

LYNX Finance & Audit Committee Agenda

Meeting Date: 01/18/2024
Meeting Time: 1:30 PM

Central Florida Regional Transportation Authority
455 N. Garland Ave.
2nd Floor Board Room
Orlando, FL 32801

As a courtesy to others, please silence all electronic devices during the meeting.

1. Call to Order

2. Approval of Committee Minutes

-  Finance Committee Minutes - October 19, 2023

Pg 3

3. Public Comments

- Citizens who would like to speak under Public Comments shall submit a request form to the Assistant Secretary prior to the meeting. Forms are available at the door.

4. Chief Financial Officer's Report

5. Consent Agenda

A. Extension of Contracts


- i.  Authorization to Extend Contract with Beep, Inc.

Pg 7

B. Miscellaneous

- i.  Authorization to Update the Employee Awards and Service Recognition Policy

Pg 9


- ii.  Authorization to Enter into a Memorandum of Agreement with Orange County for In-Kind Transit Planning Services to Lead the NEPA, Preliminary Design, and Entry into Project Development for the International Drive Transit Project

Pg 11


-Attachments 

- iii.  Authorization to Issue a Task Order to Kittelson and Associates, Inc. for a Not to Exceed Amount of \$172,710 for General Planning Services to Complete a Sustainability and Resiliency Plan

Pg 22

- iv.  Authorization to Enter into Sub-Recipient Agreements and Award Funds Under Section 5310 to Selected Human Services Agencies

Pg 24

- v.  Authorization to Ratify Grant Applications Submitted to the Florida Department of Transportation (FDOT) and adoption of Resolution # 24-001

Pg 26




-Attachments 

- vi.  Authorization to Purchase Twenty-Five (25) 40' Compressed Natural Gas (CNG) Replacement Buses




Pg 30

- vii.  Authorization to Purchase Two (2) Replacement Vehicles for NeighborLink Transit Services

Pg 32

- viii.  Authorization to Dispose of Items Accumulated Through the Lost and Found Process Pg 34
- ix.  Authorization to Auction Surplus Capital Items Pg 36
- x.  Authorization to Assign Contingency in the Amount of \$1,478,658 to the Pine Hills Bus Transfer Center Project to McCree General Contractors, LLC Pg 39

6. Discussion Items

- A.  Update to the Vanpool Program Pg 42
- B.  FY2023 Preliminary Operating Results Pg 43
- C.  FY2025 Budget Assumptions Discussion Pg 44

7. Other Business

8. Adjourned

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans With Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Benjamin Gonzalez at 455 N. Garland Ave, Orlando, FL 32801 (407) 254-6038, not later than three business days prior to the meeting. If hearing impaired, contact LYNX at (407) 423-0787(TDD).

LYNX
Central Florida Regional Transportation Authority
Finance and Audit Committee Meeting Minutes

PLACE: LYNX Central Station
455 N. Garland Avenue
2nd Floor, Board Room
Orlando, FL 32801

DATE: October 19, 2023

TIME: 1:30 p.m.

Members in Attendance:

Jo Santiago, FDOT, 5th District
Michelle McCrimmon, City of Orlando
Tim Jecks, Seminole County
James Goldsmith, LYNX Attorney

Staff in Attendance:

Leonard Antmann, Chief Financial Officer
Michelle Daley, Director of Finance
Bruce Detweiler, Manager of Service Planning

1. Call to Order

Vice Chair McCrimmon called the meeting to order at 1:30 p.m.

2. Approval of Minutes

Tim Jecks moved to approve the September 21, 2023 Finance and Audit Committee meeting minutes. Seconded by Jo Santiago. The minutes were unanimously approved as presented.

3. Public Comments

No members of the public were present to speak.

4. Chief Financial Officer's Report

Lenny Antmann, Chief Financial Officer, provided the following updates:

- Pine Hills Transfer Center groundbreaking ceremony is scheduled for October 30th at 1:30 pm. The buildout is planned for 14 months but the vendor is targeting 12 months.
- The ERP contracts have been executed and a kick-off meeting is being coordinated. This is expected to be an 11 to 12-month project.
- Ridership continues to remain steady. Fixed Route is averaging 55,000-60,000 rides per day. Paratransit ridership is averaging 90% of pre-COVID levels; we budgeted FY2024 at 95%.
- NeighborLink is kicking off new software effective November 1st; TripSpark – this upgrade will be customer facing and provide information on schedules and the ability to track their trips.

- The December Oversight & Board meetings will be cancelled due to lack of quorum. As a result, we will cancel the November 30th Finance & Audit Committee meeting and blue sheet the *2024 Finance and Audit Committee Meeting Dates* Action Item to today's agenda.
- Joel Knopp with MSL is here to present the Audit plan for this year. We request that Discussion Item 7: *Presentation of FY2023 Audit Plan by MSL, PA CPAs & Advisors* be presented before Consent Agenda.
- Several items were added to the Oversight and Board agendas after we published:
 - Authorization to Award a Contract to Kimley-Horn and Associates, Inc. for Architecture and Engineering Services for HVAC Systems Replacement & Enhancement at LYNX Central Station and LYNX Operations Center. The NTE is \$500,000 and is included in the FY2024 Capital Budget.
 - Authorization to Negotiate and Award a Contract to Employers Choice Online, Inc. d/b/a Employers Choice Screening for Pre-Employment Background Screening & Related Services. They are our current vendor.
 - Authorization to Extend Contract #20-C28 with Akerman, LLP for Legal Services - General Counsel. We are asking for a six-month extension on the current General Counsel contract with Akerman. We don't feel that we will be ready to award the new contract by December 5th when the current contract expires. We will expand the NTE accordingly to cover the additional months.
 - Board Discussion Items: Fiscal Year 2023 System-Wide Origin and Destination Survey Presentation and Overview of Employee Engagement and Mission, Vision, Values Program.

Mr. Antmann concluded his report.

5. Consent Agenda

Vice Chair McCrimmon asked if there were any changes to the Consent. Mr. Antmann stated that he recommends the entire Consent Agenda for approval.

A. Invitation for Bid (IFB)

- i. Authorization to Release an Invitation for Bid (IFB) for the Procurement of Bulk Motor Oil and Fluids

B. Award Contracts

- i. Authorization to Negotiate and Award a Contract to Barracuda Building Corporation for the Construction of a Bus Bay and Associated Amenities at the Saint Cloud Walmart

C. Extension of Contracts

- i. Authorization to Exercise the Third Option Year of Contract #20-C33 with Akerman, LLP for Legal Services – Pension
- ii. Authorization to Exercise the Third Option Year of Contract #20-C29 with Gray Robinson, P.A. for Labor/Employment Legal Services

D. Miscellaneous

- i. Authorization to Reappoint Brian Anderson to Pension Trustee and Administrative Committee Boards
- ii. Authorization to Execute Change Order #3 with Garcia Civil Contractors, Inc. for the Florida Mall Transfer Center Construction Project in the Amount of \$50,862

Tim Jecks made a motion to approve all Consent Agenda items, second by Jo Santiago. Motion passed unanimously.

6. Action Items

A. Authorization to Implement December 10, 2023 Service Changes

Mr. Antmann introduced Bruce Detweiler, Manager of Service Planning to provide an overview of the December Service Changes and the Amendment to the Central Florida Tourism Oversight District (CFTOD) FY2024 Agreement.

