

**BI-STATE DEVELOPMENT
BOARD OF COMMISSIONERS SPECIAL MEETING
(Virtual Meeting)
OPEN SESSION MINUTES
August 11, 2022
8:30 AM**

Board Members

Missouri

Sam Gladney, Vice Chair
Nate Johnson, Secretary
Fred Pestello
Vernal Brown
Rose Windmiller

Illinois

Herbert Simmons, Chair
Terry Beach, Treasurer
Irma Golliday – Absent
Derrick Cox
Debra Moore

Staff

Taulby Roach, President and Chief Executive Officer
Lisa Stump, Lashly & Baer, Legal Counsel
Myra Bennett, Manager of Board Administration
Brenda Deertz, Director of Executive Services
Tammy Fulbright, Chief Finance Officer / Executive Vice President
Charles Stewart, Executive Director Metro Transit
Tom Curran, Executive Vice President Administration
Kevin Scott, General Manager Security
Andrew Ghiassi, General Manager Safety / Chief Safety Officer
Tim Nittler, Senior Director Capital Projects

Others Participating via Zoom

Melony Self, ASL Interpreter

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

3. **Contract Award: MetroLink Stations Secure Platform-Design Services (Resolution #1219)**
8:31 a.m. President/CEO Roach thanked the Commissioners for their time in reviewing the complex package regarding the proposed contract award. He also thanked Project Manager, Kevin Scott, and Executive Vice President of Administration, Tom Curran, for their work on this project. Mr. Roach stated that this project will have a significant impact, and will, in effect, change how we do transit in St. Louis.

Mr. Curran gave an overview of this issue. He stated that management is requesting that the Board of Commissioners authorize the President & CEO to enter into a contract for MetroLink Secure Platform design services with HNTB for \$6,948,587.09, plus a five percent (5%) contingency. He stated that during the Open Meeting on May 5, 2022, the Safety & Security Committee approved Metro Transit to move forward with soliciting proposals from qualified engineering design firms to perform the final design of the security barrier gates, fencing, and camera installation for the Secure Platforms Project, and Solicitation 22-RFP-327128-CG - MetroLink Stations Secure Platform-Design Services was issued on June 3, 2022. Mr. Curran reported that in response to the solicitation, one (1) sealed proposal was received from HNTB. The single proposal was forwarded to the evaluation team, composed of staff from BSD's Engineering and Safety Departments, and HNTB's technical proposal was scored according to the technical evaluation criteria, as specified in the solicitation package. He reported that the evaluation of the proposal from HNTB, confirmed that the technical proposal met the requirements, qualifications and experience, in accordance with the scope of work described within the solicitation. Mr. Curran stated that HNTB's cost proposal of \$8,104,323.06, significantly exceeded the Independent Cost Estimate of \$4,291,001.10; however, through three separate negotiations with HNTB, costs were identified that could be reduced, including: Overhead Burden, Fixed Feed, and Labor Hours for HNTB and Sub-consultants. He reported that, upon conclusion of these discussions, BSD's Project Team requested submission of the firm's revised cost proposal. Mr. Curran stated that the Agency has received and reviewed HNTB's revised proposal, which has been adjusted from \$8,104,323.06, down to \$6,948,587.09.

Kevin Scott, General Manager – Security, addressed the Board of Commissioners. He noted that the Agency has received overwhelming support for this project from the community. He stated that the Agency is leading the way in this industry; however, management must have the support of the Commissioners on this effort to be successful. Mr. Scott stated that, after discussions with HNTB, he is certain that this is the right bidder for this project. He stated that they know and understand the system well, and were very cooperative, and open to discussion and negotiation in this complex endeavor. Mr. Scott stated that the region expects results, and the Agency intends to provide that.

Commissioner Cox asked for the amount of the original cost estimate. President/CEO Roach stated that the original estimate was \$4.2 million; however there was a significant gap between that estimate and the submitted proposal. He noted that information has been included in the packet regarding details of the five meetings that were held to discuss the proposal. Mr. Roach reported that HNTB provided valuable insights regarding the project, and adjustments were made to incorporate that input, and the layers of complexity of the project that were not anticipated. Commissioner Gladney asked if there are other aspects of the overall project that may encounter similar issues. Mr. Roach stated that this is possible, due to this being a highly complex process. He noted that HNTB has demonstrated detailed knowledge of the Metro Transit system, and staff will need to readdress issues, as we move forward through the process.

