

MEETING DATE: May 20, 2020

ITEM # 11

**SUBJECT:**

**CONSIDERATION OF A WORKSHOP ON A 2-YEAR CONTRACT RENEWAL WITH  
NOMAD TRANSIT LLC FOR CONTINUED OPERATION OF THE WEST SACRAMENTO  
ON-DEMAND RIDESHARE PROGRAM**

**INITIATED OR REQUESTED BY:**
 Council     Staff

 Other
**REPORT COORDINATED OR PREPARED BY:**
 Sarah Strand, Senior Transportation Planner  
**Capital Projects & Transportation Department**
**ATTACHMENT**     Yes     No             Information             Direction             Action
**OBJECTIVE**

The purpose of this report is to solicit City Council feedback and direction on the proposed 2-year renewal of the contract with NoMad Transit LLC, a wholly owned subsidiary of Via Transportation Inc., to continue the West Sacramento On-Demand Rideshare program through June 30, 2022.

**RECOMMENDED ACTION**

Staff respectfully recommends that the City Council:

- 1) Provide feedback on the operational and budget approach proposed by staff to support a 2-year extension of the contract with NoMad Transit LLC to continue operating the West Sacramento On-Demand Rideshare program; and
- 2) Direct staff to return no later than June 17, 2020, with a final Contract Extension and budget allocation request for City Council's consideration of approval.

**BACKGROUND**

The West Sacramento On-Demand Rideshare Program was launched as a 1-Year Pilot on May 14, 2018, following robust Transportation, Mobility, and Infrastructure (TMI) Commission and City Council engagement dating back to June 2016. The program was initially developed in response to Council direction to explore a more flexible, innovative public transit model that better served resident needs, as fixed route bus service continued to experience increased costs alongside declining ridership. Following a competitive procurement, the City selected NoMad Transit LLC, a wholly owned subsidiary of Via Transportation Inc. to Pilot a shared, on-demand transportation service with flexible stops, schedules, and fleet supply. While primary goals of the program included enhanced mobility, increased pooled rides and improved quality of life, the concept of right-sizing vehicles and making the supply of service demand-responsive was also designed to capture cost efficiencies by regularly adapting the amount of service based on historic and projected ridership trends.

Since launching, the program has received broad community support, and user surveys have demonstrated successful performance across a range of human-centered indicators, as presented to the City Council on February 20, 2019. Following its first year of operations, the City received multiple awards at the local, state, and national level for the community impacts of the program. On May 1, 2019, the City Council approved an amended and restated contract continuing the rideshare program through June 30, 2020, which included significant fleet and service hour expansions, supported by a \$2.02M allocation from the Transportation Development Act (TDA) Fund. Following the program's expansion, ridership continued to grow, as discussed further in this report.

As the FY 2019/20 Contract expiration draws near, staff has been working closely with the Via team to develop service projections and cost estimates to recommend renewing the contract with NoMad Transit LLC for 2 years, through June 2022. Service and budget planning have been impacted by significant uncertainties resulting from the COVID-19, including estimating the return of ridership and impacts to local TDA apportionments.

Despite these relative uncertainties, staff will be recommending continued operation of the West Sacramento On-Demand Rideshare program and will request City Council feedback through a workshop considering the program's performance to-date and a flexible 2-year renewal approach that will allow the City to remain agile amidst the uncertain fiscal landscape. Unless otherwise directed, staff will return to Council on June 17, 2020, to request approval of a 2-year Contract Extension through June 30, 2022, and a 1-year budget allocation through FY 2020/21. Staff would return in Spring 2021 to review actual budget and operational impacts and solicit further City Council direction on a funding allocation and operations for FY 2021/22, adjusting as needed.

**ANALYSIS**

This section will provide a review of the West Sacramento On-Demand program’s performance since launching, impacts of the COVID-19 pandemic on ridership and budget projections, and a detailed description of the proposed budget and operational approach to support a 2-year contract extension.

**FY 2019 in Review:** Following the Pilot term, the City Council approved a 1-Year extension of the Rideshare service with roughly double the level of service. The changes in service between the Pilot contract year (May 14, 2018 – May 14, 2019) and the FY 2019/20 expansion (May 15, 2019 – June 30, 2020) are compared below.

	<b>FY 2018/19 Pilot On-Demand Rideshare Operations</b>	<b>FY 2019/20 On-Demand Rideshare Operations</b>
<b>Fleet Supply</b>	7 Vehicles (1 WAV)	11 Vehicles (2 WAV)
<b>Hours of Operation</b>	Weekdays: 7am-10pm Saturdays: 9am-10pm Sundays: No Service Holidays: No Service	Weekdays: 6am-11pm Saturdays: 9am-11pm Sundays: 8am-8pm Holidays: + Service
<b>Service Hours</b>	Term: 12 months Projected: 15,500 hrs Actual: 22,500 hrs	Term: 13.5 months Projected: 54,000 hrs Actual: <i>Est.</i> 44,000 hrs*
<b>Contract Budget</b>	Allocation: \$720,000 Actual Spent: \$810,000	Allocation: \$1,905,000 Actual Spent: <i>Est.</i> \$1,735,000*
<b>Ridership</b>	72,847	<i>Est.</i> 160,000*
<b>Cost per Rider</b>	\$11.12	\$10.84

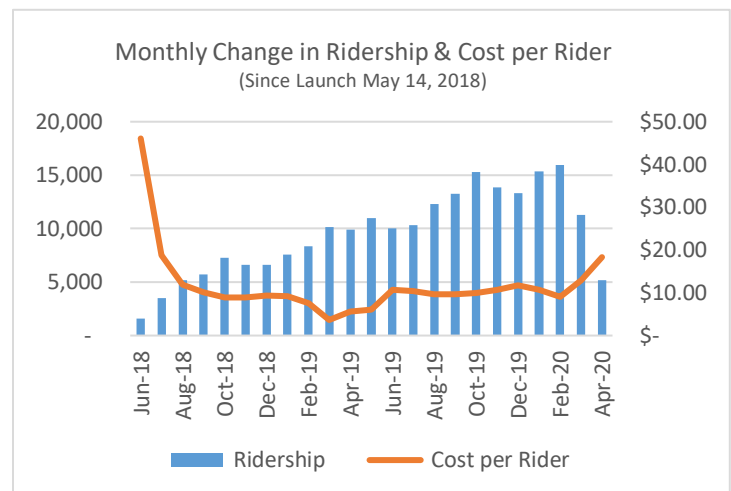
\* Includes estimates for May & June 2020.

As noted above, the Pilot term contract underestimated the rate at which ridership would grow, budgeting only 18,000 service hours. Consequently, just 6 months into the Pilot, it was clear additional service would be needed to keep pace with growing demand. As a result, the City Council approved the reinvestment of \$90,000 in fare revenues to fund the additional service hours needed to operate through May 14, 2019.

As part of the FY 2019/20 contract extension approved May 1, 2019, City Council directed staff to expand the program to keep pace with projected growth in demand, preserve quality of service, and create a reliable alternative to auto-independence lifestyles. Also shown in the table above, this doubling in service hours in FY 2019/20 resulted in a **more than doubling of ridership**, illustrating significant returns on the City investment.

