

EAST VALLEY DIAL-A-RIDE
INTERGOVERNMENTAL AGREEMENT
AMENDMENT 7

CONTRACT # 169 32-2012

C2004-241 G

As of the 1st day of July, 2011 this amends the following items of the East Valley Dial-a-Ride Agreement entered into between the City of Tempe (CITY) and the RPTA, dated the 1st day of July, 2004, as amended July 1, 2005, July 1, 2006, July 1, 2007, July 1, 2008, July 1, 2009 and July 1, 2010.

The following section is added to the agreement dated July 1, 2004, as amended.

SECTION 4: CITY RESPONSIBILITY

- 4.4 CITY does hereby agree to participate in the Valley Metro ADA Platinum Pass Program specified in Schedule F. The ADA Platinum Pass program allows free use of fixed route bus and light rail for ADA certified CITY residents. Participation in the ADA Platinum Pass Program is voluntary by CITY and may be cancelled by CITY by providing written notice to RPTA prior to March 31st of each year to become effective the following fiscal year that begins July 1st. Participation in the ADA Platinum Pass Program reduces ADA operational costs by encouraging ADA certified passengers to use fixed route service in-lieu of ADA paratransit services. Each eligible ADA certified passenger will receive a reduced fare ADA Platinum Pass to be used at rail fare vending and validating machines and at bus fare boxes for the payment of fare, as defined by the regional fare policy. RPTA shall administer this program on behalf of CITY and deduct funding from CITY's annual ADA allocation of Public Transportation Funds (PTF) that are appropriated annually to CITY by the RPTA Board of Directors, should such appropriation occur. RPTA shall provide reports on usage and costs incurred not less than quarterly to CITY. CITY's ADA-PTF account shall be debited for all pass uses by residents of CITY on a monthly basis up to the monthly capped amount of the individual reduced fare Platinum Pass.

The following Schedules replace and supersede those Schedules of the agreement entered into July 1, 2010.

The attached Schedule A replaces and supersedes Schedule A entered into July 1, 2010.

The attached Schedule B replaces and supersedes Schedule B entered into July 1, 2010.

The attached Schedule C replaces and supersedes Schedule C entered into July 1, 2010.

The attached Schedule D replaces and supersedes Schedule D entered into July 1, 2010.

The attached Schedule E replaces and supersedes Schedule E entered into July 1, 2010.

The attached Schedule F is added to the agreement entered into July 1, 2004, as amended.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the _____ day
of _____, 2012.

By: _____
Hugh Hallman
Mayor

By: _____
Stephen R. Banta
Chief Executive Officer

ATTEST: _____
Tempe City Clerk

ATTEST: _____
Jon Medwin
Contracts and Procurement Manager

ATTEST: _____
Michael Taylor
Acting Director of Finance

INTERGOVERNMENTAL AGREEMENT DETERMINATION

In accordance with the requirements of A.R.S. Section 11-952(D), each of the undersigned attorneys acknowledge that: (1) they have reviewed the above Agreement on behalf of their respective clients; and, (2) as to their respective clients only, each attorney has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

For the City of Tempe

Attorney for RPTA

SCHEDULE A

SERVICE DESCRIPTION

The goal of the East Valley Regional Dial-a-Ride (EVDAR) Project is to enhance the mobility of senior citizens and persons with disabilities living in the cities of Chandler, Mesa, Tempe, Scottsdale, the Town of Gilbert and neighboring communities. The project provides a joint Dial-a-Ride program in Chandler, Mesa, Gilbert, Tempe and Scottsdale that will coordinate with the existing service in Phoenix.

The program is designed to meet the performance criteria established by the Federal Transit Administration (FTA) Section 504 Program and the Americans with Disabilities Act (ADA) of 1991. The following is a description of the service:

1. Type of Service:

A shared-ride, predominantly reservation paratransit transportation service with a 45-minute on time window for Non-ADA service at least 91 percent of the time and with a 30 minute one time window for ADA service at least 91 percent of the time.