The December 10th Service Change is comprised of one Seminole County route change, minor schedule adjustments on several fixed routes to improve on-time performance, continued NeighborLink Reimagining program that will affect three Orange County routes, continued reallocations between very low ridership routes and routes with greater need, and a new Disney area route. All proposed changes will be budget neutral except for the new Link 307 - Disney Circulator.

The new Disney Circulator - Link 307 route will operate daily 5:45 a.m. - 12:24 a.m. between Disney Springs Transfer Center, Epcot Cast Service entrance and J.W. Marriott Bonnet Creek. The route is timed to make connections with Link 300 at Disney Springs. This new service will be funded by Central Florida Tourism Oversight District (CFTOD). This will increase the local revenue to \$1,145,046 annually. As a result of this addition, the current CFTOD agreement will need to be amended to include funding for the Link 307 service for the period of December to September.

Jo Santiago made a motion to approve Action Item 6.A., second by Tim Jecks. Motion passed unanimously.

B. Authorization to Amend the Central Florida Tourism Oversight District (CFTOD) Agreement for FY2024

Tim Jecks made a motion to approve Action Item 6.B., second by Jo Santiago. Motion passed unanimously.

C. Approval of the LYNX Finance and Audit Committee Meeting Dates for 2024.

As referenced in the Chief Financial Officer's Report, this action item was blue sheeted into today's agenda. The committee members in attendance confirmed that the 1:30 pm start time remains the preferred start time and recommended revisiting this item at the next Finance and Audit Committee meeting when all members are present.

Jo Santiago made a motion to approve Action Item 6.C., second by Tim Jecks. Motion passed unanimously.

7. Discussion Items

A. Presentation of FY2023 Audit Plan by MSL, PA CPAs & Advisors

Mr. Joel Knopp, Shareholder MSL, provided a presentation of the audit planning communications for the fiscal year ended September 30, 2023.

- The MSL audit team will remain consistent from prior year.
- MSL will continue IT Security Assessment and review General Controls over financial applications and user controls utilizing Suralink, our secure document transfer portal, and IDEA, our database software used for sampling.
- Our responsibilities are to audit under Generally Accepted Audit Standards, that include government audit standards as well as uniform guidance for federal grants and Florida statues related to state grants and special districts.
- Audit procedures we will cover Internal Controls, Compliance, Single Audit (Federal and State).
- Management and Governance responsibility to set the tone for internal controls for the organization and to make sure controls are designed/operating appropriately and take responsibility for the financial statements.
- The Significant Audit Areas:
 - Federal, State and local grant receivables/revenues
 - Capital Asset Accounting
 - Federal and State transportation grant compliance
- New Accounting Standards
 - GASB 91 – Conduit Dept Obligations (effective FY23)
 - GASB 94 Public-Private and Public-Public Partnerships and Availability Partnership Payment Arrangements (effective FY23)
 - GASB 96 Subscription-Based Information Technology Arrangements (effective FY23)
 - GASB 97 – Certain Component Criteria, and Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans (effective FY23)
 - GASB 99 – Omnibus 2022 (effective FY23)
 - GASB 100 – Accounting Changes and Error Corrections (effective FY24)
 - GASB 101 – Compensated Absences (effective FY25)
- MSL Audit Schedule:
 - Interim Field work – August 2023
 - IT Assessment – November 2023
 - Year-end Fieldwork – December 2023 – January 2024
 - Review of Financial Statements – February 2024
 - Presentation to Audit Committee – March 2024
 - Submission of ACFR to GFOA – by March 31, 2024

8. Other Business

None

9. Adjourned

The meeting adjourned at 1:53 p.m.

LYNX Finance & Audit Committee Agenda

Consent Agenda Item #5.A. i

To: LYNX Finance & Audit Committee

From: **James Boyle**
Director Of Planning And Development
Kenneth Jamison
Technical Contact

Phone: 407.841.2279 ext: 6036

Item Name: Authorization to Extend Contract with Beep, Inc.

Date: January 18, 2024

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to extend term of Contract #23-C79 for Operation of Autonomous Vehicles with Beep, Inc. for up to three months starting with resumption of pilot program with no increase in the not to exceed amount.

BACKGROUND:

At the May 25, 2023, Board of Directors' meeting, staff received authorization to negotiate and award a contract with Beep, Inc. in the not to exceed amount of \$500,000. The pilot would involve a nine (9) month project duration including three (3) months of preparation and configuration and six (6) months of revenue service using two (2) autonomous shuttles. Contract #23-C79 was executed with Beep, Inc. on July 18, 2023, for the Operation of Autonomous Vehicles with the first day of revenue operations on August 20, 2023.

Revenue service was voluntarily suspended by Beep, Inc. on November 4, 2023, following an incident with one of the autonomous shuttles. The incident was reported by Beep, Inc. to the National Highway Traffic Safety Administration (NHTSA) as required by a Standing General Order for operators of automated driving system equipped vehicles.

This contract term extension will increase the project duration to allow for a total of six (6) months of revenue service. Beep, Inc. did not request payment for services during the suspension of revenue service which will result in no increase in the not to exceed amount with this term extension.

LYNX Finance & Audit Committee Agenda

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

A DBE participation goal is not applicable for this activity.

FISCAL IMPACT:

There is no fiscal impact for this pilot project of an autonomous vehicle for LYNX. This pilot program is 100% funded by the City of Orlando.

LYNX Finance & Audit Committee Agenda

Consent Agenda Item #5.B.i.

To: LYNX Finance & Audit Committee

From: Terri Settingington
Director Of Human Resources
Terri Settingington
Technical Contact

Phone: 407.841.2279 ext: 6036

Item Name: Authorization to Update the Employee Awards and Service Recognition Policy

Date: January 18, 2024

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to update the Employee Awards and Service Recognition Policy.

BACKGROUND:

This Policy is established in accordance with the Authority's Administrative Rule 3 which governs Human Resources. The Authority appreciates the efforts of its employees. Outstanding employees deserve to be recognized both as a reward for exceptional performance and as a model to other employees. Employees may be recognized for exemplary performance in their job functions, and their contribution and involvement with the Authority and the community.

The current policy has not been revised since October 25, 2001. It is the desire of staff to update this policy and recognize exemplary employees in the following categories:

- Service Awards
- Retirement Awards
- Annual Employee Awards and Recognition
 - Employee of the Year
 - Cattitude Award
 - Extra Mile Award
 - Smart Move Award

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

A DBE participation goal is not applicable for this activity.

FISCAL IMPACT:

The Approved FY2024 Operating Budget includes \$10,920 for the Employee Awards and Service Recognition program.

LYNX Finance & Audit Committee Agenda

Consent Agenda Item #5.B. ii

To: LYNX Finance & Audit Committee

From: James Boyle
Director Of Planning And Development
Myles O'Keefe
Technical Contact

Phone: 407.841.2279 ext: 6036

Item Name: Authorization to Enter into a Memorandum of Agreement with Orange County for In-Kind Transit Planning Services to Lead the NEPA, Preliminary Design, and Entry into Project Development for the International Drive Transit Project

Date: January 18, 2024

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to enter into a Memorandum of Agreement with Orange County to provide transit planning in-kind services to lead the NEPA, Preliminary Design, and entry into Project Development with the Federal Transit Administration's (FTA) for the International Drive Transit Project.

BACKGROUND:

The International Drive (I-Drive) Transit Feasibility and Alternative Technology Assessment (TFATA) evaluated the potential of implementing a premium transit service as an urban circulator operating within the I-Drive District. The project purpose is to improve mobility options for a diverse set of travel markets within the rapidly growing I-Drive District, and to implement a sustainable multimodal system that reflects and complements the surrounding environment.

