additional, successive one (1) year period, unless either Party expresses an intent not to renew no less than thirty (30) days prior to the expiration of the Agreement. Either Party may terminate their participation in this Agreement at any time, for any reason, upon thirty (30) days written notice to the other. In the event that any Party gives notice of non-renewal pursuant to this Section, this Agreement will expire at the end of the then-current term. Notwithstanding the foregoing, any renewal period may be terminated in accordance with this Section. Upon any termination, District shall reimburse Agency for the secondary law enforcement services provided within District Boundaries pursuant to the Secondary MOU prior to the effective date of such termination.
5. Indemnity. To the extent permitted by applicable law, each Party (“Indemnitor”) shall indemnify and hold harmless the other Party, including any of their affiliated entities and their respective boards, members, managers, trustees, employees, officers, shareholders, agents and partners, successors and assigns, from and against any and all claims, or suits for damages, liability, loss, expenses, causes of action and judgments (including, but not limited to, reasonable attorneys’ fees and legal expenses in connection with defending against any such action, suit or claim) arising from any wrongful or negligent act or omission or breach of this Agreement by the Indemnitor or its affiliated entities, boards, members, managers, trustees, employees, officers, shareholders, agents, partners, successors, or assigns.
6. Notices. All notices, invoices or other communication required or desired to be given hereunder shall be in writing and shall be deemed duly delivered and received (a) upon

receipt or refusal of delivery, when delivered personally; (b) the day deposited with the U.S. Postal Service, when sent certified or registered mail (postage prepaid), return receipt requested; and (c) the day deposited with Federal Express or other overnight courier service (charges prepaid) when sent next-day delivery; as follows (or to such other addressee or address as shall be set forth in a notice given in the same manner):

If to Agency:

Bi-State Agency of the Missouri-Illinois Metropolitan District
One Metropolitan Square
211 North Broadway, Suite 700
St. Louis, MO 63102
Attention: President & CEO

With copy to: General Counsel
Email: baenneking@bistatedev.org

If to District:

St. Clair County Transit District
27 North Illinois
Belleville, IL 62220
Attention: Director of Human Resources
Email: hetling@scctd.org

With copy to: Managing Director
Email: ksharkey@scctd.org

7. Counterparts; Facsimile, Electronic Transmittal. This Agreement may be executed in counterparts, each of which shall constitute an original. This Agreement may be signed and transmitted electronically; the signature of any person on an electronically transmitted copy hereof shall be considered an original signature; and an electronically transmitted copy hereof shall have the same binding effect as an original signature on an original document. At the request of any Party hereto, any electronic copy of this Agreement shall be re-executed in original form. No Party hereto may raise the use of electronic mail or the fact that any signature was transmitted through the use of electronic mail as a defense to the enforcement of this Agreement.
8. Binding Agreement. This Agreement shall be binding and inure to the benefit of the Parties hereto. The covenants and agreements of the Parties hereunder shall survive the expiration or termination of this Agreement.
9. Amendment. This Agreement may only be amended upon written agreement of the Parties hereto.

Signature page follows

IN WITNESS WHEREOF, this Agreement has been executed as of the day and year first written above.

**Bi-State Development Agency of the
Missouri-Illinois Metropolitan District**

St. Clair County Transit District

By: _____

Name

Title

By: _____

Name

Title

DRAFT

**Bi-State Development Agency
Board of Commissioners
Open Session Agenda Item
June 26, 2020**

From: Taulby Roach, President and Chief Executive Officer
Subject: **Sole Source Contracts for Hardware and Software Maintenance**
Disposition: Approval
Presentation: Gregory A. Smith, Vice President of Procurement & Inventory Management;
Kerry Kinkade, Vice President & Chief Information Officer

Objective:

To present to the Board of Commissioners for approval, a request for sole source contracts for Hardware and Software Maintenance as budgeted for FY 2021.

Background:

Bi-State Development (**BSD**) has made significant investment in its technology platforms to enhance all aspects of our businesses. Each of these systems require continued support from the manufacturer/developer, to ensure the software functions as expected and remains current with technology updates. When software products are initially licensed and deployed, BSD enters into software maintenance agreements with the manufacturer/developer that ensure the necessary support is available. These software maintenance agreements provide for:

- 1) Correction of “bugs” discovered after software delivery;
- 2) Enhancement of the software to improve performance and maintainability;
- 3) Adaptive maintenance to ensure continued efficient operation in changing operational environments; and
- 4) Emergency support to correct issues that may interfere with the efficient operation of the software.

Contracts for technology hardware and software maintenance have historically been submitted to the Board individually as needed. During the October 2013 Operations Committee meeting, it was suggested that BSD consider revising this approach in favor of an annual approval of the required contracts. This has since become our adopted standard approach.

Analysis:

BSD’s FY 2021 Operating Budget allocates approximately \$3,002,000 for costs associated with hardware and software maintenance contracts. Because most of the contracts are less than \$100,000 per year, they do not require approval of the Board of Commissioners. There are six providers, however, whose annual costs are anticipated to exceed the \$100,000 threshold which requires Board approval.

<u>Supplier</u>	<u>Product Description</u>	<u>Annual Cost</u>
Kronos	Employee Timekeeping System	\$ 145,000
Oracle	Financial/ERP System	\$ 558,000
Scheidt and Bachmann	Farebox Management System	\$ 328,000
Giro	Operator Dispatch System	\$ 138,000
Tableau	Business Analytics & Reporting	\$ 136,000
Trapeze	Operations & Customer Svc. Systems	\$ 1,029,000

BSD staff shall analyze each situation prior to entering into any contracts to verify the continued need and appropriate level of support. Negotiations will be conducted with the contractor to ensure reasonableness of cost.

Previous Action:

This item was recommended for approval at the May 21, 2020 Combined Meeting of the Operations Committee and Audit, Finance, & Administration Committee.

Board Action Requested:

It is requested that the Board of Commissioners approve this request for FY 2021 funding of Sole Source Contracts for Hardware and Software Maintenance.

Funding Source:

Hardware and software maintenance is budgeted in the annual operating budget and funded through local sales tax appropriations.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI - ILLINOIS METROPOLITAN DISTRICT
AWARDING CONTRACTS FOR HARDWARE AND SOFTWARE
MAINTENANCE SERVICES**

PREAMBLES:

Whereas, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the "Agency"/ "BSD") is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the "Board of Commissioners"); and

Whereas, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the "Compact") to acquire by gift, purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, airports, wharves, docks, harbors, and industrial parks adjacent to and necessary and convenient thereto, bridges, tunnels, warehouses, grain elevators, commodity and other storage facilities, sewage disposal plants, passenger transportation facilities, and air, water, rail, motor vehicle and other terminal or parking facilities; to contract and to be contracted with; and to perform all other necessary and incidental functions; and

Whereas, Board Policy Chapter 50, §50.010 (E)(1)(b), require Board approval of all Non-competitive ("sole source or single bid") Procurements exceeding \$100,000; and

Whereas, funding is provided through the Agency Operating Budget; and

Whereas, the Agency has made significant investment in its technology platforms to enhance all aspects of its operations. Each of these systems require continued support from the manufacturer/developer to ensure that the software functions as expected and remains current with technology updates; and

Whereas, when software products are initially licensed and deployed, the Agency enters into software maintenance agreements with the manufacturer/developer to ensure that the necessary support is available. Pursuant to the October, 2013 Operations Committee recommendation, only annual Board approval of hardware and software maintenance contracts will henceforth be obtained, rather than individually as needed; and

Whereas, the cost of most of the contracts are less than the \$100,000 Board Policy threshold and therefore do not require Board approval; however, six providers: Kronos, Oracle, Scheidt and Bachmann, Giro, Tableau, and Trapeze, annual contract costs are each anticipated to approach or exceed the \$100,000 threshold; and

Whereas, it is feasible, necessary and in the public interest for the Agency to approve the award of "sole source" contracts for Kronos, Oracle, Scheidt and Bachmann, Giro, Tableau, and Trapeze, for the support of the Agency's hardware and software systems as required and within the amounts provided for in the FY2021 Operations Budget, in accordance with the terms and conditions described herein.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI- ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section I.

Section 2. Approval of the Sole Source Contracts. The Board of Commissioners hereby approves the sole source contracts for Kronos, Oracle, Scheidt and Bachmann, Giro, Tableau, and Trapeze, for the support of the Agency's hardware and software systems as required and within the amounts provided for in the FY2021 Operations Budget, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO, and Vice President of Procurement are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Contracts and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and Kronos, Oracle, Scheidt and Bachmann, Giro, Tableau, and Trapeze.

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution and the Contracts.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 26th day of June, 2020.

In Witness Whereof, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By _____
Title _____

[SEAL]

ATTEST:

By _____
Deputy Secretary to the Board of Commissioners

Open Session Item

10 j

**Bi-State Development Agency
Board of Commissioners
Open Session Agenda Item
June 26, 2020**

From: Taulby Roach, President and Chief Executive Officer
Subject: **Metro Transit's Agency Safety Plan**
Disposition: Approval
Presentation: Andrew J Ghiassi, Director of Safety

Objective:

To submit to the Board of Commissioners for approval, Metro Transit's Agency Safety Plan, which meets and is responsive to the FTA's Public Transportation Agency Safety Program (PTASP) requirements, as set forth by 49 CFR Part 673.

Background:

MAP-21 (Pub. L. 112-141 (2012)) amended Federal Transit Law by requiring a new Public Transportation Safety Program at 49 U.S.C. § 5329. Pursuant to Section 5329(b), the Public Transportation Safety Program must include a Public Transportation Safety Plan to improve the safety of all public transportation systems that receive Federal transit funds. Metro Transit is required to certify that it has a safety plan meeting the requirements of the rule by July 20, 2020.

Analysis:

Metro Transit's Agency Safety Plan guides the effort in managing safety risks and hazards within our transportation system. The plan includes the following elements:

1. Processes and procedures for establishing a Safety Management System, which consists of four main elements: (1) Safety Management Policy, (2) Safety Risk Management, (3) Safety Assurance, and (4) Safety Promotion.
2. Performance targets based on the safety performance criteria established under the National Public Transportation Safety Plan (49 CFR 673.11(a)(3)).
3. Addresses all applicable requirements and standards as set forth in the FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan (49 CFR 673.11(a)(4)).
4. Establishes a process and timeline for conducting an annual review and update of the Public Transportation Agency Safety Plan (49 CFR 673.11(a)(5)).

Previous Action:

This item was recommended for approval at the May 21, 2020 Combined Meeting of the Operations Committee and Audit, Finance, & Administration Committee.

Board Action Requested:

It is requested that the Board of Commissioners approve the Metro Transit's Agency Safety Plan.

Funding Source:

No funding request is being made with this action. Metro Transit's Office of Safety will review and operate the plan under a principle of continuous improvement to reflect changes in Metro Transit's organization, procedures, equipment, facilities, and operating environment.

Attachments:

1. Metro Transit's Agency Safety Plan

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT
APPROVING THE METRO TRANSIT AGENCY SAFETY PLAN**

PREAMBLES

Whereas, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board”); and

Whereas, MAP-21 (Pub. L. 112-141 (2012)) amended Federal Transit Law by requiring a new Public Transportation Safety Program at 49 U.S.C. § 5329, and pursuant to Section 5329(b), the Public Transportation Safety Program must include a Public Transportation Safety Plan to improve the safety of all public transportation systems that receive Federal transit funds; and

Whereas, Metro Transit is required to certify that it has a safety plan meeting the requirements of the rule by July 20, 2020; and

Whereas, the Metro Transit Agency Safety Plan guides the effort in managing safety risks and hazards within our transportation system, and the plan includes the following elements:

1. Processes and procedures for establishing a Safety Management System, which consists of four main elements: (1) Safety Management Policy, (2) Safety Risk Management, (3) Safety Assurance, and (4) Safety Promotion.
2. Performance targets based on the safety performance criteria established under the National Public Transportation Safety Plan (49 CFR 673.11(a)(3).
3. Addresses all applicable requirements and standards as set forth in the FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan (49 CFR 673.11(a)(4).
4. Establishes a process and timeline for conducting an annual review and update of the Public Transportation Agency Safety Plan (49 CFR 673.11(a)(5); and

Whereas, it is feasible, necessary and in the public interest for the Agency to approve the Metro Transit Agency Safety Plan, in accordance with the terms and conditions described herein.

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings: The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section.

Section 2. Approval of the Metro Transit Agency Safety Plan: The Board of Commissioners hereby approves the Metro Transit Agency Safety Plan, (as provided in the Attachment to the Briefing Paper and made a part hereof), under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized: The officers of the Agency, including, without limitation, the President and CEO, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the

Metro Transit Agency Safety Plan and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability: It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights Under Resolution Limited: No rights shall be conferred by this Resolution upon any person or entity other than the Agency officers and employees.

Section 6. Governing Law: The laws of the State of Missouri shall govern this Resolution.

Section 7. No Personal Liability: No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution.

Section 8. Effective Date: This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED, by the Board of Commissioners of the Bi-State Development Agency this 26th day of June, 2020.

In Witness Whereof, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By: _____

Title: _____

(Seal)

ATTEST:

By _____
Deputy Secretary to the Board of Commissioners

Open Session Item 10 j

Attachment

Metro Transit Agency Safety Plan

The following document is available
on the Bi-State Development website:

[Metro Transit Agency Safety Plan 2020](#)

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT
APPROVING THE METRO SYSTEM SECURITY STRATEGY**

PREAMBLES

Whereas, the Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board”); and

Whereas, the Agency is authorized by Mo. Rev Stat. 70.378.1 and 45 Ill. Comp. Stat. 110/5 to employ or appoint personnel to maintain safety and order and to enforce rules and regulations of the Agency upon the public mass transportation system, passenger transportation facilities, conveyances, and other property that the Agency may own, lease, or operate; and

Whereas, St. Louis Metro Transit (Metro) is committed to providing safe, secure, dependable, and fully accessible multimodal transportation throughout metropolitan St. Louis, and the safety and security of Metro passengers and employees, and the community that it serves, are paramount; and

Whereas, the Metro System Security Strategy, developed by WSP, and supported by the East-West Gateway Council of Governments, establishes a comprehensive, systematic framework of effective and sustainable security components to safeguard the personal security of passengers, employees, and members of the public, as well as the integrity of Metro assets and other property, and the Strategy is designed to foster a culture of security by assigning responsibility and accountability for security; and

Whereas, the Metro Transit Security Vision, recognizes six elements necessary to realizing its security vision for customers, employees and the public, including: 1) Comprehensive Security Program; 2) Defined Roles, Responsibilities, and Partnerships; 3) Strategic Community Engagement and Support; 4) Informed Security; 5) Effective Security Personnel/Police, and 6) Rules Compliance; and

Whereas, the Metro System Security Strategy establishes goals to achieve the Metro Transit Security Vision; and

Whereas, it is feasible, necessary and in the public interest for the Agency to approve the Metro System Security Strategy, as developed by WSP, in accordance with the terms and conditions described herein.

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings: The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section.

Section 2. Approval of the Metro System Security Strategy: The Board of Commissioners hereby approves the Metro System Security Strategy, as developed by WSP, (and as provided in the Attachment), under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized: The officers of the Agency, including, without limitation, the President and CEO, are hereby authorized and directed to execute all documents and take such actions

as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Metro System Security Strategy and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability: It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights Under Resolution Limited: No rights shall be conferred by this Resolution upon any person or entity other than the Agency officers and employees.

Section 6. Governing Law: The laws of the State of Missouri shall govern this Resolution.

Section 7. No Personal Liability: No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution.

Section 8. Effective Date: This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED, by the Board of Commissioners of the Bi-State Development Agency this 26th day of June, 2020.

