



**SCOPE CHANGES SUBCOMMITTEE OF THE
TECHNICAL ADVISORY COMMITTEE OF THE MOBILE SOURCE
AIR POLLUTION REDUCTION REVIEW COMMITTEE**

AGENDA

Friday, January 21, 2021 at 10:00 a.m.

Pursuant to [Assembly Bill 361](#), the MSRC-TAC Scope Changes Subcommittee meeting will only be conducted via video conferencing and by telephone. Please follow the instructions below to join the meeting remotely.

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION AT BOTTOM OF AGENDA

[Join Zoom Webinar Meeting - from PC or Laptop](https://scaqmd.zoom.us/j/95514671868)
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Audience will be allowed to provide public comment through telephone or Zoom connection during public comment periods

PUBLIC COMMENT WILL STILL BE TAKEN

*Members of the public may address this body concerning any agenda item before or during consideration of that item (Gov't Code Section 54954.3(a)). If you wish to comment on an agenda item or during the public comment period, please "raise your hand" on Zoom or dial *9 on your phone. All agendas for regular meetings are posted at District Headquarters, 21865 Copley Drive, Diamond Bar, California, at least 72 hours in advance of the regular meeting. Speakers may be limited to three (3) minutes each.*

CALL TO ORDER

- Roll Call

ACTION CALENDAR

1. Consider Potential Modifications to the MSRC Policy Titled “Contract Modifications, Scope Changes, Extensions and Cost Reallocations”

The Subcommittee will review the existing policy and consider potential options to refine the policy governing extension requests.

OTHER BUSINESS

2. **Any member of the Subcommittee, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, may make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter, or may take action to direct staff to place a matter of business on a future agenda. (Gov’t Code Section 54954.2)*

PUBLIC COMMENT PERIOD - (Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3)

At the end of the regular meeting agenda, an opportunity is provided for the public to speak on any subject within the Subcommittee’s authority that is not on the agenda. Speakers may be limited to three (3) minutes each.

ADJOURNMENT

Next Meeting: Date: Thursday, February 3, 2022, 12:45 p.m., location TBD

Americans with Disabilities Act and Language Accessibility

Disability and language-related accommodations can be requested to allow participation in the MSRC-TAC meeting. The agenda will be made available, upon request, in appropriate alternative formats to assist persons with a disability (Gov’t Code Section 54954.2(a)). In addition, other documents may be requested in alternative formats and languages. Any disability or language-related accommodation must be requested as soon as practicable. Requests will be accommodated unless providing the accommodation would result in a fundamental alteration or undue burden to the District. Please contact Alejandra Vega at (909) 396-2264 from 7:00 a.m. to 5:30 p.m., Tuesday through Friday, or send the request to avega@aqmd.gov

Pursuant to SB 343

All documents (i) constituting non-exempt public records, (ii) relating to an item on an agenda for a regular meeting, and (iii) having been distributed to at least a majority of the Committee after the Agenda is posted, are available by contacting Alejandra Vega at (909) 396-2264 or send the request to avega@aqmd.gov

Contacts: Cynthia Ravenstein, MSRC Contracts Administrator – (909) 396-3269
Ray Gorski, MSRC Technical Advisor – (909) 396-2479
Alejandra Vega, MSRC Administrative Liaison – (909) 396-2264

*** Visit Our Website At: www.CleanTransportationFunding.org***

INSTRUCTIONS FOR ELECTRONIC PARTICIPATION

Instructions for Participating in a Virtual Meeting as an Attendee

As an attendee, you will have the opportunity to virtually raise your hand and provide public comment.

Before joining the call, please silence your other communication devices such as your cell or desk phone. This will prevent any feedback or interruptions during the meeting.

Please note: During the meeting, all participants will be placed on mute by the host. You will not be able to mute or unmute your lines manually.

After each agenda item, the Chair will announce public comment.

A countdown timer may be displayed on the screen for each public comment.

If interpretation is needed, more time will be allotted.

Once you raise your hand to provide public comment, your name will be added to the speaker list. Your name will be called when it is your turn to comment. The host will then unmute your line.

Directions for Video ZOOM on a DESKTOP/LAPTOP:

- If you would like to make a public comment, please click on the “**Raise Hand**” button on the bottom of the screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for Video Zoom on a SMARTPHONE:

- If you would like to make a public comment, please click on the “**Raise Hand**” button on the bottom of your screen.
- This will signal to the host that you would like to provide a public comment and you will be added to the list.

Directions for TELEPHONE line only:

- If you would like to make public comment, please **dial *9** on your keypad to signal that you would like to comment.

Scope Change Subcommittee Agenda Item No. 1

DATE: January 21, 2022

FROM: Cynthia Ravenstein, MSRC Contracts Administrator

SUBJECT: Consider Potential Modifications to the MSRC Policy on Contract Modifications, Scope Changes, Extensions and Cost Reallocations

SYNOPSIS: The Subcommittee will review the existing policy and consider potential options to refine the policy governing extension requests.

FINANCIAL IMPACT: None

RECOMMENDATIONS: None

ATTACHMENTS: Current MSRC Policy on Contract Modifications, Scope Changes, Extensions and Cost Reallocations

DISCUSSION: In the course of discussing specific extension requests at previous meetings, some Subcommittee members broached the idea of adopting a broader policy to govern extensions. This item will review the existing policy and consider potential options for refinements.