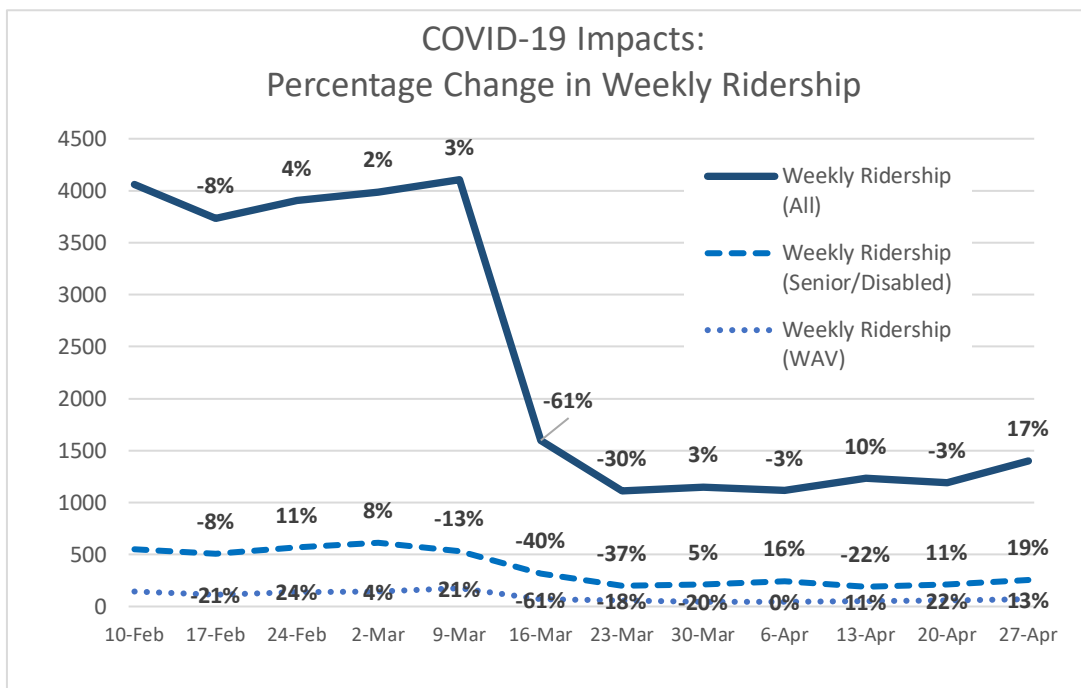
Similarly, the number of unique riders grew from 4,082 account holders during the Pilot year up to **5,955 unique riders in FY 2019/20**. Prior to COVID-19, approximately 700 unique individuals were using Via platform in West Sacramento weekly. From January 1 – March 15, 2019 **average weekday ridership surpassed 600 rides**, with a **record 758 rides** completed in one day. As ridership has grown and stabilized, so too has the cost per rider, plateauing between \$10-\$11 per ride taken (excluding recent COVID impacts). Other key performance metrics are included in Attachment 1, or summarized below:

- **Total Overall Ridership:** 221,311 (*since launch*)
  - Average Weekday Ridership: 461
  - Average Weekend Ridership: 250
  - WAV Ridership: 2.3% (5,170)
- **Total Unique Accounts:** 8,568 (*since launch*)
  - Senior/Disabled Riders: 572 accounts
- **FY 2019/20 Ridership:** 148,464 (*as of May 7, 2020*),  
 (*Estimated to reach 160,000 by June 30, 2020*)
  - Average ETA: 11.9 minutes
  - Average Shared Rides (2+): 70%
  - Average Matched Bookings: 55%



**COVID-19 Impacts:** In March 2020, the Coronavirus and related stay-at-home order issued by the State and Yolo County resulted in roughly a **70% drop in ridership** on West Sacramento On-Demand. Whereas roughly 700 unique riders were utilizing the service prior to COVID-19, 250 unique riders have continued to depend on the rideshare service during the crisis. Since the rideshare program was designed to be demand responsive, only deploying as many vehicles as needed to maintain a baseline level of service, the City was able to quickly reduce the 11 vehicle fleet down to a maximum of 5 vehicles operating the same week the shelter in place order was issued. Various measures were also taken to communicate to both drivers and riders regarding steps taken to ensure cleanliness and safety of the vehicles, limiting the number of passengers to allow physical distance, and requiring face coverings, consistent with the Yolo County public health order.

Though a significant drop in ridership by Senior and Disabled account holders occurred in parallel to overall ridership, they did so at a slightly lower rate, with a comparative 60% drop in Senior/Disabled and WAV rides. Unsurprisingly, trips taken during the shelter in place period have been almost exclusively to/from commercial centers with major grocers, department stores and restaurants, including Riverpoint Plaza, Town Center Plaza, Lowe’s Plaza, Country West Shopping Center (Harbor Blvd & W Capitol Ave) and Raley’s.



**COVID-19: Budget Impacts**

By reducing levels of service in response to lower demand caused by the Shelter in Place order, fewer service hours were expended, and fare revenues came in lower than projected. Per the FY 2019/20 service agreement, should fare revenues be collected in an amount less than projected by Via, the City would not be liable for the remaining expense. Further, all fare revenues collected, (estimated to reach \$250,000 by June 30,2020) will be made available for reinvestment toward the following year’s operations. Since significantly fewer service hours were used than planned for, the City will likely see a cost savings of roughly \$150,000. Ultimately, the On-Demand Rideshare program’s agility in scaling back fleet supply to match lower demand will provide a total of roughly \$400,000 (+/- \$50,000) in fare revenue and cost savings for use toward FY 2020/21 operations. **Note:** These estimates are subject to change, dependent upon ridership trends in May and June.

As the City Council will recall, the On-Demand Rideshare program is supported by local TDA funds. Last year, the combined cost of the expanded FY 2019/20 On-Demand Rideshare program and YCTD fixed route and paratransit exceeded the City’s annual apportionment and required the use of roughly \$900,000 in unrestricted reserve TDA funds. Although precise economic impacts of the pandemic remain uncertain, early projections indicate that local TDA apportionments (derived from a combination of sales and diesel fuel taxes) will likely experience significant reductions, ranging from 30%-60%. This could significantly constrain the City’s ability to fund all existing transit liabilities, presenting a critical policy issue for City Council to consider in regard to potential use of reserve TDA funds, alternate funding sources, and/or service reductions.

Although sobering to anticipate a severe reduction in local TDA funds, the rideshare program’s flexible and adaptive design means that service levels and costs would only grow as needed to meet demand, and within any constraints set forth by the City. Specifically, it remains unclear how quickly ridership on the West Sacramento On-Demand platform may rebound once stay-at-home orders end and society returns to “normal”.

Rather than attempt to predict the future, staff will be recommending that the City Council proceed with a full annual budget allocation for FY 2020/21, including only a modest reduction in planned service hours resulting from COVID-19. This would be recommended with the assumption that actual service hours and costs are likely be lower in the coming months, barring the unlikely immediate return to pre-COVID ridership levels. Staff would plan to return quarterly with updates on the actual use of service hours, costs, and ridership trends to provide the City Council regular opportunities to change course, if needed.

**Proposed FY 2020/21 – FY 2021/22 Contract Renewal**

The primary purpose of this report is to solicit City Council a 2-Year Contract Renewal of the contract with NoMad Transit LLC to continue operating the West Sacramento On-Demand Rideshare program through June 30, 2022. Benefits of a 2-year renewal include securing rates for continued operations (as well as an expansion scenario described further below), alleviating uncertainty for riders, and reducing some administrative burden on City staff. A summary of key changes proposed for the upcoming FY 2020/21, relative to FY 2019/20, is included below:

	<b>FY 2019/20 On-Demand Rideshare Program</b>	<b>Proposed FY 2020/21 On-Demand Rideshare Program</b>
<b>Fleet Supply</b>	11 Vehicles (2 WAV)	11 Vehicles <b>(3 WAV)</b> [+Optional Expansion: 14 Vehicles (+3 EVs)]
<b>Hours of Operation</b>	<i>No Proposed Changes</i>	
<b>Service Hours</b>	Contract Term: 13.5 months Projected: 54,000 hrs Actual: <i>Est.</i> 44,000 hrs*	Contract Term: <b>24 months</b> Projected: 52,893 hrs/year [+Optional EV Expansion: 67,318 hrs]
<b>Contract Rates</b>	Operations: \$38.62/hr Customer Support (1 FTE): \$25/hr	Operations: <b>\$38.34/hr</b> (+WAV retrofit) [+Optional EV Expansion: \$38.12/hr] Customer Support ( <b>1.25 FTE</b> ): \$25/hr
<b>Ridership</b>	<i>Est.</i> 160,000	<i>Est.</i> 193,770
<b>Contract Budget</b>	Projected: <i>Not to Exceed</i> \$1,905,000 Actual Spent: <i>Est.</i> \$1,735,000* [Rollover: <i>Est.</i> \$400,000]*	Projected: <i>Not to Exceed</i> \$1,917,000 [+Optional EV Expansion: \$2.3M]

\* Includes estimates for May & June 2020.