In Witness Whereof, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By: _____

Title: _____

(Seal)

ATTEST:

By _____
Deputy Secretary to the Board of Commissioners

Open Session Item 10 k

Attachment

METRO SYSTEM SECURITY STRATEGY

(Developed as part of the Metro System-Wide Security Assessment Phase II)
Supported by East-West Gateway Council of Governments

21 January 2020

WSP
SUITE 2800
211 NORTH BROADWAY
ST. LOUIS, MO 63102
UNITED STATES

TEL.: +1 314 206-4444
FAX: +1 314 421-1741
WSP.COM



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(Fall 2019) 20

ACRONYMS AND ABBREVIATIONS

ACRONYM/ ABBREVIATION	MEANING
CCTV	Closed-circuit Television
CPTED	Crime Prevention Through Environmental Design
DHS	Department of Homeland Security
EMP	Emergency Management Plan
EMS	Emergency Medical Services
EPP	Emergency Preparedness Plan
FEMA	Federal Emergency Management Agency
FTA	Federal Transit Administration
IDOT	Illinois Department of Transportation
IEMA	Illinois Emergency Management Agency
MoDOT	Missouri Department of Transportation
OCC	Operations Control Center
PAT	Passenger Assistance Telephone
Plan	Security Program Plan
SCADA	Supervisory Control and Data Acquisition
SEMA	Missouri State Emergency Management Agency
SOP	Standard Operating Procedure
SSI	Sensitive Security Information
SSO	State Safety Oversight
St. Louis Metro	Metro
Strategy	System Security Strategy
TSA	Transportation Security Administration
TSS	Transit Security Specialists
TVA	Threat and Vulnerability Assessment
VIPR	Visible Intermodal Prevention and Response

INTRODUCTION

St. Louis Metro (Metro) is committed to providing safe, secure, dependable, and fully accessible multimodal transportation throughout metropolitan St. Louis. The safety and security of Metro passengers and employees, and the community that it serves, is paramount. To meet this commitment, Metro developed this System Security Strategy (Strategy). The Strategy establishes a comprehensive, systematic framework of effective and sustainable security components to safeguard the personal security of passengers, employees, and members of the public, as well as the integrity of Metro assets and other property. The Strategy is also designed to foster a culture of security by assigning responsibility and accountability for security.

Note: Metro Transit is the region's public transportation system that operates under Bi-State Development. This strategy is targeted to the Metro Transit system, though some staff and programs operate at the Bi-State Development level to manage and deliver the strategy.

PURPOSE

The purpose of the Strategy is to develop and communicate a comprehensive, systematic, responsive, and effective security approach for Metro; support the development of technology programs; and provide a basis for Metro security training and exercises.

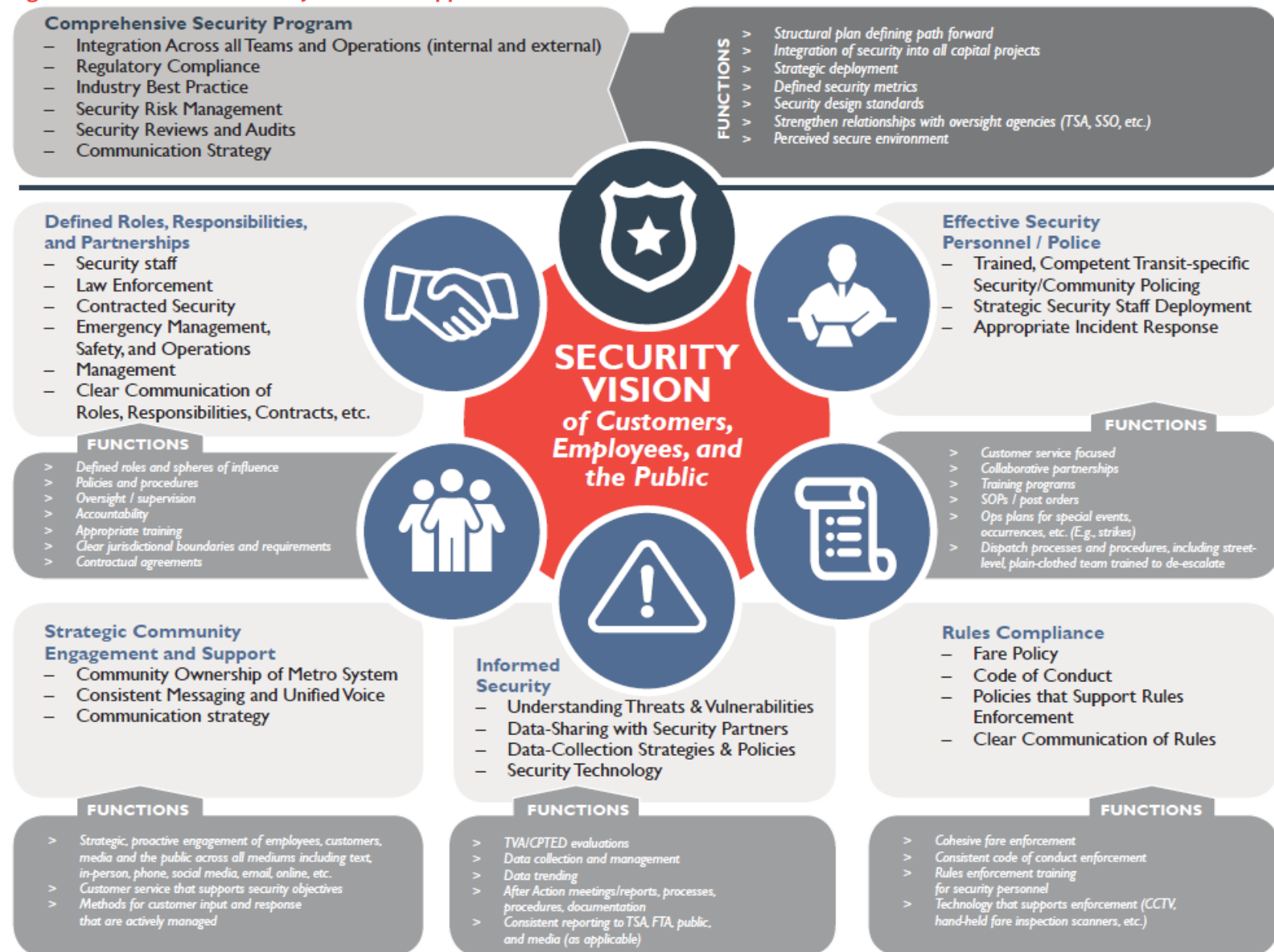
METRO TRANSIT SECURITY VISION & APPROACH

Metro recognizes the following six elements necessary to realizing its security vision for customers, employees, and the public:

- 1 Comprehensive Security Program
- 2 Defined Roles, Responsibilities, and Partnerships
- 3 Strategic Community Engagement and Support
- 4 Informed Security
- 5 Effective Security Personnel/Police
- 6 Rules Compliance

Figure 1 on the next page defines these six elements and the functions that support them.

Figure 1. Metro Transit Security Vision and Approach



SECURITY GOALS, OBJECTIVES & TASKS

The Strategy establishes four primary goals to achieve the Metro Transit Security Vision:

- 1 **Security:** Reduce the rate of crime, the perception or fear of crime, and vulnerabilities to crime on the Metro system.
- 2 **Fare Enforcement:** Implement fare enforcement as a security tool.
- 3 **Awareness and Involvement:** Engage all Metro employees and contracted security personnel in awareness of and responsibilities for security on the Metro system. Engage passenger and public security awareness.
- 4 **System Approach:** Systematically and continually identify and assess crime and other security threats to Metro passengers, employees, and property. Maximize security effectiveness by optimizing use of human resources and through operating procedures, technology and equipment; facilities design and improvements; and community and interagency partnerships.

Table 1 below further breaks down these four goals by objectives and associated tasks to meet each goal and its objectives.

Table 1. Goals, Objectives & Associated Tasks

GOALS & OBJECTIVES	ASSOCIATED TASKS
<p>1. Security: Reduce the rate of crime and the perception of crime on the Metro system.</p> <p>1A. Establish annual* Target Goal for reported crimes, per 100,000 boarding rides, on the Metro system.</p> <p>1B. Maintain 70% or better customer rating of "good" or "excellent" for Metro addressing concerns about security on board buses and MetroLink, as measured through Metro surveys.</p>	<p>1.1 Base routine deployment and tactics of Transit Police Taskforce and contracted security personnel on current intelligence, analysis of crimes and trends, and threats on the transit system.</p> <p>1.2 Specialize deployment and tactics of Transit Police Taskforce and security personnel for special event transit operations based on intelligence and analysis of crime trends, and threats particular to each special event.</p> <p>1.3 Frequently deploy Transit Police Taskforce and contracted security personnel on special missions to target unfavorable trends in crime or threats on the transit system, as identified by crime analysis and intelligence.</p> <p>1.4 Fulfill perceived security and order on the transit system with deployments and tactics of security personnel that enhance visibility to system ridership and stakeholders, and provide an environment in which Metro Code regulations and community laws are enforced.</p> <p>1.5 Develop and implement a "Ride and Abide" policy to address chronic, repeat offenders of Metro Code regulations and offenders committing serious crimes on Metro property and vehicles.</p> <p>1.6 In coordination with the Transit Police Taskforce, participate in Operation RailSafe and BusSafe, Visible Intermodal Prevention and Response (VIPR) Team deployments, and other Transportation Security Administration (TSA) security initiatives.</p>

*Each year establish Target Goal based on averages from the previous 3 years.

GOALS & OBJECTIVES	ASSOCIATED TASKS
<p>2. Fare Enforcement: Reduce opportunities for fare evasion on MetroLink.</p> <p>2A. Establish annual* Target Goal for fare evasion rate on MetroLink.</p> <p>*Each year establish Target Goal based on averages from the previous 3 years.</p>	2.1 Utilize access control techniques at MetroLink stations.
	2.2 Collect, analyze, and monitor fare evasion data on MetroLink.
	2.3 Base deployments of fare enforcement personnel on analysis of fare evasion trends on MetroLink.
	2.4 Conduct special missions to target unfavorable fare evasion trends.
	2.5 Enable fare enforcement and Public Safety Department personnel to write citations in all Metro transit service areas.
<p>3. Awareness and Involvement: Engage all Metro employees and contracted security personnel in awareness and responsibilities for security awareness on the Metro system. Engage passengers and public in security awareness.</p> <p>3A. Achieve broad-based awareness of security responsibilities, alertness, and procedures by Metro personnel.</p> <p>3B. Achieve broad-based security alertness by Metro passengers.</p>	3.1 Communicate the Strategy to all Metro personnel and contracted police/security personnel.
	3.2 Incorporate the security awareness responsibilities specific to each Metro employee's job into the training program, procedures, and instructions applicable to each job. Include security considerations in performance evaluations of managers, according to their respective security job responsibilities.
	3.3 Integrate transit security procedures, drills/exercises outcomes, and incident reviews into transportation, maintenance, and security operating and emergency procedures.
	3.4 Involve employees in security program development and implementation through mechanisms such as arranging participation in Safety/Security Committees and facility inspections, and designating security representatives for each operating facility.
	3.5 Reinforce an organizational culture for security responsibility by enforcing access to Metro facilities by authorized personnel only.
	3.6 Assure that "See Something, Say Something" notifications are posted in all Metro buses and MetroLink vehicles, transit centers, and MetroLink platforms, and are included in routine Metro customer information materials, such as service brochures and website information.

GOALS & OBJECTIVES	ASSOCIATED TASKS
<p>4. System Approach: To maximize security effectiveness, systematically and continually identify and assess crime and other security threats to Metro passengers, employees, and property by optimizing use of the Transit Police Taskforce, contracted security, and Metro personnel; operating procedures, technology, and equipment; facilities design and improvements; and community and interagency partnerships.</p> <p>4A. Systematically determine and assess deployments and tactics of Transit Police Taskforce, Metro personnel and contracted security personnel, in relation to analyzed information on crime, threats, and effectiveness on customer perception of security on the Metro transit system.</p> <p>4B. Continually foster partnerships with law enforcement jurisdictions and community organizations, in coordination with the Transit Police Taskforce, to support an extension of Metro security resources.</p> <p>4C. Systematically integrate security design considerations and security technology and equipment into the design of Metro facilities and transit operations.</p>	<p>4.1 In coordination with the Transit Police Taskforce, collect and analyze security data on the Metro system and receive crime analyses from the Transit Police Taskforce.</p>
	<p>4.2 Through interagency cooperation, ensure that all security threat and crime intelligence significant to Metro is concurrently available to the Transit Police Taskforce and Metro Public Safety Department for assessment and for optimization of transit system security resource deployments and tactics.</p>
	<p>4.3 Coordinate transit system security resources (i.e., Transit Police Taskforce, contracted security, and Public Safety Department personnel) and provide sufficient levels of security training and equipment, to reduce the rate of crime and the fear of crime on the Metro system and to resolve Metro vulnerabilities.</p>
	<p>4.4 Monitor developments in security technologies to optimize the effectiveness of Metro security.</p>
	<p>4.5 Develop a Code of Conduct ordinance.</p>
	<p>4.6 Provide a level of fare enforcement and enforcement of Metro prohibited conduct ordinances on the Metro system that is sufficient to sustain public perception that the transit system is reasonably secure from prohibited conduct.</p>
	<p>4.7 Promote interagency cooperation and mutual security tactics and operations for the Metro system through intergovernmental agreements establishing Transit Police Taskforce as an extension of local jurisdiction police.</p>
	<p>4.8 Incorporate Crime Prevention Through Environmental Design (CPTED) guidelines and Federal Transit Administration (FTA) Transit Security Design Considerations into Metro design criteria and facilities designs.</p>
	<p>4.9 Deploy and maintain security technologies to increase prevention and protection capabilities, including surveillance, access control, and intrusion detection, in priority of risk reduction to assets by criticality.</p>
	<p>4.10 Develop partnerships with community organizations to help foster security on the Metro system. Engage community-based personnel and services (such as an Ambassador Program at stations), to contribute to security on the Metro system.</p>

SECURITY PROGRAM ELEMENTS

The 10 Strategy elements listed below represent the measures and capacities that will be employed to manage the security of the system, and to address and mitigate the security risks identified in Crime and Security Analyses, Threat and Vulnerability Assessments (TVA), and CPTED assessments. The 10 elements provide a systematic, layered approach to enhancing security across the Metro transit system. The remainder of this report details these 10 Strategy elements as follows:

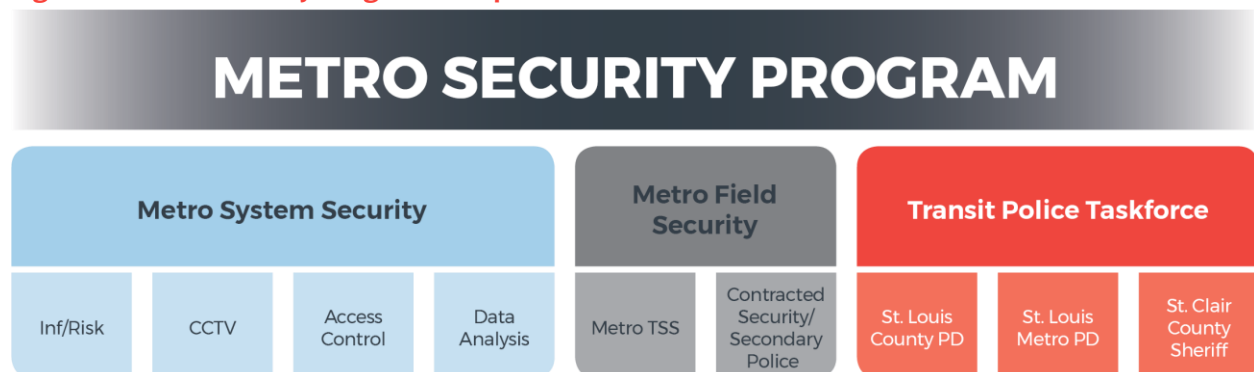
- 1 Management and Accountability
- 2 Fare Enforcement
- 3 Security Risk Management
- 4 Crime and Security Data Analyses
- 5 Safety and Security Certification
- 6 Security Audits and Reviews
- 7 Security Standard Operating Procedures
- 8 Security Systems and Technology
- 9 Training and Awareness
- 10 Emergency Management and Drills and Exercises