2. Eligibility Criteria/Certification Cards:

This system will be available for use by persons with disabilities and by persons aged 65 and older. Passengers may be issued a Regional Transit Discount Fare Card. Disabled riders may need proof of disability such as, a Medicare Card, Valley Metro Reduced Fare Card or (letter from physician or social services program) or an ADA Regional Certification Card. Only those with valid ADA certification or ADA visitors will be eligible to book an ADA trip.

3. Restrictions/Priorities:

Priority will be given to all ADA trips and there will be no restrictions or priorities based on trip purpose for any ADA trips.

4. Fares:

Non-ADA fares are based on a zone fare system. The first zone will be one dollar (\$1); each additional zone will be 50 cents. ADA fares are a flat rate of three dollars and fifty cents (\$3.50) beginning July 1, 2011. Notwithstanding any provisions of this Agreement, Fares may be amended at any time at the discretion of the RPTA Board of Directors. The map attached in Schedule B outlines the zones in each city.

5. Days and Hours:

Service hours every day for Non-ADA service will be from 7:00 a.m. to 7:00 p.m. in Chandler, Gilbert and Mesa and 3:00 a.m. to 2:00 a.m. in Scottsdale and Tempe. ADA service hours will be 4:00 a.m. to Midnight, everyday in Chandler, Gilbert and Mesa and 3:00 a.m. to 2:00 a.m. in Scottsdale and Tempe. Days and hours of operation may be amended at any time upon mutual agreement among parties to this Agreement.

6. Service area:

The EVDAR Service Area is more fully described in Schedule B. Each community's Service Area may be amended at any time upon agreement among the parties to this Agreement.

7. Transfers:

Transfers to or from the Phoenix dial-a-ride services will be arranged by the originating dial-a-ride and in a way that ensures that the receiving dial-a-ride is open and that the passenger does not wait more than 30 minutes for the transfer vehicle.

8. Complaints:

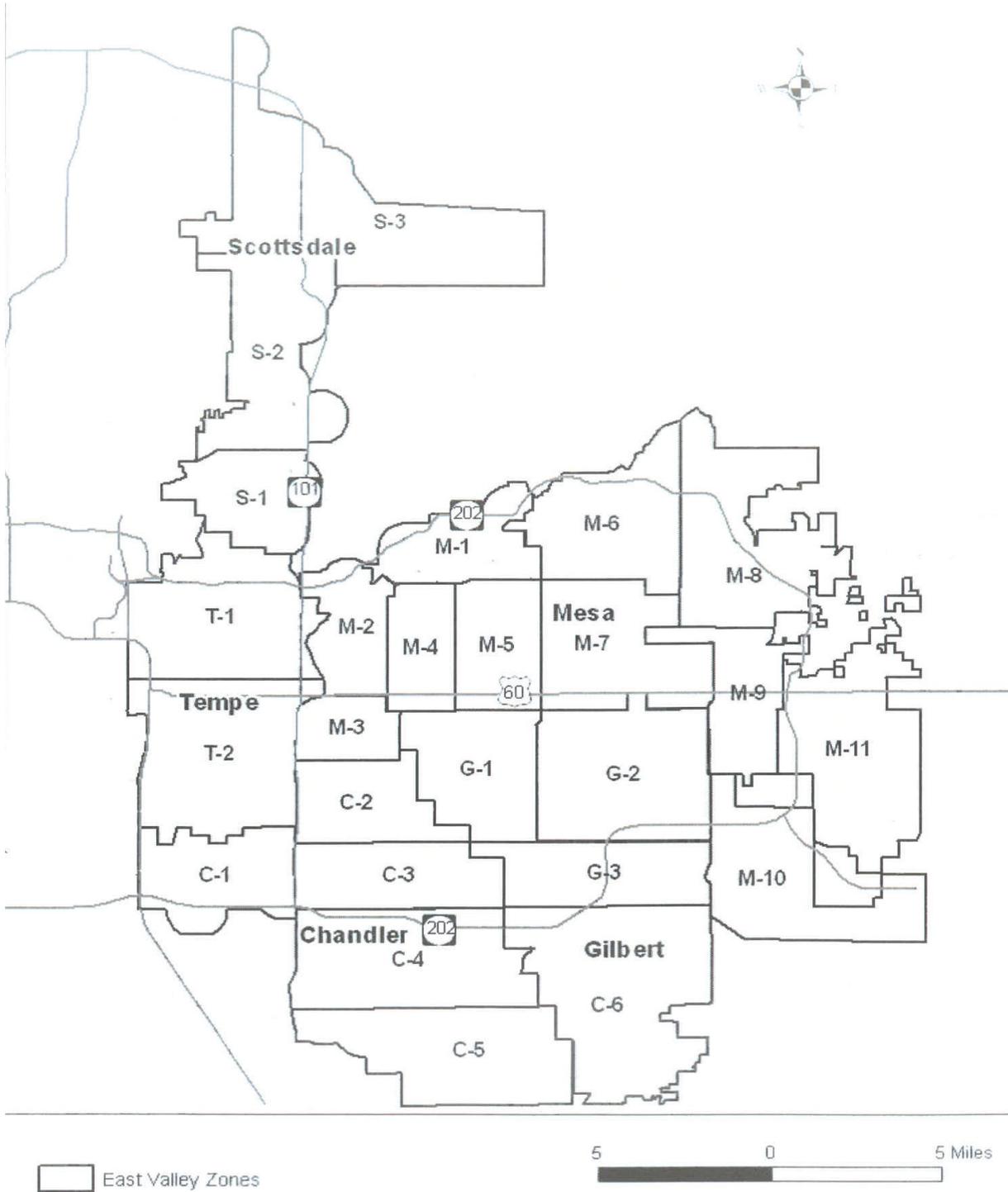
There is a central (RPTA-based) complaint process; Each community may also maintain a complaint procedure to be responsive to the local needs.