Current Policy: The current MSRC Policy on Contract Modifications, Scope Changes, Extensions and Cost Reallocations (attached) provides that extension requests will be considered by the MSRC-TAC and MSRC on a case-by-case basis. Note that while the subject policy allows MSRC staff the ability to extend a contract an additional six months, with all subsequent extensions brought to the MSRC for consideration, this authority was extended to one year in the slightly overlapping “Policies on Contracts Administrator Responsibilities for Scope Changes”. That policy does not otherwise bear upon extensions. The subject policy goes on to distinguish between requests based upon the reason for the request:

- Delays due to problems with delivery or manufacturing of equipment or vehicles and circumstances beyond the control of the contractor; and
- Problems or delays caused by internal management or administration, or to utilize the unexpended balance on a contract, deemed as for the contractor’s convenience.

If the change is for the contractor’s convenience, the MSRC has the discretion to seek consideration as a condition of granting the extension. This could include, but is not necessarily

limited to, a reduction in the contract value or an additional task. As part of considering any potential modifications to the existing policy, the Subcommittee may want to consider whether the MSRC is making the most of these existing provisions.

Other Options: There may be a desire to consider modifications to the current extension policy which would apply to all requests rather than on a case-by-case basis. There are two basic types of limits which may be imposed, singly or in combination: length of extension, and number of extensions.

Extension length may be limited in terms of the specific extension being sought, and/or the cumulative length of extensions on that contract. For almost any extension length limit that the Subcommittee might posit, examples can be found for which the MSRC has approved like extensions. Due to differing project types, market circumstances, etc., the MSRC has approved contract extensions which might seem excessive if they were requested for other projects.

Realistically, a limit on the total *number* of extensions could well have the effect of encouraging contractors to request longer extensions, to be conservative in case of unforeseen delays. If such longer extensions were granted, this could remove some of the impetus to move projects forward expeditiously. And even if the project was completed according to the original schedule, it could tie funds up unnecessarily. However, this approach would tend to reduce the administrative burden of considering and processing extensions.

Consideration of the reasons for extension request described in the current policy may provide fertile ground for discussing more comprehensive limits. A numerical limit on requests for contractor convenience, for example, might bear fruit.



**Mobile Source
Air Pollution Reduction
Review Committee**

Approved by: MSRC

Date: 11-18-99

**POLICY ON CONTRACT MODIFICATIONS
SCOPE CHANGES, EXTENSIONS, AND COST REALLOCATIONS**

1. Contract extensions or scope changes may be requested on AB 2766 Discretionary Fund contracts. Contractors should submit requests in writing, *using the Modification Request Form*, to the Contract Administrator's office. Reasons for the request should be well documented by the Contractor. The Contract Administrator will present the requests to both the MSRC-TAC and the MSRC for consideration and approval.
2. Contract extensions and scope changes must be submitted *by 9.a.m. on the first Monday* of the month to be considered by the MSRC-TAC and MSRC for that month. Requests received after the *first Monday* of the month will be considered at the following month's MSRC-TAC and MSRC meetings. Late extension requests for contracts expiring prior to the following months MSRC-TAC meeting, must include a discussion of the compelling reasons for the untimely submission of the request. Such requests will be considered on a case-by-case basis by the MSRC - TAC.
3. Extension requests and scope changes will be considered by the MSRC-TAC and MSRC on a case-by-case basis. *An option clause shall be included in all contracts that will allow MSRC staff the ability to extend a contract an additional six months at no cost to the MSRC or the contractor. All subsequent extensions will be brought to the MSRC for its consideration.*

If a contract extension or scope change is for the contractor's **convenience**, the MSRC shall have the discretion to request a downward adjustment in the contract price, an additional task, an additional report or seek other legal consideration as a condition of granting the extension or scope change. Situations defined as convenience are problems or delays caused by internal management or administration, for example, failure to submit progress reports or final reports in a timely manner, failure to aggressively monitor the project, and extensions merely to exhaust unexpended funds.

A delay due to problems with the delivery or manufacturing of equipment or vehicles and **circumstances beyond the control of the contractors** will not be considered as changes for the contractor's convenience. Documentation of delays will be required. *The MSRC shall have the discretion to seek legal consideration for extension or requests granted under these circumstances.*

4. Any contract changes made without prior approval of the MSRC will be at the contractor's own risk. If the MSRC does not approve the change, the contractor will not be reimbursed for any costs incurred as a result of the unapproved change.

5. The contractor is responsible for properly monitoring the project and should notify the Contract Administrator immediately if the Contractor feels the project is in jeopardy of falling behind schedule or problems arise.

6. Requests for extensions must be received in writing by the Contract Administrator 60 days prior to the close of the contract. The approval process for contract extensions and scope changes takes approximately six weeks. If a request is made within 60 days of the end date of the contract, the contract may expire prior to review and approval of the request. If this situation occurs, the contractor must stop work until the time extension is approved. In the event the extension is not approved the contractor must consider the end date of the contract firm and may not bill for work done after this date.

Adopted May 25, 1995
Amended November 18, 1999

(a:sc:policyrevised99.doc)