

A RESOLUTION

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT WITH THE JOINT VENTURE OF HITACHI AMERICA, LTD. AND C. ITOH (AMERICA) INC. FOR THE CONSTRUCTION, DELIVERY AND MAINTENANCE OF 130 RAIL TRANSIT VEHICLES.

WHEREAS, the Metropolitan Transit Authority (METRO) issued an invitation for bid for the acquisition of 130 rail transit vehicles along with maintenance services for said vehicles for a minimum period of two (2) years after initiation of revenue service; and

WHEREAS, METRO received ten (10) responses to the invitation for bid; and

WHEREAS, the responses have been thoroughly reviewed for their compliance with the requirements of the invitation for bid; and

WHEREAS, the lowest bid was submitted by CAN-CAR RAIL, Inc.; however, said bid has been determined to be non-responsive for, inter alia, failure to meet the mandatory requirements; and

WHEREAS, it appears that the bid of the joint venture of HITACHI AMERICA, LTD. and C. ITOH (AMERICA) INC. with the Garrett Corporation propulsion system is the lowest responsive bid to the invitation for bid;

WHEREAS, the METRO Board of Directors is desirous of proceeding to award a contract for the rail transit vehicles specified if the joint venture of HITACHI AMERICA, LTD. and

C. ITOH (AMERICA) INC. is determined to be a responsible bidder based upon a pre-award site evaluation study and a verification of satisfactory minority business enterprise participation; and

WHEREAS, the Board of Directors hereby finds and declares that for a number of reasons an emergency exists requiring the authorization of this procurement without the usual seventy-two (72) hour advance public notice;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS THAT:

Section 1. The bid of CAN-CAR RAIL, Inc. is found to be non-responsive to the invitation for bid.

Section 2. The bid of the joint venture of HITACHI AMERICA, LTD. and C. ITOH (AMERICA) INC. is found to be responsive to the invitation to bid.

Section 3. The General Manager be and he is hereby authorized to execute a contract with the joint venture of HITACHI AMERICA, LTD. and C. ITOH (AMERICA) INC. for the acquisition of 130 rail transit vehicles with the Garrett Corporation propulsion system and maintenance services for a minimum two-year period after commencement of revenue service at a cost not to exceed \$139,301,870 provided the joint venture of HITACHI AMERICA, LTD. and

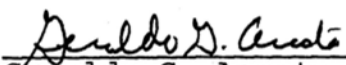
C. ITOH (AMERICA) INC. is determined to be a responsible bidder based upon the pre-award site evaluation study and verification of satisfactory minority business enterprise participation.

Section 4. This resolution is effective immediately upon passage.

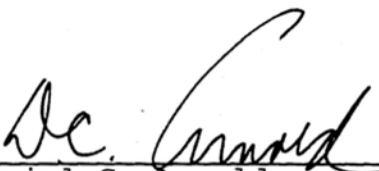
PASSED this 7th day of February, 1983.

APPROVED this 7th day of February, 1983.

ATTEST:

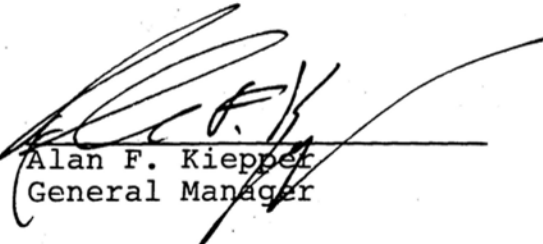


Gerald G. Acosta
Secretary



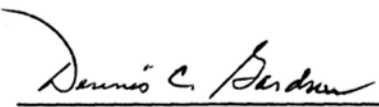
Daniel C. Arnold
Chairman of the Board

APPROVED AS TO SUBSTANCE:



Alan F. Kiepper
General Manager

APPROVED AS TO FORM:



Dennis C. Gardner
Staff Counsel

RAIL TRANSIT VEHICLE
EVALUATIONS AND AWARD

On January 12, 1983, METRO received bids from ten companies interested in providing rail vehicles for METRO's Stage One Regional Rail System. At that time, CanCar Rail Inc. (CanCar), a Canadian company, submitted the apparent low bid. METRO has thoroughly evaluated this bid and the materials submitted with it.

