

Notice of Meeting and Agenda

**Bi-State Development
Operations Committee
Tuesday, May 17, 2016, 8:00 a.m.**

**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 Metro 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	Chairman Buehlhorn
2. Roll Call	Quorum	S. Bryant
3. Public Comment*	Information	Chairman Buehlhorn
4. Minutes from January 19, 2016 Operations Committee	Approval	Chairman Buehlhorn
5. Revision to Board Policy Chapter 80 <i>Agency Property</i>	Approval	D. Williams, B. Enneking
6. Contract Award: Werremeyer Incorporated for Development and Implementation of Marketing Activities for BSD and Emerging Enterprises	Approval	D. Williams / L. Jackson
7. Contract Award: Ironhorse Incorporated for Track Maintenance	Approval	R. Friem / S. Grott / L. Jackson
8. 3rd Quarter Operations Report and Capital Projects Update	Information/ Presentation	R. Friem / T. White
9. Contract Modification – Automated Fare Collection System Customer Education Services	Approval	R. Friem
10. Unscheduled Business	Approval	Chairman Buehlhorn
11. Call of Dates for Future Committee Meetings	Information	S. Bryant
12. Executive Session (If needed)	Approval	Chairman Buehlhorn
<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 under §610.021(1), RSMo; leasing, purchase or sale of real estate under §610.021(2); personnel actions under §610.021(3); discussions regarding negotiations with employee groups under §610.021(9); sealed bids, proposals and documents related to negotiated contracts under §610.021(12); personnel records or applications under §610.021(13);</i></p>		

Agenda	Disposition	Presentation
<p><i>records which are otherwise protected from disclosure by law under §610.021(14); records relating to hotlines established for reporting abuse and wrongdoing under §610.021(16); or confidential or privileged communications with the District's auditor, including auditor work products under §610.021(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.

**BI-STATE DEVELOPMENT
OPERATIONS COMMITTEE MEETING
OPEN SESSION MINUTES
JANUARY 19, 2016**

Committee Members in Attendance

Missouri

Vernal Brown
Kelley Farrell

Illinois

Michael Buehlhorn, Chairman
Irma Golliday (absent)
Jeffrey Watson (absent)

Other Commissioners in Attendance

Tadas Kicielinski (via phone)

Staff in Attendance

John Nations, President & CEO
Barbara Enneking, General Counsel and Deputy Secretary
Shirley Bryant, Certified Paralegal
Ray Friem, Executive Director Metro Transit
Linda Espy, Senior Administrative Assistant
Larry Jackson, Executive Vice President for Administration
Jenny Nixon, Executive Director of Tourism Innovation
John Langa, Vice President Economic Development
John Wagner, Project Manager Economic Development
Kathy Kleborn, Sr. Vice President, Chief Financial Officer
Scott Grott, Chief MetroLink Operations
Jessica Mefford-Miller, Chief Transit Planning & System Development
Fred Bakarich, Director, Engineering Systems
Dianne Williams, Vice President, Communications and Marketing
Patti Beck, Director, Communications
Richard Zott, Chief of Public Safety
Kerry Kinkade, Acting Vice President, Chief Information Officer
Kathy Brittin, Director, Risk Management, Safety & Claims
Barbara Georgeff, Director of Executive Services
Chance Baragary, Manager, Gateway Arch Construction
Ted Zimmerman, Director of Marketing
Kent Swagler, Director of Corporate Compliance
Jeff Braun, Director, Real Estate
Bill Waggoner, Sr. Real Estate Specialist

Others in Attendance

James Nations, Chairman, Southwestern Illinois Development Authority
Richard Shepard, President, Real Estate Strategies

J. David Dodson, Principal, Bywater Development
Aaron Burnett, Principal, Bywater Development
Mike Lundy, Executive Director, Southwestern Illinois Development Authority

1. **Call to Order**
8:00 a.m. Chairman Buehlhorn called the Open Session Operations Committee Meeting to order at 8:00 a.m.
2. **Roll Call**
8:00 a.m. Roll call was taken.
3. **Public Comment**
8:00 a.m. There was no public comment.
4. **Minutes of from October 20, 2015 Operations Committee**
8:00 a.m. The October 20, 2015, Open Session Operations Committee Meeting minutes were provided in the Committee packet. A motion to approve the minutes was made by Commissioner Farrell and seconded by Commissioner Brown. **Motion passed unanimously.**
5. **Contract Extensions Time of Performance: Three Contracts for the Jefferson National Expansion Memorial Gateway Arch Exhibits Rehabilitation Project**
8:01 a.m. The briefing paper regarding the Contract Extensions Time of Performance: Three Contracts for the Jefferson Expansion Memorial Gateway Arch Exhibits Rehabilitation Project was provided in the Committee packet. Jenny Nixon, Executive Director of Tourism Innovation, made brief comments regarding the contract extensions, and introduced Chance Baragary, Manager, Gateway Arch Construction, to provide more detailed information regarding this project. The completion of the Jefferson National Expansion Memorial (JNEM) Gateway Arch Exhibit Rehabilitation Project was planned to be completed during the scheduled shutdown of the Arch from January 4, 2016 to March 3, 2016. The construction schedule for the CityArchRiver (CAR) project revealed that major work was planned on the future exit ramps at the north and south legs of the Arch. This work included demolition of the existing ramps and trench drains, replacing them with new relocated trench drains, as well as making significant elevation adjustments on the ramps to enable ADA compliance. This work was not discussed in the project planning phases and was not included in the original design, however, it is now being pursued as a change order. Due to the extensive work required to complete this process, it was necessary to prohibit access to the public, employees, or any other contractors to the area below the ramps during this construction. As a result, the National Park Service (NPS) decided that the primary work of the JNEM Gateway Arch Exhibits Rehabilitation Project should be postponed until the tram outage scheduled for December 2016 to February 2017; in order to allow the new equipment to be installed after the major ramp work is completed. Because of the project schedule adjustment, Board approval is required to extend the JNEM Gateway Arch Exhibit Rehabilitation contract, awarded to Conference Technologies, Inc.; the JNEM Project for Gateway Arch Visitors Center Tram Load Zones and Gateway Arch MetroLink Station contract, awarded to Haley Sharpe Design; and the St. Louis Gateway Arch Audio Visual/Information Technology (AV/IT) Software Production contract, awarded to Aperture Films, LTD. There is no additional cost associated with these contract extensions. A motion for the Committee to approve and refer to the Board for approval the three contract extensions through March 31, 2017 for the JNEM

Gateway Arch Exhibit Rehabilitation Project was made by Commissioner Kicielinski and seconded by Commissioner Brown. **Motion passed unanimously.**

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

8:06 a.m. The briefing paper regarding the St. Louis Regional Freightway: Approval of Letter of Agreement (“Agreement”) for Consulting Services between Bi-State Development and the Jerry Costello Group, LLC was provided in the Committee packet. John Nations, President & CEO, provided a brief overview regarding the Agreement between Bi-State Development (BSD) and the Jerry Costello Group, LLC (Consultant). BSD entered into an agreement with the Jerry Costello Group, LLC on August 1, 2015 for consulting services to promote the St. Louis Regional Freightway’s goals, interests and objectives. The current agreement is due to expire March 31, 2016. Mr. Nations recommended that this agreement be extended for one (1) year under the same terms and conditions as the current agreement. The new proposed agreement would provide the same services at the same rate, effective for twelve months beginning April 1, 2016. A motion for the Committee to approve and refer to the Board to approve the Letter of Agreement between Bi-State Development and the Jerry Costello Group, LLC for consulting services for the St. Louis Regional Freightway, and to authorize BSD’s President & CEO to negotiate and sign the final version of the Agreement was made by Commissioner Brown and seconded by Commissioner Kicielinski. **Motion passed unanimously.**

7. Contract Award: Bus Shelter Advertising Sales and Services

8:07 a.m. The briefing paper regarding the Bus Shelter Advertising Sales and Services was provided in the Committee packet. Dianne Williams, Vice President, Communications and Marketing, provided a brief overview. The contract for Bus Shelter Advertising Sales and Services with Lamar Transit, LLC ends on February 29, 2016; and a decision was made to not exercise the Option Year. A Request for Proposal (RFP) was issued on October 27, 2015 and two (2) proposals were received, one from Lamar Transit, LLC and the other from Direct Media USA. After cost and technical evaluation of the proposals, Direct Media USA was selected. The contract with Direct Media USA offered a more favorable revenue share than the previous contractor; and offers greater revenue potential overall for the period of the contract. A motion for the Committee to approve and refer to the Board for approval the request to award Contract 16-RFP-102263-SG – Bus Shelter Advertising Sales and Services, pending final negotiations, to Direct Media USA was made by Commissioner Farrell and seconded by Commissioner Brown. **Motion passed unanimously.**

8. First Quarter Operations Report and Capital Projects Update

8:09 a.m. The Metro Transit Operations Division FY2016 First Quarter Summary Report was provided in the Committee packet. Ray Friem, Executive Director Metro Transit, provided a brief overview, highlighting the Financials, Ridership, YTD Service Profiles, Security Activity, and Service Indicators. System revenues were under budget by more than 11%, reflecting significant ridership loss that began in the second quarter of 2015. The projected revenue loss in FY2016 is projected to approach \$3.5 million if ridership trends continue. The revenue loss is offset by lower than budgeted costs, particularly in diesel fuel and personnel costs. System ridership fell 7% from the first quarter of FY2015, down -7.7% for MetroLink, -6.6% for MetroBus and Call-A-Ride was stable. The Service Profiles show little change for fixed route MetroLink and MetroBus service. Dispatched calls for Security Assistance and system security

complaints rose in the first quarter of the fiscal year. Service quality indicators show that bus and van were fairly standard. MetroLink experienced a bad first quarter as a result of vehicle equipment delays and two rush-hour service outages.