Commissioner Pestello stated that he is glad that the Agency has a firm that it has confidence in, and is exhibiting fiduciary responsibility. He noted that supply chain issues continue to impact the economy, and understands that previous estimates may not be as accurate, due to these issues. He reported that he has experienced a similar issue at the University, where costs were approximately three times the anticipated costs. He asked that Management keep these issues in mind, and leave room in the budget moving forward. Commissioner Windmiller stated that she agrees with Commissioner Pestello. She noted that a 5% contingency is noted in the contract, and posed questions regarding the size of the contingency amount. Mr. Scott stated that conversations were held with HNTB regarding the contingency amount, and HNTB has stated that they feel comfortable with this amount. Commissioner Moore asked if the contingency amount should be increased, and asked for clarification regarding the underestimation of the anticipated cost. It was noted that, due to the complexity of the project, HNTB was able to provide a better understanding of the various components of the project. Chair Simmons stated that he has had these same conversations with Mr. Roach and Mr. Scott, as he was also surprised by the costs. He stated that this is a “must do” project, and would like to see more in house accountability in the future. (Commissioner Brown noted that she was experiencing technical difficulty during the meeting, and was unable to hear much of the discussion. Chair Simmons noted the Board’s current discussion, regarding the project.)

Chair Simmons asked if the higher cost for the project has had an effect on our funding partners. Mr. Roach stated that the Agency is not asking our partners for increased funding, and residual grant funding will be allocated to the project to assist with the cost. Mr. Roach noted that a memo has been provided by CFO, Tammy Fulbright, regarding funding for the project.

Chair Simmons noted that Mr. Scott set a time frame of August 11th, to bring this issue to the Board, and has met that deadline. He stated that he has faith that Mr. Scott will continue to meet the deadlines established for the project, and he commended Mr. Scott for his efforts. Chair Simmons asked the proposed timeline for the completion of the design phase. Mr. Scott stated that he anticipates a 12 month time frame for completion of the design. He noted that, with regard to the construction phase of the project, it is anticipated that the project will be rolled out in a phased process, and the fare collection process will be included within this phase. Mr. Scott stated that a project of this caliber and complexity cannot be built all at once. Chair Simmons stated that he agrees, and he encouraged the other Commissioners to support today’s proposal. Commissioner Beach stated that he supports the project wholeheartedly.

Commissioner Beach made a motion to authorize the President & CEO to enter into a contract for MetroLink Secure Platform design services with HNTB for \$6,948,587.09, plus a five percent (5%) contingency, as presented. The motion was seconded by Commissioner Moore.

Sam Gladney – Yea
Nate Johnson – Yea
Fred Pestello – Yea
Vernal Brown – Yea
Rose Windmiller – Yea

Herbert Simmons – Yea
Terry Beach – Yea
Debra Moore – Yea
Derrick Cox – Yea

The motion passed unanimously.

4. **Motion to Move to Executive Session – If such action is approved by a majority vote of the Bi-State Development Agency’s Board of Commissioners who constitute a quorum, the Board may go into closed session to discuss legal, confidential, or privileged matters pursuant to Bi-State Development Board Policy Chapter 10, §10.080(D)(1), Personnel under §10.080(D)(3), Employee Negotiations under §10.080(D)(5), Purchasing and Contracts under §10.080(D)(7), and Auditors §10.080(D)(10).**

9:05 a.m. Chair Simmons requested a motion to allow the Committee to move into closed session as permitted under Bi-State Development Board Policy, Chapter 10, Section 10.080; (D)(1) – Legal, (D)(3) – Personnel, (D)(5) – Employee Negotiations, (D)(7) – Purchasing and Contracts, and (D)(10) – Auditors. A motion to move into Executive Session was made by Commissioner Windmiller and seconded by Commissioner Brown. A roll call vote was taken as follows:

Sam Gladney – Yea	Herbert Simmons – Yea
Nate Johnson – Yea	Terry Beach – Yea
Fred Pestello – Yea	Debra Moore – Yea
Vernal Brown – Yea	Derrick Cox – Yea
Rose Windmiller – Yea	

The motion passed, and the Committee moved into Executive Session at 9:06 a.m.

5. **Reconvene to Open Session**

9:23 a.m. The Board of Commissioners reconvened to the Regular Meeting at approximately 9:23 a.m.

Commissioner Cox made a motion to approve the Draft Procurement Card Program Audit Report (Resolution #1218), as presented. The motion was seconded by Commissioner Windmiller. A roll call vote was taken as follows:

Sam Gladney – Yea	Herbert Simmons – Yea
Nate Johnson – Yea	Terry Beach – Yea
Fred Pestello – Yea	Debra Moore – Yea
Vernal Brown – Yea	Derrick Cox – Yea
Rose Windmiller – Yea	

The motion passed unanimously.

6. **Adjournment**

9:24 a.m. Chair Simmons asked if there was any further business, and being none, Commissioner Cox made a motion to adjourn the meeting. The motion was seconded by Commissioner Brown. Unanimous vote in favor was taken. The motion passed, and the meeting was adjourned at approximately 9:24 a.m.


Deputy Secretary to the Board of Commissioners
Bi-State Development