The I-Drive 2040 Strategic Vision Plan approved by the Orange County Board of County Commissioners in February 2016 includes a policy direction intended to further enhance and sustain the economic viability of the I-Drive District and the Orange County Convention Center (OCCC). Careful planning and design for an effective premium transit system with multiple

LYNX Finance & Audit Committee Agenda

transportation modes can achieve the intent and purpose of the Board's direction and will be essential to the existing and future growth of the I-Drive District.

In its role as the regional transportation authority, and designated recipient for Federal Transit Administration funds for the Central Florida region, LYNX will support the continued efforts of Orange County to advance their plans for premium transit in the I-Drive corridor with staff serving as the lead for the procurement and management of a professional services team to complete the National Environmental Policy Act (NEPA) and preliminary design work required by the Federal Transit Administration (FTA) to enter into Project Development.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

A DBE participation goal is not applicable for this activity.

FISCAL IMPACT:

There is no fiscal impact for LYNX for this International Drive Transit Project.

MEMORANDUM OF AGREEMENT

between

ORANGE COUNTY

and

CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY
D/B/A LYNX

for

TRANSIT PLANNING IN KIND SERVICES

MEMORANDUM OF AGREEMENT

between

ORANGE COUNTY

and

CENTRAL FLORIDA REGIONAL TRANSIT AUTHORITY
d/b/a LYNX

for

TRANSIT PLANNING IN KIND SERVICES

This Memorandum of Agreement is made and entered into this _____ day of _____, 2023, by and between **ORANGE COUNTY**, a charter county and political subdivision of the State of Florida (hereinafter referred to as "**COUNTY**"), and the **CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY d/b/a LYNX**, a body politic and corporate, governed by Part II, Chapter 343, Florida Statutes (hereinafter referred to as "**LYNX**").

WITNESSETH

WHEREAS, COUNTY has authority pursuant to Section 125.01, Florida Statutes, to enter into agreements; and

WHEREAS, LYNX has the authority pursuant to Chapter 343, Part III, Florida Statutes, to enter into agreements; and

WHEREAS, LYNX was created by the above-stated charter to perform functions necessary for the achievement of an integrated, efficient and well-balanced public transportation system in the Central Florida Region; and

WHEREAS, in 2021, COUNTY completed the International Drive Transit Feasibility and Alternative Technology Assessment (TFATA) (hereinafter referred to as "Study"); and

WHEREAS, the Study analyzed the potential of implementing a premium transit service as an urban circular operating within the International Drive (I-Drive) District along International Drive from Sand Lake Road to Destination Parkway and Sea Harbor Drive (hereinafter referred to as "Project"); and

WHEREAS, the purpose is to address increasing transportation needs within the I-Drive District and the desire by **COUNTY** to implement a sustainable multimodal system that reflects and complements the surrounding environment; and

WHEREAS, an Implementation Plan was provided to guide the **COUNTY's** decisions around project delivery and **COUNTY** staff was authorized to initiate inter-agency coordination for funding, design, right-of-way acquisition and construction phases of the project; and

WHEREAS, **COUNTY** seeks to complete the appropriate reviews as required by the National Environmental Policy Act (NEPA) and preliminary design work to enter into Project Development (PD) with the Federal Transit Administration (FTA); and

WHEREAS, Project Development (PD) is the Federal Transit Administration's (FTA) formal process for entering into its Capital Improvement Grant (CIG) program for New Starts and Small Starts funding that includes selecting a Locally Preferred Alternative (LPA), completing NEPA and receiving an environmental decision from the FTA, and provides sufficient information for the FTA to develop a project rating; and

WHEREAS, **LYNX** has been approached by the **COUNTY** and agrees to provide in-kind services and serve as the lead agency for the Project as the public transit authority for the Central Florida Region and the prospective operator of the completed Project; and

WHEREAS, the services provided by **LYNX** as the lead agency include the procurement and management of professional services to complete a NEPA assessment and preliminary design for the Project; and

WHEREAS, the scope of services were developed jointly and approved by the **COUNTY and LYNX** for the Project; and

WHEREAS, **LYNX** is the designated recipient of FTA funds in Central Florida, and certifies the agency annually through the *Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements*; and

WHEREAS, the in-kind services provided by **LYNX** will be essential to the success of the Project due to its expertise in the transit industry and knowledge of the FTA project development process for New & Small Starts projects; and

WHEREAS, this Memorandum of Agreement evidences the intentions of the respective parties to cooperate with each other in the furtherance of the public interest to implement a sustainable multimodal system; and

WHEREAS, this Memorandum of Agreement (hereinafter referred to as “Agreement”) will be effective upon approval and execution by the **COUNTY and LYNX**.

NOW, THEREFORE, in consideration of the above recitals, the mutual terms, conditions, and covenants hereinafter set forth, **COUNTY and LYNX** agree as follows:

**Section 1-SCOPE OF IN-KIND
PLANNING SERVICES**

- 1.1 **LYNX** shall furnish to **COUNTY** in-kind services for the Project as stated in the attached Exhibit “A” (hereinafter referred to as “Services”). **COUNTY** will not provide monetary compensation to **LYNX** for the Services. As the public transit authority for the Central Florida Region and the prospective operator of the completed Project, **LYNX** will benefit from the provision of Services to the **COUNTY**.

Section 2- TERM

- 2.1 The term of this Agreement shall commence on the date hereof and terminate upon such time as **LYNX** furnishes all Services to **COUNTY** for the Project in accordance with terms herein.

Section 3 - TERMINATION

- 3.1 This Agreement may be terminated for convenience by either party upon thirty (30) days written notice to the other party of an intent to terminate and the date on which such termination becomes effective.

Section 4- INDEMNIFICATION

- 4.1 **LYNX** and **COUNTY** are each a political subdivision or agency of the State of Florida as defined in Chapter 768.28, Florida Statutes or Chapter 343, Part II, Florida Statutes and each agrees to be fully responsible for the acts and omissions of its agents or employees, to the extent permitted by law. Nothing herein is intended to serve as a waiver of sovereign immunity by any party to which sovereign immunity may be applicable. Nothing herein shall be construed as consent by a state agency, political subdivision of the State of Florida or an agency of the State to be sued by third parties in any matter arising out of this Agreement or any other contract.

Section 5 - GENERAL PROVISIONS

- 5.1 Neither **LYNX** nor **COUNTY** intend to directly or substantially benefit a third party by this Agreement. Therefore, the parties agree that there are no third-party beneficiaries to this Agreement and that no third party shall be entitled to assert a claim against either of them based upon this Agreement. The parties expressly acknowledge that it is not their intent to create any rights or obligations in any third person or entity under this Agreement.
- 5.2 Whenever either party desires to give notice to the other related to termination, such notice must be in writing, sent by certified United States Mail, postage prepaid, return receipt requested, or by hand-delivery with a request for a written receipt of acknowledgment of delivery, addressed to the party for whom it is intended at the place last specified. The place for giving notice shall remain the same as set forth herein until changed in writing in the manner provided in this section. As for any other notice regarding services provided for under this Agreement, electronic communication is acceptable. For the present, the parties designate the following:

LYNX
LYNX CEO
455 N. Garland Ave
Orlando, FL 32801

With copy to:

LYNX
Myles O'Keefe, Manager of Strategic Planning
455 N. Garland Ave
Orlando, FL 32801

COUNTY:
Orange County Administrator's Office
Orange County Administration Building
201 South Rosalind Avenue, 5th Floor
Orlando, Florida 32801
Attention: County Administrator