Mr. Friem introduced Fred Bakarich, Director of Engineering Systems, to provide an update regarding the Eads Bridge Project. Mr. Bakarich discussed the impact of high water, cold days, and the damage caused by a tug boat hitting the bridge scaffolding in July 2015. The tug boat incident caused a delay of 65 days resulting in the project being 114 days behind its contract milestone. Great efforts were made to mitigate the impact to the schedule and to bring this project back on line with the system running at full capacity; in so doing 71 days were recovered. The production painting was completed on December 18, 2015. The work on the floor system and steel erection is expected to be completed within the next few weeks. The overall project cost is within budget.

Mr. Bakarich also discussed the CORTEX - Boyle Avenue Station Project. A grant from the FTA was executed in mid-September, a Request for Proposal (RFP) was issued in mid-October, and design proposal submissions were received in late November. All the proposals have been scored, and a consensus meeting is scheduled for Thursday to further discuss the scoring and potential need for interviews. It is expected that the final design completion date will be December 2016, which coincides with the track abandonment completion date. The Boyle Avenue Station construction completion date is expected to be May of 2018. The current budget allows for \$2 million in design, \$10 million for construction, and \$3 million for miscellaneous administration and inspections for a total budget of \$15 million. Some discussion followed regarding the timing plan submitted to the FTA for this project.

Mr. Friem informed the Committee that on March 14, 2016, the North County Transit Center will open and the Downtown Transfer Center will close in preparation for construction at the Civic Center area. Mr. Friem introduced Jessica Mefford-Miller, Chief Transit Planning & System Development, to provide a more detailed update regarding the North County Transit Center (NCTC). The greater North County area has been BSD's fastest growing transit market and NCTC has been a core component of the operating plans since 2009. The new transit center is a smart and forward looking investment, poised to evolve over time as the needs of the markets BSD serves evolve. This center will represent BSD's premier level of customer amenities that will include a security sub-station, indoor waiting area, real time arrival signs, public safety on staff at all times, and a station manager who will interact with the customers six days a week. Other amenities will include a concession area, at some point, and public restrooms. The NCTC would be able to accommodate larger 60 foot vehicles, should BSD choose to operate them from that facility. There is space in the planning for a future phase that would be a maintenance and dispatch facility adjacent to the transit center. As a result of extensive planning and public feedback, the proposed service plan that will be implemented on March 14, 2016, includes routes that are shorter and more direct. The routes will deliberately serve local destinations and the same routes will also access the transit center to offer well timed transfer connections to other destinations within or outside the greater North County area. In addition to the shorter more direct route coverage, there will be more service on evenings and weekends, especially on Saturdays. This will provide a more consistent service package, because the needs of the regional economy and workforce have changed, by shifting to more service sector oriented employment.

This will increase ridership and allow BSD to retain more of its customer base over time, and the new facility will poise BSD for future innovation.

Mr. Friem also discussed the radio system that is anticipated to be deployed in the next quarter and the AVL System for MetroLink that is currently being designed. The AVL System will be the last item funded under this project and is expected to be installed on MetroLink over the next two years. Some discussion followed regarding vehicle acquisitions and the SmartCard live testing and roll out plan. Scott Grott, Chief MetroLink Operations, will present a more detailed report at the next meeting regarding the capital work activities being completed around the MetroLink system. This report was informational only and a copy of the report will be kept at the office of the Deputy Secretary.

9. Unscheduled Business

8:30 a.m. John Nations, President & CEO, introduced former Commissioner James Nations who served on the Bi-State Development Board in the 1970's and early 80's, and was very instrumental in the success of BSD. Also as an item of unscheduled business, Mr. Nations provided a brief overview regarding the St. Louis Regional Freightway Council Composition. In order to achieve its goals, the Freightway must initiate and support key public and private infrastructure projects, freight-related investments and land use requirements, as well as marketing and advocating for the region's freight opportunities. As part of that effort, a Freight Development and Marketing Plan must be developed with input from the St. Louis Regional Freightway Council. The Council will consist of twenty-three individuals representing area governments and industries. There will be one member from each of the following: the Leadership Council of Southwestern Illinois, Bi-State Development, the East West Gateway Council of Governments (EWG), and Civic Progress; as well as one member from each of the eight (8) counties that compose the EWG region (Monroe, St. Clair and Madison in Illinois, and Franklin, St. Charles, Jefferson, St. Louis and St. Louis City in Missouri.) There will be two (2) public sector representatives, one each from the Missouri and Illinois Departments of Transportation. Eight (8) public sector representatives and a Workforce Development representative are also proposed to be on the Council. Conversations are ongoing to fill the remaining vacancies. A motion was made by Commissioner Kicielinski and seconded by Commissioner Farrell for the Committee to approve and refer to the Board for approval of the proposed composition of the St. Louis Regional Freightway Council. **Motion passed unanimously.**

10. Call of Dates for Future Committee Meetings

8:33 a.m. The next Audit Committee meeting is scheduled for Friday, January 22, 2016 at 8:00 a.m.; the next Board meeting is scheduled for Friday, February 26, 2016 at 8:00 a.m.; the next Business Services & Economic Development Committee meeting is scheduled for Friday, March 11, 2016, at 8:00 a.m.; the next Operations Committee meeting is scheduled for Tuesday, March 15, 2016, at 8:00 a.m.

11. Executive Session - If such action is approved by a majority vote of the Bi-State Development's Board of Commissioners who constitute a quorum, the Board may go into closed session to discuss legal, confidential, or privileged matters under §610.021(1); RSMo; leasing, purchase or sale of real estate under §610.021(2); personnel actions under §610.021(3); discussions regarding negotiations with employee groups under §610.021(9);

sealed bids, proposals and documents related to negotiated contracts under §610.021(12); personnel records or applications under §610.021(13); records which are otherwise protected from disclosure by law under §610.021(14); records relating to hotlines established for reporting abuse and wrongdoing under §610.021(16); or confidential or privileged communications with the District's auditor, including auditor work products under §610.021(17).

8:34 a.m. Pursuant to the requirements of Section 610.021(1) of the Revised Statutes of Missouri, Chairman Buehlhorn requested a motion to allow the Committee to go into closed session. A motion to go into Executive Session was made by Commissioner Farrell and seconded by Commissioner Brown. A roll call vote was taken and the Commissioners present, Brown, Farrell, Buehlhorn, and Kicielinski voted to approve this agenda item. **Motion passed unanimously, and the Open Session meeting was adjourned.**



Deputy Secretary to the Board of Commissioners
Bi-State Development

From: John Nations, President and CEO
Subject: **Revision to Board Policy, Chapter 80, *Agency Property***
Disposition: Approval
Presentation: Barbara A. Enneking, General Counsel; Raymond A. Friem, Executive Director, Metro Transit; Dianne Williams, Vice President Marketing and Communications

Objective:

To present to the Operations Committee for approval and referral to the Board of Commissioners a revision to Board Policy, Chapter 80, *Agency Property*. The objective of the revision is to update the Policy and provide greater clarity for establishing management procedures and practices regarding activities conducted on Agency property and facilities. The Current Policy, Proposed Policy (Redlined), and Proposed Policy (Clean Draft) are attached.

Current Board Policy:

Board Policy, Chapter 80, Section 80.010, *Solicitation of Funds or Sale of Products on Certain Agency Property*; Section 80.020, *Distribution of Literature on Certain Agency Property*; and Section, 80.030, *Advertising on Agency Facilities and Conveyances*. (See Attachment 1.)

Funding Source:

No funding source is required to revise the Board Policy.

Background:

Chapter 80 of the current Board Policy does not fully protect the Agency's right to control its property that is open to the public by prohibiting or restricting certain activities, including sales activity. In addition, the current language of Chapter 80 does not expressly permit the Agency to utilize its property to charge and collect fees for use of its facilities, as is authorized in Article III of the Compact. The changes to Chapter 80 also update standards and guidelines for the posting of paid advertising.

It has long been the Agency's practice to not allow any of its vehicles or facilities to become a public forum for the dissemination, debate and/or discussion of public issues. The Agency has always endeavored to maintain a safe, welcoming and non-disturbing environment for all Metro passengers, including minors, who come into contact with the Metro system. These proposed changes to the policy also benefit the Public Safety Department's efforts to limit or restrict non-Agency activity in Metro customer transit venues. Moreover, the changes will support the Agency in attracting, maintaining and increasing ridership as well as promoting the operation of the Agency as an interstate authority.

Changes to Section 80.030, pertaining to advertising on Agency property, are minor and serve to update the language and correct the formatting. In 2008, the Board approved substantive changes to this section.

Analysis:

A review of Board Policy, Chapter 80, *Agency Property*, determined that the Policy should be revised to reflect the current needs of the Agency, allow for future Agency opportunities, and meet the operational requirements of the Metro Transit system. Additional protections and clarifications regarding the use of Agency property and facilities are necessary in order to prevent interference with safe and efficient Agency operations.

Committee Action Requested:

Management recommends the Operations Committee approve and refer to the Board of Commissioners for approval the following revisions to Chapter 80 of Board Policy.

- Change the order of Sections 80.010 and 80.020 for a more logical flow between policies regarding distribution of literature and policies controlling sales activities.
- Change the title of the new Section 80.010 from *Distribution of Literature on Certain Agency Property* to *Expressive Activities on Agency Property* in order to include all forms of speech.
- No longer provide a provision for outside organizations or individuals to poll, distribute material or construct booths for the distribution of literature on Agency property as is found in the current Section 80.020 – *Distribution of Literature on Certain Agency Property*.
- In the proposed new Section 80.020 (*The Solicitation of Funds or Sale of Products on Agency Property*), allow the Agency to reserve the exclusive right to sell or to provide, or authorize the sale or provision of, products or services on Agency property. Policy, as written in the current Chapter 80.010, prohibits any sales activity on Agency property.
- In Section 80.030, make minor changes to include new products. For example, the Agency currently prohibits advertising of tobacco products. The proposed change would also prohibit advertisements of e-cigarettes and vaporizers.