**Fleet Supply & Service Projections**

The operational model proposed to City Council for FY 2020/21 assumes few changes from FY 2019/20. However, one existing Via van is proposed for a retrofit to provide a third WAV on the fleet. This is needed to avoid ETA disparities and ensure compliance with TDA reporting requirements demonstrating equivalent WAV service, relative to non-WAV riders. The number of service hours planned remain fairly static relative to FY 2019/20. However, this also reflects a conservative approach by not anticipating significant growth in ridership through June 30, 2021, as ridership recovery from COVID-19 impacts is likely to take time. Should ridership rapidly rebound, an expansion scenario is also included that could grow the fleet to 14 vehicles (3 EV, 3 WAV).

**Explanation of Cost Changes**

The cost per driver hour is proposed to decrease from \$38.63 down to \$38.34 due to efficiencies found from the prior year’s expansion. Although the total cost per driver hour went down slightly, this includes a small increase in costs attributable to the proposed retrofitting of one existing vehicle to a WAV, which entails minor equipment and labor costs, and a slightly higher rate awarded to Drivers electing to operate WAV shifts on the Via platform.

Customer Service costs are shown as increasing from \$25 per service hour, up to \$36.25. However, to be clear, this is *not a rate increase*, but reflects an increase in the level of service across all hours of operation. In FY 2019/20, only 1 FTE was dedicated to West Sacramento providing customer support for creating an account, booking rides, filing a complaint, asking a question, locating a lost item, etc. Due to high demand in the West Sacramento market, Via advised a conservative increase to 1.25 FTE of customer support across all service hours to reduce wait times and better serve customers. The total cost per hour of operation is reflected here.

### **Optional EV Expansion**

Prior to COVID-19, demand on the rideshare platform was projected to continue growing, which would have likely merited a consideration of expanding the fleet supply. The City Council, Mayors' Commission on Climate Change, staff and agencies such as SACOG and CARB have all expressed general support for Via fleet electrification as an important step towards carbon neutrality in the future. In late 2018, the City received a \$2.665M SACOG Green Region grant to install EV charging stations as part of the 'West Sacramento Plug-in Partnership', including a small set aside to demonstrate electric vehicles on the rideshare platform. As Via ridership presumably returns to pre-COVID levels, staff would propose returning to City Council (likely alongside the FY 2021/22 budget allocation request), to consider a plan for utilizing Plug-in Partnership funds to support an EV expansion, adding up to 3 electric vehicles to the Via fleet. Staff's plan would include details on possible vehicle types, charging infrastructure, and logistics. Should ridership not return fully, staff could also explore replacing or supplementing the existing fleet with EVs at current service levels to contain costs, pending further City Council direction at that time.

### Other Considerations

#### **CA Public Utilities Commission (CPUC) Transportation Network Company (TNC) Access for All Fees**

Effective July 2019, this requires a 10 cents per ride fee on any TNC platform be paid quarterly into the "CPUC TNC Access for All Fund." Staff has previously presented on this matter to City Council and has submitted an unsuccessful request for exemption from the requirement. However, paying into the fund also makes the City's rideshare program eligible to apply to receive and utilize the funds toward WAV expansions. Staff is working closely with the Via team to confirm eligible expenses through the nascent CPUC program, and an application for funding was submitted in April 2019. Should the City receive funds, they are proposed to be used to offset the cost of the additional WAV (and possibly the operation of the 2 existing WAVs, pending further details on eligibility). Should the City Council see fit as a matter of policy, this cost could also be fully or partially passed through to riders, rather than the City. Council feedback on this matter is requested.

#### **2020 Rider Survey & ViaPass Price Assessment**

Similar to the user survey conducted in November 2018, staff would propose to conduct another assessment of Via ridership to evaluate how, if at all, use of the platform has changed since expanding and maturing. Staff would also propose taking this opportunity to better understand the rider demographics associated with the weekly "ViaPass", which offers a substantial discount for frequent riders. Dependent on the results of the survey, staff would propose developing a recommendation on a potential price increase to the ViaPass to better recoup a significant loss of fare revenues associated with the large share of rides (44%) taken using ViaPass. Staff's report would evaluate multiple price options, as appropriate, alongside key users and possible ridership impacts.

#### **General Legislative Monitoring**

In addition to the TNC Access for All program, staff continues to monitor relevant legislation impacting TNCs, including SB 1014 (Skinner, 2018) – the Clean Miles Standard and Incentive Program, which requires the California Air Resources Board (CARB) to develop, and the CPUC to implement, a greenhouse gas (GHG) reduction program for TNCs, as well as AB 5. Staff presented information on AB 5 to the City Council in December 2019, and under advisement by the City Attorney's Office and with Council and City Manager support, have continued to keep the onus of interpretation and compliance of the law with NoMad Transit LLC (Via), as the regulated entity. Updates will return to Council, as appropriate.

#### **Broader TDA Impacts & Transit Liabilities**

The FY 2020/21 Proposed Preliminary Budget for Yolo County Transportation Department (YCTD) transit operations was released on May 1, 2020. The draft budget proposes no changes to service in FY 2020/21 and allocates roughly \$1.4M in federal stimulus to each member jurisdiction, reducing the request of local TDA funds from West Sacramento to \$1.5M (compared to \$2.4M in FY19/20). The budget assumes a **30% reduction in fare revenues and local TDA apportionments**.

Assuming these projections are accurate, YCTD and Via expenses combined may very well exceed the City's FY2020/21 TDA apportionment. More severe impacts to TDA apportionments beyond 30% will result in a larger delta. Currently, the unrestricted TDA reserve balance is \$4.5M. Although exact impacts remain unknown, staff requests City Council's general feedback regarding potential use of reserve TDA funds or alternate funding sources, or service reduction in light of these fiscal impacts. The City typically files its annual TDA Claim in June, however this may be delayed until the County release revised TDA apportionment projections.

### Environmental Considerations

On May 1, 2020, the City Council found the award of the amended and restated contract with NoMad Transit LLC for FY 2019 rideshare operations to be exempt from CEQA under the General Rule exception provided for

by Section § 15061(b)(3). Unless otherwise directed, staff will return to Council on June 17, 2020 with an appropriate recommendation for FY 2020/21 and FY 2021/22 in support of a 2-Year contract renewal.

**Commission Recommendation**

Due to the COVID-19 pandemic, the Transportation, Mobility, and Infrastructure (TMI) Commission has ceased meeting until further notice. As such, Commission feedback was not solicited, nor provided, in advance of City Council’s consideration of this workshop.

**Strategic Plan Integration**

This project advances the 2019 Strategic Plan Policy Agenda item, “Via Renewal & Service Enhancement.”

**Alternatives**

The Council’s primary alternatives are:

- 1) Staff recommends that the City Council provide feedback on the operational and budget approach proposed by staff to support a 2-year extension of the contract with NoMad Transit LLC to continue operating the West Sacramento On-Demand Rideshare program and direct staff to return no later than June 17, 2020 with a final Contract Extension and budget allocation request for City Council’s consideration of approval.
- 2) Council may elect not to conduct this workshop at this time and direct staff to return at a later date. This alternative is not recommended, as the current contract with NoMad Transit LLC expires on June 30, 2020. Delaying this item to June 3, 2020 is possible but would leave limited time for staff to incorporate or act upon City Council feedback or alternative direction before returning to request City Council’s consideration of approval on June 17, 2020. Postponement may also result in an interruption of service.