DIVISION:
Manager, Transportation Planning
Public Works Department
4200 S. John Young Parkway
Orlando, Florida 32839

- 5.3 Neither this Agreement nor any interest herein shall be assigned, transferred, or encumbered by either party.
- 5.4 The rendition of services, standards of performance, discipline of employees and other matters incidental to the performance of services and control of personnel shall remain with **LYNX**. This Agreement does not make **LYNX's** agents, employees, or legal representatives the officers or employees of **COUNTY** for any purpose whatsoever, and the employees and agents of **LYNX** are in no way authorized to make any contract, agreement, warranty or representation on behalf of the **COUNTY** or to create any obligation on behalf of the **COUNTY**.
- 5.5 Any costs or expenses, including reasonable attorney's fees, associated with the enforcement of the terms and conditions of this Agreement shall be borne by the respective parties, provided however, that this clause pertains only to the parties to this Agreement.
- 5.4 **COUNTY** and **LYNX** agree that each requirement, duty, and obligation set forth herein is substantial and important to the formation of this Agreement and, therefore, is a material term hereof.
- 5.5 Failure to enforce any provision of this Agreement shall not be deemed a waiver of such provision or modification of this Agreement. A waiver of any breach of a provision of this Agreement shall not be deemed a waiver of any subsequent breach and shall not be construed to be a modification of the terms of this Agreement.
- 5.6 In the event a portion of this Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless **COUNTY** or **LYNX** elects to terminate this Agreement. An election to terminate this Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.
- 5.7 The parties acknowledge that they have sought and received whatever competent advice and counsel as was necessary for them to form a full and complete Agreement of all rights and obligations herein and that the preparation of this Agreement has been their joint effort. The language agreed to expresses their mutual intent and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.
- 5.8 If there is a conflict or inconsistency between any term, statement, requirement, or provision of any exhibit attached hereto, any document or events referred to herein, or any document incorporated into this Agreement by reference and a term, statement, requirement, or provision of this Agreement, the term, statement, requirement, or provision contained in Articles 1 through 5 of this Agreement shall prevail and be given effect.

- 5.9 This Agreement shall be interpreted and construed in accordance with and governed by the laws of the State of Florida. Any controversies or legal problems arising out of this Agreement and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the state courts of Orange County, Florida, the venue situs, and shall be governed by the laws of the State of Florida. To encourage prompt and equitable resolution of any litigation that may arise hereunder, each party hereby waives any rights it may have to a trial by jury of any such litigation.
- 5.10 No modification, amendment, or alteration in the terms or conditions contained herein shall be effective unless contained in a written document prepared with the same or similar formality as this Agreement and executed by the Board of County Commissioners and the Board of Directors of **LYNX** or its Chief Executive Officer.
- 5.11 This document incorporates and includes all prior negotiations, correspondence, conversations, and agreements applicable to the matters contained herein and the parties agree that there are no commitments, or agreements concerning the subject matter of this Agreement that are not contained in this document. Accordingly, the parties agree that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.
- 5.12 The truth and accuracy of each “Whereas” clause set forth above is acknowledged by the parties.
- 5.12.1 This Agreement may be fully executed in multiple copies by all parties and electronically, each of which bearing original signatures or electronic signatures and shall have the force and effect of an original document.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the authorized signatories named below have executed this Memorandum of Agreement on behalf of the parties as of the effective date.

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

Date: _____

Attest: Phil Diamond, CPA, County Comptroller
as Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

Printed name: _____

**CENTRAL FLORIDA REGIONAL
TRANSPORTATION AUTHORITY**

By: _____
Tiffany Homler Hawkins
Chief Executive Officer

Reviewed as to Form:

This Agreement has been reviewed as to form by LYNX Senior In-House Counsel. This confirmation is not to be relied upon by any person other than LYNX or for any other purpose.

By: _____

Exhibit “A”

The International Drive (I-Drive) Transit Feasibility and Alternative Technology Assessment (TFATA) evaluated the potential of implementing a premium transit service as an urban circulator operating within the I-Drive District. The project purpose is to improve mobility options for a diverse set of travel markets within the rapidly growing I-Drive District, and to implement a sustainable multimodal system that reflects and complements the surrounding environment.

The I-Drive 2040 Strategic Vision Plan approved by the Orange County Board of County Commissioners in February 2016 includes a policy direction intended to further enhance and sustain the economic viability of the I-Drive District and the Orange County Convention Center (OCCC). Careful planning and design for an effective premium transit system with multiple transportation modes can achieve the intent and purpose of the Board’s direction and will be essential to the existing and future growth of the I-Drive District.

In its role as the regional transportation authority, and designated recipient for Federal Transit Administration funds for the Central Florida region, LYNX will support the continued efforts of Orange County to advance their plans for premium transit in the I-Drive corridor with staff serving as the lead for the procurement and management of a professional services team to complete the National Environmental Policy Act (NEPA) and preliminary design work required by the Federal Transit Administration (FTA) to enter into Project Development. In this role, LYNX staff and consultants will provide services that include, but not limited to:

- Development and review of scopes of work, project objectives, and procurement materials;
- Issue a Request for Proposals (RFP) for professional services to complete a NEPA assessment to receive an environmental determination from the FTA, and complete preliminary design for the I-Drive Transit Project;
- Provide technical input related to proposals received;
- Award a contract for the above professional services;
- Serve as Project Manager for the above professional services through completion of the NEPA and preliminary design work;
- Make available applicable professional service vendors;
- Participate in staff level meetings and discussions;
- Provide data research and analysis;
- Participate in public outreach events;
- Support and potentially present project updates to applicable boards and commissions;
- Coordinate with the Florida Department of Transportation (FDOT) District and Central Offices;
- Coordinate with MetroPlan Orlando; and
- Coordinate with the Federal Transit Administration (FTA).

LYNX Finance & Audit Committee Agenda

Consent Agenda Item #5.B. iii

To: LYNX Finance & Audit Committee

From: **James Boyle**
Director Of Planning And Development
Myles O'Keefe
Technical Contact
Charles Abbatantuono
Technical Contact

Phone: 407.841.2279 ext: 6036

Item Name: **Authorization to Issue a Task Order to Kittelson and Associates, Inc. for a Not to Exceed Amount of \$172,710 for General Planning Services to Complete a Sustainability and Resiliency Plan**

Date: January 18, 2024

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to issue a Task Order to Kittelson & Associates, Inc. (Kittelson) under the General Planning Contract (#22-C61) for the Sustainability and Resiliency Plan in an amount not to exceed (NTE) \$172,710.

BACKGROUND:

As the cities and counties that LYNX serves have developed plans aimed at cutting carbon emissions to zero, coupled with FDOT's requirement to produce a Carbon Reduction Strategy to USDOT as part of the Infrastructure Investment and Jobs Act (IIJA), LYNX is in a position to centralize its sustainability activities and formalize a Sustainability Plan. The Sustainability Plan will include a greenhouse gas emissions inventory from vehicle fleets, facilities, and other sources. A water consumption and waste/pollutant disposal inventory of LYNX's entire operation will also be quantified with a reduction strategy for both included. A summary of vulnerabilities and strategy to mitigate these vulnerabilities in LYNX's operations will also be included. These vulnerabilities will encompass those internal to LYNX as well as those from external sources—facilities and infrastructure that LYNX utilizes but are outside of the agency's control. External community assets include roads, traffic signals, buildings and housing, emergency management assets, and energy, water, and communication infrastructure.