It is further requested that the Committee recommend that the Chairman of the Board of Commissioners designate that the proposed revision to Board Policy Chapter 80, *Agency Property*, not be tabled pursuant to *Article VI(D)* of the Board Policies, as it is in the best interests of Bi-State Development that this revision be approved at the Board Meeting on June 24, 2016.

Attachments:

1. Current Board Policy, Chapter 80
2. Proposed Board Policy, Chapter 80 (Redlined)
3. Proposed Board Policy, Chapter 80 (Clean Draft)

Note: In the Proposed Board Policy, the titles for Section 80.010 and Section 80.020 have been revised and their positions switched within the Chapter.

COLLECTED BOARD POLICIES
OF THE
BI-STATE DEVELOPMENT AGENCY
OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT

Chapter 80 Agency Property

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Section 80.020	Distribution of Literature on Certain Agency Property	80-1
Section 80.030	Advertising on Agency Facilities and Conveyances	80-3

Section 80.010 Solicitation of Funds or Sale of Products on Certain Agency Property

A. Policy. It is the Policy of the Agency that the solicitation of funds or the sale of products upon Agency facilities open to the public, including conveyances, light rail stations, transit centers, bus loops and similar facilities of the Agency, is prohibited. This policy shall apply to facilities and conveyances solely controlled by the Agency.

B. Solicitation upon Agency property not open to the public. The President & CEO shall establish management procedures for solicitations upon Agency facilities not open to the public, including the administrative offices of the Agency.

Section 80.020 Distribution of Literature on Certain Agency Property

A. Policy. It is the policy that any person seeking to distribute literature on any of the facilities of the Agency open to the public, including light rail stations, transit centers, bus loops or similar facilities, must obtain prior authorization from the Director of Communications, or the Director’s designee. Those persons and organizations authorized to distribute literature will be issued a permit in accordance with the requirements of this section. Distribution of literature shall only be permitted upon areas designated by the President & CEO, and from booths which are constructed and maintained in accordance with this policy. Construction, maintenance and removal of booths will be at the sole expense of the person or entity distributing literature. The President & CEO will also designate the length of time that the literature can be distributed. Booths shall not be placed in locations where their presence would impede the safe and orderly movement of passengers. No distribution of literature shall be permitted upon Agency

conveyances. This policy shall not apply to facilities and conveyances solely controlled by the Agency. A written application, in the form prescribed by the Director of Communications, must be submitted setting forth the following:

1. The full name, mailing address and telephone number of the person, persons or public or private entity sponsoring, promoting or conducting the distribution of literature;
2. The dates and hours on and during which the distribution of literature is proposed, and the duration of the proposed distribution of literature;
3. The specific designated areas from which the distribution of literature is proposed;
4. A description or drawing of the booth that will be erected during the time of the proposed distribution of literature;

B. Designated areas and booths for distribution of literature. The President & CEO shall designate those areas of Agency property that will be available for distribution of literature. Additional areas may be designated at the discretion of the President & CEO. Distribution of literature will only occur at booths erected within designated areas. The booths will be erected and maintained solely at the expense of the applicants seeking permission to distribute literature upon Agency property. The Agency shall affix to all booths a disclaimer stating that the views expressed in the distributed literature, and the views expressed by the distributors of the literature, are not the policies or positions of the Agency. The disclaimer will be prominently displayed upon the booth as directed by the Director of Communications. At the expiration of the permit all booths shall be immediately removed solely at the expense of the person or entity distributing literature, and the permit holder shall also remove all litter and debris in the area and leave the area in a clean and safe condition.

C. Authorization. An application for a permit for the distribution of literature shall be submitted at least five business days, and no more than 60 calendar days, before the distribution activities are to commence. Based on the request submitted, the Director of Communications shall determine whether authorization to conduct the proposed distribution of literature shall be granted or denied, based upon the following guidelines:

1. The availability of the proposed location. If the proposed location or locations of the proposed distribution of literature is not available, the application shall be denied or modified by the Director of Communications to allow distribution of literature at another location.
2. Appearance and construction of booth. The booth must be of an appearance that will not detract from the appearance of the Agency property upon which the distribution of literature is proposed, and the booth shall not pose a safety hazard to the public. Construction,

maintenance and removal of booths will be at the sole expense of the applicant.

3. Distribution of literature shall not interfere with use of Agency facilities or conveyances. Distribution of literature shall not interfere with public access and use of the facilities or conveyances of the Agency, and shall be confined to the area and booth that may be approved. Under no circumstance will distribution of literature be allowed upon Agency conveyances.

The Director of Communications shall grant, deny, or modify the request within 48 hours from receipt of the request.

D. Distribution of literature upon Agency property not open to the public. The President & CEO shall establish management procedures for distribution of literature upon Agency facilities not open to the public, including the administrative offices of the Agency.

Section 80.030 Advertising on Agency Facilities and Conveyances

A. Policy. It is the policy of the Agency to enter into advertising contracts with transit advertising service suppliers who will provide advertising services on Agency facilities and conveyances that will generate additional revenue for the ongoing operation of the Agency.

B. Award. The award of all transit advertising service contracts will follow applicable standard Agency procurement methods and be consistent with all applicable local, state and federal regulations. Authority for the award of transit advertising service contracts shall be in accordance with the authority limitations, based on monetary levels, for procurements set forth in the Board Policy on Purchasing.

C. Regulation. (revised 11/21/08)

I. Purpose and Intent

A. It is Metro's declared intent and purpose not to allow or cause any of its buses, paratransit vans, light rail vehicles or facilities to become a public forum for the dissemination, debate and/or discussion of public issues. Rather, in setting these advertising standards, Metro seeks to fulfill the following goals and objectives, which are of paramount importance to the operation of metro's transportation system;

- (1) maximization of revenue generated by advertising;
- (2) maximization of revenue generated by attracting, maintaining and increasing ridership;
- (3) maintaining the safe and orderly operation of Metro's transportation systems;

- (4) maintaining a safe, friendly, welcoming and non-disturbing environment for all Metro passengers, including minors who travel on or come in contact with the Metro system; and
- (5) avoiding the identification of Metro with advertisements or the viewpoints of advertisers.

B. Metro reserves the right, from time to time, to suspend, modify or revoke the application of any or all of these guidelines as it deems necessary to comply with legal mandates, to accommodate its primary transportation function, and/or to fulfill other goals and objectives deriving from its mission, objectives, or governing law.

C. At the discretion of Metro's President & CEO, Metro may at any time, subject to any contractual obligations, partly or completely ban advertising on Metro buses, paratransit vans, light rail vehicles or facilities.

II. Advertising Standards and Guidelines

A. Advertising Policy

Metro intends that its facilities shall constitute non-public forums. Metro does not commit or dedicate any of its facilities for use as a forum for communication on public issues; rather, advertising shall be limited as set forth in this policy and may be further limited in Metro's discretion. Advertising on Metro facilities is not open to any and all advertisers. Metro intends to retain control over the type of advertising that it will allow on its buses, paratransit vans, light rail vehicles and facilities. As such, certain forms of paid and unpaid advertising will not be permitted for placement or display on or in Metro facilities.

B. Limitations on Advertising

Metro shall not display or maintain any advertisement that falls within one or more of the following categories.

1. promotes the sale of tobacco or tobacco-related products, including advertisements depicting such products;
2. promotes adult book stores, adult video stores, dance clubs featuring nudity or erotic dancing and other similar adult entertainment establishments, adult telephone services, adult Internet sites and escort services;
3. promotes unlawful or illegal goods or services, including material contained therein or referred to therein which appears to promote or encourage, the use or possession of such unlawful or illegal goods or services;

4. promotes unlawful or illegal activities or conduct, including material contained therein or referred to therein which appears to promote or encourage such activities or conduct;
5. appears to be false, misleading or deceptive, including material contained therein which is false, misleading or deceptive;
6. implies or declares an endorsement by Metro of any goods, service, activities or points of view, including material contained therein or referred to therein which implies or declares any such endorsement, without the prior written authorization of Metro;
7. appears to be libelous, an invasion of privacy, an infringement of copyrighted material, or otherwise appears unlawful or illegal or likely to subject Metro to litigation;
8. promotes, supports or contains political speech, meaning speech that (1) pertains to any candidate for public office, (2) pertains to specific ballot question, initiative petition, or referendum, or (3) addresses a significantly disputed political issue or cause;
9. fosters sexual, racial, religious or other offensive stereotypes, including material contained therein or referred to therein which fosters such stereotypes;
10. contains profane language;
11. contains nudity, obscenity, materials indecent or inappropriate as to minors, or materials which otherwise depict sexual activities, conduct, excitement, or sadomasochistic abuse;
12. contains images of graphic violence, including, but not limited to, the depiction of acts of violence or harm to a person or animal and images of human or animal bodies or its parts in a mutilated, dismembered, decomposed and/or disfigured state;
13. contains material that appears (from the viewpoint of a reasonably prudent person) to demean, disparage, ridicule, mock, abuse, display hostility to, or debase the dignity or stature of, any individual or group of individuals or any racial, religious or ethnic group;
14. contains material which is likely to offend, discomfort, or annoy Metro customers, or make them feel unwelcome, unsafe, or uncomfortable;
15. displays any word, phrase, symbol, or character likely to interfere with, mislead, or distract traffic, or conflict with any traffic control device;

16. demeans or disparages an individual or group of individuals. For purposes of determining whether an advertisement contains such material, Metro will determine whether a reasonably prudent person, knowledgeable of Metro's ridership and using prevailing community standards, would believe that the advertisement contains material that ridicules or mocks, is abusive or hostile to, or debases the dignity or stature of, an individual or group of individuals.