1 MANAGEMENT AND ACCOUNTABILITY

Figure 2 below illustrates the multiple components that collaborate to advance Metro's Security ProgramFigure 3Figure 3Figure 3Figure 3Figure 3:

- **Metro System Security:** comprised of Metro employees (blue)
- **Metro Field Security:** comprised of Metro employees and contracted security/secondary employment police¹ (gray)
- **Transit Police Taskforce:** comprised of law enforcement partners (red)

Figure 2. Metro Security Program Components

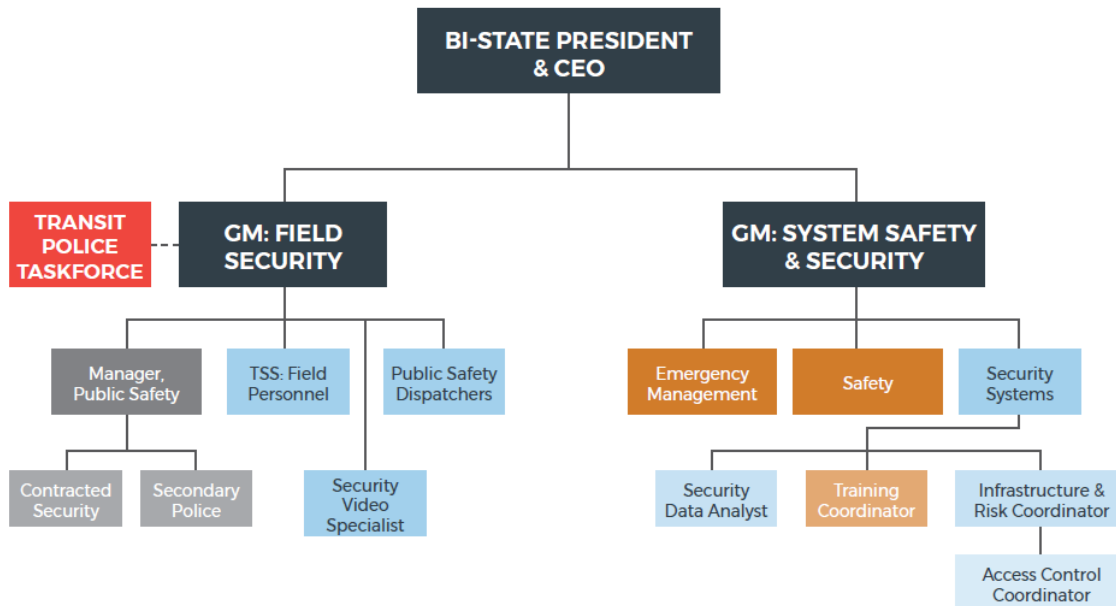


Potential security gaps can arise from the involvement of multiple stakeholders in Metro's system security. Assigning management responsibilities, defining clear lines of accountability, and implementing effective communications is necessary to eliminate these potential security gaps. The security organizational chart in Figure 3 identifies the security relationships and accountability structure for the Metro Public Safety Department, contracted policing and security services, and the Transit Police Taskforce. Figure 3 uses the same color scheme as Figure 2: black for the overarching

¹ Secondary employment police are contracted from law enforcement partners.

security program, blue for system security positions, gray for field security positions, and red for the taskforce. Figure 3 also depicts emergency management and safety functions by using orange to distinguish them from the security program functions.

Figure 3. Metro Public Safety Department Organizational and Collaboration Structure



Metro employees and contracted security service personnel have a basic security responsibility to serve as "eyes and ears" for the system and report all security issues. They are expected to report immediately to the Operations Command Center (OCC) upon observing:

- Metro-involved accidents or incidents, including persons in need of assistance on the transit system
- Criminal behavior and security threats, including suspicious items, activities, or behaviors
- Unbadged persons in a Metro workplace who do not belong

Metro employees and contracted security personnel will be provided with specific security instructions that address incident/emergency reporting, assessing unattended items found on Metro vehicles and facilities, workplace security, and instructions for employees to call for information during a Metro-declared emergency.

1.1 METRO PUBLIC SAFETY DEPARTMENT

This section describes positions that comprise Metro's Public Safety Department and the responsibilities of each.

GENERAL MANAGER, SYSTEM SAFETY AND SECURITY

The General Manager, System Safety and Security is responsible for developing Metro's safety and security strategic direction and providing the day-to-day leadership, management and administration of the Metro system safety, security, and emergency management programs, in coordination with the General Manager, Field Security, through:

- Communicating Metro’s system safety and security goals and programs and strategic direction.
- Providing support in the development, coordination, security training programs.
- Assessing threats and vulnerabilities to the Metro system and recommending corrective measures to reduce the potential for crime and vulnerabilities of the Metro transit system.
- Managing security incident reporting, investigation, and trend analysis.
- Managing security assurance audits and corrective action plans.
- Assuring that the Metro security management program meets or exceeds applicable regulations and guidance of the FTA, Department of Homeland Security (DHS), and industry best practice.
- Assessing threat and intelligence information and related updates from TSA and law enforcement partners regarding Metro passengers, employees, and operations.

GENERAL MANAGER, FIELD SECURITY

The General Manager, Field Security plans and manages the Public Safety Department’s field security activities and operations, in coordination with the General Manager of System Safety and Security, including:

- Developing and managing contracts with law enforcement partners, and overseeing the strategic deployment of law enforcement personnel across the Metro transit system.
- Providing direction in the development, coordination, and implementation of field security training programs.
- Ensuring the security resource deployment program maintains a comprehensive security presence across the Metro transit system.
- Communicating and coordinating Public Safety Department schedules with the Transit Police Taskforce.
- Adjusting security strategies in response to emergent trends in ridership, major events, crime, and/or nuisance behaviors.
- Ensuring compliance with all applicable policies, rules, regulations, and laws.
- Developing and overseeing the Public Safety Department budget.
- Reporting on calls for service, code of conduct violations and citations, and other security metrics, in collaboration with the Security Data Analyst.

MANAGER, PUBLIC SAFETY

The Manager, Public Safety coordinates and provides oversight of non-sworn contracted security and fare enforcement officers. The Manager implements and maintains security practices and procedures, coordinates training for contracted security personnel, and ensures that resources are deployed to maximize fare enforcement and public safety by:

- Developing and managing deployment programs in response to emergent trends in ridership, major events, crime, and/or nuisance behavior.
- Ensuring that Metro’s contract security and secondary employment police resource deployment programs maintain a comprehensive security presence across the Metro transit system.

- Coordinating and managing the scope of work and budget for Metro’s contract security and fare enforcement program.
- Working with security contractor management and the Transit Police Taskforce to coordinate and oversee contract security and secondary employment police schedules, including personnel performance, utilization, attendance, and overtime.
- Producing reports to document trends in code of conduct violations, fare enforcement citations, and customer contacts.

TRANSIT SECURITY SPECIALISTS (TSS)

Transit Security Specialists (TSS) have specific security responsibilities, including monitoring employees’ compliance with Metro security procedures. TSSs must have full knowledge of security rules and procedures, and communicate them on an ongoing basis to encourage other employees to incorporate security practices into their daily work activities. TSSs have the authority and responsibility to enforce Code of Conduct, fare policies, and administrative policies. Specific responsibilities of TSSs include:

- Being alert and observant of the personal security of Metro passengers, employees, and the general public at stations, stops, and along Metro transit system routes.
- Managing security logistical deployments within assigned zones.
- Responding to security and emergency incidents.
- Reporting observations of new vandalism damage or graffiti to Dispatch.
- Providing leadership and direction to Metro employees during security incidents.
- Providing liaison with local or Transit Police Taskforce officers and assisting in crowd control, securing witness information, and providing general on-scene assistance, as may be requested.
- Making on-scene decisions about restricting or continuing operations due to a security incident, in coordination with law enforcement.
- Issuing warnings, exclusions, and citations for violations of Metro Code of Conduct and fare policies.
- Preparing and submitting internal Metro reports for security incidents in which they are involved or to which they respond.
- Collaborating with Transit Police Taskforce officers in fare enforcement missions.
- Following radio communication protocols for internal and outside agency talk groups.
- Patrolling park and ride lots and parking structures, monitoring appropriate use, and issuing warnings and citations for Metro Code parking violations.
- Patrolling the light rail alignment and bus routes, identifying, reporting, and responding to identified security breaches or vulnerabilities.

SECONDARY EMPLOYMENT POLICE

Metro, under an arrangement with the various law enforcement and sheriff departments, directly employs off-duty officers and deputies from the law enforcement/sheriff department agencies. The officers and deputies supporting police officers and deputies assigned to the Transit Police Taskforce and have the same role and responsibilities as those on the Taskforce (see Section 1.4 Law Enforcement and Security – Law Enforcement Partners).

The secondary employment police officer and deputy patrols are deployed under the direction of the Manager, Public Safety. Deployments are coordinated with the Transit Police Taskforce command staff.

SECURITY DATA ANALYST

The Security Data Analyst is responsible for providing objective analysis of crime and security data by:

- Reporting data related to transit crime and security incidents, and maintaining Metro's security information database.
- Working within Metro and with local and state law enforcement agencies to ensure the quality and timeliness of all security-related data for the Metro transit system.
- Preparing security reports for the FTA and the Missouri and Illinois state safety oversight organizations: the Missouri Department of Transportation (MoDOT) and Illinois Department of Transportation (IDOT).

INFRASTRUCTURE AND RISK COORDINATOR

The Infrastructure and Risk Coordinator is responsible for the overall management of infrastructure security strategy and implementation. Responsibilities include:

- Performing and coordinating security TVAs.
- Conducting CPTED reviews of Metro facilities.
- Participating in design reviews of proposed changes to Metro infrastructure, station, transit centers, and other Metro facilities.
- Developing and updating security design criteria for Metro capital projects.
- Managing the security certification process for capital projects.

ACCESS CONTROL COORDINATOR

The Access Control Coordinator is responsible for the overall management of the access control program for all Metro facilities. Responsibilities include:

- Coordinating security badging of Metro personnel and contractors requiring access to Metro facilities.
- Administering access change requests, including access for new hires, position changes and separations.
- Developing and overseeing the implementation of access control procedures.
- Administering the issuance of keys to Metro facilities.

SECURITY VIDEO SPECIALISTS

The Security Video Specialists are responsible for managing the closed-circuit television (CCTV) system and responding to CCTV requests from law enforcement agencies by:

- Working with Metro Public Safety Department and law enforcement partners to ensure the quality and timeliness of all Metro CCTV data requests.

- Processing CCTV surveillance video/image review, capture, and analysis from all Metro CCTV systems, to assist law enforcement agencies in transit crime investigations, apprehensions, and prosecutions.
- Ensuring appropriate and lawful chain-of-custody is maintained.

The Security Video Specialists review live video to monitor for:

- Security and other emergency incidents.
- Suspicious behaviors and activities.
- Platform overcrowding.
- Metro Code of Conduct issues.

The Security Video Specialists also support security missions, as requested, monitor the maintenance of the CCTV system, coordinate repairs for optimal performance, and support CCTV upgrades and expansions.

PUBLIC SAFETY DISPATCHERS

The Public Safety Dispatchers respond to passenger/public security text messages and passenger assistance telephone (PAT) calls from PATs located on MetroLink platforms. They also dispatch Transit Security Specialists, and notify police, sheriff, and emergency medical services, as needed.

1.2 OTHER DEPARTMENTS & POSITIONS COORDINATED WITH PUBLIC SAFETY

This section describes additional positions that interface with Public Safety.

EMERGENCY MANAGER

The Emergency Manager leads the development and implementation of Metro's emergency management programs, training, procedures, and drills and exercises, including:

- Developing and managing emergency management training for Metro managers, supervisors, and employees.
- Implementing and exercising Metro facilities emergency response and evacuation plans for building occupants at all Metro facilities. In collaboration with operations and department managers at each facility, implementing and sustaining facility-specific emergency teams, related emergency Standard Operating Procedures (SOPs), and training and exercise programs.
- Developing, implementing, and exercising Metro's Emergency Management and Preparedness Plans for response to winter operations, tornados, terrorist events, and evacuation operations, in coordination with first responder agencies throughout the Metro service area.
- Updating and implementing Metro's Emergency Familiarization Plan for bus and rail vehicle and infrastructure familiarization training for police, fire, and other emergency personnel.
- Developing and maintaining the Metro Continuity of Operations Plan.
- Preparing and submitting monthly security reports to federal and state regulatory agencies, as required.

- Preparing quarterly and annual security trends reports.

SAFETY DEPARTMENT

The Safety Department implements Metro’s safety program and is comprised as follows:

- The Director of Safety is responsible for developing, implementing, and administering a comprehensive safety management system plan as it relates to bus and rail operations, fire protection, employee safety and health, and passenger safety.
- Transit Safety Specialists aid the Director of Safety in the implementation and monitoring of safety programs, procedures, regulations, and guidelines. The Safety Specialists conduct inspections and investigations to identify hazards and assist in the development of action plans to eliminate or control the hazards. Other duties include conducting safety audits, industrial hygiene surveys, hazard communication management, accident reviews, and employee safety training.

BUS AND RAIL OPERATORS AND MAINTENANCE PERSONNEL

Bus and Rail Operators and Maintenance personnel play an important role in security management, as they often are the first to be contacted regarding a security, medical, or other emergency incident. Operators and Maintenance personnel will receive training to:

- Determine when to call the Operations Control Center (OCC) for assistance.
- Respond to information or requests from passengers concerning security.
- Be alert and observant of the personal security of Metro employees, passengers, and the general public observed at MetroLink platforms, transit centers, bus stops, and along transit routes.
- Assume control of the scene of an incident, until the arrival of a Metro TSS, police, or fire/emergency medical services (EMS) personnel.
- Report all security and other emergency incidents to the OCC, including observations of new vandalism damage, such as graffiti.
- Provide written reports, as required.

1.3 COMMITTEES

This section describes the committees that advise Metro Public Safety.

BI-STATE DEVELOPMENT SECURITY SUB-COMMITTEE

The Bi-State Development Security Sub-Committee provides oversight and policy direction of security activities to its five enterprise areas, with particular emphasis on Metro transit operations.

METRO SAFETY AND SECURITY OVERSIGHT COMMITTEE

The Metro Safety and Security Oversight Committee extends the scope of safety and security programs management by assuring involvement and collaboration of all Metro departments in safety and security program development and implementation, and by advising on development and evaluation of the program.

Metro Safety and Security Committee meetings include reviews of:

- Safety and security incidents, as warranted.
- Proposed improvements in safety and security procedures, equipment, and training.
- Changes to Metro facilities, infrastructure, or operations affecting safety and security.
- Security information related to upcoming events in the region affecting the transit system.
- Trends in the Metro system crime data.
- Safety and security assessments of Metro operations and facilities.

Committee members also:

- Raise any concern regarding:
 - Safety and security management interactions, and
 - Deficiencies in safety, security, and emergency preparedness that require coordination among departments.
- Report on:
 - The status of corrective action plans, and
 - Safety and security performance and issues.

Committee membership includes:

- Bi-State Development/Metro
- Law Enforcement
 - St. Louis County Police (Transit Police Taskforce command staff representative)
 - Police Division, City of St. Louis (Transit Police Taskforce command staff representative)
 - St. Clair County Police (Transit Police Taskforce command staff representative)
- TSA
- State Safety Oversight Agencies
 - IDOT
 - MoDOT

1.4 LAW ENFORCEMENT AND SECURITY

This section describes Metro Public Safety's law enforcement and security partners.

LAW ENFORCEMENT PARTNERS

Metro has entered into intergovernmental agreements with St. Louis County Police Department, Police Division, City of St. Louis, and St. Clair County Sheriff for Transit Police services on MetroLink. These police officers and deputies comprise the Transit Police Taskforce. The officers and deputies assigned to the Transit Police Taskforce remain employees of their respective police jurisdictions.