LYNX Finance & Audit Committee Agenda

Particular attention will be paid to practices included under the four pillars of the LYNX Sustainability Plan:

1. Fleet
2. Facilities
3. Customer Engagement
4. Ridership

In addition, LYNX is seeking to develop a Resilience Improvement Plan that meets the intent of the Bipartisan Infrastructure Law Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) program. This Resilience Improvement Plan will be a stand-alone document separate from the Sustainability Plan. It would include a vulnerability assessment of LYNX assets and facilities to natural hazards including climate change, sea level rise, flooding, extreme weather events, and other natural disasters. This assessment will describe resilience improvement policies—including strategies, facility and fleet changes, investments in infrastructure, or performance measures that will inform the transportation investment decisions of LYNX with the goal of increasing the agency’s resilience

Two particular actions included in the PROTECT Program will be highly relevant to LYNX’s Resilience Action Plan:

- Evacuation routes and strategies, including multimodal facilities, designated with consideration for individuals without access to personal vehicles, and
- Planning for response to anticipated emergencies, including plans for the mobility of emergency response personnel and equipment and access to emergency services, including for vulnerable or disadvantaged populations.

Kittelton was asked to respond to a Task Order Request for planning services to complete the Sustainability and Resiliency Plan. Kittelson submitted a formal Task Order Response including a project approach and a total project budget of \$172,710. The Task Order Response is within the LYNX completed Independent Cost Estimate.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

A DBE participation goal is not applicable for this activity.

FISCAL IMPACT:

The Approved FY2024 Operating Budget includes \$173,000 for a sustainability/resiliency plan.

LYNX Finance & Audit Committee Agenda

Consent Agenda Item #5.B. iv

To: LYNX Finance & Audit Committee

From: Tiffany Homler Hawkins
Chief Executive Officer
Prahallad Vijayvargiya
Technical Contact

Phone: 407.841.2279 ext: 6064

Item Name: Authorization to Enter into Sub-Recipient Agreements and Award Funds Under Section 5310 to Selected Human Services Agencies

Date: January 18, 2024

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to enter into Sub-recipient agreements and award funds to selected Human Service Agencies under Section 5310 Funding, a Federal Transit Administration (FTA) Program for the Enhanced Mobility of Seniors and Individuals with Disabilities.

BACKGROUND:

LYNX is the designated recipient of Section 5310 program funds for the Urbanized Orlando and Kissimmee areas. LYNX received Board authorization on June 22, 2023, to solicit Human Services Agencies for the Section 5310 Program funds for the Orlando and Kissimmee urbanized areas.

LYNX conducted a Section 5310 Virtual Grant Workshop on July 21, 2023, and each interested applicant was required to coordinate proposed activities with ACCESS LYNX as the Community Transportation Coordinator (CTC). Project proposals were due August 25, 2023, and a multi-disciplinary team comprised by the Florida Department of Transportation, MetroPlan Orlando, and ACCESS LYNX met to evaluate them.

LYNX Finance & Audit Committee Agenda

APPLICATION EVALUATION:

A total of nine (9) proposals were received. One (1) of the proposals was disqualified due to incomplete or missing documentation, and/or lack of authorized signatures. The other eight (8) applications moved forward for evaluation and LYNX is recommending to award five (5).

Proposals were prioritized and notices of intent to award were issued. A pre-award monitoring phase will be conducted to ensure compliance with federal regulations and LYNX requirements. These projects will support the travel needs of the elderly and individuals with disabilities in the These Human Service Agencies will support the travel needs of the elderly and individuals with disabilities within the LYNX service area, targeted to provide cost-effective transportation options beyond paratransit and supporting regional transportation coordination while reducing resource demands on ACCESS LYNX.

LYNX proposes to provide Section 5310 sub-recipient funding, subject to Federal Transit Administration (FTA) grant awards for the respective agencies below, based on the Evaluation Committee recommendation:

Agency Name	Operating Funds	Vanpool Funds	Total
Aspire Health Partners, Inc.	\$ 150,000.00	\$ 16,560.00	\$ 166,560.00
Primrose Center, Inc.	\$ 100,000.00		\$ 100,000.00
Quest, Inc.	\$ 40,000.00		\$ 40,000.00
Special Hearts Farms, Inc.	\$ 27,042.00	\$ 4,140.00	\$ 31,182.00
The Opportunity Center, Inc.	\$ 102,462.50	\$ 16,560.00	\$ 119,022.50
	\$ 419,504.50	\$ 37,260.00	\$ 456,764.50

Funds will be provided to subrecipients at 50% federal share under the Section 5310 grant program for operating and vanpool services costs.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

A DBE participation goal is not applicable for this activity.

FISCAL IMPACT:

The FY2024 Approved Operating Budget included \$600,000 for Sub-Recipient Agreements with Human Service Agencies.

LYNX Finance & Audit Committee Agenda

Consent Agenda Item #5.B.v.

To: LYNX Finance & Audit Committee

From: Tiffany Homler Hawkins
Chief Executive Officer
Prahallad Vijayvargiya
Technical Contact

Phone: 407.841.2279 ext: 6064

Item Name: Authorization to Ratify Grant Applications Submitted to the Florida Department of Transportation (FDOT) and adoption of Resolution # 24-001

Date: January 18, 2024

ACTION REQUESTED:

Staff is requesting the Board of Directors' ratification of a grant application submitted to the Florida Department of Transportation (FDOT) and adoption of Resolution # 24-001 for the FY 2024 Enhanced Mobility of Seniors and Individuals with Disabilities Section 5310 Program, the Formula Grants for Rural Areas 5311 Program, and the Bus and Bus Facilities Section 5339 Program in the Total Amount of \$5,198,597.

This action also includes authorization for the Chief Executive Officer (CEO) or designee to execute Public Transportation Grant Agreements (PTGA) from FDOT originating from these programs, as well as any future amendments to the PTGA.

BACKGROUND:

On October 19, 2023, the Florida Department of Transportation conducted an open house to announce its funding solicitation and guidance for FTA's Section 5310-Enhanced Mobility of Seniors and Individuals with Disabilities Program, Section 5311-Formula Grants for Rural Areas Program, and Section 5339-Bus and Bus Facilities Program. These solicitations were due for submission on January 12, 2024. The submission was contingent on rural area eligibility based on the 2020 Census data.

LYNX Finance & Audit mmittee Agenda

The funding programs are described as follows:

- **Enhanced Mobility of Seniors and Individuals with Disabilities Program (49 U.S.C. 5310):** Provides formula funding to improve mobility for seniors and individuals with disabilities. The Fixing America's Surface Transportation (*FAST Act - continues under the Infrastructure Investment and Jobs Act aka "IIJ" Act*), expanded the eligibility of the 49 U.S.C. 5310 program funds to be used for operating expenses, in addition to capital expenses, for transportation services addressing the needs of seniors and individuals with disabilities.

LYNX applied for both capital and operating projects; for a total amount of \$1,100,337 for paratransit vehicles and \$780,000 for the above and beyond paratransit service operations within rural areas. The matching requirements for this program remained the same: capital assistance is provided on an 80% Federal share, 10% state share and 10% local share, with operating assistance requiring a 50% match. These operating projects are part of our continuing mobility initiatives to address paratransit mobility needs with Neighbor Link routes.

- **Formula Grants for Rural Areas Program (49 U.S.C. 5311):** The Rural Areas program provides formula funding for the purpose of supporting public transportation in areas with a population of less than 50,000. Funding will be used for operating expenses.