C. Advertisement of Alcoholic Beverages

Advertisements related to the sale of alcoholic beverages shall contain a statement, occupying at least 3% of the area of the advertisement, that indicates the legal drinking age in Missouri and warns of the dangers of alcohol consumption during pregnancy, or in connection with the operation of heavy machinery, or while driving.

D. Additional Limitations for Non-Commercial Advertisers

1. Metro will accept advertisements from non-commercial advertisers to promote charitable events or community outreach efforts, so long as the advertiser is a charitable or religious organization with tax exempt status, *i.e.*, 501(c)(3) status or is a government or government-sponsored organization. Advertisements from non-commercial advertisers must likewise comply with the guidelines set forth in Part II.
2. The spaces available on Metro's buses, paratransit vans, light rail vehicles and facilities are limited in number. In light of Metro's stated goal of maximizing revenue generated by advertising, priority as to the posting and placement of ads will be given to commercial advertisers over non-commercial advertisers.

E. Disclaimers

Metro reserves the right, in all circumstances, to require that an advertisement on or in its facilities include attribution to the sponsor of the advertisement and/or a disclaimer indicating that it is not sponsored by, and does not necessarily reflect the views of Metro.

F. Promotion of Transportation Function

Notwithstanding any particular limitations set forth above, Metro has the unqualified right to display, on it in its facilities, advertisements and notices that pertain to Metro operations and promotions or that otherwise encourage and promote public use of Metro's transportation facilities or public or mass transit in general.

G. Right to Modify

In light of Metro's stated goals of maximizing its ridership and providing a friendly and welcoming environment for its riders, Metro reserves the right to modify, change or withdraw existing advertisements based upon complaints or other information.

III. Administration of Standards and Guidelines

A. Advertising Contractor. Metro may, from time to time, select an "Advertising Contractor" who shall be responsible for the daily administration of a segment or all of Metro's advertising program, in a manner consistent with the guidelines set forth herein and the terms of its agreement with Metro. The advertising program shall include, but not be limited to, promotion, solicitation, sales, accounting, billing, collections, and posting of advertising displays on or in all Metro facilities including, but not limited to, transit vehicles.

B. Review by Advertising Contractor. Metro's Advertising Contractor will review each advertisement submitted for display and installation on Metro's buses, paratransit vans, light rail vehicles or facilities, to determine whether the proposed advertisement falls within, or may fall within, prohibitions or limitations under this Policy. Internet addresses or websites listed on advertisements may be scrutinized and to the extent that such referenced places contain material which is deemed objectionable per the standards set forth herein, the advertisement may be deemed objectionable based on such materials.

C. Review by Metro. If the Advertising Contractor determines that an advertisement falls within, or may fall within, prohibitions or limitations under this Policy, the following steps will be taken.

- (1) the Advertising Contractor will promptly provide the advertiser with a copy of these standards and written notice of its determination, the reasons for the determination and the option for the advertiser to request a review of the decision before Metro;
- (2) the Advertising Contractor will provide Metro with a copy of the written notice to the advertiser and the advertisement at issue;
- (3) upon written request from the advertiser, Metro will conduct a review within fourteen (14) days of receipt of such a request, to determine whether the advertisement at issue falls within prohibitions or limitations under this Policy;
- (4) within five (5) days of the review conducted by Metro, it will provide the advertiser and the Advertising Contractor with a written notice of its determination. Metro's determination will be final.

D. No Rights Created. In setting for the above review process, Metro does not intend to create any due process rights for advertisers. Rather, Metro's intent

is to establish a review process for the purpose of attempting to ensure the uniform application and enforcement of the stated guidelines and standards.

E. Severability. If prohibition or limitation under this Policy is determined to be invalid as applied to any particular type of Metro bus, paratransit van, light rail vehicle, or facility, the category shall, to the extent permissible, remain applicable to all other types of Metro buses, light rail vehicles and facilities.

F. Amendment. Metro reserves the right to amend these policies and standards at any time. Any revisions or amendment to this policy will be in writing and supplied to the Advertising Contractor. Any member of the public may obtain a copy of these policies and standards at any time, upon request.

IV. Design and Minimum Advertising Purchases

A. Amount. Metro's Marketing Department, in cooperation with the Advertising Contractor, will establish minimum rates and/or amounts of advertising that must be purchased by an advertiser before an advertisement is accepted.

B. Schedule. The minimum rates and/or amounts of advertising required to be purchased will be made available to any potential advertisers by the Advertising Contractor. A rate card, to be reviewed and approved by Metro's Marketing Department, will be published for advertising space and production charges offered to the public on, at minimum, an annualized basis. Co-promotional trade programs will be considered on a proposal basis only with a minimum of one-month lead time and are not available to offset revenue guarantees.

D. Revenues. Contracts must include a method of remittance of revenues to the Agency. Revenue from these contracts shall be retained by the Agency and used to offset the need for public subsidy. Revenues pledged to a particular operation shall be accounted for in accordance with regulatory requirements.

In lieu of revenue, the Agency may accept an equivalent value of goods and/or services, including but not limited to capital improvements, information services, advertising, site maintenance, and other benefits.

COLLECTED BOARD POLICIES
OF THE
BI-STATE DEVELOPMENT AGENCY
OF THE
MISSOURI-ILLINOIS METROPOLITAN DISTRICT

Chapter 80 Agency Property

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Section 80.02010- ~~Distribution of Literature~~ Expressive Activities on ~~Certain~~ Agency Property

~~A. **Policy.** It is the policy that any person seeking to distribute literature on any of the facilities of the Agency open to the public, including light rail stations, transit centers, bus loops or similar facilities, must obtain prior authorization from the Director of Communications, or the Director's designee. Those persons and organizations authorized to distribute literature will be issued a permit in accordance with the requirements of this section. Distribution of literature shall only be permitted upon areas designated by the President & CEO, and from booths which are constructed and maintained in accordance with this policy. Construction, maintenance and removal of booths will be at the sole expense of the person or entity distributing literature. The President & CEO will also designate the length of time that the literature can be distributed. Booths shall not be placed in locations where their presence would impede the safe and orderly movement of passengers. No distribution of literature shall be permitted upon Agency conveyances. This policy shall not apply to facilities and conveyances solely controlled by the Agency. A written application, in the form prescribed by the Director of Communications, must be submitted setting forth the following:~~

- ~~1. The full name, mailing address and telephone number of the person, persons or public or private entity sponsoring, promoting or conducting the distribution of literature;~~

- ~~2. — The dates and hours on and during which the distribution of literature is proposed, and the duration of the proposed distribution of literature;~~
- ~~3. — The specific designated areas from which the distribution of literature is proposed;~~
- ~~4. — A description or drawing of the booth that will be erected during the time of the proposed distribution of literature;~~

~~B. Designated areas~~ **A. Policy.** In order to prevent interference with safe, efficient operation of the Agency as an interstate authority, the Agency intends that all property or facilities owned by the Agency and open to the public, including conveyances (buses, paratransit vans, light rail vehicles, etc.), light rail stations and platforms, transit centers, bus loops, parking lots, airport property, and similar property or facilities of the Agency (hereinafter “Agency Property,” as used in Sections 80.010-80.030) be utilized only for Agency purposes. It is the Agency’s declared intent and purpose not to allow or cause Agency Property to become a public forum for the dissemination, debate and/or discussion of public issues. To that end, no individuals, groups, organizations, or companies are allowed to display or distribute leaflets, handbills, literature or other items or to survey, poll or petition on any Agency Property.

~~and booths for distribution of literature. The President & CEO shall designate those areas of Agency property that will be available for distribution of literature. Additional areas may be designated at the discretion of the President & CEO. Distribution of literature will only occur at booths erected within designated areas. The booths will be erected and maintained solely at the expense of the applicants seeking permission to distribute literature upon Agency property. The Agency shall affix to all booths a disclaimer stating that the views expressed in the distributed literature, and the views expressed by the distributors of the literature, are not the policies or positions of the Agency. The disclaimer will be prominently displayed upon the booth as directed by the Director of Communications. At the expiration of the permit all booths shall be immediately removed solely at the expense of the person or entity distributing literature, and the permit holder shall also remove all litter and debris in the area and leave the area in a clean and safe condition.~~

~~— C. — Authorization.~~ An application for a permit for the distribution of literature shall be submitted at least five business days, and no more than 60 calendar days, before the distribution activities are to commence. Based on the request submitted, the Director of Communications shall determine whether authorization to conduct the proposed distribution of literature shall be granted or denied, based upon the following guidelines:

1. ~~The availability of the proposed location. If the proposed location or locations of the proposed distribution of literature is not available, the application shall be denied or modified by the Director of Communications to allow distribution of literature at another location.~~
2. ~~Appearance and construction of booth. The booth must be of an appearance that will not detract from the appearance of the Agency property upon which the distribution of literature is proposed, and the booth shall not pose a safety hazard to the public. Construction, maintenance and removal of booths will be at the sole expense of the applicant.~~
3. ~~Distribution of literature shall not interfere with use of Agency facilities or conveyances. Distribution of literature shall not interfere with public access and use of the facilities or conveyances of the Agency, and shall be confined to the area and booth that may be approved. Under no circumstance will distribution of literature be allowed upon Agency conveyances.~~

~~The Director of Communications shall grant, deny, or modify the request within 48 hours from receipt of the request.~~

- D. ~~B. Distribution of literature upon Agency p~~**Property not open to the public.** The President & CEO **or his or her designee** shall establish management procedures for **expressive activities** ~~distribution of literature upon on all Agency Property and facilities not open to the public, including theits administrative offices of the Agency.~~

Section 80.01020 — Solicitation of Funds or Sales of Products on ~~Certain~~ Agency Property

- A. ~~Policy. It is the Policy of the~~**The Agency that prohibits** the solicitation of funds or the sale of products **or services** upon Agency **Property facilities** open to the public. ~~, including conveyances, light rail stations, transit centers, bus loops and similar facilities of the Agency, is prohibited. This policy shall apply to facilities and conveyances solely controlled by the Agency.~~
- B. **Permitted Agency activities.** Notwithstanding the foregoing, the Agency reserves the exclusive right to sell or to provide, or to authorize the sale or provision, whether by contract, partnership, sponsorship or other affiliation, of products or services on Agency Property pursuant to the Collected Board Policies of the Agency including, but not limited to, Procurement and Contract Administration (50.010), Concessions (50.040) and Economic Development (40.070). Permitted Agency activities may also include Agency-initiated special events, such as musical performances, art dedications and other activities on Agency Property,

through contract, partnership, sponsorship or other written affiliation agreement, conducted in an effort to attract, maintain and increase ridership or otherwise promote the operation of the Agency as an interstate authority. Such permitted Agency activities are not intended to create a public forum on Agency Property.

