

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2013	2014	2015	2016	2017
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT					

# ADDITIONAL FTE POSITIONS (Cumulative)					
---	--	--	--	--	--

Is Item Included In Current Budget? Yes _____ No _____

Budget Account No.:

Fund _____ Dept _____ Unit _____ Object _____ Program Code/Period _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

The contract anticipated a range from dedicated service between 60% and 75%. As this percentage goes up from 60%, the cost to the County increases. The estimated cost of increasing dedicated service to 70% versus 60% is approximately \$2.06 million. The cost of increasing dedicated service from 70% to 75% will be an additional \$806,115 for the first year.

C. Departmental Fiscal Review: Chris P. Zi FOR JOHN MURPHY

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

[Signature]
OFMB 7/19/13

[Signature] 7/19/13
Contract Development and Control

B. Legal Sufficiency:

[Signature] 7/10/13
Chief Assistant County Attorney

C. Other Department Review:

Department Director

Summary: *(Continued from page one)*

The Contract has a maximum liquidated damage limit of \$100,000 over any 12 month period. MMMG's accumulated liquidated damages through the first ten (10) months (May 2013) of the Contract are \$2,208,525. At the April 23, 2013 BCC meeting, the total liquidated damages through February 2013, was \$1,413,537. Staff recommended waiving \$951,607 of this amount.

Due to the fact that MMMG is in default under the Contract with respect to liquidated damage limits, vehicle accident ratio, breakdown ratio, maintenance, spare ratio, mileage and age, Staff is seeking Board direction regarding termination in part for failure to perform, termination in whole for failure to perform, or continuation of the current Contract provided full compliance is achieved and maintained. Countywide (DR)

Background and Justification (or Policy Issues): *(Continued from page one)*

Palm Tran is required under Federal Law to operate Americans with Disabilities Act (ADA) paratransit service for disabled residents wherever Palm Tran's Fixed Route service is operated. For years, Palm Tran has provided this service using contracted vendors. The contract with MMMG is a five-year contract (expiring in August 2017), and was based on a concept using smaller vehicles including cabs operating between 25-40% of the scheduled service in order to reduce costs.

Board of County Commissioners

July 16, 2013

Palm Tran Connection

Metro Mobility Management Group
Service Delivery Update

Topics of Discussion

- Background
- Completed Actions to Date
- Current Compliance Issues
- Service Adjustments
- Budget Projections
- Liquidated Damages
- Staff Recommendations and Board Direction

Background

- RFP issued: December 2011
- Contract award: June 26, 2012
- Contract start date: August 13, 2012
- One vendor – Metro Mobility Management Group (MMMG)
- Dedicated and non-dedicated model
- Five year contract
- \$90 Million

