

**Colorado Department of Transportation
Efficiency and Accountability Committee**

January 19, 2012 Meeting Minutes

Committee members in attendance:

Maribeth Lewis-Baker, Committee Chair; Free Ride Transit System, Breckenridge
Heidi Bimmerle, CDOT Division of Human Resources and Administration
Dave Childs, CDOT Highway Maintenance & Operations
Cliff Davidson, North Front Range Metropolitan Planning Organization
Kathy Gilliland, Commissioner
Solomon Haile, CDOT Engineering
Jeff Keller, Asphalt Paving Company
Bob Sakaguchi, Jacobs
Casey Tighe, Committee Vice Chair; CDOT Audit Director
Gary Vansuch, CDOT Director of Process Improvement
Bill Weidenaar, Regional Transportation District

Staff / Others in attendance

Samuel Nnuro, CDOT Audit
Scott Richrath, non-voting Committee Secretary; CDOT Transportation Development
Mark Imhoff, CDOT Division of Transit and Rail
Elena Wilken, Colorado Association of Transit Agencies
Kathy Young, Attorney General's Office

Welcome and approval of agenda

At 2:00 p.m., Committee Chair Maribeth Lewis-Baker called the meeting to order and asked for the approval of the agenda for the meeting

Approval of December Minutes

At 2:03 p.m., Chair Maribeth Lewis-Baker asked for approval of the December minutes. Approval of the minutes was moved, seconded, and adopted.

Pre-Award Authority

At 2:03 p.m., Chair Maribeth Lewis-Baker addressed the Committee on the Pre- Contract Award Authority issue regarding ordering and purchasing capital equipment such as buses. She mentioned that the cost of buses can increase significantly if there are delays between when grantees are notified of their award and the processing of the grant contract. Currently, the

average timeline to procure a bus is 18-months. In addition to the financial burden incurred by delaying the order, the people in the localities are impacted by the delay of getting the new bus placed into service. The states' transit agencies have experienced frustration with the inability to place a bus order until the grant contract is fully executed for many years. Chair Lewis-Baker noted that the issue is more than the amount of time for CDOT to execute a grant contract, it's the time between when grantees are aware they are going to receive the money until the grant contract is developed, processed, and then finalized. Currently no bus order can be placed until the fully executed grant contract and Notice to Proceed is issued.

Kathy Young from the Colorado Attorney General's Office explained the legal basis for the Pre-Award Authority clause. She stated that it is because, under section 20-30-202 of the Colorado Revised Statutes, "No disbursements shall be made in payment of any liability incurred on behalf of the state, other than from petty cash or by any alternative means of payment approved by fiscal rule promulgated by the controller, unless there has been previously filed with the office of the state controller a commitment voucher. The commitment voucher may be in the form of an advice of employment, a purchase order, a copy of a contract, or a travel authorization or in other form appropriate to the type of transaction as prescribed by the controller. Any state contract involving the payment of money by the state shall contain a clause providing that the contract shall not be deemed valid until it has been approved by the controller or such assistant as he may designate. Such contracts entered into on or after July 1, 1997, shall also contain a clause notifying the other party to the contract of the controller's authority to withhold debts owed to state agencies under the vendor offset intercept system pursuant to section 24-30-202.4".

Mark Imhoff, CDOT Director of Transit and Rail, asked if an entity could order the bus and agree to pay any cancellation fee if funding is not available. The CDOT Controller should be the first point of contact to initiate a process. However, the issue is worth discussing with the State Controller to determine if there are any other possible solutions. Mr. Bill Weidenaar of the Regional Transportation District suggested that the local agency must demonstrate the ability to be able to cover a cancellation fee or to place the fee in an escrow account. Elena Wilken from of Colorado Association of Transit Agencies agreed to accompany members of the Pre-Award Authority task force in submitting their proposal to state Controller. Mark Imhoff agreed to coordinate all activities. A new task force was formed to work on the Pre-award Authority issue; the task force members include, Maribeth Lewis-Baker, Bill Weidenaar, Cliff Davidson, Mark Imhoff, and Casey Tighe.

Review Stakeholder issues and 2012 plan.

At 2:50 p.m., Gary Vansuch discussed the Committee's 2009 list of stakeholder input. Mr. Vansuch asked the committee for future ideas. Members of the Committee came out with various initiatives they would like to tackle this year. He also suggested to members that they select issues they would like to include in their 2012 annual report to the legislature. Mr. Vansuch mentioned that this time is an open forum for members to brainstorm ideas. He encouraged members to write down their thoughts on issues they would like to focus on.