- C. ~~Solicitation upon~~ Agency ~~p~~Property not open to the public. The President & CEO ~~or his or her designee~~ shall establish management procedures for solicitations upon Agency **Property and** facilities not open to the public, including ~~theits~~ administrative offices ~~of the Agency~~.

Section 80.030 Advertising on Agency Facilities ~~and~~ ConveyancesProperty

- A. Policy. It is the policy of the Agency to enter into advertising contracts with transit advertising service suppliers who will provide advertising services on Agency ~~facilities and conveyances~~**Property** that will generate additional revenue for the ongoing operation of the Agency.
- B. Award. The award of all transit advertising service contracts will follow applicable standard Agency procurement methods and be consistent with all applicable local, state and federal regulations. Authority for the award of transit advertising service contracts shall be in accordance with the authority limitations, based on monetary levels, for procurements set forth in the Board Policy on Purchasing.

- C. Regulation. (revised 11/21/08)

I. Purpose and Intent

A. ~~It is Metro's~~the Agency's declared intent and purpose not to allow or cause any of its ~~buses, paratransit vans, light rail vehicles or facilities~~**Property** to become a public forum for the dissemination, debate and/or discussion of public issues. ~~through the sale of advertising.~~ Rather, in setting these advertising standards, ~~Metro~~the Agency seeks to fulfill the following goals and objectives, which are of paramount importance to the operation of ~~metro's~~the Agency's transportation system;

- (1) maximization of revenue generated by advertising;
- (2) maximization of revenue generated by attracting, maintaining and increasing ridership;
- (3) maintaining the safe and orderly operation of ~~Metro's~~the Agency's transportation systems;

- (4) maintaining a safe, friendly, welcoming and non-disturbing environment for all ~~Metro~~**The Agency** passengerscustomers, including minors who travel on or come in contact with the ~~Metro-system~~**Agency's systems**; and
- (5) avoiding the identification of ~~Metro~~**the Agency** with advertisements or the viewpoints of advertisers.

B. ~~Metro~~**The Agency** reserves the right, ~~from time to time~~, to suspend, modify or revoke the application of any or all of these guidelines as it deems necessary to comply with legal mandates, to accommodate its primary transportation function, and/or to fulfill other goals and objectives deriving from its mission, objectives, or governing law.

C. At the discretion of ~~Metro's~~**the Agency's** President & CEO, ~~Metro~~**the Agency** may at any time, subject to any contractual obligations, partly or completely ban advertising on ~~Metro-buses, paratransit vans, light rail vehicles or facilities~~**Agency Property**.

II. Advertising Standards and Guidelines

A. Advertising Policy

~~Metro~~**The Agency** intends that its ~~facilities~~**Property** shall constitute non-public forums. ~~Metro~~**The Agency** does not commit or dedicate any of its ~~facilities~~**Property** for use as a forum for communication on public issues; rather, advertising shall be limited as set forth in this policy and may be further limited ~~in~~ ~~Metro's~~**at the Agency's** discretion. Advertising on ~~Metro-facilities~~**Agency Property** is not open to any and all advertisers. ~~Metro~~**The Agency** intends to retain control over the type of advertising that it will allow on its ~~buses, paratransit vans, light rail vehicles and facilities~~**Property**. As such, certain forms of paid and unpaid advertising will not be permitted for placement or display on or in ~~Metro-facilities~~**Agency Property**.

B. Limitations on Advertising

~~Metro~~**The Agency** shall not display or maintain any advertisement that falls within one or more of the following categories.

1. promotes the sale of tobacco ~~or~~, tobacco-related products, **vaporizers and e-cigarettes**, including advertisements depicting such products;
2. promotes adult book stores, adult video stores, dance clubs featuring nudity or erotic dancing and other similar adult entertainment establishments, adult telephone services, adult Internet sites and escort services;
3. promotes unlawful or illegal goods or services, including material contained therein or referred to therein which appears to promote or

- encourage, the use or possession of such unlawful or illegal goods or services;
4. promotes unlawful or illegal activities or conduct, including material contained therein or referred to therein which appears to promote or encourage such activities or conduct;
 5. appears to be false, misleading or deceptive, including material contained therein which is false, misleading or deceptive;
 6. implies or declares an endorsement by ~~Metro~~**the Agency** of any goods, service, activities or points of view, including material contained therein or referred to therein which implies or declares any such endorsement, without the prior written authorization of ~~Metro~~**the Agency**;
 7. appears to be libelous, an invasion of privacy, an infringement of copyrighted material, or otherwise appears unlawful or illegal or likely to subject ~~Metro~~**the Agency** to litigation;
 8. promotes, supports or contains political speech, meaning speech that (1) pertains to any candidate for public office, (2) pertains to specific ballot question, initiative petition, or referendum, or (3) addresses a **significantly** disputed political issue or cause;
 9. fosters sexual, racial, religious or other offensive stereotypes, including material contained therein or referred to therein which fosters such stereotypes;
 10. contains profane language;
 11. contains nudity, obscenity, materials indecent or inappropriate as to minors, or materials which otherwise depict sexual activities, conduct, excitement, or sadomasochistic abuse;
 12. contains images of graphic violence, including, but not limited to, the depiction of acts of violence or harm to a person or animal and images of human or animal bodies or its parts in a mutilated, dismembered, decomposed and/or disfigured state;
 13. contains material that appears (from the viewpoint of a reasonably prudent person) to demean, disparage, ridicule, mock, abuse, display hostility to, or debase the dignity or stature of, any individual or group of individuals or any racial, religious or ethnic group;
 14. contains material which is likely to offend, discomfort, or annoy ~~Metro~~**Agency** customers, or make them feel unwelcome, unsafe, or uncomfortable;

15. displays any word, phrase, symbol, or character likely to interfere with, mislead, or distract traffic, or conflict with any traffic control device;
16. demeans or disparages an individual or group of individuals. For purposes of determining whether an advertisement contains such material, **MetroThe Agency** will determine whether a reasonably prudent person, knowledgeable of **Metro'sthe Agency's** ridership and using prevailing community standards, would believe that the advertisement contains material that ridicules or mocks, is abusive or hostile to, or debases the dignity or stature of, an individual or group of individuals.

C. Advertisement of Alcoholic Beverages

Advertisements related to the sale of alcoholic beverages shall contain a statement, occupying at least 3% of the area of the advertisement, that indicates the legal drinking age ~~in Missouri~~ and warns of the dangers of alcohol consumption during pregnancy, or in connection with the operation of heavy machinery, or while driving.

D. Additional Limitations for Non-Commercial Advertisers

1. **MetroThe Agency** will accept advertisements from non-commercial advertisers to promote charitable events or community outreach efforts, so long as the advertiser is a charitable or religious organization with tax exempt status, *i.e.*, 501 (c)(3) status or is a government or government-sponsored organization. Advertisements from non-commercial advertisers must likewise comply with the guidelines set forth in Part II.
2. The spaces available on ~~Metro's buses, paratransit vans, light rail vehicles and facilities~~**Agency Property** are limited in number. In light of **Metro'sthe Agency's** stated goal of maximizing revenue generated by advertising, priority as to the posting and placement of ads will be given to commercial advertisers over non-commercial advertisers.

E. Disclaimers

MetroThe Agency reserves the right, in all circumstances, to require that an advertisement on or in its ~~facilities~~**Property** include attribution to the sponsor of the advertisement and/or a disclaimer indicating that it is not sponsored by, and does not necessarily reflect the views of **Metrothe Agency**.

F. Promotion of Transportation Function

Notwithstanding any particular limitations set forth above, **Metrothe Agency** has the unqualified right to display, on ~~it~~ or in its ~~facilities~~**Property**, advertisements and notices that pertain to **Metrothe Agency's** operations and promotions or that otherwise encourage and promote public use of **Metro'sthe Agency's** transportation facilities or public or mass transit in general.

G. Right to Modify

In light of ~~Metro's~~the Agency's stated goals of maximizing its ridership and providing a friendly and welcoming environment for its riders, ~~Metro~~the Agency reserves the right to modify, change or withdraw existing advertisements based upon complaints or other information.

III. Administration of Standards and Guidelines

A. Advertising Contractor. ~~Metro~~The Agency may, from time to time, select an "Advertising Contractor" who shall be responsible for the daily administration of a segment or all of ~~Metro's~~the Agency's advertising program, in a manner consistent with the guidelines set forth herein and the terms of its agreement with ~~Metro~~the Agency. The advertising program shall include, but not be limited to, promotion, solicitation, sales, accounting, billing, collections, and posting of advertising displays on or in all ~~Metro facilities including, but not limited to, transit vehicles~~Agency Property.

B. Review by Advertising Contractor. ~~Metro's~~The Agency's Advertising Contractor will review each advertisement submitted for display and installation on ~~Metro's buses, par a transit vans, light rail vehicles or facilities,~~Agency Property to determine whether the proposed advertisement falls within, or may fall within, prohibitions or limitations under this Policy. Internet addresses or websites listed on advertisements may be scrutinized and to the extent that such referenced places contain material which is deemed objectionable per the standards set forth herein, the advertisement may be deemed objectionable based on such materials.