**Coordination and Review**

This report was prepared by the Transportation & Mobility Division of the Capital Projects & Transportation Department and received review from the Finance Division of the Administrative Services Department, the City Attorney’s Office, and the City Manager’s office.

**Budget/Cost Impact**

This report is not requesting City Council action that would directly impact the budget at this time. However, preliminary budget impacts anticipated to support FY 2020/21 operations of the proposed 2-year contract extension are submitted here for City Council feedback.

Contract for Services with NoMad Transit LLC:	\$1,917,000
City Staff Time & Materials:	\$ 115,000
FY 2019 Rollover (fares & cost savings)	(-\$400,000)
<b>Total FY 2020 Program Cost:</b>	<b>\$1,632,000</b>

Unless otherwise directed, staff estimates an allocation request of up to \$1,632,000 in TDA funds [Budget Unit 202-9220-5259], offset by an estimated \$150,000 in unspent program budget and \$250,000 in projected FY 2019/20 fare revenues to support the first year of operations included in the 2-Year renewal request. Exclusive of the FY 2020/21 TDA apportionment estimated below (see also Attachment 3), the City’s current unrestricted TDA reserve balance is approximately \$4.5M. Should City Council approve staff’s allocation request for FY 2020/21 in June, the following impacts to the TDA Fund (Fund 202) budget could be expected:

<b>FY20/21 TDA Findings of Apportionment (Revenue):</b> <i>Current vs. 30% Reduction from COVID-19 Impacts</i>	<b>No Impact</b> <b>Appx. \$4.07M</b> <i>(\$3.6M LTF/\$.47M STA)</i>	<b>Est. 30% Reduction</b> <b>Appx. \$2.84M</b> <i>(\$2.5M LTF/\$337M STA)</i>
<b>ESTIMATED FY 20/21 TDA Claim (Expenses):</b>	<b>Appx. \$3.17M</b>	<b>Appx. \$3.17M</b>
<i>WS On-Demand Rideshare</i>	<i>(Appx. \$1.632M)</i>	<i>(Appx. \$1.632M)</i>
<i>Yolobus Fixed Route &amp; Paratransit</i>	<i>(Appx. \$1.54M)</i>	<i>(Appx. \$1.54M)</i>
<b>Potential Impact to TDA Reserve Balance</b>	<b>+\$900,000</b>	<b>(-\$330,000)</b>
<b>Remaining Unrestricted TDA Reserve Balance</b>	<b>Appx. \$5.4M</b>	<b>Appx. \$4.17M</b>

**ATTACHMENT(S)**

- 1) FY 2019/20 Performance Report: West Sacramento On-Demand Rideshare
- 2) DRAFT 2-Year Contract Extension with NoMad Transit LLC
- 3) FY 2020/21 TDA Preliminary Findings of Apportionment – LTF and STA

## 221,568 Completed Rides Since Launch



Last 52 Weeks

(May 06, 2019 – May 7, 2020)

### RIDES

148,464 Completed Rides

65,352 ViaPass Rides  
10.28 Minutes per Rides  
2.8 Miles per Ride

### DRIVERS

3.96 Utilization

75 Active Drivers  
36,869

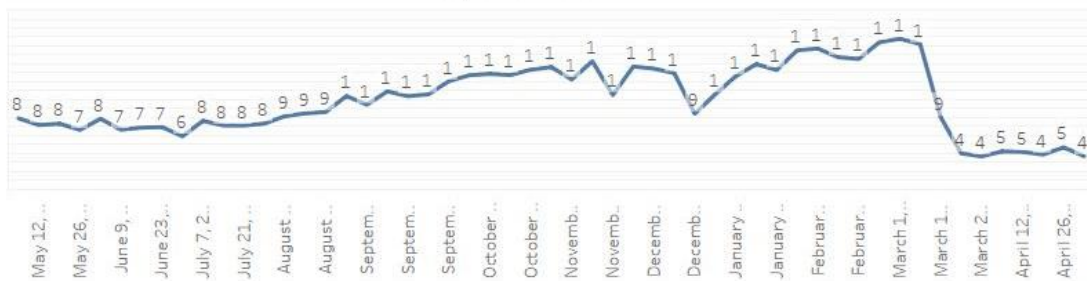
### QUALITY OF SERVICE

11.9 Minute ETAs

81% Ride Requests Booked  
4.9 Avg. Ride Rating



Completed ViaPass Rides



ETA (minutes)



On-Time %



Utilization



#### Top Pickup Intersections

Intersection	Requests
Walmart SuperCenter	5,976
West Capitol Ave	3,989
Town Center Plaza	3,329
Southport Parkway	3,310
7th St & F St	2,475

#### Top Dropoff Intersections

Intersection	Requests
Town Center Plaza	6,639
Walmart SuperCenter	6,281
West Capitol Ave	4,734
Southport Parkway & Promenade Street	2,771
River City High School, Raider Lane, West Sacra..	1,692

- a driver is active if he/she gave at least one ride in the specified time period

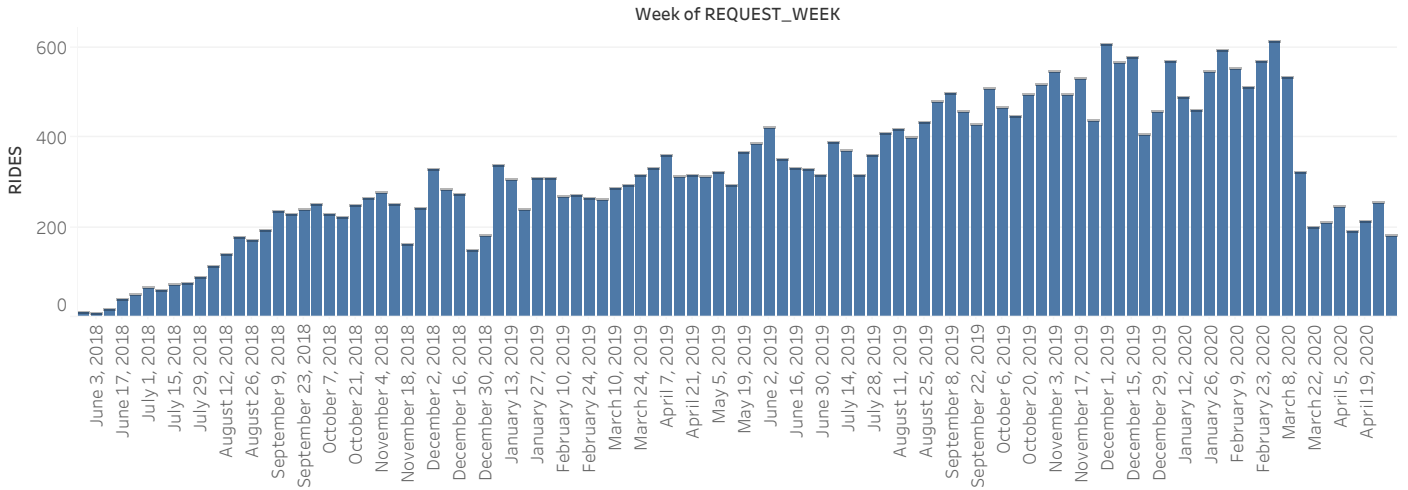
- a pickup is on-time if the actual pickup time was less than 5 min. earlier or later than the ETA