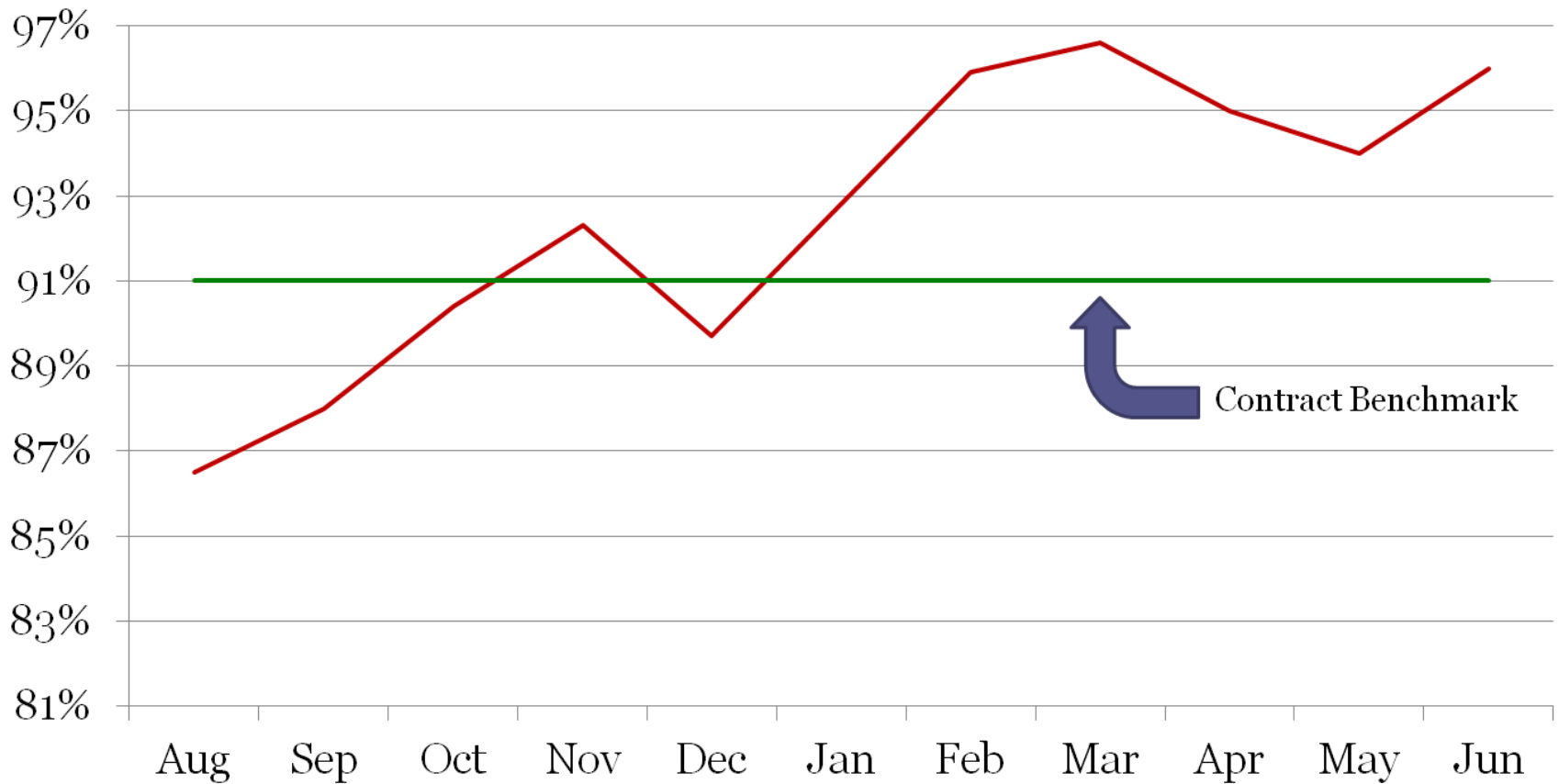
Background - BCC Direction

- **October 2, 2012**
 - Improve on time/performance
 - Weekly status reports of lateness and complaints
- **April 23, 2013**
 - Approved PTC scheduling all service (started January 2013)
 - Requested changes in proposed Amendment No. 1
 - Follow-up on July 16th to allow implementation of Automatic Vehicle Location (AVL) system
 - Postponed decision on liquidated damages