Transit Police Taskforce command personnel actively participate in Metro's security strategy. They collaborate with the Metro Public Safety Department in developing and conducting targeted enforcement and apprehension missions on or affecting the transit system, in sharing and assessing security threat information and crime intelligence, and in integrating security strategies and transit

system operating strategies for major public or special events, such as major sporting events and Fair St. Louis.

Transit Police Taskforce officers and deputies enforce state and federal laws, city ordinances, and Metro's Code of Conduct. Their responsibilities include:

- Conducting high visibility patrols on MetroLink vehicles and property to enforce laws and ordinances.
- Responding to emergency security incidents and taking appropriate action.
- Liaising and assisting with law enforcement personnel throughout MetroLink service area.
- Developing and conducting targeted enforcement and apprehension missions on the MetroLink system.
- Leading critical incident reviews and investigations of misdemeanor and minor felony crimes.
- Conducting audits of security officer credentials and qualifications.

CONTRACTED TRANSIT SECURITY/SECONDARY EMPLOYMENT OFFICERS

Metro contracts for transit security services with a private security contractor and secondary employment officers. These officers form the base level of security on the Metro transit system, including rail vehicles, rail stations, bus transfer stations, and other areas of concern for Metro. They are coordinated with law enforcement and the Metro TSSs through the Metro Public Safety Department. Contract security positions include Transit Security Officers, Secondary Employment Officers and Fare Inspectors.

TRANSIT SECURITY OFFICERS

Transit Security Officers provide a uniformed, unarmed, professionally trained security officer presence at throughout the Metro transit system. Transit Security Officers are generally on-foot. Responsibilities of Transit Security Officers include:

- Providing fixed-post and roving security officer presence at Metro Transit Centers, MetroLink stations, park and rides, and on Metro vehicles (bus and rail).
- Intervening in minor infractions and disorderly conduct.
- Responding to calls for assistance.
- Enforcing and following Metro Code of Conduct, and safety and security policies and procedures.
- Observing and reporting criminal, suspicious activity, and quality of life issues.
- Controlling access of persons, vehicles, and other property at Metro facilities, locations, and property, as assigned.
- Discouraging unauthorized persons and activities that detract from safe access to transit.
- Assisting in maintaining orderly conduct in MetroLink vehicles, at MetroLink stations, and at transit centers.
- Responding, and acting as Metro's representative, to maintain order at an incident scene, pending arrival of TSS, police, or emergency response personnel.
- Assisting Metro during operational issues.

- Conducting security and hazard assessments and inspections of Metro operations and facilities, in accordance with provided procedures.
- Providing customer assistance to Metro passengers and the public.

FARE INSPECTORS

Fare Inspectors ensure compliance with fare collection policies through inspection of proof-of-payment. Fare Inspectors have the authority to issue citations, warnings, and exclusions. Fare Inspectors also provide an added layer of security presence on MetroLink platforms and vehicles. Fare Inspectors responsibilities include:

- Liaising with TSSs and Transit Police Taskforce officers to assist with crowd control and provide general on-scene assistance during a security incident.
- Reporting security incidents to Dispatch and requesting assistance, as warranted.
- Completing security incident reports.
- Identifying safety hazards and security issues.

GOVERNMENT COORDINATION

Metro coordinates with federal government agencies to ensure compliance with security regulations and for funding support, when available. Federal government agencies include DHS, Federal Emergency Management Agency (FEMA) and the Transportation Security Administration (TSA).

State government coordination includes MoDOT, the IDOT Multimodal Division, the Missouri State Emergency Management Agency (SEMA), and Illinois Emergency Management Agency (IEMA).

2 FARE ENFORCEMENT

Metro uses fare enforcement as a security tool, applying a number of strategies to enhance MetroLink security.

Transit Police Taskforce officers and contracted Fare Inspectors routinely ride MetroLink trains to check fares and deal with violators on a continuous basis with the ability issue citations, when appropriate.

Metro Public Safety Department and Transit Police Taskforce officers collaborate in identified problem locations to enhance security presence, deter inappropriate behavior, and increase fare compliance.

3 SECURITY RISK MANAGEMENT

The Strategy provides for a systematic and comprehensive process for identifying, mitigating, and managing security risks. The security risk management process is comprised of two main components:

- CPTED assessments and design.
- TVAs, which identify and assess threats, vulnerabilities, and security risks, and which recommend countermeasures to mitigate risks to a level as low as reasonably possible.

3.1 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

CPTED is a crime prevention concept based on the theory that proper design and effective use of the built environment can lead to a reduction in the fear and incidence of crime, as well as an improvement in the quality of life. It emphasizes the use of structures, spaces, open sightlines, lighting, and people around an area to deter crime and provide a sense of safety.

The four principles of CPTED are:

- **Access Control:** The physical guidance of people coming and going from a space by the thoughtful placement of entrances, exits, fencing, landscaping, and lighting. Access control relies on a combination of physical elements (e.g., barriers, portals, credentials) and policies (e.g., asset classification, credentialing) to operate properly.
- **Natural Surveillance:** The placement of physical features, activities, and people in such a way as to maximize safety.
- **Territorial Reinforcement:** The use of physical attributes that express ownership, such as fences, pavement treatment, art, signage, and landscape.
- **Maintenance:** Allows for the continued use of a space for its intended purpose. It serves as an additional expression of ownership and prevents reduction of visibility from landscaping overgrowth and obstructed or inoperative lighting.

CPTED concepts and strategies will be incorporated into MetroLink stations, transit centers, bus stops and other facility designs. Metro design criteria will be updated to reflect these concepts.

Periodic CPTED assessments will be conducted of current facilities and infrastructure to evaluate opportunities for improvement. Improvements will be made as funding becomes available.

3.2 THREAT AND VULNERABILITY ASSESSMENTS (TVA)

The inherently open nature of transit systems like Metro can be exploited by criminals or others to commit crimes, acts of violence, malicious and destructive acts, and disruptive behaviors. The security challenge is how to maintain an open and inviting environment that is easily accessible to the public while concurrently maintaining a level of security that prevents or minimizes, to the greatest extent possible, the occurrence of such acts. Key steps to deter, minimize, and prepare for criminal activities, destructive acts, and disruptive behaviors are designed to:

- Identify potential threats facing Metro;
- Identify vulnerabilities that may be exploited to carry out these threats;
- Analyze the potential impacts of each threat and vulnerability scenario; and
- Develop and implement corrective actions and countermeasures to prevent, deter, detect, and prepare for these events.

TVAs will be performed for each new significant capital project, whenever a new threat or vulnerability is identified, and for changes to the current infrastructure and significant service changes.

The TVA methodology that will be used for Metro supports an ‘All-Hazards Approach’ and incorporates diverse potential threat factors. Figure 4 illustrates the components of the methodology used for the TVA process, which are then defined further in eight steps.

Figure 4. TVA Process Components



- 1 **Asset Definition/Identification:** The first component of the TVA is the identification and evaluation of the assets within Metro. The goal is to identify the assets that are most important to the Metro transit system from an operational perspective and to prioritize protection of those critical assets.
- 2 **Define the Threats:** Defining the threat is the second component of the TVA and involves a three-step process:
 - a Identifying threat groups and developing specific potential threat scenarios.
 - b Defining the intent and capability of the potential threat actors.
 - c Assessing the level of threat based on intent and capability.
- 3 **Vulnerability Assessment:** The third component of the TVA is the vulnerability assessment. The purpose of the vulnerability assessment is to identify and evaluate specific vulnerabilities to identified threats. The process involves evaluating the ability of existing and planned countermeasures to deter, delay, detect, respond, or recover against the representative threat scenarios.
- 4 **Likelihood Evaluation:** Once the level of threat and vulnerabilities are assessed, the likelihood of realization of the threat can be assessed. This indicates how likely a threat is to be realized in the threat scenario being assessed.
- 5 **Consequence Evaluation:** The consequence evaluation determines the potential impact of a realized threat. This includes the impact to people, equipment, operations, finances, and reputation.
- 6 **Initial Risk Assessment:** The initial risk assessment evaluates the likelihood of a realized threat against the consequence of that realized threat to provide an evaluation of initial risk.
- 7 **Countermeasure Development:** Once the initial risk assessment is completed, mitigating design and operational countermeasures are identified with the goal of identifying and developing countermeasures sufficient to mitigate risk to acceptable levels. The TVA process and development of countermeasures will include Transit Police Taskforce, TSA, and appropriate Metro department representatives.
- 8 **Residual Risk Assessment:** Residual risk is the risk that remains should all of the mitigation strategies (both designed/physical and operational/procedural) be implemented. The level of residual risk is determined by re-assessing the vulnerability and risk levels for each threat scenario.

4 CRIME AND SECURITY DATA ANALYSES

The Metro Public Safety Department will be the central point for the collection, assessment, reporting, and recordkeeping of security data and information involving the Metro transit system. The Department will continually conduct analysis of the security database to detect trends and patterns of quality of life issues, such as disruptive behaviors occurring on the transit system, and fare enforcement activities and fare evasion issues. The Transit Police Taskforce; however, will be the responsible for the collection, analysis, and reporting of criminal activity on the MetroLink system. Analyses of data collected from all sources will provide the basis for deployment of police and security resources and aid in other security related decisions.

The Metro General Manager of Field Security will receive security threat and crime intelligence through TSA and the Transit Police Taskforce, respectively, for incorporation into security personnel resource deployments and tactics and in Metro operations orders, as warranted.

Security data and information inputs to the Metro Public Safety Department include:

- Security incident or breach reports from TSSs, Transit Security Officers, and Metro operating departments.
- Criminal trend and analysis reports involving the Metro transit system from the Transit Police Taskforce.
- Security complaints from the public and Metro customers.
- Special event service plans and information from Metro's operating departments, for assessment of security risks and incorporation of security strategies into the overall service plan for the special event.
- Security inspections and assessments of transit system facilities and operations by field security personnel and the Infrastructure and Risk Specialist.
- Security-related information from individual Metro employees and through Metro Safety and Security Committees.

In addition, Metro is a member of the Surface Transportation Information Sharing and Analysis Center, and monitors daily threat information reported by the Center.

The Transit Police Taskforce command members are provided transit-related police intelligence information from their respective jurisdictions and the Joint Terrorism Taskforce.

The Metro Public Safety Department will provide security data and information outputs to the following:

- **FTA's National Transit Database and MoDOT and IDOT** (in their role as FTA's State Safety Oversight Agency for Metro): monthly transit crime data.
- **Metro's Safety and Security Oversight Committee, Metro operations management, and executives**: transit crime, security, and fare enforcement data reports and trend analyses; security incident reviews and recommendations; security strategies for special event transit service or regional events affecting the Metro transit system; facility security assessments; and security program recommendations.
- **Metro facility security representatives**: security inspection and assessment reports of the facility that they represent.

5 SAFETY & SECURITY CERTIFICATION

Safety and Security Certification is the process for verifying the readiness of a system for public use. Metro will conduct security certification to ensure security concerns are adequately addressed prior to initiation of passenger operations for rail transit projects and for major modifications to the current transit infrastructure. Certification demonstrates that security requirements and countermeasures were integrated into the design, construction, testing, and start-up phases of a project.

Certificates of Conformance will be issued for Design, Construction, Integrated System Testing, and Operations and Maintenance elements as follows:

- **Design Certificate of Conformance:** issued once design satisfies all security requirements.
- **Construction Certificate of Conformance:** as-built system has been constructed/installed correctly.
- **Integrated System Testing Certificate of Conformance:** equipment and system are tested to ensure its functionality satisfies the security requirements.
- **Operations and Maintenance Certificate of Conformance:** support for the system—inclusive of applicable plans, procedures, training, and exercises—was developed and implemented.

Once all certifiable elements are certified, a Project Security Certificate of Conformance will be issued to indicate that, from a security perspective, the system is ready for use. Additional information on the Safety and Security Certification Process is contained in project Safety and Security Certification Plans, Metro Agency Safety Plan, and project Safety and Security Management Plans.

6 SECURITY AUDITS AND REVIEWS

Meeting Metro's Strategic Security Strategy performance objectives described in the Introduction section will be evaluated through internal and external audits and reviews. The external audits are to be performed by third parties independent of Metro security management and operations. External audits and internal reviews of each of the performance objectives will occur at least once year. Topics for audit and review will include fulfillment of Strategy objectives, adherence to Metro security procedures, employee security training, Sensitive Security Information management, and access control system management. All partner agencies that support the Metro Security program, including the Transit Police Taskforce members, will be included in the audit activities. Figure 5 provides an example of results from an external audit completed in Fall 2019 on Metro's security program². In addition to the external audits, Metro will participate in TSA's Baseline Assessment for Security Enhancement program.

² Note that the Metro Security Scorecard will be updated periodically as Metro continues to advance its security program. Figure 5 is provided as an example external audit; its contents are only applicable to the time period during which it was completed (Fall 2019).

Figure 5. Example of External Audit: Metro Security Scorecard (Fall 2019)



7 SECURITY STANDARD OPERATING PROCEDURES (SOPS)

SOPs guide performance and response to security and emergency events. Appropriate SOPs will be reviewed and evaluated as follows:

- Following a significant security or emergency event.
- During each drill and exercise.
- At least every three years.

The reviews will assess the effectiveness of the SOPs and any gaps that need to be addressed.

8 SECURITY SYSTEMS AND TECHNOLOGY

Metro Security Strategy incorporates the following security plans, physical design strategies, and networked systems that function synergistically to safeguard against and mitigate threats that may affect the transit system:

- Access Control
- Dispatch
- Passenger Information System
- CCTV System
- Passenger Assistance Telephone System
- Operations Control Center
 - Intrusion Detection
 - Supervisory Control and Data Acquisition (SCADA)
 - Voice and Data Radio System

8.1 ACCESS CONTROL

Metro will develop an access control management strategy, inclusive of access to MetroLink stations and to Metro non-public facilities, such as maintenance repair shops and vehicle storage yards. The development of an access key management plan will also be a component of controlling access to facilities and other infrastructure.

8.2 METRO DISPATCH

Metro Dispatch facilitates field communications between the Public Safety Department, contracted security services, and the Transit Police Taskforce. Dispatch is also responsible for monitoring Emergency and Passenger Assistance Telephones, responding to text messages from the public, monitoring CCTV for security and other emergency incidents, and coordinating requests for police and emergency services.

8.3 OPERATIONS CONTROL CENTER (OCC)

The OCC functions as the main control center for the Metro system; providing for the monitoring, management, and interaction with multiple systems, including:

- Integrated Voice and Data Communication System
- Passenger Information System
- Signal and Train Control System
- SCADA
- Traction Power System
- Tunnel Ventilation System
- Elevator Monitoring System
- Central Alarm Monitoring System
- Intrusion Detection and Access Control.

8.4 INTRUSION DETECTION AND ACCESS CONTROL

The Intrusion Detection and Access Control system is used to control and prevent unauthorized access or intrusion into security sensitive and private areas of the Metro system. The system will control access, monitor, and provide alarm notification for the following areas:

- Underground ancillary spaces, as required
- Equipment and storage rooms
- Emergency exits
- Emergency exit buildings
- Critical or high-security rooms (including signal rooms, communication rooms, and ventilation rooms)
- OCC and Dispatch facilities
- Utility Complexes and Traction Power Substations
- Any applicable high-risk areas as identified through the TVA

8.5 CCTV SYSTEM

Metro's CCTV System covers station platforms and bus and rail vehicle interiors. The CCTV system allows for viewing live and recorded images. Camera locations will be strategically assessed to ensure the views are clear, unobstructed, and not impaired by structures, signage, foliage, intense lights, or any other obstacles. New cameras will be placed to mitigate vandalism, tampering, and deliberate attempts to disable video surveillance.