- Rides metrics consider all completed rides

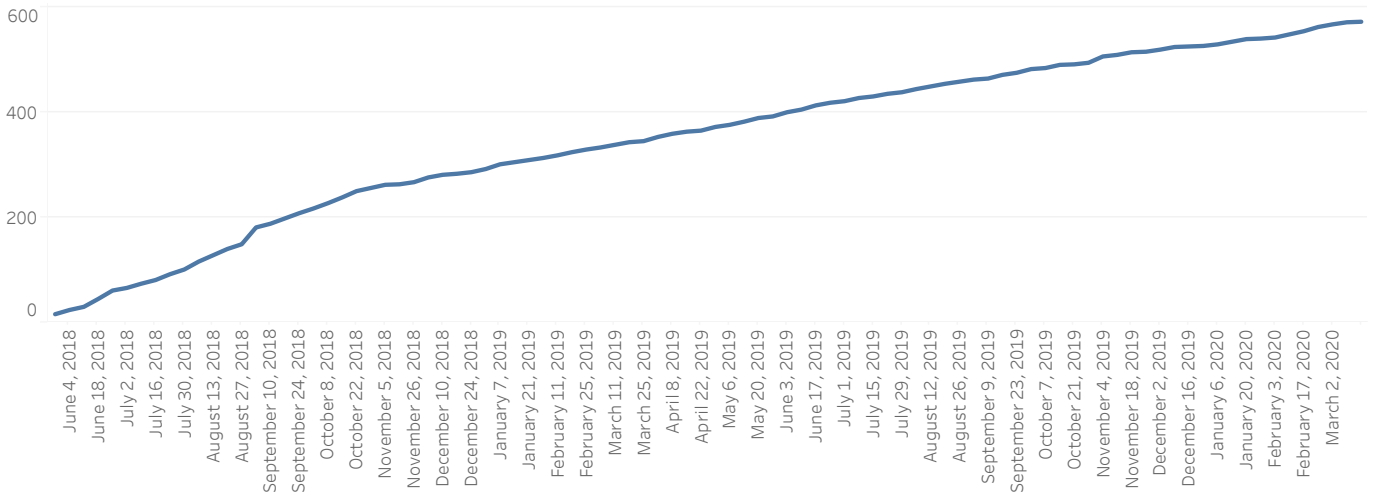
- Quality of service metrics consider all sessionized requests



## Senior-Disabled Rides

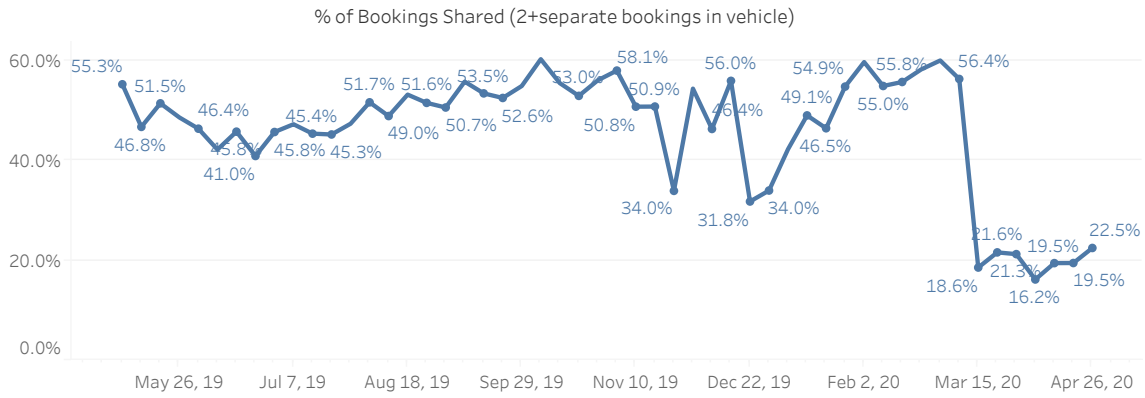
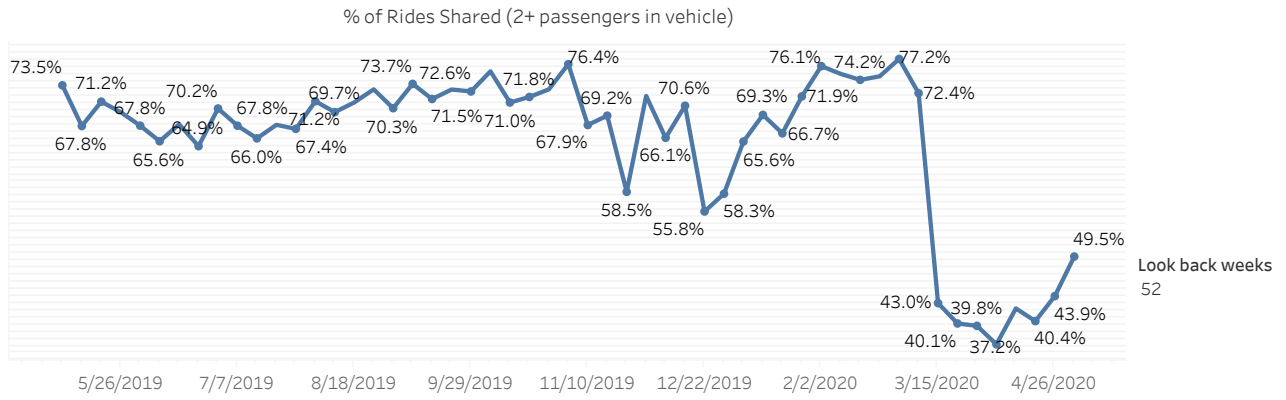


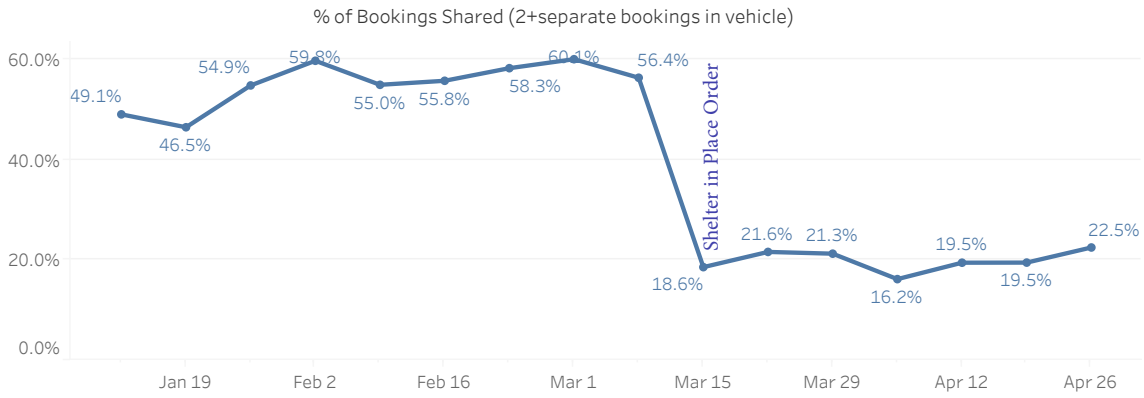
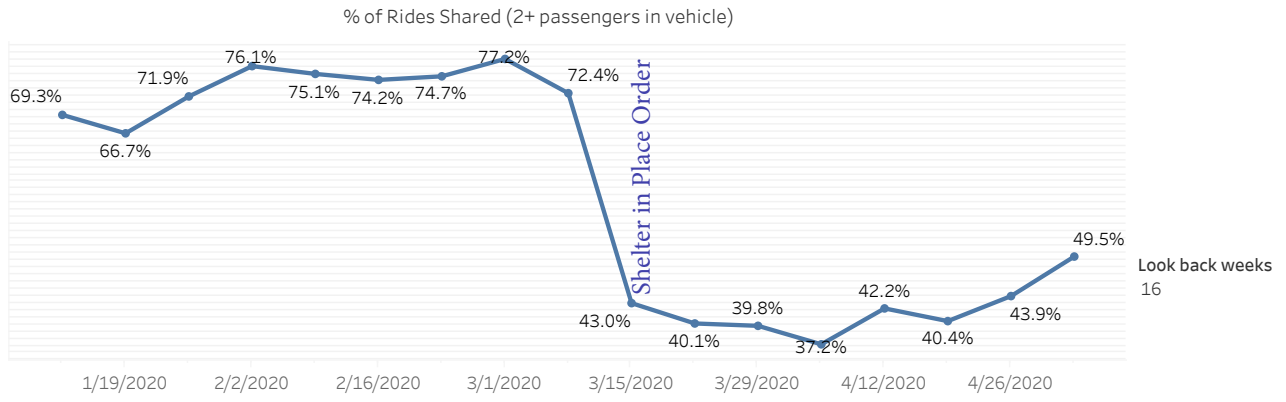
## Senior-Disabled Riders



