

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY
MINUTES OF THE BOARD OF DIRECTORS MEETING

(October 8, 2020)

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session via videoconference consistent with California Governor Gavin Newsom's Executive Orders N-25-20 and N-29-20 to ensure social distancing and help mitigate the transmission of COVID-19.

1. CALL TO ORDER

Chair James Wunderman called the meeting to order at 12:30 p.m. He welcomed directors, staff, and meeting guests and noted that the meeting was being recorded. Chair Wunderman advised guests about offering public comment and how guests could sign up to speak throughout the meeting.

2. ROLL CALL

Chair Wunderman, Director Jessica Alba, Director Jeffrey DelBono, Director Anthony Intintoli, and Director Monique Moyer were in attendance.

3. PUBLIC HEARING ON WETA'S PROPOSED CLIPPER START MEANS-BASED DISCOUNTED FARES

Chair Wunderman explained that the purpose of this item was to receive comments on the proposed Clipper START means-based discounted fares which was being considered later in the meeting and opened the public hearing at 12:32 p.m. He called for public comments and because there were none, he closed the public hearing at 12:33 p.m.

4. REPORT OF BOARD CHAIR

Chair Wunderman stated that though the videoconference meetings were an improvement over teleconferencing, he really missed the in-person meetings. He reported that the Bay Area Council was spending a lot of time on the issue of getting people back to work and everyday more was being learned about the virus and the continual work being done on testing and developing a vaccine. He stressed the importance of continuing to create the safest, possible environment. Chair Wunderman noted that there has been interest and that progress was being made on the search for a new Executive Director.

5. REPORTS OF DIRECTORS

Director DelBono reminded everyone to get out and vote.

Director Moyer reported that she had an opportunity to visit and see the new Downtown San Francisco Ferry Terminal noting the design to address emergency response needs and flooding, and congratulated WETA on its vision, effort, and commitment put into this project. She added that she too looked forward to in-person meetings which would bring her back to the waterfront. She said that in a recent CBRE survey that the health of the community and transportation were key concerns that were keeping people from coming back to work and expressed her appreciation of the continued messaging of the safety measures being taken.

Director Alba thanked the crew for their hard work in keeping passengers safe. She expressed her appreciation to Public Information & Marketing Manager Thomas Hall and his marketing team for keeping the Board and public informed of ridership levels and specific capacity and availability on each ferry. She hoped that the pictures of the Bay that were being shared would help attract riders to the ferry. Lastly, she indicated that she was looking forward to getting out and back on transit and was planning a trip from Redwood City into San Francisco on Caltrain within the next few weeks to check out how the ferries were doing.

6. REPORTS OF STAFF

Executive Director Nina Rannells provided five written reports to Directors and added that at the request of the City of Richmond, WETA allowed access to the Richmond Ferry Terminal parking lot to the Food Bank of Contra Costa & Solano which distributed 14,311 pounds of food serving 180 households and 692 people. She thanked Operations & Maintenance Manager Keith Stahnke and his staff for their assistance in facilitating this event.

In response to Director DelBono's question about AB 107 which would allow agencies to use more state funding for capital and operating expenses than normal, Ms. Rannells clarified that AB 107 addressed minimum qualifications for state transit assistance and other kinds of funding but that it did not apply to Regional Measure 3 (RM3).

Ms. Rannells offered to answer any questions and then invited Planning & Development Manager Kevin Connolly to provide an update on the Monthly Ridership and Recovery Report. Mr. Connolly noted that ridership was highly sensitive to air quality and smoke conditions which affect many people in the construction industry adding that ridership increased by 10 percent when the air was relatively clear and dropped to 6 percent on the smoky days. He stated that the fluctuating ridership was tracking towards a stable level since the beginning of July. He added that ridership was higher in July than in August averaging around 8 percent of pre-COVID ridership in response to Director Alba.

Director Alba commented bridges and transit were operating at approximately 85 and 5 to 35 percent, respectively, pre-COVID and that congestion would be back when bridge and highway occupancy reached 90 to 95 percent.