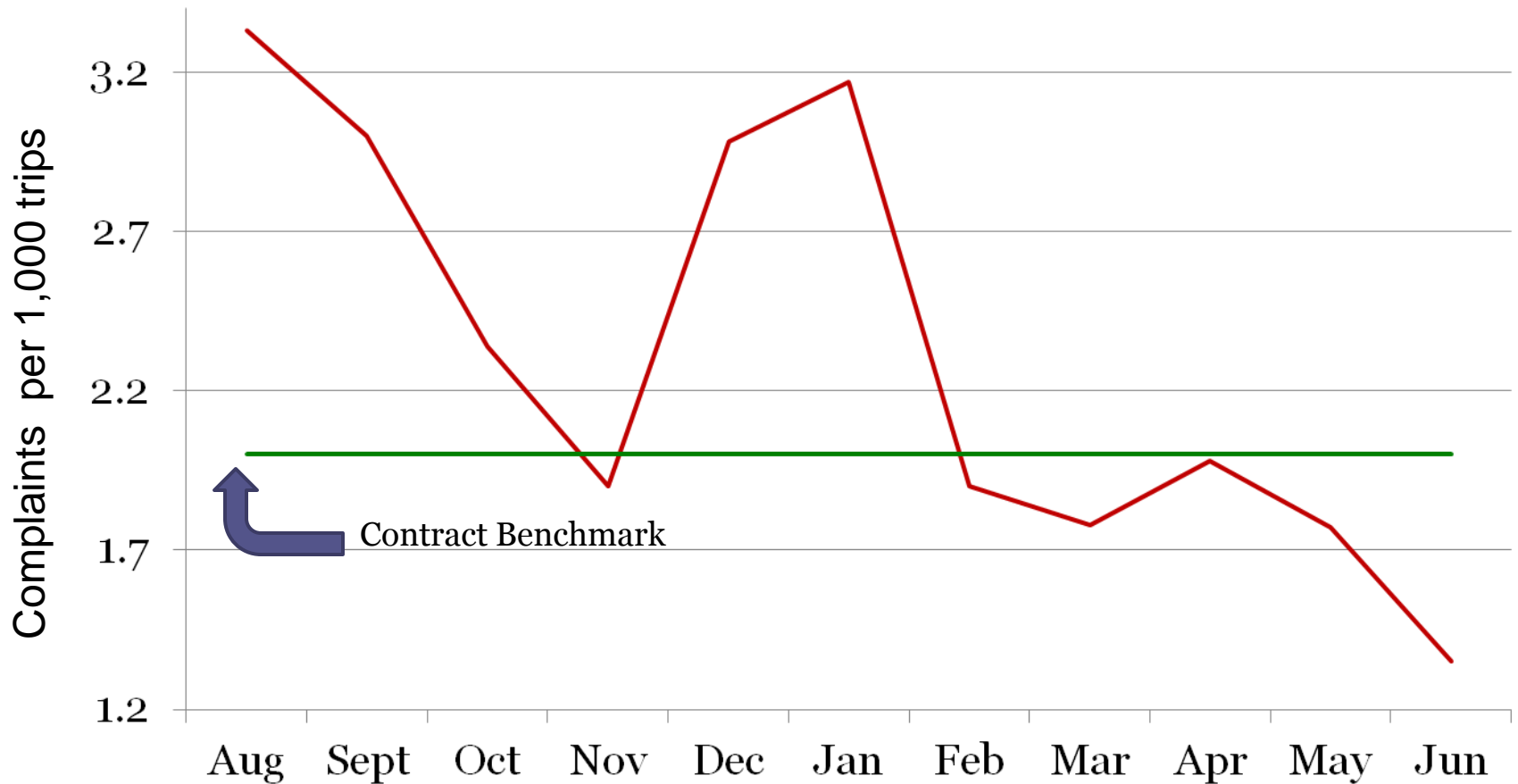
Progress Since April 23, 2013 BCC Meeting

- DBE participation – 45% Goal, MMMG's YTD compliance rate is 40.2%, with a weekly rate of 42.4%
- Alternative fuel vehicles on over half of fleet
- AVL installed on all vehicles – implementation in process
- On time performance has increased above 92%
 - Validated through sampling
- Complaint ratio has significantly declined

