
From: Roland Lebrun
Sent: Tuesday, July 21, 2020 4:59 PM
To: MTC-ABAG Info
Cc: VTA Board Secretary
Subject: MTC Commission Item 7a Diridon Station Cooperative Agreement

External Email

Dear Chair Haggerty,

Further to my letter of May 21st and my email of July 8th to the Programming and Allocation Committee, here is the timeline that led to the current state of this project

July 2017: Commissioners Liccardo and Bruins join a tour of Dutch stations sponsored by SPUR and the Knight Foundation.

"Employees of Benthem Crouwel and Arcadis were on hand during the delegation's visit—answering questions and providing insights.

VTA officials welcomed the guidance and the conversation continued after the delegates returned home."

August 31st, 2017: VTA sign Benthem Crouwel and Arcadis to a [\\$48,800 consultancy contract](#) to "gain insight" from the Dutch firms about the station overhaul's main objectives, each participating public agency's responsibilities and the "current situation and status of the project."

<https://www.sanjoinside.com/wp-content/uploads/2020/02/Preliminary-Benthem-Crouwel-Architects-Contract.pdf>

November 2, 2017 ***Armed with the framework drafted by Benthem Crouwel and Arcadis,*** VTA open the bid for the station redesign's initial phase.

January 2018 VTA awards a \$6.7M **two-phase** contract

June 2018 the VTA Board of Directors (BOD) authorize the General Manager to execute a contract "marked by similar language crafted by the firm as part of their earlier agency work" to Arcadis Benthem Crouwel (AKA "Team ABC") in the amount of \$6,433,000.

February 13th, 2020, Sanjoinside publish an article entitled "**VTA's Contract Missteps Risk Derailing Diridon Station Project**"

Commissioner Liccardo, who learned of the allegations when San Jose Inside brought them to his attention last month, called the sequence of events "troubling." But after numerous discussions with transit officials, he says he's assured that Arcadis and Benthem Crouwel gained no advantage over other bidders.

However, he says a change in policy may be in order.

“Certainly in hindsight I would hope everyone would agree that this is not the way the agency should be engaging with consultants and that there was certainly clear language that could have been used in contracts to establish clear walls and boundaries,” he said.

While Liccardo—a former criminal prosecutor—wouldn’t offer a legal opinion, he did say that as a member of the VTA board of directors, he’d like to see the project go back to bid when the contract expires in December 2020

<https://www.sanjoseinside.com/news/early-missteps-on-diridon-stations-21st-century-redesign-may-risk-derailing-the-project/>



Contract Missteps Risk Derailing Diridon High Speed Rail Station | San Jose Inside

GOOGLEVILLE. Google’s more than \$450 million in land acquisitions around Diridon Station reflect a broader trend of Silicon Valley tech titans becoming some of Santa Clara County’s fastest-growing property owners. It’s a far cry from the company’s early days in Mountain View when it rented offices from now-defunct Silicon Graphics.

www.sanjoseinside.com

February 19, 2020 VTA staff provide a project update to the Administration & Finance (A&F) Committee as follows:

Phase 1 was originally anticipated to cost \$3,700,000. However, due to unanticipated project needs including a longer than anticipated project duration, a higher level of public outreach than originally anticipated, and additional design coordination needs related to changes in related Downtown San Jose and Diridon specific Planning efforts, the actual cost of Phase 1 totaled \$5,154,000

The details of the S18156 contract and task orders are as follows:

Vendor Name: Arcadis-Bentham Crouwel Architects	Original Contract Amount:	\$6,433,000
Contract Number: S18156	Prior Modifications:	\$0
Original Contract Term(s): December 31, 2020	Current Contract Amount:	\$6,433,000
Revised Contract Term: July 31, 2021	Amount Requested:	\$1,900,000
Solicitation Type: RFP	Total Amount Including Request:	\$8,333,000
Procurement Type: Competitive	% of Request to Current Amount:	29.5%
DBE Goal: No Specified Goal	% Modification Including Request to Original Contract:	29.5%
SBE Goal: No Specified Goal	Funding Sources: Measure B, Agency Partners, Grants	

The meeting minutes reflect the following:

Members of the Committee suggested issuing a new Request for Proposal (RFP) and hold a new bidding for the remaining scope of task orders on the project.

Mr. Lebrun commented on the awarding of the Diridon Integrated Station Concept (DISC) Plan contract to Arcadis-Bentham Crouwel Architects (ABC).

He suggested the City of San Jose assume leadership of the DISC project and the issuance of RFP for the Phase 2 contract of this project.

http://santaclaravta.ig2.com/Citizens/Detail_Legifile.aspx?Frame=&MeetingID=3140&MediaPosition=&ID=7154&CssClass=

June 4, 2020 Having appointed a new project manager (**the same individual responsible for the BART extension Phase I catastrophe**), VTA staff submit the following item for Board approval on consent:

The participating agencies are preparing an amendment to the existing Cooperative Agreement to address this stage of the DISC Program, including cost sharing arrangements that are estimated to **increase the total commitment by approximately \$5.6 million**

Participating Agency (\$x1000)	Current	Prospective	Total
City of San José	750	750	1,500
High Speed Rail	1,000	500	1,500
Caltrain	630	750	1,380
Grants (MTC)	1,300	2,000	3,300
VTA includes (\$2.5 million from 2016 Measure B)	1,900	1,600	3,500
Totals	\$ 5,580	\$ 5,600	\$ 11,180

http://santaclaravta.ig2.com/Citizens/Detail_Legifile.aspx?Frame=&MeetingID=3128&MediaPosition=&ID=7402&CssClass=

I hope that the above timeline substantiates my July 7th email recommending the *Establishment of MTC as the lead agency for both projects, including responsibility for awarding contracts and issuing task orders and/or work directives*, starting with the rebidding of this contract **as recommended by Commissioner Liccardo** during the February 19, 2020 project update to the Administration & Finance (A&F) Committee.

Thank you in advance for your recommendation of this consideration

Roland Lebrun

From: Roland Lebrun

Sent: Tuesday, July 7, 2020 4:49 PM

To: MTC Info <info@bayareametro.gov>

Cc: Kimberly Ward <KWard@bayareametro.gov>; Martha Silver <MSilver@bayareametro.gov>

Subject: Programming and Allocations Item 3b Diridon Station Cooperative Agreement

Dear Chair Josefowitz and Commissioners,

Further to my letter of May 21 (attached)

http://santaclaravta.ig2.com/Citizens/Detail_Legifile.aspx?Frame=&MeetingID=3128&MediaPosition=&ID=7402&CssClass=,

I would like to take this opportunity to introduce you to key points of a letter I will be writing to the full Commission prior to the July 22 Meeting.

- Strong support of MTC involvement including modeling the governance of the Diridon project after that of the Caltrain Downtown extension
- Improved project synergy through the merging of the Diridon and Caltrain Downtown Extension Executive Steering Committees (ESCs)
- Increased oversight through monthly ESC meetings
- Expansion of ESC membership to include BART and the Capitol Corridor
- Establishment of MTC as the lead agency for both projects, **including responsibility for awarding contracts and issuing task orders and/or work directives**
- Complete timeline of the project so far including a **potentially illegal consultant contract award** and **how Phase I ended up delivering half a station one year late and 100% over budget**

Sincerely,

Roland Lebrun