8.6 SCADA

SCADA forms part of the overall communications systems and provides remote control and operational monitoring of electrical and mechanical systems throughout the Metrolink mainline. The SCADA system will provide monitoring and control of the Metrolink system and support systems. The system is comprised of redundant servers with operator workstations providing graphical and text-based monitoring and supervisory control of stations, traction power systems, tunnel systems, and tunnel ventilation. The system also provides remote monitoring and alarm handling for the distributed communication systems across the line, provides the interface between the signaling and train control system and communications system, and serves as the data manager for interfaces between key communication systems.

8.7 PASSENGER INFORMATION SYSTEM

The Passenger Information System broadcasts audible and visual messages to passengers and personnel train platforms. The Passenger Information System can queue audio announcements and corresponding text displays based on their level of urgency and target zone. Microphones located in locked cabinets or secure areas in underground stations may be used by authorized users to make local announcements.

8.8 PASSENGER ASSISTANCE/EMERGENCY TELEPHONE

Each Passenger Assistance/Emergency Telephone device is located within view of a CCTV camera to allow Passenger Assistance/Emergency Telephone calls to be viewed by Metro Dispatch through CCTV video. Passenger Assistance/Emergency Telephones feature a customer information button and an emergency call button. Passenger Assistance/Emergency Telephones are monitored by Metro Dispatch.

8.9 TEXTING COMMUNICATIONS

Metro has contracted for texting system services that allow Metro passengers to use their mobile phones to send text message reports of suspicious or criminal activity or other security concerns to Metro Dispatch. The service permits two-way communications, allowing Metro Dispatchers to communicate with passengers and solicit additional information, as needed.

8.10 NON-PASSENGER EMERGENCY TELEPHONES

Non-passenger emergency telephones are integrated into Blue Light Stations that are located at tunnels portals and in tunnels for use by emergency personnel, per National Fire Protection Association 130 requirements. The non-passenger emergency telephones are monitored by the OCC.

8.11 VOICE AND DATA RADIO

The Voice and Data Radio Systems support communication along the length of the rail alignment and buses. The system supports mobile handheld and non-revenue vehicle radios, and bus and rail vehicle radios. An underground Distributed Antenna System provides radio coverage in the underground tunnel and within stations.

9 TRAINING AND AWARENESS

Training and awareness are key to successful implementation of the Strategy by enabling security to be the responsibility of everyone who come in contact with the Metro transit system.

9.1 EMPLOYEE

Security awareness training will be provided to Metro employees and adapted as needed based on lessons learned or changes in the security environment.

Metro front-line employees, maintenance personnel, and most agency staff receive relevant security awareness training. Metro procedures supporting security are embedded in Metro's SOPs pertaining to emergency operations, communications, and response. Since training on SOPs and Rulebooks applicable to respective employee jobs is the core element of operations training for the respective jobs, it also serves as a primary mechanism for security training for all front line employees.

Security awareness is also part of orientation training for all Metro new-hire employees. Those working in non-front line positions are given training on Metro's H-O- T principles as a reminder that all employees play a role in security.

9.2 EMERGENCY RESPONDER

Emergency responder training will be provided to familiarize responders with the inherent hazards with transit operations and the emergency system on transit vehicles and within the rail infrastructure.

9.3 PUBLIC OUTREACH

Periodic public outreach campaigns will be conducted to educate the public in keeping themselves and their belongings and vehicles safe and secure. Additionally, 'See Something Say Something' promotions will be used to heighten the public's security awareness.

10 EMERGENCY MANAGEMENT AND DRILLS AND EXERCISES

Detecting, coordinating, communicating, and responding to emergency situations quickly and effectively are crucial to mitigating or reducing their negative impacts. As such, to properly prepare for emergencies, Metro will develop an Emergency Management Plan (EMP) and Emergency Preparedness Plan (EPP). The plans are compatible with St. Louis metro region emergency planning.

As part of the EMP and EPP, single- or multi-agency drills and exercises will be used to test the elements of the Strategy, EMP, and EPP. After-action reports will be generated for all drills and

exercises to record outcomes, lessons learned, and actions to be taken to improve security and emergency preparedness.

The objectives of conducting drills and exercises are to:

- Raise awareness about the impact of any emergency event, including security incident.
- Increase understanding of all participants' roles and responsibilities.
- Determine whether plans and procedures adequately address anticipated incidents.
- Identify improvements in emergency management, emergency preparedness, and security strategies and procedures.
- Promote advance planning.
- Raise awareness of intangible elements, such as the impact of individual backgrounds and experience on decision-making processes
- Verify security and emergency management-related training is adequate and appropriate for the tasks to be performed by Metro staff in both normal and emergency response environments.
- Allow for critiques, lessons learned, and potential gaps to be shared and reviewed by stakeholders, and incorporated into updates of the Security Program Plan and other security documents.
- Ensure threats, vulnerabilities, and open issues have been resolved.
- Ensure all known comments and issues concerning training and drills that impact safety or security have been satisfactorily resolved.
- At least one security related drill or exercise is held at least annually.

NEXT STEPS

By establishing the overarching framework for effective security of the Metro transit system, this Strategy provides strategic direction for development of Metro's Security Program Plan (Plan). The Plan is a formal document that will describe the tasks and resources necessary to implement an effective security program at Metro. In other words, this Strategy defines the "what" and the Plan will detail the "how."

The Plan will advance Metro's Strategy and Transit Security Vision by:

- 1 Defining the Metro security system.
- 2 Establishing organizational responsibilities and levels of commitment.
- 3 Explaining how threats and vulnerabilities will be identified, assessed, and addressed.
- 4 Describing plan milestones and how the plan will be implemented.
- 5 Clarifying plan integration and interface with other internal and external organizations and activities.
- 6 Detailing how the plan will be evaluated and modified.

The Security Program Plan will be an internal document protected as Sensitive Security Information (SSI)³ due to the type of information and level of details it contains.

³ SSI is defined by and controlled under 49 CFR parts 15 and 1520. Although SSI is not classified information, is information that, if publicly released, would be detrimental to transportation security. There are specific procedures for recognizing, marking, protecting, safely sharing, and destroying SSI. Only persons with a "need to know" are authorized to access SSI and have special obligations to protect SSI from unauthorized disclosure.

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Open Session Item

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**Bi-State Development Agency
Board of Commissioners
Open Session Agenda Item
June 26, 2020**

From:	Taulby Roach, President and Chief Executive Officer
Subject:	Ride and Abide Policy
Disposition:	Approval
Presentation:	Stephen Berry, General Manager of Public Safety; Kevin Scott, Director of Security; Vernon Summers, Manager of Contract Security

Objective:

The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (“Agency”) strives to provide a safe and welcoming environment for all users of its passenger transportation system. The Metro Transit System (“MTS”) is any property, real or personal, owned, leased, or controlled by the Agency and used to operate, maintain or provide public transportation services by rail, motor vehicle or any other means of conveyance. MTS includes, but is not limited to, transit centers, stations, bus shelters, park-n-rides, MetroLink, MetroBus, Metro Call-A-Ride vehicles, and their related facilities, conveyances, guideways and rights-of-way.

Patrons shall comply with all Agency policies and instructions given by Authorized Persons and observe the applicable rules and regulations governing use and conduct on the MTS, which are also referenced in the Metro Code of Conduct). “Authorized Persons” are Agency security staff, Agency-contracted security personnel and fare inspectors, and law enforcement personnel.

Moreover, it is expected that all persons on the MTS shall:

- Be respectful of fellow MTS passengers and Authorized Persons;
- Comply with all lawful orders and directives of any Authorized Person; and,
- Obey any instructions on notices or signs duly posted in or on the MTS; and
- Provide accurate, complete and true information or documents requested by Authorized Persons.

Background:

MTS connects the communities it serves and riders to education, entertainment, healthcare, and jobs. For some riders, it is their most desirable option for transportation and for others; it provides viable options. MTS creates travel efficiencies while at the same time, reduces traffic congestion and stress on infrastructures. While transit can produce travel options; it is also susceptible to undesirable consequences. These types of consequences affect transit system effectiveness, on time performance and most importantly, safety and security. Because of serving the communities through which it travels MTS does encounter a certain element of criminal activity and nuisance behavior; which has evolved into taking advantage of the locations accessible by MTS. In 2020, it is critical to decrease this nuisance effect on ridership along the MTS alignment. MTS crime data analysis has produced reliable information that suggests a Ride and Abide Program would be a viable asset in its current operational effort in abating nuisance elements.

Analysis:

Metro Public Safety collects and analyzes system-wide security-related data in an effort to identify trends and inform security deployment. This data includes citations issued across the MetroLink system.

Metro Public Safety analyzed citation data collected by SCCSD, Fare Inspectors, and Metro TSSs for calendar 2019 in an effort to identify a portion of frequent offenders. This data is only a snapshot of the total citations issued across MetroLink and does not include citations from our partners at SLMPD or SLCPD.

The sample of citations issued across the MetroLink system, largely fare related, totaled 6,257. Of this sample, 41% of the citations were issued to repeat offenders (individuals who received two or more citations). Further analysis found 20% of the total citations were issued to offenders with four or more citations and 8% with ten or more. The top ten offenders were issued twenty or more citations throughout 2019; the maximum was 43 citations issued to a single individual. This data supports anecdotal information coming from MTS customers, employees, and contracted law enforcement that most of the disorder across the system originates from the same group of individuals. The Ride & Abide Policy specifically addresses this type of disorder by suspending frequent offenders from the system or banning them indefinitely. In theory, repeat offenders and nuisance behavior should dissipate as frequent offenders are removed from the system.

Previous Action:

This item was recommended for approval at the May 14, 2020 Security Sub-Committee Meeting.

Board Action Requested:

It is requested that the Board of Commissioners approve the Metro Transit Ride and Abide Policy, as submitted.

Attachments:

Metro Transit Ride and Abide Policy

Funding Source:

Policy will be enforced and administrated by current Public Safety staff. No increase in funding required.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT
APPROVING THE METRO TRANSIT AGENCY RIDE AND ABIDE POLICY**

PREAMBLES

Whereas, the Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board”); and

Whereas, the Agency is authorized by Mo. Rev Stat. 70.378.1 and 45 Ill. Comp. Stat. 110/5 to employ or appoint personnel to maintain safety and order and to enforce rules and regulations of the Agency upon the public mass transportation system, passenger transportation facilities, conveyances, and other property that the Agency may own, lease, or operate; and

Whereas, the Agency strives to provide a safe and welcoming environment for all users of its passenger transportation system; and

Whereas, Metro Transit System (MTS) patrons are required to comply with all Agency policies and observe the applicable rules and regulations governing use and conduct on the MTS, which are also referenced in the Metro Code of Conduct; and

Whereas, the Ride & Abide Policy addresses repeat offenders and the nuisance behavior of those not adhering to Agency policies and not observing the rules and regulations governing use and conduct on the MTS; and

Whereas, it is feasible, necessary and in the public interest for the Agency to approve the Metro Transit Ride and Abide Policy, in accordance with the terms and conditions described herein.

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings: The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section.

Section 2. Approval of the Metro Transit Ride and Abide Policy: The Board of Commissioners hereby approves the Metro Transit Ride and Abide Policy, (as provided in the Attachment to the Briefing Paper and made a part hereof), under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized: The officers of the Agency, including, without limitation, the President and CEO, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Metro Transit Ride and Abide Policy and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability: It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part,

section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights Under Resolution Limited: No rights shall be conferred by this Resolution upon any person or entity other than the Agency officers and employees.

Section 6. Governing Law: The laws of the State of Missouri shall govern this Resolution.

Section 7. No Personal Liability: No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution.

Section 8. Effective Date: This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED, by the Board of Commissioners of the Bi-State Development Agency this 26th day of June, 2020.

In Witness Whereof, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By: _____

Title: _____

(Seal)

ATTEST:

By _____
Deputy Secretary to the Board of Commissioners

Open Session Item 10 I

Attachment 1

Metro Transit Ride and Abide Policy

The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (“Agency”) strives to provide a safe and welcoming environment for all users of its passenger transportation system. The Metro Transit System (“MTS”) is any property, real or personal, owned, leased, or controlled by the Agency and used to operate, maintain or provide public transportation services by rail, motor vehicle or any other means of conveyance. MTS includes, but is not limited to, transit centers, stations, bus shelters, park-n-rides, Metrolink, Metrobus, Metro Call-A-Ride vehicles, and their related facilities, conveyances, guideways and rights-of-way.

Patrons shall comply with all Agency policies and instructions given by Authorized Persons and observe the applicable rules and regulations governing use and conduct on the MTS. “Authorized Persons” are Agency security staff, Agency-contracted security personnel and fare inspectors, and law enforcement personnel.

Moreover, it is expected that all persons on the MTS shall:

- Be respectful of fellow MTS passengers and Authorized Persons;
- Comply with all lawful orders and directives of any Authorized Person; and,
- Obey any instructions on notices or signs duly posted in or on the MTS; and
- Provide accurate, complete and true information or documents requested by Authorized Persons.

A. Prohibited Conduct

Prohibited Conduct on the MTS is set forth in Agency rules and regulations and Section 70.441 of the Missouri Statutes or Section 110/6 of Chapter 45 of the Illinois Statutes. Authorized Persons may give warnings or issue citations for any violations thereof. In addition, the following is a list of Prohibited Conduct which can result in removal from the MTS, as well as citations:

1. No person shall engage in any activity prohibited by Federal, state, or local law.
2. No person shall possess, use, distribute, or sell any controlled substance.
3. No weapon or other instrument intended for use as a weapon may be carried in or on the MTS, except by Authorized Persons.
4. No explosives, flammable liquids, acids, fireworks, or other highly combustible or flammable materials or radioactive materials may be carried on or in the MTS, except as authorized by the Agency.
5. No person shall commit an assault or battery upon another person or engage in a fight.
6. No person shall unreasonably and knowingly disturb or alarm another person on or in the MTS by loud noise, threatening, abusive, harassing or offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient, or by creating a noxious and offensive odor. Noxious and offensive odors creation include, smoking tobacco or other substances, vaping, use of electronic cigarettes or carrying heated, lighted, or smoldering substances in any form, except in designated areas.
7. Intentionally obstructing or impeding the flow of an MTS conveyance or passenger movement; hindering or preventing access to MTS property; or causing unreasonable delays in boarding or deboarding.
8. Spitting, expectorating, urinating, or defecating on MTS property or conveyance.

9. Defacing, destroying, or otherwise vandalizing MTS property or conveyance, or any signs, notices, or advertisements on the MTS.
10. Drinking an alcoholic beverage or possessing an open container of an alcoholic beverage.
11. Entering nonpublic areas, including but not limited to tunnels, guideways, rights-of-way, and equipment rooms, except as authorized by the General Manager of Field Security (or designee) or when instructed by Agency security personnel, contracted security personnel, fare inspectors, or law enforcement.
12. Throwing an object at or on MTS property or conveyance, or at a person on MTS property or conveyance.
13. Dumping any materials whatsoever on MTS property, including chemicals or automotive fluids.
14. Failing to present a valid, unexpired pass, transfer, or ticket, or otherwise failing to pay the appropriate fare as required by Agency and/or Missouri or Illinois regulations.
15. Falsely claiming to be a Metro Transit operator or other Agency employee; or through words or actions and/or use of clothes, insignia, or equipment resembling department issued uniforms and equipment, creating a false impression that they are a Metro Transit operator or other Bi-State employee.
16. Engaging in gambling or any game of chance for the winning of money or anything of value.
17. Discharging a laser-emitting device on any MTS property, guideway, or right-of-way, or conveyance, directing such a device from a MTS conveyance toward any other moving vehicle or directing such a device toward a Metro Transit operator, Agency employee, or passenger.