In the evaluation, it was found that CanCar's bid failed to comply with some of the bid instructions, failed to assure compliance with the minimum technical requirements, and rejected some essential contractual terms.

Findings of the bid evaluation include the following:

- o CanCar did not guarantee that their proposed rail vehicle would operate satisfactorily in the temperatures characteristic of Houston's summer weather. In addition, the proposed vehicle's air-conditioning capacity was found to be inadequate.
- o CanCar's bid did not fully comply with certain fire-safety and flammability requirements for vehicles. METRO insists upon these safety requirements.
- o CanCar tolerances on vehicle braking do not satisfy the mandatory requirements.
- o CanCar did not provide the requested certification that the proposed vehicle would meet the reliability requirements.
- o CanCar asked to be excused from the responsibility of coordinating the installation and checkout of train control and

communication equipment. This requirement cannot be relieved because of the critical nature of this equipment and its impact upon vehicle operations.

- o CanCar's bid did not include the price of the necessary parts to be used for the required two-year maintenance period after delivery of the vehicles.

In light of the CanCar findings, METRO staff has proceeded to evaluate the other bids and has determined that the lowest responsive bid was submitted by the joint venture of Hitachi America, Ltd. and C. Itoh (America) Inc. The Future Programs Committee recommends that the General Manager be authorized to execute the transit car contract with Hitachi-C. Itoh subject to a determination that Hitachi-C. Itoh is a responsible bidder based on a site evaluation study and a verification of their satisfaction of minority business enterprise requirements.

A RESOLUTION

ADOPTING AN OWNER-CONTROLLED INSURANCE PROGRAM FOR THE DEVELOPMENT OF THE RAPID RAIL SYSTEM.

WHEREAS, other transit authorities around the nation have found that owner-controlled (sometimes known as "wrap up") insurance is a cost-effective way to provide insurance coverage for large-scale construction projects; and

WHEREAS, METRO staff has analyzed owner-controlled programs and determined that a potential savings in excess of \$25 million in insurance premiums over the life of the rapid rail system construction project is available;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

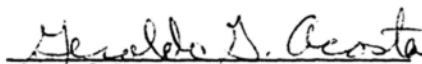
Section 1. The General Manager is authorized to develop an owner-controlled insurance program and to enter into such insurance policies as are necessary to implement this program consistent with the budgetary authorizations heretofore provided.


Section 2. This resolution is effective immediately upon passage.

PASSED this 23rd day of February, 1983.

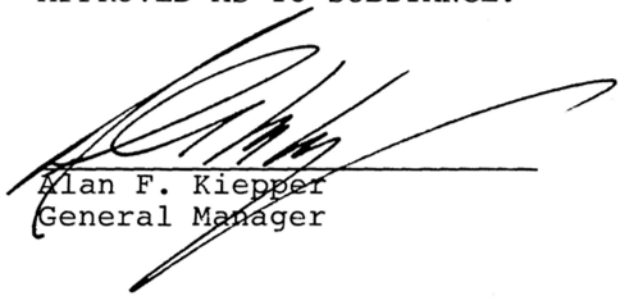
APPROVED this 23rd day of February, 1983.

ATTEST:


Geraldo G. Acosta
Secretary

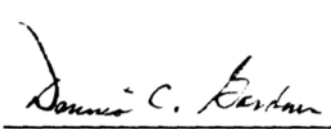

Daniel C. Arnold
Chairman of the Board

APPROVED AS TO SUBSTANCE:



Alan F. Kiepper
General Manager

APPROVED AS TO FORM:



Dennis C. Gardner
Legal Counsel

A RESOLUTION

ADOPTING THE FOURTH AMENDMENT TO THE NON-UNION PENSION PLAN AND TRUST.

WHEREAS, the collective bargaining agreement between the Transport Workers Union of America, Local 260, and the Metropolitan Transit Authority effective August 1, 1982 increased the benefit level for union employees from \$20 to \$23 per month for each year of service; and

WHEREAS, the non-union pension plan contains a "special provision" applicable to certain long-term employees who will retire between the period of August 1, 1982 and July 29, 1984; and

WHEREAS, the Board is desirous of maintaining parity between the union pension plan benefits and the non-union pension plan benefits for those employees eligible under the "special provision";

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

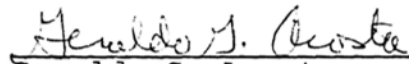
Section 1. The non-union pension plan benefits for employees eligible under the "special provision" of the non-union pension plan are hereby increased from \$20 per month for each year of service to \$23 per month for each year of service.