Director Moyer asked for more detailed information on bridge volume. Mr. Connolly said that through WETA's BayAlerts text and email system to opt-in riders that WETA is able to receive feedback quickly. Early in the pandemic around May, most riders responded that they had not lost their jobs but were working from home and that WETA discussed the need for a new survey directed to existing and former passengers. Mr. Connolly noted that bridge traffic data was a month behind and expected to see more ridership on the ferry as bridge traffic increased.

Ms. Rannells added that all transit systems were suffering, however, commuter services such as the ferries and Caltrain lost more ridership than bus systems focused on local community trips carrying transit-dependent riders. She said that WETA's recovery plans and projections assumed that there would be more of a recovery by now and that WETA would check in with employers with a large ridership to help determine whether there was enough potential volume to reactivate other services.

Director Moyer said concerns about virus transmission, childcare, the risk associated with transportation, and the success of working remotely are keeping people from returning to the office. She added that capacity limits based on local law were being implemented in the offices that have reopened.

Chair Wunderman stated that the Bay Area Council was working on keeping the region attractive to companies. He said he is hearing concerns and difficulties about the of long-term effects of working from home and that collaboration is challenging and that people are feeling lonely, isolated, and disconnected.

7. CONSENT CALENDAR

Director DelBono made a motion to approve the consent calendar:

- a. Board Meeting Minutes – September 3, 2020
- b. Authorize Release of a Request for Proposals for Engineering and Design Services for the Alameda Main Street Ferry Terminal Refurbishment Project

Chair Wunderman called for public comments on the consent calendar and there were none.

Director Intintoli seconded the motion and the consent calendar carried unanimously.

Yeas: Alba, DelBono, Intintoli, Moyer, Wunderman. Nays: None.

8. ADOPT CLIPPER START MEANS-BASED DISCOUNTED FARES

Transportation Planner Arthi Krubanandh presented this item recommending that the Board adopt the Clipper START means-based discounted fares which would provide a 50 percent discount on WETA's cash fares for eligible adults.

Chair Wunderman stated that this initiative was timely and important in terms of developing an equitable transportation system to attract people to ride water transit who have not ridden in the past due to the cost.

Director Intintoli made a motion to approve the item.

Director DelBono stated that he was pleased to be part of a board that was unanimously supportive of this initiative. He said he was interested in learning about the roll out process and assisting people in overcoming any barriers in order to access this benefit.

Chair Wunderman thanked Director DelBono for his leadership on this program.

Director Alba added that attracting new riders to a traditionally commuter service and making it more affordable are important.

Chair Wunderman called for public comments and there were none.

Director Moyer seconded the motion and the item passed unanimously.

Yeas: Alba, DelBono, Intintoli, Moyer, Wunderman. Nays: None.

9. APPROVE PARTICIPATION IN THE CLIPPER START PILOT PROGRAM

Mr. Connolly presented this item recommending approval in the participation in the Clipper START pilot program with the Metropolitan Transportation Commission (MTC) and authorize the Executive Director to take necessary actions as may be required.

This program is designed to make transit more affordable and provide a more consistent regional standard for fare discounts. The implementation of the Clipper START program is estimated to be \$133,300 in reduced fare revenues in FY 2020/21.

Mr. Connolly introduced MTC Clipper Program Coordinator Helise Cohn to provide an overview of the application process and the marketing and promotional activities of the program.

Ms. Cohn said the 18-month pilot program launched on July 15 with four operators and that she would ask about extending the program beyond January 2022 in response to Director Alba.

Ms. Rannells added that there is a very strong desire across Bay Area transit operators to have this program and, as a result, she believes that it is highly likely that the program will be extended and made permanent at the end of the pilot.

Director Alba expressed that she would like to see this valuable program become permanent.

Director DelBono asked about WETA donating advertising space on vessels and at the terminals. Public Information & Marketing Manager Thomas Hall responded that WETA has committed to using on board displays on vessels and signage at the terminals free of charge.

Mr. Hall added that WETA is working with parallel transit agencies to promote the program and that WETA was planning to bring starter packs containing complimentary tickets and other helpful rider information into targeted communities to invite riders onto the ferry.

Director Alba made a motion to approve the item.