B. Suspension of Transit Privileges Based on Prohibited Conduct

In addition to the applicable penalties for violations of the law and violations of Agency rules and regulations on the MTS, failure to observe this Policy may result in the suspension of privileges for use of the MTS, up to and including permanent suspension of privileges and/or ban from the MTS. Notwithstanding the foregoing, the Agency General Manager of Field Security, or a designee, may take any appropriate action in response to Prohibited Conduct including the issuance of a suspension of transit privileges up to permanent suspension of such privileges to any person that the Agency General Manager of Field Security or designee finds, based on the totality of the circumstances, that such person's conduct is unacceptably offensive, serious, threatening, or malicious, including but not limited to when an individual commits acts of violence on the MTS. The suspension period shall be determined on a case-by-case basis, but will be based upon the following criteria:

- First Offense – Suspension period of more than six months but less than one year.
- Second Offense – Suspension period of more than 12 months, up to and including a permanent suspension of transit privileges.

The General Manager of Field Security may issue a suspension of transit privileges in excess of one year for the first offense where an individual's conduct poses an immediate and serious threat to the safety of Metro Transit riders or employees. An individual's conduct poses an immediate and serious threat when he or she has committed a sexual assault, committed an assault that resulted in serious injury or death, or used a weapon to injure another person while offender was on the MTS.

If a suspended person returns to the MTS or to any portion of the MTS that they have been suspended from during the suspension period, the individual may be subject to arrest and criminal prosecution for trespass.

The Agency General Manager of Field Security is authorized to review, investigate, invalidate or rescind any suspension, at any stage during, or after, the processing of a suspension of transit privileges.

C. Immediate Dismissal Command

If after an Authorized Person requests an individual to comply with the Policy provisions and they fail to comply with the request for compliance, they may be ordered to leave the MTS by the Authorized Person. The order may be oral or a written directive to address a safety threat to persons or in response to Prohibited Conduct that disrupts the order and security of the MTS. Failure to immediately comply shall be grounds for prosecution for criminal trespass and/or suspension of transit privileges.

D. Suspension of Transit Privileges Procedures

An individual may be suspended from the MTS or any part of the MTS by any Authorized Person based upon an observation by the Authorized Person, or on evidence collected by the Authorized Person that there is preponderance of evidence that the individual engaged in Prohibited Conduct under this Policy.

1. **Notice of Suspension.** Any individual whose transit privileges are being suspended from the MTS, or any part thereof, must be issued a written Notice of Suspension ("Notice"), attached hereto as Exhibit A. If the individual refuses the written Notice, the Authorized Person seeking to issue the Notice shall make note of the refusal and advise the individual of the suspension orally.

The Notice shall set forth a description of the Prohibited Conduct giving rise to the suspension; the duration and area of the MTS, included in the suspension; and instructions for requesting a review for modification or appeal of the suspension.

2. **Minors.** Every effort shall be made to immediately notify the parent or guardian of a minor of the suspension of transit privileges and the Prohibited Conduct that led to the suspension.
3. **Incident Reports.** An Authorized Person who determines that an individual's Prohibited Conduct warrants suspension of transit privileges shall complete an incident report immediately afterwards. The incident report shall include a description of the Prohibited Conduct, action taken in response to the Prohibited Conduct, including reasons for the individual's suspension of transit privileges; and other relevant information, including whether or not the individual was arrested. A copy of the incident report shall be provided to the Agency General Manager of Field Security within 24 hours of the incident.
4. **Compliance with Procedures.** The Agency General Manager of Field Security shall ensure compliance with the procedures and the suspension periods set forth in this policy and, if circumstances warrant, shall have the authority to modify or repeal the suspension. The Agency General Manager of Field Security shall promptly notify the suspended individual of any modification or repeal of their suspension.

E. Requests for Review

Every person whose transit privileges are suspended pursuant to this Policy shall be entitled to a review of the suspension of transit privileges. The review may be requested with or without an in-person hearing. The request may be to modify the suspension duration, times of day the suspension is in effect, and/or the portion of the MTS from which the individual is suspended, or to repeal the suspension in its entirety. The purpose of the review/hearing is to:

1. Review and determine whether the basis for issuance of the Notice of Suspension was sufficient; and
2. Determine whether the length and scope of a suspension is commensurate with the nature of the Prohibited Conduct; and

3. Render a finding on whether it is more probable than not that the individual engaged in the Prohibited Conduct justifying a suspension; and
4. Consider any undue hardship and mitigating and aggravating factors that may be relevant to the scope and length of a suspension; and
5. Issue a final suspension order to sustain, modify, or repeal a Notice of Suspension ("Notice of Determination," described below and attached hereto as Exhibit B).

All requests for review must be made in writing and submitted within ten (10) business days of the issuance of a Notice of Suspension to:

Mailing Address:

Suspension Review Board
Metro Transit Public Safety
3330 Spruce Street
St. Louis, Missouri, 63103

OR

Email Address:

SRB@metrostlouis.org

Requests for review shall include:

- Full name, address, phone number, and email;
- Date suspension occurred;
- Suspension Notice number (located in the top right corner of Notice) ;
- All reasons the suspension should be modified or repealed; and
- Indicate if a review hearing is requested or waived.

If suspended individuals request a review, the individuals may submit any documentation that they believe supports the request for modification or repeal of the suspension.

Failure to request a review of the Notice of Suspension, with or without a hearing within 10 days of issuance of the Notice of Suspension, shall be deemed a waiver of a review.

Request for Review – Without Hearing

All requests for review of suspension without a hearing will be reviewed by the Agency General Manager of Field Security, or designee, within seven (7) business day of receipt of the request for review. The review shall be based on the documentation submitted at the time of review. The Agency General Manager of Field Security, or designee may, at their discretion, request additional information from the individual prior to rendering a decision. A Notice of Determination, setting forth all findings and a decision on the suspension, shall be made within ten (10) business days following the conclusion of the review.

Request for Review with Hearing - Suspensions of Less than 30 Days

If a hearing is requested for a suspension of transit privileges of less than thirty (30) days, the hearing will be conducted by the Agency General Manager of Field Security or designee, by telephone. Hearing notes, including the name of the individual and number called, and date and time of the hearing, shall be made during the hearing. The Agency General Manager of Field Security, or designee may, at their discretion, request additional information from the individual prior to rendering a decision. The Agency General

Manager of Field Security or designee shall issue a Notice of Determination, setting forth all findings and a decision on the suspension, within ten (10) business days following the conclusion of the hearing.

Request for Review with Hearing – Suspensions of 30 Days or Greater

If the suspension of transit privileges is thirty (30) days or more and the suspended individual requests review with hearing, a representative of Agency Public Safety will contact the individual within five (5) business days of receipt of the review request to schedule a hearing date. All hearings for suspensions of thirty (30) days or more will be conducted in-person.

The Suspension Review Board (“Board”) will conduct all in-person hearings. The Board will consist of the following members:

1. Agency General Manager of Field Security (Chair)
2. Agency General Manager of MetroLink
3. Agency General Manager of MetroBus
4. Citizen from the Metro Transit Missouri Service Area, or alternate*
5. Citizen from the Metro Transit Illinois Service Area, or alternate*

* Citizens are appointed by the Agency President/CEO for one-year terms.
Terms may be renewed

If any Agency member of the Suspension Review Board is unable to attend the review for any reason, that member shall appoint a designee to serve on the Board in their place. Alternates shall be appointed for each Citizen position and shall participate when the primary appointee is unable to attend.

The in-person review hearing shall be an informal proceeding to facilitate a review of the suspension and provide an opportunity for the suspended individual to be heard. The hearing shall be recorded. The suspended individual may present evidence on his or her behalf, including witness statements, oral presentations, and other supporting documentation. The Board Chair shall maintain order and rule upon all questions regarding the order and conduct of the hearing and ensure that the suspended individual receives a meaningful opportunity to be heard, make arguments on their behalf, and present evidence in support of their position.

The Board shall make a final determination on whether the suspension is supported by a preponderance of the evidence, and these decisions shall be determined by a majority vote of the members of the Board. The Board shall modify the original suspension, if warranted, after it balances the safety and security needs of the MTS with justice, fairness, and the constitutional rights of the suspended individual.

The Board shall issue a Notice of Determination, setting forth all findings and a decision on the suspension, within ten (10) business days following the conclusion of the in-person review hearing.

Review of Suspensions of Greater than 12 Months

Twelve months after the effective date of the suspension, and once every twelve months thereafter as applicable, an individual whose suspension is greater than twelve months may request a hearing before the Board to request a modification of the suspension. Such hearings shall be conducted in the manner provided above for review of suspensions of greater than thirty (30) days. The individual may submit evidence which shows any or all the following:

- (a) Participation in a rehabilitation or other program that tends to reduce recidivism.
- (b) A lack of criminal activity or conduct since the date of suspension.

(c) Relevant information or evidence regarding the criminal proceedings related to the offense at issue.

(d) Other evidence that tends to show that the individual no longer poses a threat to Metro Transit passengers and employees.

Other relevant information is to include, but may not be limited to:

(a) The criminal record of the suspended individual.

(b) The seriousness of the prohibited conduct/behavior for which the individual was suspended.

(c) Agency's own evidence, such as video surveillance footage or statements made by Agency employees concerning the suspended individual's behavior on the MTS from the incident giving rise to the exclusion.

Individuals who were suspended for violent offenses shall not be entitled to a modification of the suspension.

Undue Hardship

As part of any suspension review, an individual whose transit privileges have been suspended may request a modification of the suspension of transit privileges on grounds that the suspension would create an undue hardship. Upon a determination by the Agency General Manager of Field Safety, or a designee, or the Board, following the review of the Notice of Suspension and any other evidence presented at the time of the review or hearing, that an undue hardship exists, the Agency General Manager of Field Safety, or a designee, or the Board must order a modification or a repeal of the suspension of transit privileges under the circumstances provided for below:

(1) An individual with a disability shall not be issued a complete suspension of transit privileges from the MTS unless the person engaged in violent, seriously disruptive or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the MTS. Absent such a finding, a modification of the suspension shall be made to allow an individual with a disability to use the MTS for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items, or for accessing any critical services.

(2) An individual who is Transit-Dependent shall not be issued a complete suspension of transit privileges from the MTS unless the person engaged in violent, seriously disruptive, or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the transit system. Absent such a finding, a modification of the suspension shall be made to allow a transit dependent individual to use the MTS for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items, or for accessing any critical services.

An individual who is Transit-Dependent is an individual who has no independent source of transportation and relies solely on public transit for local movement and access. Any individual asserting the right to a modified suspension on the basis of transit dependence shall have the burden of establishing transit dependence by a preponderance of the evidence.

F. Notice of Determination

All reviews will result in one of the following dispositions:

1. **Sustained** - the suspension stands without modification;
2. **Modified** - the suspension stands, but with a reduction of the suspension period, adjustment of times of day the suspension is in effect, and/or the portion of the MTS from which the individual is suspended, including routes/lines, for specified reasons; or
3. **Repealed** - the suspension is overturned, and all transit privileges are restored.

If the suspended individual fails to provide a mailing address, the Notice of Determination will be held for pick-up at the Bi-State Department of Public Safety, 3330 Spruce Street, St. Louis, Missouri, 63103.

DRAFT

Exhibit A
NOTICE OF SUSPENSION
METRO TRANSIT

DATE: _____

SUSPENSION NO. XXX

NAME: _____	DOB: _____
ADDRESS: _____	
Physical Description of the individual being suspended: Height: _____ Weight: _____ Gender: _____ Race: _____ Hair: _____ Eyes: _____	
Other Distinguishing Attribute: _____	
This is notification that, on the SUSPENSION START DATE listed below, your TRANSIT PRIVILEGES ARE SUSPENDED from the following Metro Transit property:	
_____ MetroBus _____ MetroLink _____ Metro Call-A-Ride	
_____ Transit Center _____	
_____ Any property or facility owned, operated, or maintained by Metro Transit	
YOUR PRIVILEGES HAVE BEEN SUSPENDED FOR A PERIOD OF NOT LESS THAN: DAYS: _____ MONTHS: _____ OTHER: _____	
SUSPENSION START DATE: _____	
You are SUSPENDED on _____ day of _____, 20____, on or about _____ AM/PM due to your Behavior/Conduct as follows: _____ _____ _____ _____ _____	
Name of Authorized Person: _____ Signature of Authorized Person: _____	
If you do not request review of this SUSPENSION <u>within ten (10) business days of issuance of this Notice</u> , this SUSPENSION is in full effect for the duration has specified above, unless you are notified otherwise. You may request a review, as described on the reverse side of this form.	
<u>IF YOU ATTEMPT TO ENTER ANY METRO VEHICLE OR FACILITY THAT YOU ARE EXCLUDED FROM DURING THE SUSPENSION PERIOD,</u> <u>YOU MAY BE SUBJECT TO ARREST AND CRIMINAL PROSECUTION.</u>	

White Copy—Metro Transit Pink Copy – File Yellow Copy—Subject

REVERSE SIDE OF NOTICE OF SUSPENSION

**REQUEST for REVIEW
MODIFICATION OR APPEAL**

All requests for review must be made in writing within 10 business days of the issuance of this Notice of Suspension to:

Mailing address:

Suspension Review Board
Metro Transit Public Safety OR SRB@metrostlouis.org
3330 Spruce Street
St. Louis, MO 63103

Requests for review of this suspension of transit privileges may be made with or without a hearing. All requests shall include:

- Full Name
- Address
- Email
- Date of suspension
- Notice of Suspension number (located in up right corner of notice)
- Reasons suspension should be modified or repealed. Include any documentation to support the request. Modifications may be made for times of day, days of week, and/or portions from Metro Transit property or services.
- Indicate whether a review hearing is requested
 - Hearings for suspensions of less than 30 days are conducted by telephone
 - Hearings for suspensions 30 days or greater are conducted in person

REVERSE SIDE OF NOTICE

EXHIBIT B
NOTICE OF DETERMINATION

DATE: _____

SUSPENSION NO. XXXXX

NAME
Address
City, State, Zip Code

Dear:

This letter is to inform you that a determination has been made in your Request for Review of your suspension of transit privileges dated _____. The determination is as follows:

_____ Sustained - the suspension stands without modification.

_____ Repealed - the suspension is overturned, and all transit privileges are restored.

_____ Modified - the suspension stands, but with the length, times of day or locations modified for specified reasons:

DAYS: _____ MONTHS: _____ OTHER: _____.

TIMES OF DAY _____ LOCATIONS _____

If you have any questions concerning this action, please do not hesitate to contact the Review Board at:

Mailing Address:

Suspension Review Board
Metro Transit Public Safety
3330 Spruce Street
St. Louis, Missouri, 63103

OR

Email Address:

SRB@metrostlouis.org

Commented [1]: This is only a placeholder for an email address. An email address needs to be established.

Respectfully,

Agency General Manager of Field Security

Attachment 2

Metro Transit Ride and Abide Policy

The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (“Agency”) strives to provide a safe and welcoming environment for all users of its passenger transportation system. The Metro Transit System (“MTS”) is any property, real or personal, owned, leased, or controlled by the Agency and used to operate, maintain or provide public transportation services by rail, motor vehicle or any other means of conveyance. MTS includes, but is not limited to, transit centers, stations, bus shelters, park-n-rides, Metrolink, Metrobus, Metro Call-A-Ride vehicles, and their related facilities, conveyances, guideways and rights-of-way.

Patrons shall comply with all Agency policies and instructions given by Authorized Persons and observe the applicable rules and regulations governing use and conduct on the MTS. “Authorized Persons” are Agency security staff, Agency-contracted security personnel and fare inspectors, and law enforcement personnel.

Moreover, it is expected that all persons on the MTS shall:

- Be respectful of fellow MTS passengers and Authorized Persons;
- Comply with all lawful orders and directives of any Authorized Person; and,
- Obey any instructions on notices or signs duly posted in or on the MTS; and
- Provide accurate, complete and true information or documents requested by Authorized Persons.