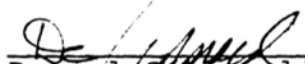
Section 2. This resolution is effective immediately upon passage.

PASSED this 23rd day of February, 1983.

APPROVED this 23rd day of February, 1983.

ATTEST:

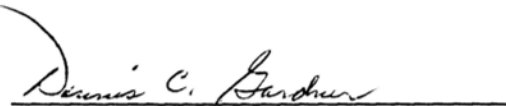

Gerald G. Acosta
Secretary


Daniel C. Arnold
Chairman of the Board

APPROVED AS TO SUBSTANCE:


Alan F. Kiepper
General Manager

APPROVED AS TO FORM:


Dennis C. Gardner
Legal Counsel

A RESOLUTION

RATIFYING THE EXECUTION OF AN EMERGENCY CONTRACT WITH TOM'S TWO-WAY RADIO AND SERVICE FOR THE REMOVAL, INSTALLATION AND RE-INSTALLATION OF RADIO COMMUNICATIONS EQUIPMENT.

WHEREAS, the rehabilitation of Grumman Flxible Corporation Model 870 buses and General Motors Corporation Model RTS-II buses has resulted in an unprecedented demand for radio communication technician services; and

WHEREAS, the METRO radio communication staff is not sufficiently large to accommodate this demand; and

WHEREAS, timely radio communications equipment installation is necessary to take full advantage of the rehabilitated vehicles; and

WHEREAS, the General Manager has submitted written justification for the procurement of radio technician services on a sole-source, emergency basis; and

WHEREAS, the METRO Board of Directors concurs in the General Manager's decision regarding the sole-source, emergency procurement of radio technician services;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The execution of a contract with Tom's Two-Way Radio Service for the removal, installation and reinstallation of radio communication equipment on a sole-source, emergency basis is hereby ratified.

RAIL TRANSIT VEHICLE
EVALUATIONS AND AWARD

On January 12, 1983, METRO received bids from ten companies interested in providing rail vehicles for METRO's Stage One Regional Rail System. At that time, CanCar Rail Inc. (CanCar), a Canadian company, submitted the apparent low bid. METRO has thoroughly evaluated this bid and the materials submitted with it.

In the evaluation, it was found that CanCar's bid failed to comply with some of the bid instructions, failed to assure compliance with the minimum technical requirements, and rejected some essential contractual terms.

Findings of the bid evaluation include the following:

- o CanCar did not guarantee that their proposed rail vehicle would operate satisfactorily in the temperatures characteristic of Houston's summer weather. In addition, the proposed vehicle's air-conditioning capacity was found to be inadequate.
- o CanCar's bid did not fully comply with certain fire-safety and flammability requirements for vehicles. METRO insists upon these safety requirements.
- o CanCar tolerances on vehicle braking do not satisfy the mandatory requirements.
- o CanCar did not provide the requested certification that the proposed vehicle would meet the reliability requirements.
- o CanCar asked to be excused from the responsibility of coordinating the installation and checkout of train control and

communication equipment. This requirement cannot be relieved because of the critical nature of this equipment and its impact upon vehicle operations.

- o CanCar's bid did not include the price of the necessary parts to be used for the required two-year maintenance period after delivery of the vehicles.

In light of the CanCar findings, METRO staff has proceeded to evaluate the other bids and has determined that the lowest responsive bid was submitted by the joint venture of Hitachi America, Ltd. and C. Itoh (America) Inc. The Future Programs Committee recommends that the General Manager be authorized to execute the transit car contract with Hitachi-C. Itoh subject to a determination that Hitachi-C.Itoh is a responsible bidder based on a site evaluation study and a verification of their satisfaction of minority business enterprise requirements.

A RESOLUTION

AUTHORIZING THE GENERAL MANAGER TO ACQUIRE REAL PROPERTY OR INTERESTS IN REAL PROPERTY WHICH DO NOT EXCEED \$100,000 IN COST.