On Time Performance



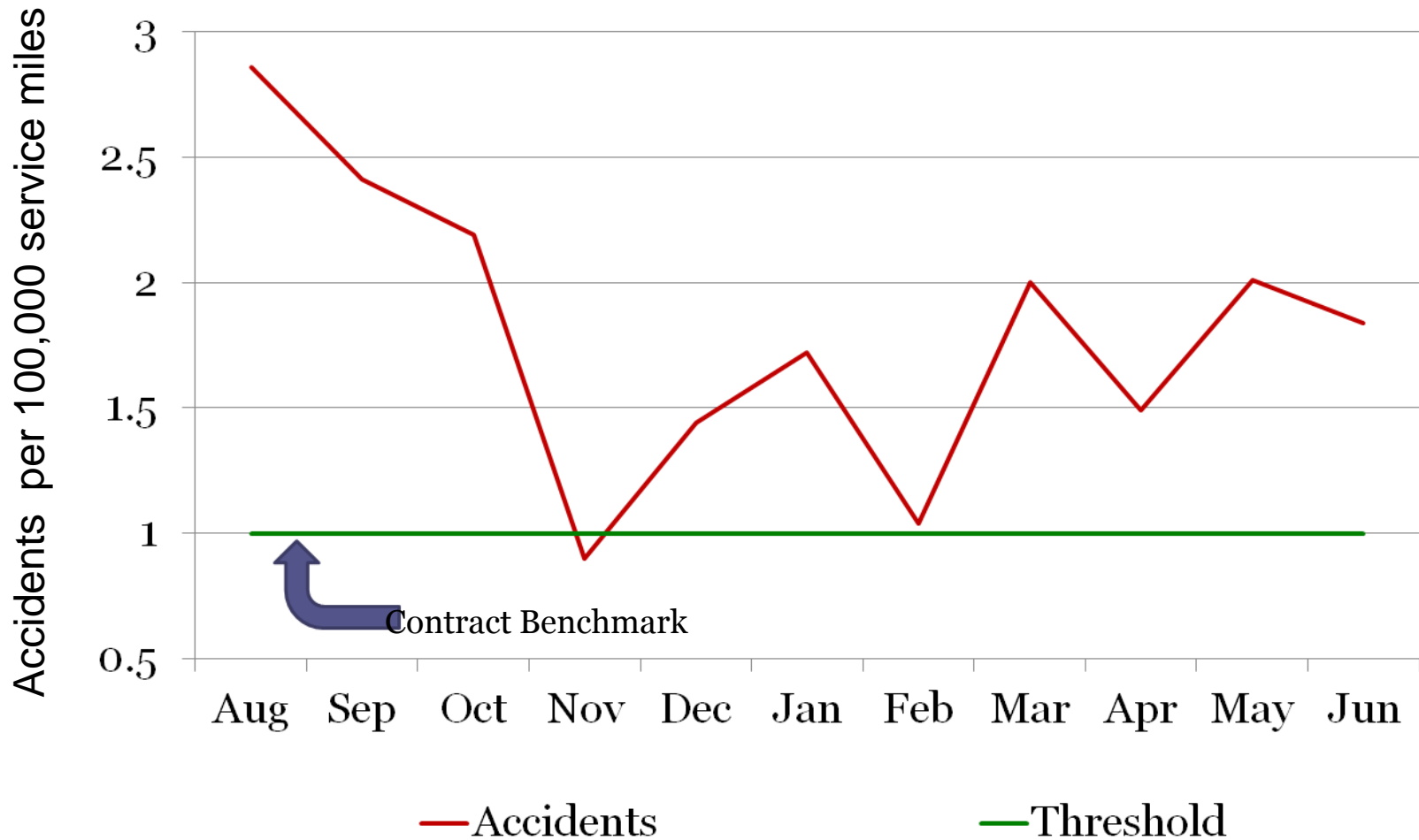
Complaint Ratio



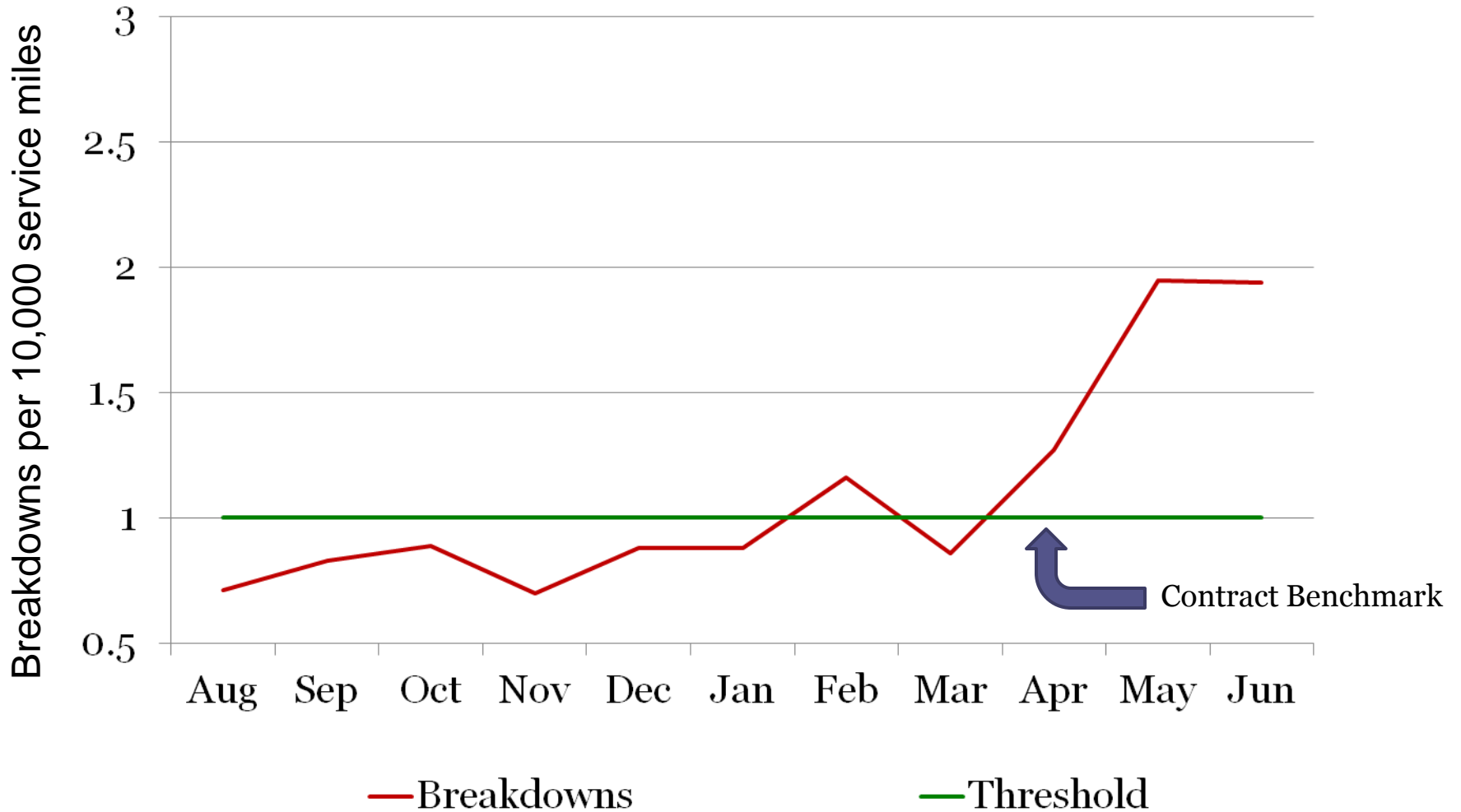
Current Compliance Issues

- Accident ratio
- Breakdown ratio
- Vehicle maintenance
- Vehicle compliance
 - Spare ratio
 - Vehicle mileage/age

Accident Ratio



Breakdown Ratio



Examples of Non-Compliant Vehicle Maintenance



Trash in front wheel well



Unsecured extinguisher & electrical covers



Severe fender damage



Bald tire

Vehicle Compliance

Contract requires:

- Dedicated vehicles cannot exceed 5 years or 250,000 miles
- 15% spare ratio is required