C. Review by ~~Metro~~the Agency. If the Advertising Contractor determines that an advertisement falls within, or may fall within, prohibitions or limitations under this Policy, the following steps will be taken.

- (1) the Advertising Contractor will promptly provide the advertiser with a copy of these standards and written notice of its determination, the reasons for the determination and the option for the advertiser to request a review of the decision before ~~Metro~~the Agency;
- (2) the Advertising Contractor will provide ~~Metro~~the Agency with a copy of the written notice to the advertiser and the advertisement at issue;
- (3) upon written request from the advertiser, ~~Metro~~the Agency will conduct a review within fourteen (14) days of receipt of such a request, to determine whether the advertisement at issue falls within prohibitions or limitations under this Policy;
- (4) within five (5) days of the review conducted by ~~Metro~~the Agency, it will provide the advertiser and the Advertising Contractor with a written notice of its determination. ~~Metro's~~The Agency's determination will be final.

D. No Rights Created. In setting for the above review process, ~~Metro~~**the Agency** does not intend to create any due process rights for advertisers. Rather, ~~Metro's~~**the Agency's** intent is to establish a review process for the purpose of attempting to ensure the uniform application and enforcement of the stated guidelines and standards.

E. Severability. If prohibition or limitation under this Policy is determined to be invalid as applied to any particular type of ~~Metro bus, paratransit van, light rail vehicle, or facility~~**Agency Property**, the category shall, to the extent permissible, remain applicable to all other types of ~~Metro buses, light rail vehicles and facilities~~**Agency Property**.

F. Amendment. ~~Metro~~**The Agency** reserves the right to amend these policies and standards at any time. Any revisions or amendment to this policy will be in writing and supplied to the Advertising Contractor. Any member of the public may obtain a copy of these policies and standards at any time, upon request.

IV. Design and Minimum Advertising Purchases

A. Amount. ~~Metro's~~**The Agency's** Marketing Department, in cooperation with the Advertising Contractor, will establish minimum rates and/or amounts of advertising that must be purchased by an advertiser before an advertisement is accepted.

B. Schedule. The minimum rates and/or amounts of advertising required to be purchased will be made available to any potential advertisers by the Advertising Contractor. A rate card, to be reviewed and approved by ~~Metro's~~**the Agency's** Marketing Department, will be published for advertising space and production charges offered to the public on, at minimum, an annualized basis. Co-promotional trade programs will be considered on a proposal basis only with a minimum of one-month lead time and are not available to offset revenue guarantees.

~~D~~ C. Revenues. Contracts must include a method of remittance of revenues to the Agency. Revenue from these contracts shall be retained by the Agency and used to offset the need for public subsidy. Revenues pledged to a particular operation shall be accounted for in accordance with regulatory requirements.

In lieu of revenue, the Agency may accept an equivalent value of goods and/or services, including but not limited to capital improvements, information services, advertising, site maintenance, and other benefits.

COLLECTED BOARD POLICIES
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Chapter 80 Agency Property

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Section 80.010 Expressive Activities on Agency Property

- A. Policy. In order to prevent interference with the safe, efficient operation of the Agency as an interstate authority, the Agency intends that all property or facilities owned by the Agency and open to the public, including conveyances (buses, paratransit vans, light rail vehicles, etc.), light rail stations and platforms, transit centers, bus loops, parking lots, airport property, and similar property or facilities of the Agency (hereinafter "Agency Property," as used in Sections 80.010-80.030) be utilized only for Agency purposes. It is the Agency's declared intent and purpose not to allow or cause Agency Property to become a public forum for the dissemination, debate and/or discussion of public issues. To that end, no individuals, groups, organizations, or companies are allowed to display or distribute leaflets, handbills, literature or other items or to survey, poll or petition on any Agency Property.
- B. Agency Property not open to the public. The President & CEO or his or her designee shall establish management procedures for expressive activities on all Agency Property and facilities not open to the public, including its administrative offices.

Section 80.020 Solicitation of Funds or Sales of Products on Agency Property

- A. Policy. The Agency prohibits the solicitation of funds or the sale of products or services upon Agency Property open to the public.
- B. Permitted Agency activities. Notwithstanding the foregoing, the Agency reserves the exclusive right to sell or to provide, or to authorize the sale or provision, whether by contract, partnership, sponsorship or other affiliation, of products or services on

Agency Property pursuant to the Collected Board Policies of the Agency including, but not limited to, Procurement and Contract Administration (50.010), Concessions (50.040) and Economic Development (40.070). Permitted Agency activities may also include Agency-initiated special events, such as musical performances, art dedications and other activities on Agency Property, through contract, partnership, sponsorship or other written affiliation agreement, conducted in an effort to attract, maintain and increase ridership or otherwise promote the operation of the Agency as an interstate authority. Such permitted Agency activities are not intended to create a public forum on Agency Property.

- C. Agency Property not open to the public. The President & CEO or his or her designee shall establish management procedures for solicitations upon Agency Property and facilities not open to the public, including its administrative offices.

Section 80.030 Advertising on Agency Property

- A. Policy. It is the policy of the Agency to enter into advertising contracts with transit advertising service suppliers who will provide advertising services on Agency Property that will generate additional revenue for the ongoing operation of the Agency.
- B. Award. The award of all transit advertising service contracts will follow applicable standard Agency procurement methods and be consistent with all applicable local, state and federal regulations. Authority for the award of transit advertising service contracts shall be in accordance with the authority limitations, based on monetary levels, for procurements set forth in the Board Policy on Purchasing.
- C. Regulation. (revised 11/21/08)

I. Purpose and Intent

A. It is the Agency's declared intent and purpose not to allow or cause any of its Property to become a public forum for the dissemination, debate and/or discussion of public issues through the sale of advertising. Rather, in setting these advertising standards, the Agency seeks to fulfill the following goals and objectives, which are of paramount importance to the operation of the Agency's transportation system:

- (1) maximization of revenue generated by advertising;
- (2) maximization of revenue generated by attracting, maintaining and increasing ridership;
- (3) maintaining the safe and orderly operation of the Agency's transportation systems and other activities;
- (4) maintaining a safe, friendly, welcoming and non-disturbing environment for all Agency customers, including minors who travel on or come in contact with the Agency's systems; and

(5) avoiding the identification of the Agency with advertisements or the viewpoints of advertisers.

B. The Agency reserves the right to suspend, modify or revoke the application of any or all of these guidelines as it deems necessary to comply with legal mandates, to accommodate its primary transportation function, and/or to fulfill other goals and objectives deriving from its mission, objectives, or governing law.

C. At the discretion of the Agency's President & CEO, the Agency may at any time, subject to any contractual obligations, partly or completely ban advertising on Agency Property.

II. Advertising Standards and Guidelines

A. Advertising Policy

The Agency intends that its Property shall constitute non-public forums. The Agency does not commit or dedicate any of its Property for use as a forum for communication on public issues; rather, advertising shall be limited as set forth in this policy and may be further limited at the Agency's discretion. Advertising on Agency Property is not open to any and all advertisers. The Agency intends to retain control over the type of advertising that it will allow on its Property. As such, certain forms of paid and unpaid advertising will not be permitted for placement or display on or in Agency Property.

B. Limitations on Advertising

The Agency shall not display or maintain any advertisement that falls within one or more of the following categories.

1. promotes the sale of tobacco, tobacco-related products, vaporizers and e-cigarettes, including advertisements depicting such products;
2. promotes adult book stores, adult video stores, dance clubs featuring nudity or erotic dancing and other similar adult entertainment establishments, adult telephone services, adult Internet sites and escort services;
3. promotes unlawful or illegal goods or services, including material contained therein or referred to therein which appears to promote or encourage the use or possession of such unlawful or illegal goods or services;
4. promotes unlawful or illegal activities or conduct, including material contained therein or referred to therein which appears to promote or encourage such activities or conduct;
5. appears to be false, misleading or deceptive, including material contained therein which is false, misleading or deceptive;

6. implies or declares an endorsement by the Agency of any goods, service, activities or points of view, including material contained therein or referred to therein which implies or declares any such endorsement, without the prior written authorization of the Agency;
7. appears to be libelous, an invasion of privacy, an infringement of copyrighted material, or otherwise appears unlawful or illegal or likely to subject the Agency to litigation;
8. promotes, supports or contains political speech, meaning speech that (1) pertains to any candidate for public office, (2) pertains to specific ballot question, initiative petition, or referendum, or (3) addresses a disputed political issue or cause;
9. fosters sexual, racial, religious or other offensive stereotypes, including material contained therein or referred to therein which fosters such stereotypes;
10. contains profane language;
11. contains nudity, obscenity, materials indecent or inappropriate as to minors, or materials which otherwise depict sexual activities, conduct, excitement, or sadomasochistic abuse;
12. contains images of graphic violence, including, but not limited to, the depiction of acts of violence or harm to a person or animal and images of human or animal bodies or its parts in a mutilated, dismembered, decomposed and/or disfigured state;
13. contains material that appears (from the viewpoint of a reasonably prudent person) to demean, disparage, ridicule, mock, abuse, display hostility to, or debase the dignity or stature of, any individual or group of individuals or any racial, religious or ethnic group;
14. contains material which is likely to offend, discomfort, or annoy Agency customers, or make them feel unwelcome, unsafe, or uncomfortable;
15. displays any word, phrase, symbol, or character likely to interfere with, mislead, or distract traffic, or conflict with any traffic control device;
16. demeans or disparages an individual or group of individuals. For purposes of determining whether an advertisement contains such material, the Agency will determine whether a reasonably prudent person, knowledgeable of the Agency's ridership and using prevailing community standards, would believe that the advertisement contains material that ridicules or mocks, is abusive or hostile to, or debases the dignity or stature of, an individual or group of individuals.