WHEREAS, the Board has authorized the General Manager to procure goods and services in amounts up to \$100,000 without specific Board of Directors authorization; and

WHEREAS, the Regional Rail Program will involve the acquisition of a number of parcels of real property or interests in real property, many of which will be acquired at a cost of less than \$100,000; and

WHEREAS, the Board of Directors is of the opinion that the General Manager should be provided the same authorization to acquire real property or real property interests as he is for the procurement of goods and services;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The General Manager is empowered to acquire real property or interests in real property at a cost not to exceed \$100,000 per parcel without specific authorization from the Board of Directors for those projects which have been approved by the Board.

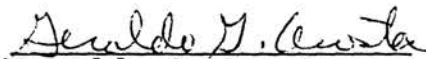
Section 2. The Authority delegated by this resolution shall be exercised in conformance with any statutory requirements for the acquisition of real property and within approved budgetary limitations as may be adopted by the Board from time to time.

Section 3. This resolution is effective immediately upon passage.

PASSED this 23rd day of February, 1983.

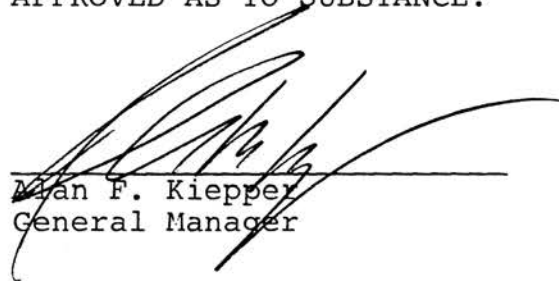
APPROVED this 23rd day of February, 1983.

ATTEST:

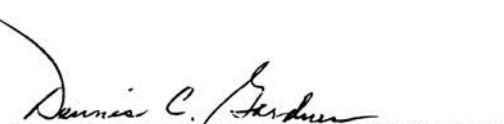

Gerald G. Acosta
Secretary


Daniel C. Arnold
Chairman of the Board

APPROVED AS TO SUBSTANCE:


Alan F. Kiepper
General Manager

APPROVED AS TO FORM:


Dennis C. Gardner
Legal Counsel

A RESOLUTION

AUTHORIZING THE SOLE SOURCE PROCUREMENT OF GENERAL MOTORS CORPORATION BUS PARTS.

WHEREAS, there is a need to expedite and facilitate purchases of bus parts and related equipment to ensure parts availability; and

WHEREAS, the majority of METRO's bus fleet consists of General Motors Corporation vehicles; and

WHEREAS, General Motors Corporation and its approved suppliers are the only source of many parts required for General Motors equipment; and

WHEREAS, by Resolution No. 82-22, the METRO Board previously recognized the need for sole source procurement of General Motors coach parts and equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The General Manager or his designee is authorized to issue purchase orders, as required, for the sole source procurement of General Motors bus parts and related equipment to General Motors Corporation and its designated suppliers.

Section 2. METRO's Manager of Purchasing and Stores is designated as the General Manager's designee for issuance of purchase orders pursuant to the sole source authorization provided by this resolution.

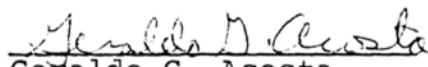
Section 3. The total amount authorized by this resolution is \$1,500,000.

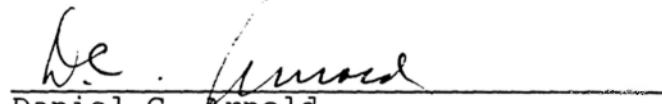
Section 4. This resolution is effective immediately upon passage.

PASSED this 23rd day of February, 1983.

APPROVED this 23rd day of February, 1983.

ATTEST:

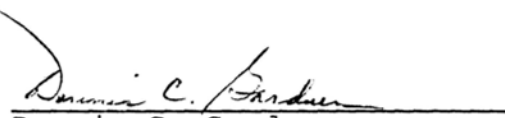

Gerald G. Acosta
Secretary


Daniel C. Arnold
Chairman of the Board

APPROVED AS TO SUBSTANCE:


Alan F. Kiepper
General Manager

APPROVED AS TO FORM:


Dennis C. Gardner
Legal Counsel

A RESOLUTION

RECOMMENDING FORMAL APPROVAL OF THE CITY OF HOUSTON PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF A BOX STORM SEWER ON WEST-PARK DRIVE FROM THE SOUTHERN PACIFIC RAILROAD CROSSING TO EDLOE STREET; AND AUTHORIZING THE GENERAL MANAGER TO DEPOSIT AN AMOUNT EQUAL TO 55% OF THE LOW BID INTO A SPECIAL JOINT PROJECT ACCOUNT.