Chair Wunderman called for public comments and there were none. He thanked MTC for their leadership and said he was proud and pleased with the Board for their insight and for moving this forward.

Director DelBono seconded the motion and the item passed unanimously.

Yeas: Alba, DelBono, Intintoli, Moyer, Wunderman. Nays: None.

10. APPROVE ACTIONS RELATIVE TO CONTRACT AWARD IN RESPONSE TO RFP 19-013, MV BAY BREEZE AND MV SOLANO REPLACEMENT VESSELS

Mr. Stahnke presented this item recommending approval the following actions related to RFP 19-13, *MV Bay Breeze* and *MV Solano* Replacement Vessels:

1. Approve contract award to Mavrik Marine Inc. (Mavrik) for the procurement of two high-speed ferries in an amount up to \$30,314,474, including a base contract award of \$29,314,474 and a contingency of \$1,000,000 (3.5%) and authorize the Executive Director to negotiate and enter into an agreement and take any other related actions as may be necessary to support this work; and
2. Approve a contract amendment to increase the not-to-exceed amount by \$400,000 for Agreement 19-012 with Aurora Marine Design to provide construction management support for the vessel replacement project.

This project provides for design, construction, and delivery of two new 320-passenger, 36-knot ferries to replace the *MV Bay Breeze* and *MV Solano* including an option for a third vessel.

Mr. Stahnke shared a presentation on Mavrik's proposed vessel design and then introduced Mavrik President Zachery Battle who thanked the Board for the opportunity.

Mr. Stahnke stated that the Mavrik vessels have a maximum speed of 36 knots, the highest of any of the proposers. He explained that there were no specific speed restrictions in the bay other than a safe speed and wake restrictions as it applies to shoreline damage in response to directors' questions.

Ms. Rannells added that a mid-sized, faster speed vessel was determined to provide the most flexibility to operate on any of the services and felt that these vessels would serve WETA well into the future.

Director Intintoli pointed out that Mavrik's vessel design offered minimal risk, superior environmental impact, and a high level of efficiency and asked if anyone wanted to provide additional comments or more detail. Mr. Stahnke stated that much consideration was placed in these areas and in cost savings due to less fuel consumption and a shallower draft to minimize dredging at terminals.

In response to Director Alba, Mr. Stahnke stated the capacity for bicycles is 42. Director Alba appreciated the flexibility and consideration of the Small Business Enterprise (SBE) participation and was personally hopeful as a past consultant in Mavrik's commitment to work with subcontractors that may become California Disadvantaged Business Enterprise (DBE) certified.

Director Moyer thanked all the respondents for their interest and efforts in submitting proposals. She asked about checking references and how some of the efficiency factors were determined. Mr. Stahnke stated that this current design is being operated in England and that Mavrik has built boats in the United States on a smaller scale adding that the English company had additional vessels built because of the performance and the low energy consumption.

Director Moyer asked if WETA will have recourse if vessel performance requirements are missed especially those related to speed and efficiency. She expressed her disappointment of the zero DBE goal and challenged Mavrik to find creative ways to achieve DBE/SBE participation.

Ms. Rannells acknowledged the directors' concerns and clarified that only DBEs certified in California could be counted based on the way the Federal Transit Administration (FTA) manages this program, which is problematic when you are dealing with shipyards in another state.

Program Manager/Analyst and DBE Manager Lauren Gularte commented that awarding the contract to a shipyard out of state further limited DBE participation since FTA regulations only allowed for DBEs that are certified in the state where the agency is doing business. She noted that only one of the proposals offered any DBE participation at 0.6 percent, that marine industry DBEs were scarce, and that WETA has never had any DBE participation in building vessels despite targeted efforts to promote participation.

Chair Wunderman asked staff to figure out ways to get DBE participation as WETA looks to purchase and acquire future vessels. Director Intintoli stated that the Mare Island drydocks are ready to go.

The directors expressed interest in building the boats in the Bay Area if available.

Chair Wunderman reminded directors that this award was subject to a protest and asked WETA General Counsel Madeline Chun from Hanson Bridgett LLP to brief the directors on the responsibilities relative to the protest.