A. Prohibited Conduct

Prohibited Conduct on the MTS is set forth in Agency rules and regulations and Section 70.441 of the Missouri Statutes or Section 110/6 of Chapter 45 of the Illinois Statutes. Authorized Persons may give warnings or issue citations for any violations thereof. In addition, the following is a list of Prohibited Conduct which can result in removal from the MTS, as well as citations:

1. No person shall engage in any activity prohibited by Federal, state, or local law.
2. No person shall possess, use, distribute, or sell any controlled substance.
3. No weapon or other instrument intended for use as a weapon may be carried in or on the MTS, except by Authorized Persons.
4. No explosives, flammable liquids, acids, fireworks, or other highly combustible or flammable materials or radioactive materials may be carried on or in the MTS, except as authorized by the Agency.
5. No person shall commit an assault or battery upon another person or engage in a fight.
6. No person shall unreasonably and knowingly disturb or alarm another person on or in the MTS by loud noise, threatening, abusive, harassing or offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient, or by creating a noxious and offensive odor. Noxious and offensive odors creation include, smoking tobacco or other substances, vaping, use of electronic cigarettes or carrying heated, lighted, or smoldering substances in any form, except in designated areas.
7. Intentionally obstructing or impeding the flow of an MTS conveyance or passenger movement; hindering or preventing access to MTS property; or causing unreasonable delays in boarding or deboarding.
8. Spitting, expectorating, urinating, or defecating on MTS property or conveyance.

9. Defacing, destroying, or otherwise vandalizing MTS property or conveyance, or any signs, notices, or advertisements on the MTS.
10. Drinking an alcoholic beverage or possessing an open container of an alcoholic beverage.
11. Entering nonpublic areas, including but not limited to tunnels, guideways, rights-of-way, and equipment rooms, except as authorized by the General Manager of Field Security (or designee) or when instructed by Agency security personnel, contracted security personnel, fare inspectors, or law enforcement.
12. Throwing an object at or on MTS property or conveyance, or at a person on MTS property or conveyance.
13. Dumping any materials whatsoever on MTS property, including chemicals or automotive fluids.
14. Failing to present a valid, unexpired pass, transfer, or ticket, or otherwise failing to pay the appropriate fare as required by Agency and/or Missouri or Illinois regulations.
15. Falsely claiming to be a Metro Transit operator or other Agency employee; or through words or actions and/or use of clothes, insignia, or equipment resembling department issued uniforms and equipment, creating a false impression that they are a Metro Transit operator or other Bi-State employee.
16. Engaging in gambling or any game of chance for the winning of money or anything of value.
17. Discharging a laser-emitting device on any MTS property, guideway, or right-of-way, or conveyance, directing such a device from a MTS conveyance toward any other moving vehicle or directing such a device toward a Metro Transit operator, Agency employee, or passenger.

B. Suspension of Transit Privileges Based on Prohibited Conduct

In addition to the applicable penalties for violations of the law and violations of Agency rules and regulations on the MTS, failure to observe this Policy may result in the suspension of privileges for use of the MTS, up to and including permanent suspension of privileges and/or ban from the MTS. Notwithstanding the foregoing, the Agency General Manager of Field Security, or a designee, may take any appropriate action in response to Prohibited Conduct including the issuance of a suspension of transit privileges up to permanent suspension of such privileges to any person that the Agency General Manager of Field Security or designee finds, based on the totality of the circumstances, that such person's conduct is unacceptably offensive, serious, threatening, or malicious, including but not limited to when an individual commits acts of violence on the MTS. The suspension period shall be determined on a case-by-case basis, but will be based upon the following criteria:

- First Offense – Suspension period of more than six months but less than one year.
- Second Offense – Suspension period of more than 12 months, up to and including a permanent suspension of transit privileges.

The General Manager of Field Security may issue a suspension of transit privileges in excess of one year for the first offense where an individual's conduct poses an immediate and serious threat to the safety of Metro Transit riders or employees. An individual's conduct poses an immediate and serious threat when he or she has committed a sexual assault, committed an assault that resulted in serious injury or death, or used a weapon to injure another person while offender was on the MTS.

If a suspended person returns to the MTS or to any portion of the MTS that they have been suspended from during the suspension period, the individual may be subject to arrest and criminal prosecution for trespass.

The Agency General Manager of Field Security is authorized to review, investigate, invalidate or rescind any suspension, at any stage during, or after, the processing of a suspension of transit privileges.

C. Immediate Dismissal Command

If after an Authorized Person requests an individual to comply with the Policy provisions and they fail to comply with the request for compliance, they may be ordered to leave the MTS by the Authorized Person. The order may be oral or a written directive to address a safety threat to persons or in response to Prohibited Conduct that disrupts the order and security of the MTS. Failure to immediately comply shall be grounds for prosecution for criminal trespass and/or suspension of transit privileges.

D. Suspension of Transit Privileges Procedures

An individual may be suspended from the MTS or any part of the MTS by any Authorized Person based upon an observation by the Authorized Person, or on evidence collected by the Authorized Person that there is preponderance of evidence that the individual engaged in Prohibited Conduct under this Policy.

1. **Notice of Suspension.** Any individual whose transit privileges are being suspended from the MTS, or any part thereof, must be issued a written Notice of Suspension ("Notice"), attached hereto as Exhibit A. If the individual refuses the written Notice, the Authorized Person seeking to issue the Notice shall make note of the refusal and advise the individual of the suspension orally.

The Notice shall set forth a description of the Prohibited Conduct giving rise to the suspension; the duration and area of the MTS, included in the suspension; and instructions for requesting a review for modification or appeal of the suspension.

2. **Minors.** Every effort shall be made to immediately notify the parent or guardian of a minor of the suspension of transit privileges and the Prohibited Conduct that led to the suspension.
3. **Incident Reports.** An Authorized Person who determines that an individual's Prohibited Conduct warrants suspension of transit privileges shall complete an incident report immediately afterwards. The incident report shall include a description of the Prohibited Conduct, action taken in response to the Prohibited Conduct, including reasons for the individual's suspension of transit privileges; and other relevant information, including whether or not the individual was arrested. A copy of the incident report shall be provided to the Agency General Manager of Field Security within 24 hours of the incident.
4. **Compliance with Procedures.** The Agency General Manager of Field Security shall ensure compliance with the procedures and the suspension periods set forth in this policy and, if circumstances warrant, shall have the authority to modify or repeal the suspension. The Agency General Manager of Field Security shall promptly notify the suspended individual of any modification or repeal of their suspension.

E. Requests for Review

Every person whose transit privileges are suspended pursuant to this Policy shall be entitled to a review of the suspension of transit privileges. The review may be requested with or without an in-person hearing. The request may be to modify the suspension duration, times of day the suspension is in effect, and/or the portion of the MTS from which the individual is suspended, or to repeal the suspension in its entirety. The purpose of the review/hearing is to:

1. Review and determine whether the basis for issuance of the Notice of Suspension was sufficient; and
2. Determine whether the length and scope of a suspension is commensurate with the nature of the Prohibited Conduct; and

3. Render a finding on whether it is more probable than not that the individual engaged in the Prohibited Conduct justifying a suspension; and
4. Consider any undue hardship and mitigating and aggravating factors that may be relevant to the scope and length of a suspension; and
5. Issue a final suspension order to sustain, modify, or repeal a Notice of Suspension (“Notice of Determination,” described below and attached hereto as Exhibit B).

All requests for review must be made in writing and submitted within ten (10) business days of the issuance of a Notice of Suspension to:

Mailing Address:

Suspension Review Board
Metro Transit Public Safety
3330 Spruce Street
St. Louis, Missouri, 63103

OR

Email Address:

SRB@metrostlouis.org

Requests for review shall include:

- Full name, address, phone number, and email;
- Date suspension occurred;
- Suspension Notice number (located in the top right corner of Notice) ;
- All reasons the suspension should be modified or repealed; and
- Indicate if a review hearing is requested or waived.

If suspended individuals request a review, the individuals may submit any documentation that they believe supports the request for modification or repeal of the suspension.

Failure to request a review of the Notice of Suspension, with or without a hearing within 10 days of issuance of the Notice of Suspension, shall be deemed a waiver of a review.

Request for Review – Without Hearing

All requests for review of suspension without a hearing will be reviewed by the Agency General Manager of Field Security, or designee, within seven (7) business day of receipt of the request for review. The review shall be based on the documentation submitted at the time of review. The Agency General Manager of Field Security, or designee may, at their discretion, request additional information from the individual prior to rendering a decision. A Notice of Determination, setting forth all findings and a decision on the suspension, shall be made within ten (10) business days following the conclusion of the review.

Request for Review with Hearing - Suspensions of Less than 30 Days

If a hearing is requested for a suspension of transit privileges of less than thirty (30) days, the hearing will be conducted by the Agency General Manager of Field Security or designee, by telephone. Hearing notes, including the name of the individual and number called, and date and time of the hearing, shall be made during the hearing. The Agency General Manager of Field Security, or designee may, at their discretion, request additional information from the individual prior to rendering a decision. The Agency General

Manager of Field Security or designee shall issue a Notice of Determination, setting forth all findings and a decision on the suspension, within ten (10) business days following the conclusion of the hearing.

Request for Review with Hearing – Suspensions of 30 Days or Greater

If the suspension of transit privileges is thirty (30) days or more and the suspended individual requests review with hearing, a representative of Agency Public Safety will contact the individual within five (5) business days of receipt of the review request to schedule a hearing date. All hearings for suspensions of thirty (30) days or more will be conducted in-person.

The Suspension Review Board (“Board”) will conduct all in-person hearings. The Board will consist of the following members:

1. Agency General Manager of Field Security (Chair)
2. Agency General Manager of MetroLink
3. Agency General Manager of MetroBus
4. Citizen from the Metro Transit Missouri Service Area, or alternate*
5. Citizen from the Metro Transit Illinois Service Area, or alternate*

* Citizens are appointed by the Agency President/CEO for one-year terms.
Terms may be renewed

If any Agency member of the Suspension Review Board is unable to attend the review for any reason, that member shall appoint a designee to serve on the Board in their place. Alternates shall be appointed for each Citizen position and shall participate when the primary appointee is unable to attend.

The in-person review hearing shall be an informal proceeding to facilitate a review of the suspension and provide an opportunity for the suspended individual to be heard. The hearing shall be recorded. The suspended individual may present evidence on his or her behalf, including witness statements, oral presentations, and other supporting documentation. The Board Chair shall maintain order and rule upon all questions regarding the order and conduct of the hearing and ensure that the suspended individual receives a meaningful opportunity to be heard, make arguments on their behalf, and present evidence in support of their position.

The Board shall make a final determination on whether the suspension is supported by a preponderance of the evidence, and these decisions shall be determined by a majority vote of the members of the Board. The Board shall modify the original suspension, if warranted, after it balances the safety and security needs of the MTS with justice, fairness, and the constitutional rights of the suspended individual.

The Board shall issue a Notice of Determination, setting forth all findings and a decision on the suspension, within ten (10) business days following the conclusion of the in-person review hearing.

Review of Suspensions of Greater than 12 Months

Twelve months after the effective date of the suspension, and once every twelve months thereafter as applicable, an individual whose suspension is greater than twelve months may request a hearing before the Board to request a modification of the suspension. Such hearings shall be conducted in the manner provided above for review of suspensions of greater than thirty (30) days. The individual may submit evidence which shows any or all the following:

- (a) Participation in a rehabilitation or other program that tends to reduce recidivism.
- (b) A lack of criminal activity or conduct since the date of suspension.

(c) Relevant information or evidence regarding the criminal proceedings related to the offense at issue.

(d) Other evidence that tends to show that the individual no longer poses a threat to Metro Transit passengers and employees.

Other relevant information is to include, but may not be limited to:

(a) The criminal record of the suspended individual.

(b) The seriousness of the prohibited conduct/behavior for which the individual was suspended.

(c) Agency's own evidence, such as video surveillance footage or statements made by Agency employees concerning the suspended individual's behavior on the MTS from the incident giving rise to the exclusion.

Individuals who were suspended for violent offenses shall not be entitled to a modification of the suspension.

Undue Hardship

As part of any suspension review, an individual whose transit privileges have been suspended may request a modification of the suspension of transit privileges on grounds that the suspension would create an undue hardship. Upon a determination by the Agency General Manager of Field Safety, or a designee, or the Board, following the review of the Notice of Suspension and any other evidence presented at the time of the review or hearing, that an undue hardship exists, the Agency General Manager of Field Safety, or a designee, or the Board must order a modification or a repeal of the suspension of transit privileges under the circumstances provided for below:

(1) An individual with a disability shall not be issued a complete suspension of transit privileges from the MTS unless the person engaged in violent, seriously disruptive or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the MTS. Absent such a finding, a modification of the suspension shall be made to allow an individual with a disability to use the MTS for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items, or for accessing any critical services.

(2) An individual who is Transit-Dependent shall not be issued a complete suspension of transit privileges from the MTS unless the person engaged in violent, seriously disruptive, or criminal conduct, or in conduct posing a serious threat to the safety of others or to the operation of the transit system. Absent such a finding, a modification of the suspension shall be made to allow a transit dependent individual to use the MTS for trips of necessity, including travel to and from medical and legal appointments, school or training classes, places of employment, obtaining food, clothing and necessary household items, or for accessing any critical services.

An individual who is Transit-Dependent is an individual who has no independent source of transportation and relies solely on public transit for local movement and access. Any individual asserting the right to a modified suspension on the basis of transit dependence shall have the burden of establishing transit dependence by a preponderance of the evidence.

F. Notice of Determination

All reviews will result in one of the following dispositions:

1. **Sustained** - the suspension stands without modification;
2. **Modified** - the suspension stands, but with a reduction of the suspension period, adjustment of times of day the suspension is in effect, and/or the portion of the MTS from which the individual is suspended, including routes/lines, for specified reasons;
or
3. **Repealed** - the suspension is overturned, and all transit privileges are restored.

If the suspended individual fails to provide a mailing address, the Notice of Determination will be held for pick-up at the Bi-State Department of Public Safety, 3330 Spruce Street, St. Louis, Missouri, 63103.

Exhibit A
NOTICE OF SUSPENSION
METRO TRANSIT

DATE: _____

SUSPENSION NO. XXX

NAME: _____	DOB: _____
ADDRESS: _____	
Physical Description of the individual being suspended: Height: _____ Weight: _____ Gender: _____ Race: _____ Hair: _____ Eyes: _____	
Other Distinguishing Attribute: _____	
This is notification that, on the SUSPENSION START DATE listed below, your TRANSIT PRIVILEGES ARE SUSPENDED from the following Metro Transit property:	
_____ MetroBus _____ MetroLink _____ Metro Call-A-Ride	
_____ Transit Center _____	
_____ Any property or facility owned, operated, or maintained by Metro Transit	
YOUR PRIVILEGES HAVE BEEN SUSPENDED FOR A PERIOD OF NOT LESS THAN: DAYS: _____ MONTHS: _____ OTHER: _____	
SUSPENSION START DATE: _____	
You are SUSPENDED on _____ day of _____, 20____, on or about _____ AM/PM due to your Behavior/Conduct as follows: _____ _____ _____ _____ _____	
Name of Authorized Person: _____	
Signature of Authorized Person: _____	
If you do not request review of this SUSPENSION <u>within ten (10) business days of issuance of this Notice</u> , this SUSPENSION is in full effect for the duration has specified above, unless you are notified otherwise. You may request a review, as described on the reverse side of this form.	
<u>IF YOU ATTEMPT TO ENTER ANY METRO VEHICLE OR FACILITY THAT YOU ARE EXCLUDED FROM DURING THE SUSPENSION PERIOD,</u> <u>YOU MAY BE SUBJECT TO ARREST AND CRIMINAL PROSECUTION.</u>	

White Copy—Metro Transit Pink Copy – File Yellow Copy—Subject

REVERSE SIDE OF NOTICE OF SUSPENSION

**REQUEST for REVIEW
MODIFICATION OR APPEAL**

All requests for review must be made in writing within 10 business days of the issuance of this Notice of Suspension to:

Mailing address:

Suspension Review Board
Metro Transit Public Safety OR SRB@metroslouis.org
3330 Spruce Street
St. Louis, MO 63103

Requests for review of this suspension of transit privileges may be made with or without a hearing. All requests shall include:

- Full Name
- Address
- Email
- Date of suspension
- Notice of Suspension number (located in up right corner of notice)
- Reasons suspension should be modified or repealed. Include any documentation to support the request. Modifications may be made for times of day, days of week, and/or portions from Metro Transit property or services.
- Indicate whether a review hearing is requested
 - Hearings for suspensions of less than 30 days are conducted by telephone
 - Hearings for suspensions 30 days or greater are conducted in person

REVERSE SIDE OF NOTICE

EXHIBIT B
NOTICE OF DETERMINATION

DATE: _____

SUSPENSION NO. XXXXX

NAME
Address
City, State, Zip Code

Dear:

This letter is to inform you that a determination has been made in your Request for Review of your suspension of transit privileges dated _____. The determination is as follows:

_____ Sustained - the suspension stands without modification.

_____ Repealed - the suspension is overturned, and all transit privileges are restored.

_____ Modified - the suspension stands, but with the length, times of day or locations modified for specified reasons:

DAYS: ____ MONTHS: ____ OTHER: ____.