LYNX applied for operating funds; for a total amount of \$1,800,000 of 49 U.S.C. 5311 to maintain provision of services in the rural areas. 49 U.S.C. Section 5311 operating funds are 50% federal and 50% non-Department of Transportation match.

- **Bus and Bus Facilities (49 U.S.C. 5339):** The Bus and Bus Facilities Program provides capital funding to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities for services in the rural areas.

LYNX applied for a capital project; for a total amount of \$1,518,260 under the 49 U.S.C. 5339 program for buses with the necessary technologies and equipment. These capital purchases will support the provision of both fixed-route services that operate either entirely or predominately in rural areas. Bus and Bus Facilities capital funds are 80% federal and 20% non-federal share (FDOT will provide the required 20% match).

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

A DBE participation goal is not applicable for this activity.

FISCAL IMPACT:

LYNX staff will include the award of this program in the appropriate LYNX fiscal year budget upon confirmation of award and securing the local match.

CFRTA RESOLUTION NO. 24-001

A RESOLUTION OF THE CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY (d/b/a/ LYNX) AUTHORIZING THE CHIEF EXECUTIVE OFFICER (CEO) TO EXECUTE AND RATIFY GRANT APPLICATIONS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE FY2024-2025 SECTION 5339 FTA FUNDS FOR RURAL AREA BUS AND BUS FACILITIES PROGRAM, SECTION 5311 FORMULA GRANTS FOR RURAL AREAS PROGRAM, AND SECTION 5310 FTA ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM, IN THE AMOUNT OF \$5,198,597 DOLLARS.

WHEREAS, LYNX has satisfied the requirement to complete a Transportation Development Plan (TDP) for FY2022-2031 which has been submitted to FDOT in September 2022. LYNX TDP update is consistent with METROPLAN Orlando's 2045 Plan and Five-Year Transportation Improvement Plan (TIP); and

WHEREAS, these funds are awarded to eligible transit providers who are recipients of funding from the Federal Transit Administration's formula program for non-urbanized areas; and

WHEREAS, the LYNX Board of Directors (BOARD) has the authority and believes it is in the best interest of LYNX to ratify the CEO's, or designee, execution of these grant applications, and all supporting documents, agreements and assurances which may be required in connection with the application as authorized by Chapter 341, Florida Statutes and/or by the Federal Transit Administration Act of 1964, as amended;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The BOARD has the authority to authorize the ratification of grant applications to the Florida Department of Transportation (FDOT).
2. The BOARD has the authority to authorize the execution of Public Transportation Grant Agreements to be issued by FDOT in FY2024-2025.
3. The BOARD authorizes Tiffany Homler Hawkins, Chief Executive Officer, or designee, to execute grant applications to the FDOT for fiscal year 2024-2025 in the amount of \$5,125,867 dollars on behalf of LYNX and ratifies the CEO's execution of the grant applications, amendments, warranties, certifications, assurances, reimbursement invoices and any other documents in connection with the grant applications.
4. The BOARD authorizes Tiffany Homler Hawkins, Chief Executive Officer, or designee, to sign any and all agreements or contracts, which may be required in connection with the application, and subsequent agreements, with the FDOT.
5. The BOARD authorizes Tiffany Homler Hawkins, Chief Executive Officer, or designee, to make purchases and/or expend funds in connection with these grants as authorized by Chapter 341, Florida Statutes and/or by the Federal Transit Administration Act of 1964, as amended.

CFRTA RESOLUTION NO. 24-001

6. The above authorization shall be continuing in nature until revoked by the Chairman of the Governing Board.

CERTIFICATION OF THE ADOPTION OF THE PROPOSED RESOLUTION OF THE CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY (d/b/a/ LYNX) AUTHORIZING THE CHIEF EXECUTIVE OFFICER (CEO) TO EXECUTE AND RATIFY GRANT APPLICATIONS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE, FY2024-2025 SECTION 5339 FTA FUNDS FOR RURAL AREA BUS AND BUS FACILITIES PROGRAM, SECTION 5311 FORMULA GRANTS FOR RURAL AREAS PROGRAM, AND SECTION 5310 FTA ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES PROGRAM, IN THE AMOUNT OF \$5,198,597 DOLLARS.

APPROVED AND ADOPTED this 21st day of February 2024 by the Governing Board of the Central Florida Regional Transportation Authority.

CENTRAL FLORIDA REGIONAL
TRANSPORTATION AUTHORITY

By: Governing Board

Chairman

ATTEST:

Assistant Secretary

LYNX Finance & Audit Committee Agenda

Consent Agenda Item #5.B. vi

To: LYNX Finance & Audit Committee

From: Elvis Dovalés
Director Of Maintenance
Elvis Dovalés
Technical Contact

Phone: 407.841.2279 ext: 6239

Item Name: Authorization to Purchase Twenty-Five (25) 40' Compressed Natural Gas (CNG) Replacement Buses

Date: January 18, 2024

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to purchase twenty-five (25) 40' Low Floor CNG replacement buses for a not to exceed amount of \$19,000,000.

BACKGROUND:

LYNX has an active fleet of two hundred ninety-three (293) buses, eighty (80) of which have met their useful life with an average of 652,896 miles per vehicle. This bus purchase is part of LYNX Transit Development Plan (TDP). Upon arrival some or all of the replacement buses will be retired by LYNX. The disposition of buses will be based on potential service expansion related fleet increases, and in accordance with Federal Transit Administration (FTA) guidelines. This purchase is Grant funded and is part of the fixed route bus replacement plan. These replacement buses will be purchased from Gillig, LLC through the State of Florida Heavy Duty Buses Contract, P-18-005.

LYNX Finance & Audit Committee Agenda

Fixed Route Revenue Vehicles From the State of Florida Heavy Duty Buses Contract	Quantity	Cost	Total
40' Buses with CNG Package	25	\$760,000*	\$19,000,000
Major Options Include; Voith Transmission, Amerex Fire Suppression System, Trapeze Mentor (Ranger) ITS System, Driver Protection Shields, Fast Fare Fareboxes and bus disinfecting systems			
Fixed Route Revenue Vehicle Cost			\$19,000,000

*Bus cost includes a built-in contingency over the quoted cost due to projected PPI adjustments and unexpected component cost increases not controllable by Gillig, LLC.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

The DBE requirement for the purchase of rolling stock is monitored by the Federal Transit Administration.

FISCAL IMPACT:

The FY2024 Approved Capital Budget includes \$18,451,310 for CNG 40' Low Floor Replacement Buses. This project to 100% grant funded.

LYNX Finance & Audit Committee Agenda

Consent Agenda Item #5.B. vii

To: LYNX Finance & Audit Committee

From: Elvis Dovalés
Director Of Maintenance
Elvis Dovalés
Technical Contact

Phone: 407.841.2279 ext: 6239

Item Name: Authorization to Purchase Two (2) Replacement Vehicles for NeighborLink Transit Services

Date: January 18, 2024

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to purchase a total of two (2) Ford E450 7.3L Turtle Top Odyssey Cutaway Vehicles for the NeighborLink Transit Service, with a Not to Exceed (NTE) amount of \$340,000.

BACKGROUND:

On January 26, 2023, the LYNX Board of Directors authorized LYNX to transition the NeighborLink "On-Demand" mode of service from a private transportation contracted service to an 100% internal LYNX operation. The NeighborLink fleet is comprised of fourteen (14) cutaway buses. This purchase will replace one bus that has met their useful life, and one bus that was involved in a total loss accident. The replacement buses will be purchased through the Florida Department of Transportation's Transit Research Inspection Procurement Services (TRIPS) program utilizing the TRIPS-22-CA-MB-LF-ABG contract. The TRIPS program allows transit agencies to procure vehicles at the lowest price possible.