Ms. Chun stated that the protest procedure is outlined in FTA regulations and in WETA's Administrative Code (Code) noting that the Executive Director is the determinant of the protest. The WETA received protests from three proposers and after a thorough and meticulous review of the documentation as provided for in the Code, the Executive Director pursuant to the Requests for Proposals (RFP) and WETA's Code, issued a written determination rejecting all three protests. Ms. Chun said at this point, that the Board does not review the protest disposition and that the Executive Director's decision was final. She added that their job as Board members was to ask questions and decide whether they were comfortable in proceeding to consider action to award the contract and suggested that this was a good time to receive public comment.

PUBLIC COMMENT

All American Marine Inc. Business Development Manager Ron Wille expressed his disappointment in losing the bid but felt that the scoring needed to be reviewed for calculation errors and asked that all requested public records be provided and that the decision to award be tabled until the next meeting.

Mr. Wille asked for approval to share a summary of the vessel metrics that were considered from all the proposals. Ms. Chun stated that it was the call of the Chair to accept extended public comment. Chair Wunderman allowed Mr. Wille to share.

PUBLIC COMMENT

Nichols Brothers Boat Builders Chief Executive Officer Gavin Higgins asked that all requested public records be provided, that the RFP be reissued, and that contract award be delayed.

Chair Wunderman said that the process may appear subjective due to the many variables considered to obtain the greatest value to WETA and gave staff the opportunity to respond to comments.

Ms. Rannells stated that she did a thorough review in addressing the protests working closely with the WETA legal team and ultimately rejected the protests. She stated that some of the allegations being made today were simply not true, but that she did not feel that it was appropriate to get into a lengthy discussion as the protest matter was closed. She further stated that WETA put together an extensive RFP and review process and followed it and that as a result of this process the Mavrik vessel was found to be the highest value to WETA.

WETA General Counsel Steven Miller from Hanson Bridgett LLP reminded the Board that a determination on the protest had been made and is final and that the decision now was whether or not to approve the contract award.

Director DelBono stated that in working with WETA's small staff, he has never seen staff do anything except be above board and transparent and understood why the Board was not involved in the protest process. He recalled a previous protest on a similar project and asked to gain a clearer understanding of the procurement process to make it better for everyone going forward.

Ms. Chun said that there were pros and cons to options that existed in terms of completing the review including taking more time with it. She added that she was confident WETA had met the legal requirements of the California Public Records Act (CPRA) which WETA responded to in a

timely manner. She stated that the germane documents that were pertinent to the recommendation were provided to all the proposers and referred to Mr. Miller to provide further information.

Mr. Miller agreed that WETA responded timely with ample and sufficient information provided under the law for the purposes of lodging the protest which included the proposals and the scoring by criteria. He noted that staff was still in the process of gathering the copious amounts of information that were requested, but he felt that the CPRA was not a basis to entangle the discussion and decision on this issue.

Director DelBono wanted to know if waiting until the next meeting to award the contract in order to provide the missing information for more transparency to the protesters was worth considering. Mr. Miller stated that the detailed scoring results of the RFP are not ordinarily provided as public record in response to Director Alba.

Director Alba asked for clarification on power consumption at 34 knots. Mr. Stahnke said that power consumption was measured at 34 knots for all proposers. He said that WETA has refined the vessel procurement process over 15 years of purchasing vessels and that WETA had taken additional measures to reduce the subjectivity in scoring the proposals in this procurement. He stated that he was confident with the scoring, the process, and the integrity of the evaluation committee.

Director Alba stated that she felt comfortable that Mavrik would achieve power consumption of 3100 kw at 34 knots as promised and was ready to move forward. She thanked the staff for going through a rigorous, transparent process and stated that she understood that small changes in vessel design could have big impacts.

Director Moyer thanked the staff for their efforts and hard work. She struggled with the 25 percent difference in the scoring of the vessel metrics and DBE participation. She assumed that additional points were given for a 36-knot vessel and asked for assurance at the outset that the Mavrik vessel was 25 percent better than the next highest bidder.