Dave Childs, of CDOT Highway Maintenance & Operations, suggested that there should be quarterly updates on important stakeholder issues. Solomon Haile stated that, for the past two

years, the subcommittee format has been highly effective, so it's important to continue with that process. Cliff Davidson, of North Front Range Metropolitan Planning Organization, agreed. Commissioner Kathy Gilliland noted that there is a great deal of diversity among the group; that the group members bring great knowledge and opportunities to the Committee, but a concise work plan needs to be developed. She suggested to the members of the Committee that an outline of projects to work on could be drafted regarding what they want to work on for next year. Casey Tighe expressed some concern from CDOT staff; that the subcommittee might drive unexpected workloads for CDOT staff. As a result of this reason it is important to coordinate request for data with CDOT Managers. Members of the Committee agreed that it will be beneficial to get a feedback on prior year accomplishment. The Committee agreed to evaluate the stakeholder issues and select topics for the coming year at the February Committee meeting.

Review Draft of Committee Bylaws

At 3:05 p.m., Gary Vansuch discussed the Committee's governing bylaws. A copy of proposed revised bylaws was distributed to the members of the Committee. Several changes to the bylaws were suggested. Mr. Vansuch stated that there was no written rule on decision making procedures in the bylaws, so, as a result, a quorum rule should be implemented. Chair Maribeth Lewis-Baker noted that the "Robert's Rules of Order" was adopted by the committee, which provides for a majority rule, when the bylaws were first adopted. As a result, decision making processes will be bound by that rule; there is no need to change that process. It was noted by Deborah Perkins-Smith that the E&A Committee agendas and minutes were not publicly available on the CDOT website and that she felt it would be helpful for staff and the public to be able to view them. The committee agreed that the Committee Secretary should get these available on the CDOT website. Mr. Vansuch agreed to draft amendments to the bylaws and submit the changes at the February meeting for review and approval.

Subcommittee Reports

Planning Subcommittee update

At 3:10 p.m, Cliff Davidson reported that the planning subcommittee is looking at the stakeholder list to decide on issues they would like to focus on. Bob Sakaguchi, of Jacobs Engineering, asked members of the Committee about things that can be done to streamline the environmental process, for instance the Environmental Impact Statement. He stressed the importance of reducing greenhouse emissions, as well as increasing revenue for transport. Bob also asked if the committee would implement a "Safety Minute" for the beginning of future meetings.

Project Cost Subcommittee

At 3:17 p.m, Jeff Keller updated the Committee on the Project Cost Subcommittee. He added that members of the Subcommittee will still focus on decoding the fixed and variable cost to make it easier for people to understand. Mr. Keller agreed with the task force concept instead of the subcommittee, adding that the task force will allow the committee to focus on certain key

issues quicker and that people could move in and out of different task forces as needed. He stated that the Project Subcommittee will pay more attention and identify areas where CDOT can be efficient and held accountable.

Procurement Subcommittee update

At 3:30 p.m., David Child, of CDOT's Division of Transportation Maintenance & Operations, spoke about how CDOT maintenance can be more efficient with the project cost limits in place, once that is achieved the Committee will revisit raising the limits. He also noted that the Procurement Subcommittee will still focus on utility permits cost recovery and access permits. Casey Tighe mentioned that the group will also look into staffing and overtime.

At 3:30 p.m., Gary Vansuch asked Members of the Committee on which direction they would like to head for this year. Mr. Keller mentioned that the leadership role at CDOT is far different from previous years. Throughout CDOT there are various groups examining efficiency, therefore, management should be on the same page with the Committee to avoid duplication of efforts. Mr. Vansuch stated, "With clearly defined goals, the Committee can do several things but can not do everything". Scott Richrath was directed to compile a list of current on-going efforts with CDOT for the Committee.

Election of Officers

At 3:30 p.m., Jeff Keller was elected as the Chairman for the Committee for 2012. Bob Sakaguchi stated that Ms. Lewis-Baker has done a great job as a chairperson. Mr. Haile moved Vice Chair to Gary Vansuch. Maribeth Lewis-Baker was nominated by Mr. Tighe as a Deputy for the Committee. Samuel Nnuro nominated as Secretary. All nominations were approved by the Committee.

Adjourn

At 3:45 p.m., the meeting adjourned.

Respectfully submitted by Samuel Nnuro and Scott Richrath, Committee Secretary.