WHEREAS, on December 26, 1979, the City of Houston (City) and the Metropolitan Transit Authority (METRO) entered into a "Mass Transportation Improvement Projects Agreement" (Agreement) which provides a mechanism for joint investment in capital improvement projects of mutual benefit to both governmental units; and

WHEREAS, the Westpark Street Improvement Project was designated as the first joint City/METRO project; and

WHEREAS, on November 26, 1980, METRO concurred in the City of Houston recommendation to enter into the design phase of the Westpark Street Improvement Project; and

WHEREAS, the City has completed design of a box storm sewer on Westpark Drive from the Southern Pacific Railroad Company crossing to Edloe Street, and the proposed contract package has been reviewed by METRO staff and approved for technical sufficiency; and

WHEREAS, pursuant to the terms of the joint project agreement, METRO is responsible for 55% of the construction cost of the contract, currently estimated at \$1,000,000, with such final cost to be established after identification of an apparent low bidder; and

WHEREAS, under Article 7 of the Agreement, formal Board approval is required before City Council will authorize bid advertisement and award;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The plans, specifications and estimate for the construction of a box storm sewer on Westpark Drive from the Southern Pacific Railroad crossing to Edloe Street are approved.

Section 2. The General Manager is authorized to deposit an amount equal to 55% of the construction cost into an account which the City shall maintain, within twenty (20) days of receipt of notice from the Director of Public Works of the City of Houston of an apparent low bidder.

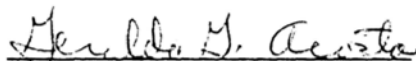
Section 3. Any earnings accrued from investment of said account shall be attributed to METRO in proportion to the amount theretofore paid in by METRO, less withdrawals for payment of construction costs.

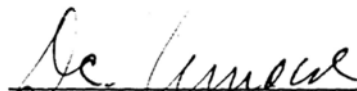
Section 4. This resolution shall be effective immediately upon passage.

PASSED this 23rd day of February, 1983.

APPROVED this 23rd day of February, 1983.

ATTEST:


Gerald G. Acosta
Secretary

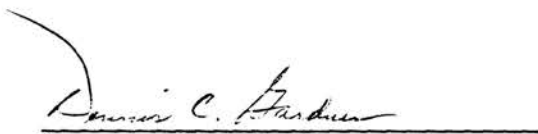

Daniel C. Arnold
Chairman of the Board

APPROVED AS TO SUBSTANCE:



Alan F. Kiepper
General Manager

APPROVED AS TO FORM:




Dennis C. Gardner
Legal Counsel


Section 2. This resolution shall be effective immediately upon passage.

PASSED this 23rd day of February, 1983.

APPROVED this 23rd day of February, 1983.

ATTEST:



Géraldo G. Acosta
Secretary


Daniel C. Arnold
Chairman of the Board

APPROVED AS TO SUBSTANCE:


Alan F. Kiepper
General Manager

APPROVED AS TO FORM:


Dennis C. Gardner
Legal Counsel

A RESOLUTION

RESCINDING THE ESCROW AGREEMENT WITH THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION AUTHORIZED BY RESOLUTION NO. 82-83 AND AUTHORIZING THE GENERAL MANAGER TO EXECUTE AN AGREEMENT WITH THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION FOR THE CONSTRUCTION SUPERVISION OF THE FIRST THREE PHASES OF THE NORTH FREEWAY HIGH-OCCUPANCY VEHICLE LANE CONSTRUCTION.