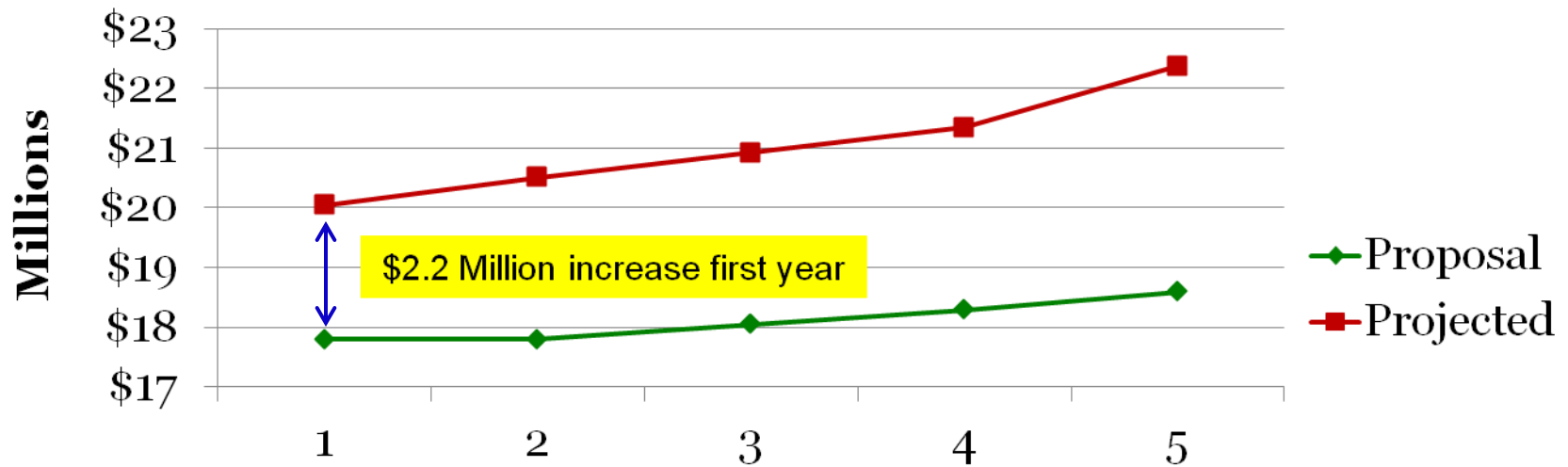
Status:

- 56 vehicles currently exceed mileage limits – 30 on order
- No vehicle spare ratio
- MMMG has requested to extend vehicle mileage to 300,000 miles

Service Adjustments

- Contract requirements
 - Dedicated service 60 – 75%
 - Non-dedicated service 40 – 25%
- Dedicated service
 - Metro proposal under RFP was 60%
 - Currently at 70%
 - MMMG has requested to increase to 75%
- Non-dedicated service
 - Metro proposal under RFP was 40%
 - Currently at 30%
 - MMMG has requested to decrease to 25%

Five Year Budget Projection



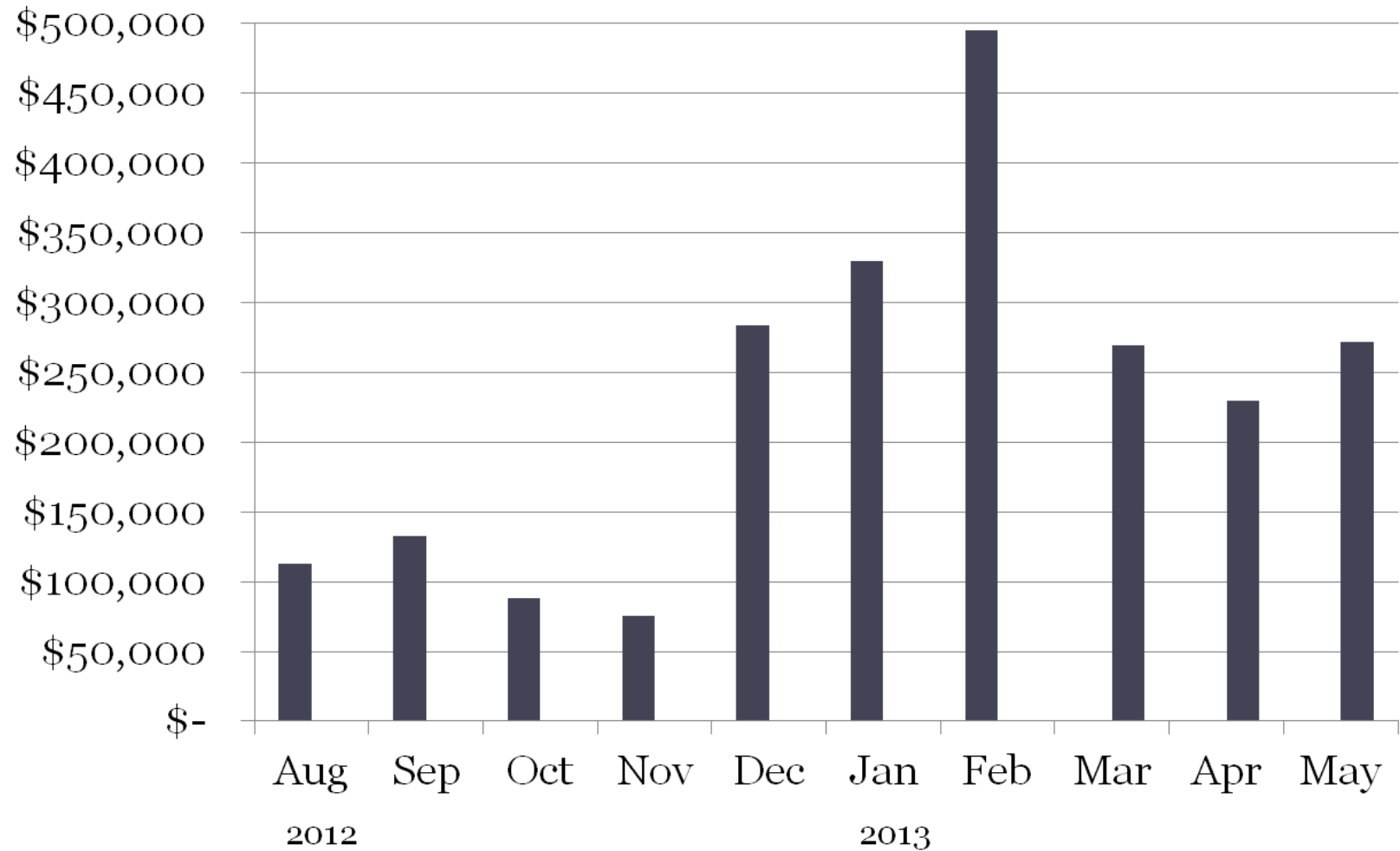
In the first year cost increases were attributed to an 13% increase in operating costs and a 2.5% increase in ridership.