9. Payment to Provider:

The operator will be paid on a fixed fee and per revenue vehicle service hour basis. All fares will be kept by the operator but remain the property of RPTA and serve to offset expenses. The operator is expected to achieve and maintain at least 1.82 passengers per revenue hour performance standard.

SCHEDULE B

MAP OF SERVICE AREA



SCHEDULE C

FINANCIAL INFORMATION

I. Sources of Project Operating Budget:

FY 2011-2012

For the period of time July 1, 2011 through June 30, 2012, the City of Tempe will pay RPTA **\$300,622.00** for provision of East Valley Dial-a-Ride Services in twelve (12) monthly installments of **\$25,051.83** and shall become due within thirty (30) calendar days after the receipt of an invoice from RPTA.

Funding for the provision of Dial-a-Ride Services under this Agreement will be proportionately allocated to Jurisdictions based upon the number of vehicle revenue service hours (VRSH) provided in the respective city or town. VRSH shall be allocated between the cities and towns based upon the actual number of minutes vehicle(s) are located within the geographic boundaries of each city and town. VRSH shall accrue from the moment a vehicle picks-up its first passenger at the beginning of a daily shift until the vehicle drops-off its last passenger at the end of a daily shift. VRSH shall exclude any time (such as mechanical breakdown time and lunch breaks) when the vehicle is not available to provide revenue generating passenger transportation. RPTA shall maintain driver logs and/or dispatcher records showing the times at which vehicles are in service and the times at which vehicles enter and leave each city's or town's boundaries, together with all other information necessary to determine VRSH as described herein.

At the end of each quarter, RPTA will conduct a financial reconciliation of all costs of service (including any administrative fees) for informational purposes only. At the end of the fiscal year, a final reconciliation will be performed. If it is found that CITY has paid more than its share of the costs of service, RPTA shall refund such overpayment to CITY. Conversely, if CITY has underpaid its share of the costs of services, RPTA shall bill the CITY for the underpayment.

II. Projected Service Level: FY 2011 - 2012

(For the period July 1, 2011 – June 30, 2012)

A. Revenue Hours:

TEMPE: 20,105

III. Administrative Fee

Included in the estimated operating budget above, is a prorated fee of **\$39,342.00** charged by RPTA to administer, monitor, and market the project. The administrative fee has been divided among the cities and towns based upon the actual number of VRSH provided in each city or town. The Administrative Fee, and all service fees, will be due on a monthly basis, commencing July 1, 2011.

SCHEDULE C Cont.