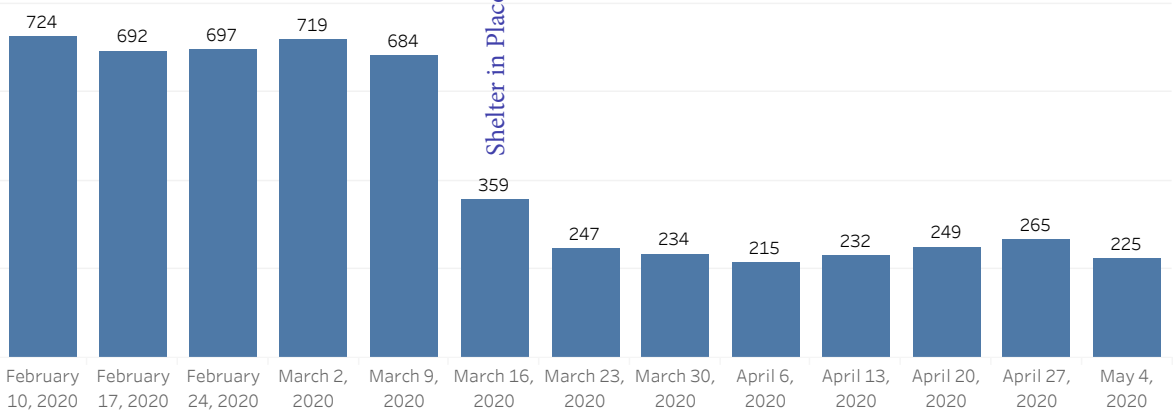
# Rides by Time of Day



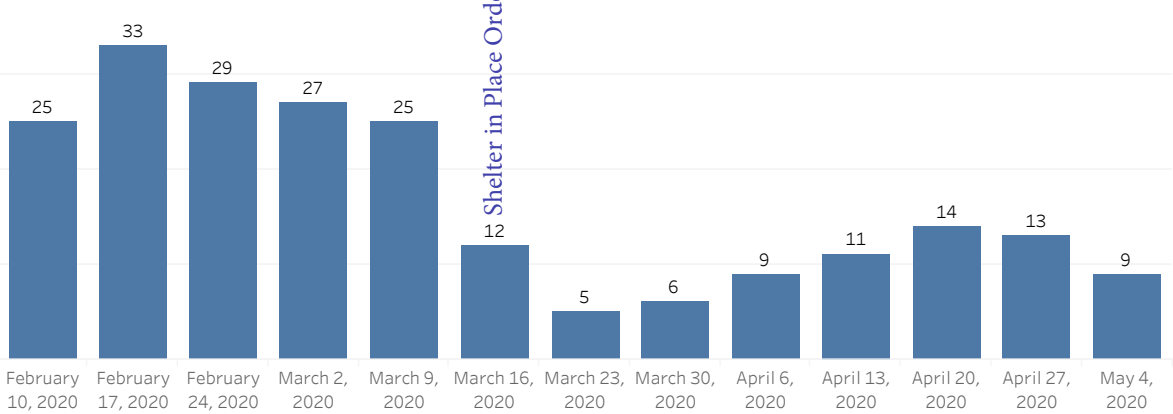




### Unique Riders



### First-Time Riders



**AMENDMENT NO. 1**  
**to the**  
**AMENDED AND RESTATED CONTRACT FOR SERVICES**  
**between the**  
**CITY OF WEST SACRAMENTO**  
**and**  
**NOMAD TRANSIT LLC**  
**Dated May 1, 2019**

This Amendment No. 1 (the "Amendment") to the Amended and Restated Contract for Services dated May 1, 2019 (the "Existing Contract") by and between the City of West Sacramento ("the City") and NoMad Transit LLC ("the Contractor") is made and entered into this 17th day of June, 2020. Except as expressly amended herein, the Existing Contract is in full force and effect.

**RECITALS**

**WHEREAS**, the City and Contractor entered into the Existing Contract for Contractor to provide citywide public transportation services, including the technology, customer support and professional services for the design, marketing, operations and maintenance of the West Sacramento On-Demand Rideshare program (the "Program"); and

**WHEREAS**, on December 11, 2019 the City Council conditionally approved a certain amendment to the Existing Contract which was not found to be mutually agreeable to the Contractor and therefore never entered into by the parties, and as such the parties have elected to make the changes set out in This Amendment instead; and

**WHEREAS**, the City and Contractor desire to extend the Existing Contract through June 30, 2022; and

**WHEREAS**, the City and Contractor desire to modify the Existing Contract as provided herein.

**NOW, THEREFORE, IT IS MUTUALLY AGREED** by the parties hereto to amend said agreement as set forth below. Stricken text (indicated textually in the same manner as the following example: ~~stricken text~~) is to be deleted and bold and underlined text (indicated textually in the same manner as the following example: **Bold and underlined text**) is to be added as follows:

## Part I: Amendments

### A. Amendments to Main Contract Provisions.

1. **Section 2.A** is revised as follows: "The services of Contractor are to commence on May 14, 2019 and terminate on June 30, 2020~~2~~ and shall be undertaken and completed in accordance with the service parameters set forth by **Exhibit "A"** and ~~the Schedule of Performance attached hereto and incorporated herein by this reference as **Exhibit "B"**.~~"

### B. Section 4, Compensation:

1. **Subsection A** is revised as follows:
  - i. In the first sentence, "Exhibit C" is replaced by "Exhibit B".
  - ii. The last sentence of the subsection is deleted in its entirety and replaced by the following: "**As applicable, California Public Utilities Commission Access for All Fees will be invoiced to the City separately on an actual pass-through basis at the end of each fiscal quarter.**"
2. **Subsection E** is revised as follows: "Payment for purchased transportation services shall be reimbursed to the Contractor based upon the actual transportation services rendered by Transportation Network Company (TNC) drivers ~~partners independently contracted by the Contractor or subcontracted~~ Wheelchair Accessible Vehicle (WAV) services **drivers** and shall include wages and driver acquisition incentives owed to TNC and WAV drivers ~~partners~~, and overhead costs such as insurance, storage, maintenance and repair of the Metris fleet vehicles, subsidies for promotional fares, and costs associated with driver-related compliance."

### C. Section 10, Subcontracting:

1. **Subsection A** is revised as follows: "...~~(i) independent contractor drivers~~ **partners** of Contractor; ~~(ii) vehicle supply partners of Contractor offering vehicle leasing options to such driver partners...~~"
2. **Subsection B** is revised as follows: "Contractor shall ensure that any ~~independent contractor driver partner~~ retained for driving services shall conduct background checks prior to registering each driver ~~partner~~ on its ridesharing platform, and reject the application of any applicant whose background check flags any of the offenses mandating rejection pursuant to Section 5445.2 of the Public Utilities Code. Contractor shall further ensure that any ~~independent contractor driver partner~~ obtain and maintain the insurance set forth in Section 15.B.3.c for the duration of the Program..."