Liquidated Damages

- On time performance \$5,000/month
- Complaints \$1,200/month
- Service Delays \$60/incident
- Reports \$45/report/day
- Non-compliant driver \$60/incident
- Non-compliant vehicle incident \$60/incident
- Unresponsive to ETA request \$10/incident
- Failure to notify PTC when rider no longer travels \$50/incident

Contract provides ability for County to consider MMMG in default if Liquidated Damages exceed \$100,000 over any 12 month period

Liquidated Damages Assessed Per Contract



Previous Staff Recommendations for Liquidated Damages

• Total through February 2013	\$ 1,413,537
• Prior Recommendations for Waivers:	
▪ Waiver for August and September 2012	\$ 197,715
▪ Flex-fuel	\$ 109,380
▪ AVL system	\$ 291,540
▪ Wrong vehicle type	\$ 0.00
▪ Removal of revenue	\$ 353,032
	<hr/>
Total	\$ 951,667
• Total Recommended Assessment	\$ 479,870

Summary

- **MMMG is currently in Default of the Contract for:**
 - Twelve (12) month Liquidated Damage allowance
 - Vehicle maintenance
 - Exceeding 250,000 mileage limits
 - Required vehicle spare ratio
 - Vehicle accident ratio
 - Vehicle breakdown ratio
 - Flex-fuel conversion

Contract Termination Provisions

- Termination for Default
 - In whole or part
 - County may acquire supplies or services similar to those terminated
 - Contractor liable for any excess costs of those services
 - County shall pay for services completed
- Partial Termination
 - Contractor may seek adjustment of continued portion of contract
- Assessment of Liquidated Damages does not effect the right of County to terminate

Staff Recommendations

- Deny request to extend the mileage limit from 250,000 to 300,000 miles
- Deny request to go from 70% to 75% dedicated service

Staff Requests Board Direction Regarding:

- Continuation of current contract provided full compliance is achieved and maintained
- Termination of the Contract in part for failure to perform
- Termination of Contract in whole for failure to perform
- Assessment of liquidated damages