C. Advertisement of Alcoholic Beverages

Advertisements related to the sale of alcoholic beverages shall contain a statement, occupying at least 3% of the area of the advertisement, that indicates the legal drinking age and warns of the dangers of alcohol consumption during pregnancy, or in connection with the operation of heavy machinery, or while driving.

D. Additional Limitations for Non-Commercial Advertisers

1. The Agency will accept advertisements from non-commercial advertisers to promote charitable events or community outreach efforts, so long as the advertiser is a charitable or religious organization with tax exempt status, *i.e.*, 501 (c)(3) status or is a government or government-sponsored organization. Advertisements from non-commercial advertisers must likewise comply with the guidelines set forth in Part II.
2. The spaces available on Agency Property are limited in number. In light of the Agency's stated goal of maximizing revenue generated by advertising, priority as to the posting and placement of ads will be given to commercial advertisers over non-commercial advertisers.

E. Disclaimers

The Agency reserves the right, in all circumstances, to require that an advertisement on or in its Property include attribution to the sponsor of the advertisement and/or a disclaimer indicating that it is not sponsored by, and does not necessarily reflect the views of the Agency.

F. Promotion of Transportation Function

Notwithstanding any particular limitations set forth above, the Agency has the unqualified right to display, on or in its Property, advertisements and notices that pertain to the Agency's operations and promotions or that otherwise encourage and promote public use of the Agency's transportation facilities or public or mass transit in general.

G. Right to Modify

In light of the Agency's stated goals of maximizing its ridership and providing a friendly and welcoming environment for its riders, the Agency reserves the right to modify, change or withdraw existing advertisements based upon complaints or other information.

III. Administration of Standards and Guidelines

A. Advertising Contractor. The Agency may, from time to time, select an "Advertising Contractor" who shall be responsible for the daily administration of a segment or all of the Agency's advertising program, in a manner consistent with the guidelines set forth herein and the terms of its agreement with the Agency. The advertising program shall include, but not be limited to, promotion, solicitation, sales, accounting, billing, collections, and posting of advertising displays on or in all Agency Property.

B. Review by Advertising Contractor. The Agency's Advertising Contractor will review each advertisement submitted for display and installation on Agency Property to determine whether the proposed advertisement falls within, or may fall within, prohibitions or limitations under this Policy. Internet addresses or websites listed on advertisements may be scrutinized and to the extent that such referenced places contain material which is deemed objectionable per the standards set forth herein, the advertisement may be deemed objectionable based on such materials.

C. Review by the Agency. If the Advertising Contractor determines that an advertisement falls within, or may fall within, prohibitions or limitations under this Policy, the following steps will be taken.

- (1) the Advertising Contractor will promptly provide the advertiser with a copy of these standards and written notice of its determination, the reasons for the determination and the option for the advertiser to request a review of the decision before the Agency;
- (2) the Advertising Contractor will provide the Agency with a copy of the written notice to the advertiser and the advertisement at issue;
- (3) upon written request from the advertiser, the Agency will conduct a review within fourteen (14) days of receipt of such a request, to determine whether the advertisement at issue falls within prohibitions or limitations under this Policy;
- (4) within five (5) days of the review conducted by the Agency, it will provide the advertiser and the Advertising Contractor with a written notice of its determination. The Agency's determination will be final.

D. No Rights Created. In setting for the above review process, the Agency does not intend to create any due process rights for advertisers. Rather, the Agency's intent is to establish a review process for the purpose of attempting to ensure the uniform application and enforcement of the stated guidelines and standards.

E. Severability. If prohibition or limitation under this Policy is determined to be invalid as applied to any particular type of Agency Property, the category shall, to the extent permissible, remain applicable to all other types of Agency Property.

F. Amendment. The Agency reserves the right to amend these policies and standards at any time. Any revisions or amendment to this policy will be in writing and supplied to the Advertising Contractor. Any member of the public may obtain a copy of these policies and standards at any time, upon request.

IV. Design and Minimum Advertising Purchases

A. Amount. The Agency's Marketing Department, in cooperation with the Advertising Contractor, will establish minimum rates and/or amounts of advertising that must be purchased by an advertiser before an advertisement is accepted.

B. Schedule. The minimum rates and/or amounts of advertising required to be purchased will be made available to any potential advertisers by the Advertising Contractor. A rate card, to be reviewed and approved by the Agency's Marketing Department, will be published for advertising space and production charges offered to the public on, at minimum, an annualized basis. Co-promotional trade programs will be considered on a proposal basis only with a minimum of one-month lead time and are not available to offset revenue guarantees.

C. Revenues. Contracts must include a method of remittance of revenues to the Agency. Revenue from these contracts shall be retained by the Agency and used to offset the need for public subsidy. Revenues pledged to a particular operation shall be accounted for in accordance with regulatory requirements.

In lieu of revenue, the Agency may accept an equivalent value of goods and/or services, including but not limited to capital improvements, information services, advertising, site maintenance, and other benefits.

From: Raymond A. Friem, Executive Director Metro Transit
Subject: **Contract Award: Werremeyer, Incorporated for Development and Implementation of Marketing Activities for Bi-State Development and its Emerging Enterprises**
Disposition: Approval
Presentation: Dianne Williams, Vice President Marketing and Communications; Larry B. Jackson, Executive Vice President of Administration

Objective:

To present to the Operations Committee for discussion and referral to the Board of Commissioners a request for authorization to award a contract to Werremeyer, Incorporated to provide for a full-service marketing and creative agency that will assist in the development and implementation of marketing activities for Bi-State Development (BSD) and its emerging enterprises.

Board Policy:

Board Policy Chapter 50 requires the Board of Commissioners to approve all Competitive Negotiation Procurements which exceed \$500,000.

Funding Source:

Funding is provided through BSD Operating Budget.

Background:

On March 21, 2016, BSD issued Solicitation 16-RFP-102886-CG to retain a firm that could provide a full-service marketing and creative agency to assist in the development and implementation of marketing activities for BSD and the emerging enterprises. The organizations included in the scope of work are:

- Bi-State Development
- Bi-State Development Research Institute
- St. Louis Downtown Airport
- St. Louis Regional Freightway.

Proposals were due April 19, 2016; a total of four (4) proposals were received. A Disadvantaged Business Enterprise (DBE) Goal was not recommended for this project. However, Werremeyer Inc. is registered as a DBE vendor with Bi-State Development. The contract period of performance includes three (3) base years and (2) two option years.

Analysis:

Proposals were received from four firms and forwarded to a technical evaluation team for evaluation and scoring. The team was comprised of six (6) individuals representing the Bi-State Development's emerging enterprises and marketing and communications staff. The offerors' technical proposals were evaluated based on their responses to the evaluation criteria presented in the solicitation. The technical proposal received 65% of the total score and cost received 35%.

The technical evaluation criteria are shown below, in the order of importance:

1. Experience and capabilities of the proposer
2. Ability to deliver quality work at a low cost with short lead times
3. Experience and skill set of specific individual work on account

Cost was evaluated using a pre-established formula whereby the firm with the lowest cost received a maximum score of 150 points. The second firm received points based on a formula which assigns points in such a manner that is inversely proportional to increasing costs.

Firm	Cost	Cost Score	Technical Score	Total
Werremeyer	\$1,000,000	175.00	267.50	442.50
Maring Weissman aka Dovetail	\$1,270,000	127.80	223.33	361.13
Elasticity	\$1,280,000	136.72	193.33	330.05
Falk Harrison	\$1,320,000	132.58	212.08	344.66
Total Possible Points		175.00	325.00	500.00
Percentage of Total Points		35%	65%	100%

Following calculation of cost scores, final combined scores were tabulated. The evaluation team determined that the proposal from Werremeyer, Incorporated provided Bi-State Development with the best value based on being the most advantageous offer, technical and cost factors considered, the quality of the services to be performed, their conformity with the scope of services and their suitability to the requirements of the BSD entities involved.

Werremeyer's cost is fair and reasonable in comparison with others that submitted proposals, and Werremeyer has provided exceptional creative services to Bi-State Development in the past.

Committee Action Requested:

Management recommends that the Operations Committee discuss and forward to the Board of Commissioners for approval, the request that the President & CEO be authorized to enter into a three (3) year contract in the not to exceed amount of \$600,000; award monetary and administrative contract modifications as needed; and award (2) two option years in an amount not to exceed \$400,000 if the following criteria are met:

- Funding is available;
- The performance of the contract is satisfactory;
- The exercise of the option is in accordance with the terms and conditions of the option stated in the initial contract awarded; and
- The option price is determined to be better than prices available in the market, or that the option is the more advantageous offer at the time the option is exercised.

**Bi-State Development
Operations Committee
Agenda Item
May 17, 2016**

From: Raymond Friem, Executive Director Metro Transit
Subject: **Contract Award: Ironhorse, Incorporated for Track Maintenance Service**
Disposition: Approval
Presentation: Scott D. Grott, Chief MetroLink Operations and Larry Jackson, Executive Vice President for Administration

Objective:

To present to the Operations Committee for discussion and referral to the Board of Commissioners, a request for authorization to award a contract to Ironhorse, Incorporated to provide on-call track maintenance for the MetroLink alignment.

Board Policy:

Purchasing Board Procurement policy, Chapter 50, requires Board approval of Competitive Negotiated procurements that exceed \$500,000.

Funding Source:

This Project is funded through the Metro Transit Operating Budget.

Background:

Bi-State Development (BSD) issued a Request for Proposal (RFP) 16-RFP-102633-CB in March 2016 requesting proposals from qualified contractors to provide track maintenance services and also, routine and emergency repairs along the MetroLink alignment. The solicitation was sent directly to eighteen (18) firms and advertised on BSD's website.