TIMES OF DAY _____ LOCATIONS _____

If you have any questions concerning this action, please do not hesitate to contact the Review Board at:

Mailing Address:

Suspension Review Board
Metro Transit Public Safety
3330 Spruce Street
St. Louis, Missouri, 63103

OR

Email Address:

SRB@metrostlouis.org

Commented [1]: This is only a placeholder for an email address. An email address needs to be established.

Respectfully,

Agency General Manager of Field Security

**Bi-State Development Agency
Board of Commissioners
Open Meeting Agenda Item
June 26, 2020**

From: Taulby Roach, President and Chief Executive Officer
Subject: **Contract Award - DMS Contracting, LLC - Emerson Park and Belleville MetroLink Parking Lots**
Disposition: Approval
Presentation: Christopher Poehler, Assistant Executive Director Engineering Systems;
Larry Jackson, Executive Vice President of Administration;
Gregory Smith, Vice President of Procurement & Inventory Management

Objective:

To present to the Board of Commissioners for approval, a request to award a contract to DMS Contracting, LLC, for the improvements to the Emerson Park and the Belleville MetroLink Stations.

Committee Disposition:

This item has not been presented to any Committee; however, due to the timing of the contract and the commencement of the roadway improvements, the President and CEO has placed this item on the Agenda for the Board of Commissioners' meeting on June 26, 2020.

Background:

The Emerson Park and Belleville MetroLink Parking lots, over the years have seen accelerated deterioration. The focus of this project is to rehabilitate the Emerson Park and Belleville MetroLink Parking lots. Improvements at both parking lots includes roto-milling and resurfacing the bus lanes, pavement marking removal, crack sealing, pavement patching, slurry sealing, pavement marking, traffic control and other miscellaneous parking lots improvements.

On September 13, 2019, Bi-State Development (BSD) issued solicitation 20-SB-106436-CB, Slurry Seal Treatment of Parking Lots; however, the solicitation was cancelled due to the fact that no bids were received. On April 3, 2020, BSD issued solicitation 20-SB-106875-CB, Emerson Park & Belleville MetroLink Parking Lot Slurry Seal/Resurfacing. As a result, one bid was received, submitted by The Harlan Company, which exceeded the budget and did not meet the assigned DBE goal; therefore, the contract was not awarded to The Harlan Company.

In accordance with FTA and BSD's policy, a query was conducted of companies on the bidder's list to determine why they did not bid. Reasons that the contractors provided for not bidding were that they were too busy, and they had several IDOT projects bidding at the same time.

On May 5, 2020, Solicitation 20-SB-120947-CB for Emerson Park & Belleville MetroLink Parking Lot Slurry Seal/Resurfacing was issued. The sealed bid was advertised in Bi-State's iSupplier Portal, Bi-State's web-based communication tool structured to allow bidders full and open access to view, communicate and submit bids on active solicitations. Thirty-Three (33) companies and six (6) clearing houses were invited to participate and were provided an electronic copy of the solicitation.

Analysis:

On May 22, 2020, two bids were received from The Harlan Company and DMS Contracting, LLC. A 21% DBE participation goal was assigned to this project. The Harlan Company did not provide the proper good faith effort, and as a result, their DBE obligation was 4%; therefore, their bid was deemed non-responsive. Since the DMS Contracting, LLC bid was the only responsive bid, the bid was converted to a negotiated procurement. Bi-State proceeded with negotiations with DMS Contracting, LLC, which resulted in a reduction in price by approximately \$150,000. Based on the original bid amount, DMS exceeded the DBE goal with 29.6% participation.

The original and revised costs are listed below:

DMS Contracting, LLC	DMS Contracting, LLC
\$1,498,575.85 (Original Bid)	\$1,349,342.89 (Revised Bid)

Board Action Requested:

Request that the Board of Commissioners approve an award of a single bid contract to DMS Contracting, LLC, in the amount of \$1,349,342.89 for Emerson Park and Belleville MetroLink Parking Lots Slurry Seal/Resurfacing. The contract period shall be completed November 30, 2020.

Funding Source:

This project is funded through FTA grant MO-2020-003 and SCCTD.

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT
APPROVING A CONTRACT AWARD TO DMS CONTRACTING, LLC FOR
EMERSON PARK AND BELLEVILLE METROLINK
PARKING LOT IMPROVEMENTS**

PREAMBLES:

Whereas, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/”BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

Whereas, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to acquire by gift, purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, airports, wharves, docks, harbors, and industrial parks adjacent to and necessary and convenient thereto, bridges, tunnels, warehouses, grain elevators, commodity and other storage facilities, sewage disposal plants, passenger transportation facilities, and air, water, rail, motor vehicle and other terminal or parking facilities; to contract and to be contracted with; and to perform all other necessary and incidental functions; and

Whereas, Board Policy Chapter 50, §50.010 (E)(1)(b), requires Board approval of all Non-competitive (“sole source or single bid”) Procurements exceeding \$100,000; and

Whereas, the Emerson Park and Belleville MetroLink Parking lots, over the years, have seen accelerated deterioration; and

Whereas, on May 5, 2020, Solicitation 20-SB-120947-CB for Emerson Park & Belleville MetroLink Parking Lot Slurry Seal/Resurfacing was issued. The sealed bid was advertised in Bi-State’s iSupplier Portal, Bi-State’s web-based communication tool structured to allow bidders full and open access to view, communicate and submit bids on active solicitations. Thirty-Three (33) companies and six (6) clearing houses were invited to participate and were provided an electronic copy of the solicitation; and

Whereas, On May 22, 2020, two bids were received from The Harlan Company and DMS Contracting, LLC; however, the Harlan Company did not provide the proper good faith effort, and as a result, their DBE obligation was 4%, and therefore, their bid was deemed non-responsive; and

Whereas, since the DMS Contracting, LLC bid was the only responsive bid, the bid was converted to a negotiated procurement; and

Whereas, it is feasible, necessary and in the public interest for the Agency to approve the award of a single bid contract to DMS Contracting, LLC, in the amount of \$1,349,342.89, for Emerson Park and Belleville MetroLink Parking Lot Slurry Seal/Resurfacing, in accordance with the terms and conditions described herein.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Approval of the Contract. The Board of Commissioners hereby approves an the award of a single bid contract to DMS Contracting, LLC, in the amount of \$1,349,342.89, for Emerson Park and Belleville

MetroLink Parking Lot Slurry Seal/Resurfacing, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO and Vice President of Procurement are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Contract and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and DMS Contracting, LLC.

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution and the Contract.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution and the Contract.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution and Contract.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 26th day of June, 2020.

In Witness Whereof, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By _____
Title _____

[SEAL]

ATTEST:

By _____
Deputy Secretary to the Board of Commissioners

**Bi-State Development Agency
Board of Commissioners
Open Meeting Agenda Item
June 26, 2020**

From: Taulby Roach, President and Chief Executive Officer
Subject: **Newstead Avenue Grade Crossing Signal System Modifications**
Disposition: Approval
Presentation: Jessica Mefford-Miller, Executive Director Metro Transit;
Christopher Poehler, Assistant Executive Director Engineering Systems;
Gregory Smith, Vice President of Procurement & Inventory Management

Objective:

To present to the Board of Commissioners, for approval, a request to enter into a contract with Wissehr Electrical Contractors to deliver MetroLink Signal System Modifications – Newstead Avenue Grade Crossing associated with Washington University School of Medicine roadway improvements.

Committee Disposition:

This item has not been presented to any Committee; however, due to the timing of the contract and the commencement of the roadway improvements, the President and CEO has placed this item on the Agenda for the Board of Commissioners’ meeting on June 26, 2020.

Background:

Metro Transit partnered with Washington University School of Medicine (WUSM) in the roadway improvements project development phase and executed Memorandum of Understanding on October 10, 2019. Metro is responsible, per the MOU, to deliver necessary signal design and construction scope associated with adding a traffic lane to Newstead Avenue, between Clayton and Duncan Avenues.

WUSM secured construction contracts and commenced construction activity Spring 2020, and the modifications at the Newstead Avenue MetroLink Crossing are planned for Fall 2020. Metro has completed design development for signal modifications and solicited competitive sealed bids.

On April 24, 2020, Bi-State Development (**BSD**) issued solicitation 20-SB-110961-DGR – Newstead Grade Crossing Signal System Enhancements to obtain bids from qualified firms to provide and install signal modifications. As a result of the solicitation, BSD received a single bid from Wissehr Electrical Contractors on May 14, 2020. The solicitation followed normal BSD procurement procedure. The solicitation was listed in BSD’s on-line sourcing system and distributed to 39 contractors; however, on May 14, 2020 only one bid was received from Wissehr Electrical Contractors.

Wissehr Electrical Contractors is qualified to perform the Newstead Avenue signal modifications, which is very similar to signal modifications at the adjacent grade crossing performed by Wissehr Electric during the CORTEX Station project.

An independent cost estimate was prepared in the amount of \$233,483. The bid received from Wissehr Electrical Contractors was \$334,670. Due to a single, non-competitive bid being received, and following Federal Transit Administration (FTA) and BSD procurement guidelines, the sealed bid was converted to an RFP for subsequent negotiations.

Analysis:

Metro compared its estimate to Wissehr's bid breakdown, and a discrepancy was identified, resulting in an updated independent cost estimate of \$316,869.53. During negotiations, Wissehr reduced their overall cost of \$334,670 to \$324,670. This reduced cost has been determined fair and reasonable.

Board Action Requested:

Management recommends that the Board of Commissioners approve a request to authorize the President & CEO to enter into a contract with Wissehr Electrical Contractors to provide the necessary signal modifications associated with the MetroLink Newstead Avenue Grade Crossing, in the not-to-exceed amount of **\$357,137.00**, which includes a 10% contingency.

Funding Source:

Federal Transit Administration (FTA) Grant number MO-2020-003
Local Match Proposition M (Prop M)

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE BI-STATE DEVELOPMENT AGENCY
OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT
APPROVING A CONTRACT AWARD TO
WISSEHR ELECTRICAL CONTRACTORS TO PROVIDE THE NECESSARY
SIGNAL MODIFICATIONS ASSOCIATED WITH THE
METROLINK NEWSTEAD AVENUE GRADE CROSSING**

PREAMBLES:

Whereas, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District (the “Agency”/“BSD”) is a body corporate and politic, created by an interstate compact between the States of Missouri and Illinois, acting by and through its Board of Commissioners (the “Board of Commissioners”); and

Whereas, the Agency is authorized by Mo. Rev. Stat. §§ 70.370 et seq. and 45 Ill. Comp. Stat. 100/1 et seq. (jointly referred to herein as the “Compact”) to acquire by gift, purchase or lease, sell or otherwise dispose of, and to plan, construct, operate and maintain, or lease to others for operation and maintenance, airports, wharves, docks, harbors, and industrial parks adjacent to and necessary and convenient thereto, bridges, tunnels, warehouses, grain elevators, commodity and other storage facilities, sewage disposal plants, passenger transportation facilities, and air, water, rail, motor vehicle and other terminal or parking facilities; to contract and to be contracted with; and to perform all other necessary and incidental functions; and

Whereas, Board Policy Chapter 50, §50.010 (E)(1)(b), requires Board approval of all Non-competitive (“sole source or single bid”) Procurements exceeding \$100,000; and

Whereas, Metro Transit partnered with Washington University School of Medicine (WUSM) in the Newstead roadway improvements project development phase and executed a Memorandum of Understanding on October 10, 2019. Metro is responsible, per the MOU, to deliver necessary signal design and construction scope associated with adding a traffic lane to Newstead Avenue, between Clayton and Duncan Avenues; and

Whereas, on April 24, 2020, Bi-State Development (BSD) issued solicitation 20-SB-110961-DGR – Newstead Grade Crossing Signal System Enhancements to obtain bids from qualified firms to provide and install signal modifications. The solicitation followed normal BSD procurement procedure. The solicitation was listed in BSD’s on-line sourcing system and distributed to 39 contractors; however, on May 14, 2020 only one bid was received from Wissehr Electrical Contractors; and

Whereas, Wissehr Electrical Contractors is qualified to perform the Newstead Avenue signal modifications, which is very similar to signal modifications at the adjacent grade crossing performed by Wissehr Electric during the CORTEX Station project; and

Whereas, due to a single, non-competitive bid being received, and following Federal Transit Administration (FTA) and BSD procurement guidelines, the sealed bid was converted to an RFP for subsequent negotiations; and

Whereas, it is feasible, necessary and in the public interest for the Agency to approve the award of a single bid contract to Wissehr Electrical Contractors to provide the necessary signal modifications associated with the MetroLink Newstead Avenue Grade Crossing, in the not-to-exceed amount of \$357,137.00, which includes a 10% contingency, in accordance with the terms and conditions described herein.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Findings. The Board of Commissioners hereby finds and determines those matters set forth in the preambles hereof as fully and completely as if set out in full in this Section 1.

Section 2. Approval of the Contract. The Board of Commissioners hereby approves an the award of a single bid contract to Wissehr Electrical Contractors to provide the necessary signal modifications associated with the MetroLink Newstead Avenue Grade Crossing, in the not-to-exceed amount of \$357,137.00, which includes a 10% contingency, under and pursuant to this Resolution and the Compact for the authorized Agency purposes set forth in the preambles hereof and subject to the conditions hereinafter provided.

Section 3. Actions of Officers Authorized. The officers of the Agency, including, without limitation, the President and CEO and Vice President of Procurement are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and the Contract and the execution of such documents or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Severability. It is hereby declared to be the intention of the Board of Commissioners that each and every part, section and subsection of this Resolution shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Commissioners intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part, section or subsection of this Resolution shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the intent of this Resolution.

Section 5. Rights under Resolution Limited. No rights shall be conferred by this Resolution upon any person or entity other than the Agency and Wissehr Electrical Contractors.

Section 6. Governing Law. The laws of the State of Missouri shall govern this Resolution and the Contract.

Section 7. No Personal Liability. No member of the Board of Commissioners, officer, employee or agent of the Agency shall have any personal liability for acts taken in accordance with this Resolution and the Contract.

Section 8. Payment of Expenses. The Senior Vice President and CFO is hereby authorized and directed to pay or cause to be paid all costs, expenses and fees incurred in connection with or incidental to this Resolution and Contract.

Section 9. Effective Date. This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED by the Board of Commissioners of The Bi-State Development Agency of the Missouri-Illinois Metropolitan District this 26th day of June, 2020.

In Witness Whereof, the undersigned has hereto subscribed her signature and caused the Seal of the Agency to be affixed.

**THE BI-STATE DEVELOPMENT AGENCY OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT**

By _____
Title _____

[SEAL]

ATTEST:

By _____
Deputy Secretary to the Board of Commissioners

Resolution #1070

Bi-State Development Agency Board of Commissioners

June 26, 2020

Award of Contract – Wissehr Electrical Contractors – MetroLink Newstead Avenue Grade Crossing

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