Liquidated Damages (LQD) Summary

	August	September	October	November	December	January	February	March	April	May	Total
Liquidated Damages - Contract Allowances											
DID NOT MEET ON TIME PERFORMANCE REQUIREMENT	\$ 5,000	\$ 5,000	\$ 5,000	\$ -	\$ 5,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20,000
DID NOT MEET COMPLAINT RATIO	\$ 1,200	\$ 1,200	\$ 1,200	\$ -	\$ 1,200	\$ 1,200	\$ -	\$ -	\$ -	\$ -	\$ 6,000
DRIVER DID NOT WAIT REQUIRED TIME BEFORE DEPARTING (\$60)	\$ 60	\$ 60	\$ 180	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 300
ETA NOT RESPONDED TO (\$10)	\$ -	\$ 9,050	\$ 6,070	\$ 2,550	\$ 8,760	\$ 5,650	\$ 2,630	\$ 2,820	\$ 5,760	\$ 2,670	\$ 45,960
DRIVER DID NOT LEAVE A NO SHOW TAG (\$60)	\$ 60	\$ 120	\$ -	\$ -	\$ 600	\$ -	\$ -	\$ 60	\$ -	\$ 120	\$ 960
DRIVER DID NOT ASSIST CLIENT (\$60)	\$ 60	\$ 180	\$ 360	\$ 1,500	\$ 240	\$ 480	\$ 1,020	\$ 420	\$ 840	\$ 420	\$ 5,520
IMPROPER DROP-OFF (\$60)	\$ 180	\$ 240	\$ 120	\$ 60	\$ 480	\$ 180	\$ -	\$ 120	\$ -	\$ 60	\$ 1,440
MISSED TRIPS (\$60)	\$ 67,980	\$ 71,880	\$ 46,260	\$ 32,940	\$ 70,920	\$ 43,380	\$ 24,480	\$ 22,800	\$ 6,780	\$ 20,220	\$ 407,640
NO LONGER NEEDS SERVICE (\$50)	\$ -	\$ -	\$ -	\$ -	\$ 50	\$ -	\$ 100	\$ -	\$ -	\$ -	\$ 150
REPORTS NOT SUBMITTED ON TIME (PER DAY) (\$45)	\$ 1,530	\$ 9,855	\$ 8,190	\$ 7,875	\$ 14,760	\$ 21,645	\$ 16,290	\$ 28,800	\$ 12,510	\$ 3,960	\$ 125,415
REVENUE REMOVAL	\$ -	\$ -	\$ -	\$ -	\$ 7,813	\$ 77,618	\$ 275,415	\$ 48,964	\$ 39,531	\$ 42,219	\$ 491,560
DRIVER NON-COMPLIANT (\$60)	\$ 60	\$ 660	\$ 540	\$ 240	\$ 3,660	\$ 1,440	\$ 3,660	\$ 2,880	\$ 2,880	\$ 2,520	\$ 18,540
VEHICLE DID NOT HAVE FLEX FUEL	\$ -	\$ -	\$ -	\$ 16,200	\$ 28,980	\$ -	\$ 64,200	\$ 69,840	\$ 78,480	\$ -	\$ 257,700
VEHICLE DID NOT HAVE AVL	\$ -	\$ -	\$ -	\$ -	\$ 141,660	\$ 100,920	\$ 48,960	\$ 40,680	\$ 45,540	\$ 149,160	\$ 526,920
VEHICLE EXCEEDS AGE AND/OR MILEAGE LIMITS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 54,300	\$ 38,640	\$ 35,520	\$ 36,120	\$ 50,100	\$ 214,680
WRONG VEHICLE TYPE DISPATCHED	\$ 7,620	\$ 11,520	\$ 4,980	\$ 120	\$ 660	\$ 1,380	\$ -	\$ -	\$ -	\$ -	\$ 26,280
SAFETY EQUIPMENT MISSING OF INOPERABLE**	\$ 840	\$ 3,240	\$ 780	\$ 1,140	\$ 420	\$ 18,840	\$ 17,220	\$ 9,420	\$ -	\$ 300	\$ 52,200
VEHICLE NOT INSPECTED BEFORE OPERATION	\$ 120	\$ -	\$ -	\$ 420	\$ 60	\$ -	\$ -	\$ 6,660	\$ -	\$ -	\$ 7,260
TOTAL LQD DOLLAR ASSESSMENT	\$ 84,710	\$ 113,005	\$ 73,680	\$ 63,045	\$ 285,263	\$ 327,033	\$ 492,615	\$ 268,984	\$ 228,441	\$ 271,749	\$ 2,208,525