Mr. Stahnke said the criteria of the RFP was a guaranteed speed of 34 knots which would be tested during sea trials adding that WETA would reject the vessel if 34 knots had not been met. He said that Mavrik guaranteed a speed of 36 knots but some of the other proposers did not have the confidence to submit greater than the minimum required 34 knots which was affected by hull form and shape, construction, and weight.

Engineering & Maintenance Administrator Timothy Hanners confirmed that Mavrik had received a higher score in the speed category. He noted that the Mavrik design was the most efficient which was evaluated at 34 knots. He said that they would be held accountable and that there would be financial repercussions if the vessel did not meet the guaranteed speed.

Director Moyer asked how Mavrik was able to guarantee this proposed vessel if there is not one in existence in the United States.

Mr. Stahnke stated that there was a lower risk for the Mavrik vessel as it was based on parentcraft that has been in operation for 17 years whereas, some of the other proposed vessels have never been built or do not have parentcraft.

Ms. Rannells added that there is an inherent risk in building an unproven boat but that there was less risk with this proven Mavrik design with the associated vessel metrics.

Director Intintoli expressed his appreciation of the discussion and the details that were provided. He indicated that he was not surprised by the number of protests due to the contract amount for two vessels with an option for a third vessel if decided later by the Board.

Director DelBono reiterated that he would like to understand how the procurement and protest process worked since WETA was going to be building more vessels in the future.

Director Intintoli made a motion to approve the item.

Chair Wunderman provided some final comments on the multiple factors that were considered in determining the best value and a brief summary of what had been discussed.

Director Moyer explained that she still needed more information but was ready to vote on the item.

Director Alba seconded the motion and the item passed with a majority of four votes of the Board.

Yeas: Alba, DelBono, Intintoli, Wunderman. Nays: Moyer.

Chair Wunderman thanked the staff and proposers for all their work and efforts and agreed to have staff work with a few members to review WETA's procurement process for the future, to make sure that everyone understands the process up front..

11. CONSIDER PROPOSAL TO IMPLEMENT A REDUCED FARE PROMOTIONAL PROGRAM

Chair Wunderman invited Director DelBono to introduce the item to consider taking action and providing staff with direction on a proposed new reduced fare promotional program. Director DelBono suggested some ideas for Board discussion to promote the ferry service and increase ridership starting with one dollar or even free rides.

Director Intintoli expressed his concerns about the use of cash, social distancing, the potential need for backup service and associated costs, and the issue of the Vallejo monthly pass.

Mr. Hall stated that an average of 38 monthly passes were sold for the past three months, much lower than usual in response to Director Alba. He added that most of the passes were purchased through the ticket office but that there were a few who received the pass through payroll deduction using benefits administrator WageWorks. He noted that WETA needed to find a way to address the deductions already taken for the month of November.

Ms. Rannells said that staff would work to figure a way to address the issue depending on what direction was decided and that this should not stop WETA from moving forward on the proposal.

Director Alba was open to discussing other ideas and expressed her support of the dollar ride using contactless payment Hopthru and adding extra boats if costs were similar to remaining idle.

PUBLIC COMMENT

City of Richmond Chief of Staff Christopher Whitmore on behalf of Mayor Tom Butt thanked the Board for the opportunity and expressed his support of the promotional program.

Director DelBono asked for staff input on the ideas that were presented and the timeline for possible implementation.

Ms. Rannells agreed with Director Alba that riders would have a personal investment with the dollar ride using Hoptaru. She expressed concern that through past experience that free rides can be unmanageable and become a negative experience for all. She asked Mr. Hall to expand on the advertising piece given the upcoming November election.

Mr. Hall suggested that the program could start in November, but that the larger marketing push would take place just after the election and in time for Thanksgiving week. He added that children under 18 could ride free with a paying adult and perhaps limiting the number of children to four or five per adult.

Director DelBono made a motion for the month of November to offer one dollar rides through the Hoptaru application with up to five children riding free with an adult. He requested that staff report back on the program in November, which would provide the Board with the option to extend the promotion into December.

Chair Wunderman called for public comments and there were none. He asked WETA make the most of this opportunity and look for partners to promote activities near the Ferry Building and along the Embarcadero.

Director Alba seconded the motion and the item passed unanimously.

Yeas: Alba, DelBono, Intintoli, Moyer, Wunderman. Nays: None.