NeighborLink Vehicles	Quantity	Cost/Vehicle	Total
Turtle Top Odyssey - Ford E450 7.3L	2	\$166,783	\$333,566
Options include: Safe Fleet Seon cameras, 4 camera system per unit, Trapeze Ranger 4 unit, and Luminator destination signs.			
NeighborLink Total Vehicle Cost			\$333,566

LYNX Finance & Audit mmittee Agenda

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

The DBE requirement for the purchase of rolling stock is monitored by the Federal Transit Administration.

FISCAL IMPACT:

The FY2024 Approved Capital Budget includes \$333,566 for the purchase of a total of two (2) Ford E450 7.3L Turtle Top Odyssey Cutaway Vehicles for the NeighborLink Transit Service. This project is 100% grant funded.

LYNX Finance & Audit Committee Agenda

Consent Agenda Item #5.B. viii

To: LYNX Finance & Audit Committee

From: **Michelle Daley**
Director Of Finance
Kenneth Roberts
Technical Contact

Phone: 407.841.2279 ext: 6014

Item Name: **Authorization to Dispose of Items Accumulated Through the Lost and Found Process**

Date: **January 18, 2024**

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to retire, transfer, discard, donate, recycle or sell at public auction, surplus Lost and Found items such as: handbags, books, phones, keys, backpacks, etc.

BACKGROUND:

LYNX makes a reasonable attempt to find the rightful owner of any lost or abandoned property patrons leaves on its buses and or facilities. If the articles are unclaimed after a 90-day holding period, the articles become property of LYNX per Chapter 705, Florida Statutes (1996).

It is LYNX's policy to hold a quarterly auction to dispose of Board approved surplus assets. Prior to being auctioned, all electronic devices and cell phones are deleted or erased of personal data by the Auctioneer per contract. Electronic devices and cell phones which cannot be deleted or erased are recycled and shredded by the auctioneer in accordance to all local, state and federal regulations at no cost to LYNX.

See below for a summary of the Lost and Found Articles. A detailed listing of the items being auctioned is available upon request.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

A DBE participation goal is not applicable for this activity.

LYNX Finance & Audit mmittee Agenda

FISCAL IMPACT:

The net proceeds from this sale will be included in LYNX's FY2024 non-operating revenue.

Lost and Found Articles Items to Donate or Auction

Article	Qty
Cellphone	186
Bag/Backpack	182
Bike	107
Clothing	76
Wallet / Purse	69
Electronic	64
Glasses	56
Umbrella	44
Case	35
Book	17
Cane/Wheelchair	17
Thermos/Mug/Cooler	13
Jewelry	10
Footwear	7
Watch	7
Toy	5
Tool	4
Cart	2
Fishing Rod	2
Tripod	2
Car Seat	1
Car Shade	1
Cushion	1
Luggage	1
Grand Total	909

LYNX Finance & Audit Committee Agenda

Consent Agenda Item #5.B. ix

To: LYNX Finance & Audit Committee

From: Michelle Daley
Director Of Finance
Kenneth Roberts
Technical Contact

Phone: 407.841.2279 ext: 6014

Item Name: Authorization to Auction Surplus Capital Items

Date: January 18, 2024

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to retire, transfer, recycle or sell, at public auction, surplus and obsolete capital items as identified in the following detailed list.

BACKGROUND:

It is LYNX's policy to hold a quarterly auction to dispose of Board approved surplus and obsolete items. This year's auction is scheduled for February 2024. The following surplus items require authorization for retirement and disposal at the public auction pursuant to Administrative Rule 4.16.2.A:

Revenue Vehicles:

Revenue Vehicles with a total net book value of \$0.

- There are 12 Revenue Vehicles that have reached the end of their useful life and exceeding the FTA mileage requirement.

Other Vehicles:

Other Vehicles with a total net book value of \$0.

- There are 30 Van Pool Vehicle that have reached the end of their useful life and exceeding the FTA mileage requirement.

Surplus Equipment:

Surplus equipment with a total net book value of \$0

LYNX Finance & Audit Committee Agenda

Categorical Totals

Category	Acquisition Value	Net Book Value
Other Vehicles	\$813,001	\$0
Revenue Vehicles	\$6,984,848	\$0
GRAND TOTAL	\$7,797,849	\$0

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

A DBE participation goal is not applicable for this activity.

FISCAL IMPACT:

The total net book value of the surplus items is \$0. The higher of the net book value or the net proceeds from the sale of any item may be due to the Federal Transit Administration (FTA) in FY2024.

Sys No	Co Asset	Description	Class	Acquisition Date	Est Life	Acquired Value	Net Book Value
15872	37411	2013 Chevy Traverse 8 Passengers	OV	6/7/2013	4	\$24,396	\$0
15875	37410	2013 Chevy Traverse 8 Passengers	OV	6/7/2013	4	\$24,396	\$0
15892	37168	2013 Chevy Traverse 8 Passengers	OV	6/7/2013	4	\$24,396	\$0
16752	38245	2014 Chevy Traverse	OV	9/25/2013	4	\$27,369	\$0
16753	38246	2014 Chevy Traverse	OV	9/25/2013	4	\$27,369	\$0
16756	38249	2014 Chevy Traverse	OV	9/25/2013	4	\$27,369	\$0
16758	38431	2014 Chevy Traverse	OV	9/26/2013	4	\$27,369	\$0
16761	38428	2014 Chevy Traverse	OV	9/26/2013	4	\$27,369	\$0
16904	38872	2014 Chevy Traverse	OV	12/31/2014	4	\$27,369	\$0
16907	38875	2014 Chevy Traverse	OV	12/31/2014	4	\$27,369	\$0
16918	38886	2014 Chevy Traverse	OV	12/31/2014	4	\$27,369	\$0
16924	38892	2014 Chevy Traverse	OV	12/31/2014	4	\$27,369	\$0
17864	41578	Chevy Traverse 7 Passengers 2015	OV	8/31/2014	4	\$27,480	\$0
17865	41582	Chevy Traverse 7 Passengers 2015	OV	8/31/2014	4	\$27,480	\$0
17868	41577	Chevy Traverse 7 Passengers 2015	OV	8/31/2014	4	\$27,480	\$0
17943	41590	Chevy Traverse 7 Passengers 2015	OV	9/29/2014	4	\$27,480	\$0
17944	41591	Chevy Traverse 7 Passengers 2015	OV	9/29/2014	4	\$27,480	\$0
17945	41588	Chevy Traverse 7 Passengers 2015	OV	9/29/2014	4	\$27,480	\$0