### D. Section 15, Contractor to Provide Insurance:

1. **Subsection (B)(3)(a)** is revised as follows: "The insurance shall include, but shall not be limited to... or operations of the insured, or by its employees agents, ~~independent contractor drivers~~ **partners**, or by anyone directly or indirectly employed by the insured."
2. **Subsection (B)(3)(c)** is revised as follows: "Notwithstanding the foregoing, ~~independent contractor drivers~~ **partners** shall maintain insurance coverage in accordance with state law, including all insurance requirements for Transportation Network Company (TNC) drivers set forth by the California Public Utilities Commission."

E. **Exhibit A** to the Existing Contract is renamed “FY 2020/21 – FY 2021/22 Scope of Work” and is hereby amended as follows:

1. The Second Paragraph in the first page is revised as follows: In the last sentence, “2020” is revised to “2022”.
2. **Task 1.1 – Detailed Work Plan:** The first paragraph of Task 1.1 is revised as follows: ~~“The Contractor will prepare and maintain a detailed work plan in accordance with any major milestones and deadlines set forth in Exhibit B Schedule of Performance to be submitted for approval by the City Project Manager no later than 15 business days following the written request of the City Project Manager execution of the FY 2019/20 contract extension. The primary purpose of this task will be to develop a schedule for the any program expansion(s) including setting goals and deadlines by which the Program hours of operation will be fully expanded and the fleet supply will be increased to a total of eleven (11) Metris vans, inclusive of at least two (2) WAV Metris vans, and or any other product features mutually agreed upon by the Contractor and the City during the contract term. During the term of the Contact the Parties may mutually agree in writing to expand the program or modify product features. In that event Contractor will prepare and maintain a detailed work plan which will be submitted for approval by the City Project Manager no later than 15 business days following the written request of the City Project Manager~~
3. **Task 1.2 - Regular Staff Briefings:** The third sentence of Task 1.2 is revised as follows: “Briefings will occur no less than weekly for the duration of the four (4) weeks leading up to, and for 4 weeks following the any mutually agreed upon ~~S~~service ~~E~~expansion phase immediately following the execution of the FY 2019/20 contract extension, unless otherwise agreed upon by the City Project Manager.
4. **Task 2.** The title of this task is revised as follows: **FY2019/20 Service Planning & Parameters**
5. **Task 2.1 – Service & Supply Planning – Wheelchair Accessible Vehicles (WAV) & Mobility Limited Riders:** The third paragraph is revised as follows: “Door-to-Door” shall be defined to mean... as deemed feasible and safe by the driver ~~partner~~. “Door-to-Door” shall not be misconstrued to mean that drivers ~~s partners~~ will be required to assist riders... Upon request at the Contractor’s discretion, drivers ~~s partners~~ may aid riders... This feature will include seamless routing and navigation of drivers ~~s partners~~ to and from “Door-to-Door” ride request addresses.”
6. **Task 2.1 – Service & Supply Planning – Customer Service:** The first paragraph is revised as follows: “The Contractor shall provide high-quality customer service to both customers and drivers ~~s partners~~ during the course of the contract term.”
7. **Task 2.1 – Service & Supply Planning – Fleet/Vehicles:** The second paragraph is revised as follows: “Contractor shall cause a fleet...deployed to support the Pilot year of the Program. ~~The Contractor shall ensure that the fleet expansion occurs in accordance with the Schedule of Performance included as Exhibit B. Any change to...~~ “As necessary, Contractor may also request City approval to establish a means for ~~independent contractor~~ drivers to drive on the Via platform using their own qualified vehicles (non-Metris fleet), for instance, during times of high demand when the Metris fleet cannot meet total demand.”



8. **Task 2.1 – Service & Supply Planning – Drivers:** The paragraph is revised as follows:  
“Qualified and accredited ~~independent contractor~~ drivers will be able to gain access to the Metris fleet vehicles after being registered onto the Via system, enabling these individuals to sign up for specific daily shifts or longer periods of work. For all Program drivers ~~partners~~, Contractor shall establish driver registration and certification protocols designed to ensure compliance with applicable laws, regulations, or terms of project funding sources.
9. **Task 2.4 – Ongoing Driver Acquisition, Registration & Regular Forums:**
- a. The first paragraph is revised as follows: “Contractor shall continue to source ~~independent contractor~~ drivers from the community and shall verify that such drivers possess all data and documentation to satisfy Via’s standards as well as local and state requirements. ~~Independent contractor~~ Drivers will be fully trained by Contractor, as described above....”
  - b. The second paragraph is revised as follows: “Drivers ~~partners~~ will continue to be subject to comprehensive background checks....”
  - c. The third paragraph is revised as follows: “Contractor shall also continue to provide registration and training for drivers ~~partners~~...Additional training shall be made available for drivers ~~partners~~ who operate any WAV vehicle on the platform...Driver forums shall be offered no fewer than three times during the contract term to all active drivers ~~partners~~ in order for Contractor to share out relevant information to drivers ~~partners~~, as well as to provide an opportunity for drivers ~~partners~~ to ask questions and provide feedback...”
10. **Task 2.5 – Vehicle Delivery & Branding:** The paragraph is revised as follows:  
“Contractor shall coordinate the delivery and availability of vehicles to maintain a fleet of no less than eleven 11 Mercedes Metris vehicles such that these vehicles are ready to be driven by ~~independent contractor~~ drivers on the agreed upon ~~expansion dates defined in the Schedule of Performance included as Exhibit B.~~”
- F. **Exhibit B** to the Existing Contract - SCHEDULE OF PERFORMANCE FY 2019/20 West Sacramento On-Demand Rideshare is hereby deleted.
- G. **Exhibit C** to the Existing Contract – FY 2019/20 SCHEDULE OF FEES is hereby replaced by the attached “**Exhibit B** - SCHEDULE OF FEES”

### **Part II: Previous Proposed Agreement.**

The Parties expressly agree that the proposed amendment conditionally approved by the City Council on December 11, 2019 but never approved by Contractor is of no effect and the City Council’s approval of the proposed amendment is withdrawn.

### **Part III: Remaining Terms Unchanged.**

Except as expressly revised herein, the Existing Contract remains in full force and effect. In the event of a conflict between the Existing Contract and the terms of this Amendment No. 1, the terms set forth herein shall control.

**IN WITNESS WHEREOF** the parties hereto have executed this Agreement as the date herein set forth.

**CITY OF WEST SACRAMENTO**

By: \_\_\_\_\_  
Christopher L. Cabaldon, Mayor

**NoMad Transit LLC**

By: \_\_\_\_\_  
Erin Abrams, Manager

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Jeffrey Mitchell, City Attorney

ATTEST:

By: \_\_\_\_\_  
Kryss Rankin, City Clerk

DRAFT

	WSC Via Year 3 Contract Value 11-Vehicle Deployment (Current Fleet)				WSC Via Year 3 Contract Value 14-Vehicle Deployment (Expanded Fleet)			
	Price per Driver	Price per Service	Price per Ride	Total Price	Price per Driver	Price per Service	Price per Ride	Total Price
	Hour	Hour			Hour	Hour		
Year 3 Service Planning*	N/A	N/A	N/A	\$55,000	N/A	N/A	N/A	\$0
Supply Planning*	N/A	N/A	N/A	\$0	N/A	N/A	N/A	\$0
<b>Total Upfront Costs</b>				<b>\$55,000</b>				<b>\$0</b>
Project Management	\$2.92	N/A	N/A	\$154,500	\$2.30	N/A	N/A	\$154,500
Performance Monitoring and Reporting	\$0.59	N/A	N/A	\$31,250	\$0.46	N/A	N/A	\$31,250
Marketing & Promotions Plan and Implementation	\$0.12	N/A	N/A	\$6,100	\$0.12	N/A	N/A	\$7,900
Program Operations**	\$34.72	N/A	N/A	\$1,836,200	\$35.25	N/A	N/A	\$2,372,849
<b>Total Cost per Driver Hour</b>	<b>\$38.34</b>			<b>\$2,028,050</b>	<b>\$38.12</b>			<b>\$2,566,499</b>
Customer Service (1.25 FTE X \$25 per hour)	N/A	\$31.25	N/A	\$186,875	N/A	\$31.25	N/A	\$186,875
<b>Total Cost per Service Hour</b>		<b>\$31.25</b>		<b>\$186,875</b>		<b>\$31.25</b>		<b>\$186,875</b>
Estimated Access for All Fee**			\$0.10	\$19,377			\$0.10	\$24,662
<b>Total Cost to West Sacramento (Incl. Fare Revenue)</b>				<b>\$2,289,302</b>				<b>\$2,778,036</b>
<b>Sources of Funding:</b>								
Fare Revenue				\$373,006				\$474,735
Funding from City of West Sacramento (Excl. Fare Revenue)				\$1,916,296				\$2,303,300
<b>Total</b>				<b>\$2,289,302</b>				<b>\$2,778,036</b>
<b>Driver Hours Summary:</b>								
Total Implied Driver Hours				52,893				67,318
Implied Driver Hours (Weekly)				1,017				1,295
<b>Service Hours Summary:</b>								
Total Implied Service Hours				5,980				5,980
Total Implied Service Hours (Weekly)				115				115

Note: 14-vehicle deployment assumes 3 EVs and includes 1 spare vehicle.

\* Items to be invoiced in full upon the start of Year 3.

\*\* Includes driver pay, vehicle cost (incl. WAV retrofits and spares where applicable), insurance, dedicated IT operations and supply admin, technology access, local & central operations support, T&E, rent, and office expenses.

\*\*\* TNC Access for All Fees to be invoiced to West Sacramento on a pass through basis.

The 14-Vehicle Deployment (“Expanded Fleet”) option included here is presented as an optional expansion. Subject to City Council approval and allocation of additional funds, the Parties may, by means of a written instrument signed by authorized representatives of the Parties, elect to implement the Expanded Fleet option, with the expressed intent of adding three (3) alternative fuel vehicles to the fleet supply. Should the Parties mutually agree to transition to an Expanded Fleet, then the Expanded Fleet Fees referenced here shall apply for the remainder of the term for as long as such Expanded Fleet is operated.

Attachment A

**COUNTY OF YOLO**  
**March 2020**  
**FINDINGS OF APPORTIONMENT**  
**LOCAL TRANSPORTATION FUNDS (LTF)**  
**Fiscal Year 2020-2021**

County's Estimated June 30, 2020 Balance	\$4,062,487
Local Transportation Fund Income 2020-2021	11,453,549
Less: County Administrative Costs	-6,000
Less: SACOG Administrative Costs	<u>-173,247</u>
Balance for Allocation	<u><u>\$15,336,789</u></u>

Jurisdiction	Population <sup>1/</sup>	% of Total Population County	Finding of Apportionment	SACOG Planning	Available to Jurisdiction for Article 4 and Article 8 <sup>2/</sup>
<b>Yolo County (Unincorporated)</b>	31,200	14.02%	\$2,149,814	\$64,494	\$2,085,320
<b>Davis</b>	69,761	31.34%	\$4,806,833	\$144,205	\$4,662,628
<b>West Sacramento</b>	53,911	24.22%	\$3,714,700	\$111,441	\$3,603,259
<b>Winters</b>	7,417	3.33%	\$511,063	\$15,332	\$495,731
<b>Woodland</b>	60,292	27.09%	\$4,154,378	\$124,631	\$4,029,747
<b>TOTALS</b>	222,581	<b>100.00%</b>	<b>\$15,336,789</b>	\$460,104	\$14,876,685

1. Sources: Report E-5, Department of Finance, Demographic Research Unit, 1-1-2019

2. Funds available for projects and programs under Article 4 and Article 8.  
 All or a portion may be available to the Yolo County depending on outcome of unmet needs finding.

**March 2020**  
**SACRAMENTO AREA COUNCIL OF GOVERNMENTS**  
**Regional Share of Statewide PUC Allocation: \$22,877,581**  
**ALLOCATION OF STATE TRANSIT ASSISTANCE FUNDS (STA)**  
**FY 2020-2021**  
**PUBLIC UTILITY CODE SECTION 99313 & 99314**

JURISDICTION	POPULATION <sup>1/</sup>	POPULATION AS A % OF TOTAL	ALLOCATION PUC 99313 <sup>2/</sup>	ALLOCATION PUC 99314 <sup>2/</sup>	STA Total
<b>SACRAMENTO COUNTY</b>					
Unincorporated	594,216	30.56%	\$5,151,208	\$74,137	\$5,225,345
Citrus Heights	88,095	4.53%	\$763,688		\$763,688
Elk Grove	174,025	8.95%	\$1,508,608	\$142,747	\$1,651,355
Folsom	79,835	4.11%	\$692,083	\$41,276	\$733,359
Galt	26,489	1.36%	\$229,631		\$229,631
Isleton	871	0.04%	\$7,551		\$7,551
Rancho Cordova	74,471	3.83%	\$645,583		\$645,583
Sacramento	508,172	26.14%	\$4,405,300		\$4,405,300
Sacramento Regional Transit District	NA	NA	NA	\$5,148,577	\$5,148,577
<b>YOLO COUNTY</b>					
Unincorporated	31,200	1.60%	\$270,470		\$270,470
Davis	69,761	3.59%	\$604,752	\$202,992	\$807,744
West Sacramento	53,911	2.77%	\$467,350		\$467,350
Winters	7,417	0.38%	\$64,297		\$64,297
Woodland	60,292	3.10%	\$522,666		\$522,666
Yolo County Transportation District	NA	NA	NA	\$332,045	\$332,045
<b>SUTTER COUNTY</b>					
Unincorporated	21,114	1.09%	\$183,035		\$183,035
Live Oak	8,840	0.45%	\$76,633		\$76,633
Yuba City	67,536	3.47%	\$585,464		\$585,464
<b>YUBA COUNTY</b>					
Unincorporated	61,586	3.17%	\$533,884		\$533,884
Marysville	12,627	0.65%	\$109,462		\$109,462
Wheatland	3,703	0.19%	\$32,101		\$32,101
Yuba-Sutter Transit Authority	NA	NA	NA	\$82,041	\$82,041
<b>TOTAL</b>	<b>1,944,161</b>	<b>100.00%</b>	<b>\$16,853,766</b>	<b>\$6,023,815</b>	<b>\$22,877,581</b>

County of Sacramento Total	\$5,151,208
Rancho Cordova City Total	\$645,583
Sacramento City Total	\$4,405,300
Citrus Heights City Total	\$763,688
Folsom City Total	\$733,359
Available to SRTD	\$11,415,822
Available to County of Sacramento	\$283,316
Available to Yuba-Sutter Transit Authority	\$1,602,620

% in RT District	Transfer to SRTD
94.5%	\$4,867,892
100.0%	\$645,583
100.0%	\$4,405,300
100.0%	\$763,688
100.0%	\$733,359
<b>Total</b>	<b>\$11,415,822</b>

<b>Sacramento County</b>	<b>\$283,316</b>
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1. Sources: Report E-5, Department of Finance, Demographic Research Unit, 1-1-2019

2. Entire amount must be used for transportation planning and mass transportation purposes.

3. 94.5% is reserved for Sacramento Regional Transit District.

5. 100% is reserved for Yuba-Sutter Transit Authority.

4. 100% is reserved for Sacramento Regional Transit District.

6. This is the total PUC Section 99313 Allocation to SACOG for the fiscal year