WHEREAS, the Metropolitan Transit Authority (METRO) in conjunction with the State Department of Highways and Public Transportation (SDHPT) has designated a 13.1-mile median transitway for the North Freeway to replace the current Contraflow Lane; and

WHEREAS, the Urban Mass Transportation Administration and the Federal Highway Administration have agreed to provide major funding support for this project; and

WHEREAS, administrative regulations of the two federal agencies involved have made it desirable for METRO to serve as the federal grantee and contracting agency for major portions of this project; and

WHEREAS, the project will be divided into five (5) construction phases which upon completion will provide for both a high-occupancy vehicle lane and certain additional freeway improvements; and

WHEREAS, METRO desires to utilize the highway construction expertise of the State Department of Highways and Public Transportation to manage the portions of the project for which METRO is responsible; and

WHEREAS, the METRO Board has previously authorized the payment of \$51,900,000 into an escrow account, maintained by the State Department of Highways and Public Transportation, to fund the METRO portion of this project, which account is no longer necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:

Section 1. The General Manager is authorized to execute an agreement with the State Department of Highways and Public Transportation to obtain the services of the State Department of Highways and Public Transportation at no cost to METRO for the purpose of supervising and inspecting all work performed by METRO's contractors and subcontractors for the first three phases of the North Freeway high-occupancy vehicle lane construction and freeway rehabilitation project.

Section 2. The amount of \$51,900,000 authorized by Resolution No. 82-83 to be placed in escrow for the construction of the high-occupancy vehicle lane on the North Freeway is hereby rescinded.

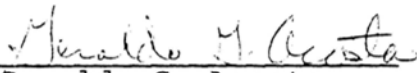
Section 3. In lieu of the escrow account, the General Manager is authorized to allocate up to \$51,900,000 from capital funds presently budgeted or to be budgeted in subsequent fiscal years to satisfy METRO's obligation for the construction of the high-occupancy vehicle lane on the North Freeway.

Section 4. This resolution is effective immediately upon passage.

PASSED this 23rd day of February, 1983.


APPROVED this 23rd day of February, 1983.

ATTEST:

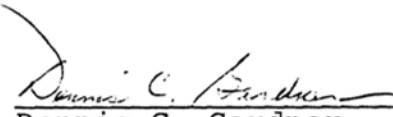

Gerald G. Acosta
Secretary


Daniel C. Arnold
Chairman of the Board

APPROVED AS TO SUBSTANCE:


Alan F. Kiepper
General Manager

APPROVED AS TO FORM:


Dennis C. Gardner
Legal Counsel

A RESOLUTION

AUTHORIZING THE GENERAL MANAGER TO EXECUTE A LEASE AGREEMENT WITH SHARPSTOWN BAPTIST CHURCH FOR USE OF THEIR PARKING LOT FOR PARK & RIDE SERVICE.

WHEREAS, park & ride service from the Sharpstown Baptist Church was initiated in the summer of 1977; and

WHEREAS, METRO staff has determined that continued service from this location is desirable for at least the next five years; and

WHEREAS, in December of 1980 METRO committed itself to pay for the necessary repairs to the parking lot arising from METRO's use of the facility as a park & ride location;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE METROPOLITAN TRANSIT AUTHORITY THAT:


Section 1. The General Manager is authorized to pay to the Sharpstown Baptist Church an amount not to exceed \$205,000 representing 5/7ths of the cost of rebuilding and resurfacing the parking lot.


Section 2. The General Manager is authorized to enter into a lease agreement with the Sharpstown Baptist Church for use of the church parking lot as a park & ride facility for a period of five (5) years at a cost of \$1 per year.

Section 3. This resolution is effective immediately upon passage.

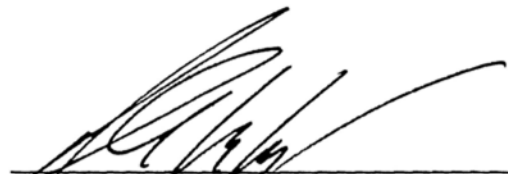
PASSED this 23rd day of February, 1983.
APPROVED this 23rd day of February, 1983.

ATTEST:


Gerald G. Acosta
Secretary

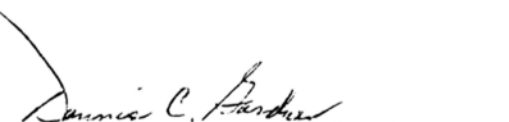

Daniel C. Arnold
Chairman of the Board

APPROVED AS TO SUBSTANCE:



Alan F. Kiepper
General Manager

APPROVED AS TO FORM:



Dennis C. Gardner
Legal Counsel