Analysis:

Proposals were received from three firms; Ironhorse, Incorporated, RailWorks Track Services, Incorporated and Musselmann & Hall Contractors, LLC. All were forwarded to the Technical Evaluation Team (TEC) for evaluation and scoring. The team was comprised of four individuals representing Bi-State Development's Maintenance of Way Department and one non-voting Procurement representative. The three offeror's technical proposals were evaluated based on their responses to the evaluation criteria presented in the solicitation. The maximum points that could be achieved for technical qualifications were 350. The technical proposal received 70% of the total score and costs received 30%. The technical evaluation criteria are shown below, in the order of importance:

1. Work Plan
2. Quality Control Plan
3. Qualifications of the Firm and Staff

Costs were evaluated using a pre-established formula whereby the firm with the lowest cost received a maximum score of 150 points. The second firm received points based on a formula which assigns points in such a manner that is inversely proportional to increasing costs.

Following calculation of cost scores, final combined scores were tabulated. The TEC determined that the proposal from **Ironhorse, Incorporated** provided BSD with the best value based on being the most advantageous offer, technical and cost factors considered, the quality of the services to be performed, their conformity with the scope of services and their suitability to the requirements of BSD.

Offeror	Technical Score	Cost Score	Final Score
Ironhorse	312.50	150.00	462.50
RailWorks	243.00	117.29	360.29
Musselman & Hall	231.00	128.43	359.43
Total Points Possible	350.00	150.00	500.00

Ironhorse's costs are fair and reasonable in comparison with RailWorks and Musselman & Hall itemized pricing and BSD's independent cost estimate.

Over the past ten years, Ironhorse, Incorporated has been the incumbent for this project and has provided satisfactory service.

Ironhorse was chosen as the responsible contractor whose proposal is most advantageous to BSD with price and other factors considered.

Committee Action Requested:

Management recommends that the Operations Committee forward to the Board of Commissioners for approval, the request that the President & CEO be authorized to enter into a three year time and material contract in the not to exceed amount of \$1,737,448.85; award monetary and administrative contract modifications as needed; and award two option years in an amount not to exceed \$1,431,575.70 if the following criteria are met:

- Funding is available;
- The performance of the contract is satisfactory;
- The exercise of the option is in accordance with the terms and conditions of the option stated in the initial contract awarded; and
- The option price is determined to be better than prices available in the market or that the option is the more advantageous offer at the time the option is exercised.

Key Capital Project Status as of 5/9/2016

Construction / Acquisition / Rehabilitation Projects						
Project	Action	Total Units	Completed Units	% Complete	Estimated Completion	Code
EADS Bridge Rehab	Rust Mitigation / Recoat (Panels)	256	228	89.06%	Jun-16	
North County Transfer Center Construction	Contract Award	1	1	100.00%	COMPLETED	
North County Transfer Center Construction	Construction Activity	1	0.65	65.00%	Jan-16	
Downtown Transfer Center Construction	Design Issues (City)	1	1	100.00%	COMPLETED	
Downtown Transfer Center Construction	RFP / Contract Award	1	0.5	50.00%	Award Feb. 2016	
Boyle Ave. MetroLink Station	Design Activities	1	0.1	10.00%	RFP Award Jan. 2016	
Radio System Deployment	Current Design Calls For 18 Transmitter sites	24	13	54.17%	2016	
Capital Commercial Leases. Will require site development and deployment.	Negotiate	10	10	100.00%	2015	
New Construction	Construct	1	1	100.00%	2015	
Owned. Will require site development and deployment.	Existing (Owned)	2	2	100.00%	2015	
Owned. Will require site development and deployment.	Existing (Owned)	6	6	100.00%	2015	
Capital Lease and Agreements. Will require site development and deployment.	Intergovernment Agreement	5	5	100.00%	2015	
Smart Card	Hardware	592	587	99.16%	Jul-2016	
Software	Rail Sys Testing			90.00%	Sep-2016	
Software	Bus Sys Testing			90.00%	Sep-2016	
Software	Third Party Interfaces			85.00%	May-2016	
Procedures / Personnel / Equipment	Security/ Enforcement			95.00%	May-2016	
Vehicle Acquisition						
Refurbished Bus Rolling Stock (ILL)	Procure 40' Buses	7	7	100.00%	Jan-2016	
New Bus Rolling Stock (ILL)	Procure 40' Buses	4	0	0.00%	Dec-2016	
New Bus Rolling Stock (MO)	Procure 40' Buses	26	0	0.00%	Dec-2016	
Van Rolling Stock	Procure CAR Vans	17	0	0.00%	TBD waiting on Pilot to be completed and approved. Expedited delivery date of 5-13-16	
Non Revenue Vehicles	Procure / Lease	70	65	92.86%	Feb-2016	
New Grant Non Revenue Vehicles	Procure / Lease	30	10	33.33%	Aug-2017	
MetroLink Capital Maintenance						
Wood Tie Phase 1 of 3	Replace	36000	36000	100.00%	COMPLETED	
Catenary Contact Wire Phase 1 of 4	Replace Wire (miles)	10	10	100.00%	COMPLETED	
Station Edges - Phase 2 of 3	Replace	9	9	100.00%	COMPLETED	
Elevator Rehabilitation	Design	8	0	0.00%	Design progressed 90%	
	Tasks					
Phase 2 and 3 Software Upgrades to AVL / Trapeze software suites authorized by Board of Commissioners	Transmit Real Time Bus data Public Safety Projects Operations Management Projects Operation Business Intelligence				Estimated Completion COMPLETED March 2015 Jul-2016 Aug-2016 Aug-2017	
State of Good Repair	Fare Collection				ADA and Employee Card Interface / Repeat Offender Database	9/1/2014
MOW Work Integrated Plan	MOW DataBase Asst Mgmt Plan Capital Planning Software Tool			100%	Completed	2017
Color Code KEY	12-May-15	No issues	Regulatory/ Economic	Technical issues	Behind schedule/overbudget	
5/10/2016						

From: Raymond A. Friem, Executive Director Metro Transit
Subject: Contract Modification - Automated Fare Collection System Customer Education Services
Disposition: Approval
Presentation: Thomas White, Fare Collection Project Manager

Objective:

To present to the Operations Committee for discussion and referral to the Board of Commissioners a request for approval to modify the contract with Jones Worley for customer education services of the Automated Fare Collection System.

Board Policy:

Board Policy Chapter 50 requires Board approval for Non-Competitive Procurements which exceed \$100,000, and for procurements for a contract term, including options that exceed five (5) years.

It is the policy of the Agency to conduct all procurements in a manner which fosters full and open competition. In some cases, competition is not feasible or practical. Sole source procurement expenditures amounted to 11.0% of total procurement costs over the last four quarters.

Funding Source:

The overall Automated Fare Collection Project is funded through FTA Grants # MO-90-X231 and Local Funding.

Customer Education Contract Background:

Bi-State Development / Metro (BSD/Metro) entered into a sole source contract with Jones Worley in September 2013 for \$250,000 for smart card branding and customer education services for the project.

Jones Worley is uniquely qualified, having led the customer education effort on the highly successful smart card rollouts for the Metropolitan Atlanta Rapid Transit Authority and the San Francisco Municipal Transportation Agency and is currently involved in the rollout for the Port Authority of Allegheny County (Pittsburgh) and a few others. In fact, St. Louis is the seventh transit property in the nation for which Jones Worley has provided customer education services.

Proposed Customer Education Contract Changes:

The current contracted funds were intended to last through September 2016, at which time BSD/Metro had planned to shift focus to a local PR firm for rollout marketing strategy. However, it's apparent to the project team that Jones Worley would bring more value during the launch and implementation phases than another firm would. Therefore, the funds that were set aside for the local firm will instead be utilized to extend Jones Worley's contract.

The remaining work and additional contract amount requested of Jones Worley are as follows:

Firm	Work Description	Contract Amount
Jones Worley	Customer Education and Communication	\$250,000

Jones Worley is a certified DBE firm. As such, it is anticipated that 100% of the additional work requested will be performed by a DBE firm.

BSD/Metro is requesting approval of the Jones Worley contract so that when the smart card system is ready for rollout to the public, Jones Worley will be able to support the project when their services are needed.

Description of Remaining Work:

Jones Worley (*DBE) – Shawn Lingle

Jones Worley's support during the rollout of the Gateway Smart Card System will include customer education and communication efforts and consist of the following:

- **Talking Points/Messaging Schedule** – Provide input on timing and content of the informational and educational messages developed by Metro.
- **Material Development** – Provide input on the materials developed by Metro to educate customers on the Gateway Card conversion and steps they need to take to prepare.
- **Signage and Wayfinding Strategy** – Provide concepts for placement and messaging of signage and ground graphics to correctly navigate customers to buy and use their Gateway Card on the system.
- **Strategic Consulting/Implementation Coordination**
 - **Incentive Development** – Develop incentives for both customers and employees to encourage smart card usage.
 - **Initial Card Distribution** – Develop suggestions for the initial distribution, with pros and cons for each option.
 - **Customer Assistance** – Work with the project team to develop an effective strategy for converting cash customers and help customers use the new system.
 - **Community/Partner Outreach** – Provide outreach activities with community and partner organizations that serve large numbers of Metro customers, including social service organizations, major employers and event venues.
 - **Influencer Outreach** – Work with the communications team to ensure community and political leaders are informed of key developments during the rollout process.
 - **Employee Outreach** – Provide outreach activities with Metro employees. Continue to work with project team to build strong relationships with employees, particularly frontline staff and operators.
 - **Website review and launch** – Provide final content input and asset and language review prior to website launch. Support Metro to work website launch into the overall communications strategy.

Committee Action Requested:

Management requests the Operations Committee approve and forward to the Board of Commissioners for approval this sole source contract modification with Jones Worley, to be extended to July 2018, with a total not-to-exceed amount of \$500,000.