East Valley DIAL-A-RIDE		
FY12 Estimate		
	Tempe	Percent
Boardings	31,218	14.7%
Revenue Hours	20,105	16.4%
Gross Contractor Cost	\$ 1,271,290	16.4%
Fuel Cost	\$ 186,638	16.4%
Facility Costs	\$ 43,800	16.4%
Other Indirect Expenses	\$ 59,892	16.4%
Salaries, Fringes & Overhead	\$ 39,342	16.4%
Gross EVDAR Svc Ops	\$ 1,600,963	
Less Fares	\$ (84,508)	14.7%
FTA - Preventive Mntce	\$ (73,494)	16.4%
Less: ADA Platinum Program	\$ (12,200)	
Less: Remaining ADA Funds	\$ (1,130,138)	81.0%
Net EVDAR Svc Ops	\$ 300,622	

SCHEDULE D

PTF AVAILABILITY

For the period July 1, 2011 to June 30, 2012 the maximum amount of PTF ADA funds available for the City of Tempe is \$1,142,338. The PTF will pay actual costs for ADA trips and other requests for Paratransit service made by ADA certified Riders up to the maximum amount. The attached Operating Budget lists the estimated amount of PTF ADA funds for City based on the previous year's history. A final reconciliation at fiscal year-end will be performed and adjustments, if necessary, will be made using actual ADA eligible costs.

Total reimbursements to the City will not exceed the net amount that factors in estimated and actual costs associated with operating RPTA's In-Person Eligibility Determination Facility and ADA Certification office.

Any remaining PTF ADA funds not used up to the maximum reimbursements may be requested by CITY for other ADA certified rider eligible expenses, and certified by the CITY's chief financial officer or designee. RPTA will reimburse CITY within thirty (30) business days based upon availability of funds. CITY may request that reimbursements be made electronically. Wire transfers must be pre arranged through the RPTA Finance Department

Maximum amounts:

City of Tempe	\$1,142,338
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SCHEDULE E

RIDE CHOICE PROGRAM

The City of Tempe agrees to participate and financially support the Alternative Transportation Services program for fiscal year 2011–12. The City of Tempe shall fund this project in the amount of \$36,953.00 for the period July 1, 2011–through June 30, 2012. The City of Tempe will pay for this project in twelve (12) monthly installments of \$3,079.42. Payment of invoices shall become due within thirty (30) calendar days after the receipt of an invoice from RPTA.

Regional Public Transportation Authority					
RideChoice Program					
Fiscal Year 2011-2012					
Expenditures	Chandler	Gilbert	Mesa	Tempe	Total
Companies	\$59,768	\$21,596	\$239,504	\$38,164	\$359,032
Coupon Revenue	(16,400)	(6,100)	(78,200)	(10,500)	(111,200)
Mileage Reimbursement Program	N/A	N/A	\$241,800	N/A	\$241,800
Dialysis Voucher Program	\$92,976	\$61,000	\$203,736	\$26,700	\$384,412
Contractor Administrative Cost	\$29,538	\$19,381	\$153,748	\$13,774	\$216,441
Program Cost	\$165,882	\$95,877	\$760,588	\$68,138	\$1,090,485
Administration, Printing and Marketing Support	\$12,473	\$6,998	\$55,515	\$4,973	\$79,959
Total Expenditures	\$178,355	\$102,875	\$816,103	\$73,111	\$1,170,444
Funding					
New Freedom Grants (1)	\$80,176	\$45,869	\$284,260	\$36,158	\$446,463
City Contributions	\$98,179	\$57,006	\$531,843	\$36,953	\$723,981
Total Funding	\$178,355	\$102,875	\$816,103	\$73,111	\$1,170,444

SCHEDULE F

VALLEY METRO ADA PLATINUM PASS PROGRAM

It is estimated that CITY's ADA PTF annual allocation for the ADA Platinum Pass Program shall incur a cost of **\$12,200.00** in FY 2011-12. In all cases CITY shall be responsible for the actual costs incurred by RPTA for administering this program including actual transportation costs by its residents. In the event that CITY does use its estimated funding provided through the RPTA Board approved ADA allocation, RPTA may direct such remaining funding to other ADA programs approved by RPTA, including but not limited to, funding of dial-a-ride and other alternative transportation programs for ADA certified users within CITY.