LYNX Finance & Audit mmittee Agenda

17947	41579	Chevy Traverse 7 Passengers 2015	OV	9/29/2014	4	\$27,480	\$0
18288	45203	2015 Chevy Traverse	OV	11/30/2014	5	\$27,480	\$0
18291	45206	2015 Chevy Traverse	OV	11/30/2014	5	\$27,480	\$0
18292	45207	2015 Chevy Traverse	OV	11/30/2014	5	\$27,480	\$0
18293	45208	2015 Chevy Traverse	OV	11/30/2014	5	\$27,480	\$0
19684	47769	2017 Chevy Traverse	OV	10/4/2016	4	\$27,317	\$0
19686	47768	2017 Chevy Traverse	OV	10/4/2016	4	\$27,317	\$0
19690	47774	2017 Chevy Traverse	OV	10/4/2016	4	\$27,317	\$0
19691	47773	2017 Chevy Traverse	OV	10/4/2016	4	\$27,317	\$0
19721	47993	2017 Chevy Traverse	OV	11/29/2016	4	\$27,317	\$0
19724	47992	2017 Chevy Traverse	OV	11/29/2016	4	\$27,317	\$0
19725	47993	2017 Chevy Traverse	OV	11/29/2016	4	\$27,317	\$0
		Subtotal Other Vehicles				\$813,001	\$0
13114	6-309	35' LF BRT- G27B102N4 Gillig Bus	RV	7/27/2009	9	\$323,646	\$0
13120	8-309	35' LF BRT- G27B102N4 Gillig Bus	RV	7/29/2009	9	\$323,646	\$0
13415	28-310	35' LF BRT Hybrid - G30B102N4	RV	9/14/2010	9	\$570,928	\$0
13418	29-310	35' LF BRT Hybrid -G30B102N4	RV	9/14/2010	9	\$570,928	\$0
13421	30-310	35' LF BRT Hyrbid G30B102N4	RV	9/14/2010	9	\$570,928	\$0
13424	31-310	35' LF BRT Hybrid G30B102N4	RV	9/14/2010	9	\$570,928	\$0
13427	32-310	35' LF BRT Hybrid G30B102N4	RV	9/14/2010	9	\$570,928	\$0
13428	33-310	35 LF BRT Hybrid G30B102N4	RV	9/14/2010	9	\$570,928	\$0
13429	34-310	35' LF BRT Hybrid G30B102N4	RV	9/14/2010	9	\$570,928	\$0
13431	36-310	35' LF BRT Hybrid G30B102N4	RV	9/14/2010	9	\$570,928	\$0
13442	26-610	60' BRT 12 Hybrid NABI BUS	RV	9/23/2010	12	\$885,066	\$0
13443	27-610	60' BRT 12 Hybrid NABI BUS	RV	9/23/2010	9	\$885,066	\$0
		Subtotal Revenue Vehicles				\$6,984,848	\$0
		Total Surplus capital items				\$7,797,849	\$0

LYNX Finance & Audit Committee Agenda

Consent Agenda Item #5.B. x

To: LYNX Finance & Audit Committee

From: Leonard Antmann
Chief Financial Officer
Jeffrey Reine
Technical Contact

Phone: 407.841.2279 ext: 6125

Item Name: Authorization to Assign Contingency in the Amount of \$1,478,658 to the Pine Hills Bus Transfer Center Project to McCree General Contractors, LLC

Date: January 18, 2024

ACTION REQUESTED:

Staff is requesting the Board of Directors' authorization for the Chief Executive Officer (CEO) or designee to assign contingency in the amount of \$1,478,658 to the Pine Hills Bus Transfer Center Project to McCree General Contractors, LLC.

BACKGROUND:

LYNX staff is requesting a 10 percent contingency be assigned to the Pine Hills Bus Transfer Center project.

The contract consists primarily of two major contracts. McCree Design Builders, Inc. is responsible for the overall construction of the project. The LYNX Board of Directors authorized staff to negotiate and award Contract #23-C75 in the amount of \$14,786,585 for this activity at the April 2023 meeting. WSP USA, Inc. is the Construction Engineering and Inspection (CEI) extension of staff engineers for the project. The LYNX Board of Directors authorized staff to negotiate and award Contract #21-C48 for this activity at the August 2021 meeting.

At the time of the award of the construction contract to McCree, LYNX had not yet assigned a contingency to the project for allowances for change orders. While it was determined that costs proposed were fair and reasonable, staff were working with the contractor to identify potential cost savings within the project that may have been able to be used for project contingency. After significant analysis of the project deliverables and current market conditions, it was identified

LYNX Finance & Audit mmittee Agenda

that there were no adjustments that would result in significant savings without compromising the intent of the project.

The construction of the facility began immediately after the groundbreaking ceremony on October 30, 2023. With this, LYNX is wanting to ensure that dollars are available for the project to address any change orders that may occur during the 14-month build period. The approval of change orders from a cost and contract standpoint is facilitated by a project committee consisting of LYNX and McCree project management staff as well as the agency's construction and engineering inspection team. All change orders must be fully vetted and have the proper supporting documentation to be considered and potentially approved.

All change orders will be vetted as above and in accordance with LYNX administrative rules as outlined below.

In accordance with LYNX Administrative Rule Subsection 4.5.4, the Chief Executive Officer, or through delegation to the Chief Financial Officer shall have the authority to authorize change orders for use of a project contingency subject to the following requirements:

1. Change orders shall not exceed ten percent (10%) of the original contract amount approved by the LYNX Governing Board.
2. Change orders shall not exceed \$150,000 for any single change, claim or amendment.
3. Once fifty percent (50%) of the project contingency has been utilized, only the LYNX Governing Board, may authorize use of the remaining fifty percent (50%) of the project contingency unless the Chief Executive Officer determines that a delay in authorization for the expense will result in a substantial delay or additional cost to the Authority, in which case, the CEO may authorize said expense from the project contingency, but will so inform the Governing Board at the next meeting as an information item.
4. Any change order, claim, amendment, or expenditure of project contingency, as provided herein, shall be noticed to the Governing Board as an information item at the next schedule meeting of the Governing Board. Any proposed increase in the project contingency, for purposes of modifying the authority of the Chief Executive Officer under this subsection 4.5.4, must be presented for approval to the Governing Board prior to authorization.

Based on the criteria above, LYNX staff has determined that the requested amount of contingency to be assigned is \$1,478,658, which represents ten percent (10%) of the original contract amount.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

A DBE participation goal of 9% is assessed for this procurement. LYNX's procurement policy requires contractors to use a good faith effort to subcontract portions of their work for material, supplies and services to Disadvantaged Business Enterprise (DBE) Firms.

LYNX Finance & Audit mmittee Agenda

FISCAL IMPACT:

The FY2024 Approved Capital budget includes a total project budget of \$16,265,325 for the Construction of the Pine Hills Bus Transfer Center. Of this amount \$14,786,585 has been encumbered for the construction leaving \$1,478,740 for contingency. This project is funded with Federal funds in the amount of \$12,091,325, State funds in the amount of \$1,490,000 and Local funds in the amount of \$2,684,000.

LYNX Finance & Audit Committee Agenda

Discussion Item #6.A

To: LYNX Finance & Audit Committee

From: **Matthew Friedman**
Director Of Marketing Communications
Matthew Friedman
Technical Contact

Phone: 407.841.2279 ext: 6206

Item Name: Update to the Vanpool Program

Date: January 18, 2024

LYNX Staff will provide an update to the Vanpool Program.

LYNX Finance & Audit Committee Agenda

Discussion Item #6.B

To: LYNX Finance & Audit Committee

From: Leonard Antmann
Chief Financial Officer
Michelle Daley
Technical Contact

Phone: 407.841.2279 ext: 6125

Item Name: FY2023 Preliminary Operating Results

Date: January 18, 2024

LYNX staff will review the “Preliminary” Operating results for FY2023.

LYNX Finance & Audit Committee Agenda

Discussion Item #6.C

To: LYNX Finance & Audit Committee

From: Leonard Antmann
Chief Financial Officer
Michelle Daley
Technical Contact

Phone: 407.841.2279 ext: 6125

Item Name: FY2025 Budget Assumptions Discussion

Date: January 18, 2024

LYNX staff will lead a workshop to develop the FY2025 Budget Assumptions.