12. TAKE ACTION TO OPPOSE PLAN BAY AREA 2050 TELECOMMUTE STRATEGY

Chair Wunderman opened the discussion about Metropolitan Transportation Commission's (MTC) Plan Bay Area 2050 Final Blueprint Strategy EN7: Institute Telecommuting Mandates for Major Office-Based Employers, as currently described, which proposes to mandate that large employers have at least 60 percent of their employees telecommute on any given workday. Plan Bay Area 2050 includes strategies to integrate transportation, land-use, and housing to achieve state-mandated, regional targets for the reduction of greenhouse gas emissions (GHG) from passenger vehicles.

He said that the strategy would basically require that 60 percent of eligible remote workers in companies of 25 or more employees work remotely. He thought that it was a bad idea and expressed his concern that this was a desperate strategy that was being considered to reduce GHG emissions by 19 percent as required by the California Air Resources Board (CARB).

Chair Wunderman said that MTC would be holding a hearing and that the Bay Area Council was organizing the many concerns that were being raised amongst its business members.

Mr. Connolly added this was a big concern and surprise for the transit agencies who had been meeting weekly and were participating in the Plan Bay Area process. He noted that the resolution recommended for Board adoption was being brought to several other Bay Area transit boards.

Mr. Connolly said that all of WETA's near-term transit projects in WETA's Strategic Plan were included in Plan Bay Area 2050 but indicated that the modeling which included future investments in transit, toll lanes, and express lanes still did not achieve the CARB goal with the anticipated population growth.

Chair Wunderman commented that this strategy of working remotely was going to further separate societies and damage transit systems. He said other regions were struggling to meet similar requirements but limiting vehicle miles traveled was the best way to reduce GHG.

Chair Wunderman added that MTC was in a tough position since transportation funding is based on GHG reductions and that statewide policies did not count towards the region's goals. He said this was an important goal and that transportation agencies should think about reviewing the law and regulations of SB 375.

Director Intintoli made a motion to approve the item.

PUBLIC COMMENT

Inlandboatmen's Union of the Pacific Regional Director Robert Estrada supported opposing the telecommute strategy.

PUBLIC COMMENT

Chair Wunderman directed meeting guest Sean as to where he could locate the various models that MTC had taken into consideration.

Director Moyer seconded the motion and the item passed unanimously.

Yeas: Alba, DelBono, Intintoli, Moyer, Wunderman. Nays: None.

13. WETA SYSTEM EXPANSION POLICY OVERVIEW, REDWOOD CITY FERRY FEASIBILITY STUDY

Mr. Connolly presented this informational item on the WETA's System Expansion Policy in relation to work in examining the feasibility of Redwood City ferry service. He shared his presentation which included a timeline for project implementation and the permitting requirements along the way. He said that WETA's Strategic Plan and the expansion policy were intended to place boundaries to design a sustainable service and the key measures that were used to evaluate projects.

Mr. Connolly spoke about the analyses that were being explored in the feasibility study and that the study included the Redwood City's own policy and economic goals. He further noted that staff would bring the full feasibility study forward for presentation to the WETA Board at the November meeting.

PUBLIC COMMENT

Redwood Creek recreational boater Susan Rowinski shared her experiences of wake wash from commuter ferries and had questions about ridership forecasts.

PUBLIC COMMENT

Citizens Committee to Complete the Refuge Co-Chair Gail Raabe asked if the Redwood City ferry terminal would be available to private, commercial high-speed ferries and said any additional ferry trips should be included in the environmental impact analysis.

PUBLIC COMMENT

Redwood City Port Commission Chair Lorianna Kastrop supported the project and thanked the Board for pursuing Redwood City ferry service.

Director Moyer thanked the public for providing comment and the importance of bringing in a public ferry system.

Director Alba looked forward to following the study.

Chair Wunderman said that Redwood City was an opportunity to reduce pressure on other systems and thanked Redwood City for their patience.

14. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

Chair Wunderman called for public comments on non-agenda items and there were none.

With all business concluded, Chair Wunderman adjourned the meeting at 4:11 p.m.

- Board Secretary

END