

**EXTENSION OF
COOPERATIVE AGREEMENT
AMONG ALAMEDA-CONTRA COSTA TRANSIT DISTRICT, SAN FRANCISCO BAY
AREA RAPID TRANSIT DISTRICT, CITY OF UNION CITY, SAN MATEO COUNTY
TRANSIT DISTRICT, AND SANTA CLARA VALLEY TRANSPORTATION
AUTHORITY TO PROVIDE ADMINISTRATION SERVICE
FOR THE DUMBARTON EXPRESS BUS SERVICE
FROM JANUARY 1, 2021 THROUGH DECEMBER 31, 2021**

This Extension Agreement is entered into this 1st day of January 2021, by and among the following: Alameda-Contra Costa Transit District (AC Transit), San Francisco Bay Area Rapid Transit District (BART), City of Union City (Union City), San Mateo County Transit District (SamTrans), and Santa Clara Valley Transportation Authority (VTA).

WHEREAS, AC Transit, BART, Union City, SamTrans and VTA (collectively, the "CONSORTIUM") are parties to a Cooperative Agreement which formalizes the Dumbarton Bridge Route Express Bus Transportation Service and was initially entered into on July 1, 1993; and

WHEREAS, the CONSORTIUM provides Dumbarton Bridge Express Bus (DBX) transit bus service over the Dumbarton Bridge between the Union City BART Station and Palo Alto; and

WHEREAS, AC Transit directly operated the DBX service on behalf of the CONSORTIUM from the period April 4, 2005 through December 16, 2011; and

WHEREAS, on September 14, 2011, on behalf of the CONSORTIUM SamTrans awarded a contract for the Operations and Maintenance of the DBX service to MV Transportation; and

WHEREAS, on December 18, 2011, MV Transportation began operating the DBX service for the period of approximately five (5) years through December 31, 2016; and

WHEREAS, the CONSORTIUM wished to exercise the first option year (Sixth Year 2017) as detailed in Attachment D—Contractor's Cost Proposal Forms, Form A.2—Cost Proposal Detail Form For the Five One-Year Extension Terms and

WHEREAS, AC Transit exercised the first option year effective through December 31, 2017; and

WHEREAS, the CONSORTIUM wished to exercise the second option year (Seventh Year 2018) as detailed in Attachment D—Contractor's Cost Proposal Forms, Form A.2—Cost Proposal Detail Form For the Five One-Year Extension Terms; and

WHEREAS, AC Transit exercised the second option year effective through December 31, 2018; and

WHEREAS, the CONSORTIUM wished to exercise the third option year (Eighth Year 2019) as detailed in Attachment D—Contractor's Cost Proposal Forms, Form A.2—Cost Proposal Detail Form For the Five One-Year Extension Terms; and

WHEREAS, AC Transit exercised the third option year effective through December 31, 2019; and

WHEREAS, the CONSORTIUM wished to exercise the fourth option year (Ninth Year 2020 as detailed in Attachment D—Contractor's Cost Proposal Forms, Form A.2—Cost Proposal Detail Form For the Five One-Year Extension Terms; and

WHEREAS, AC Transit exercised the fourth option year effective through December 31, 2020; and

WHEREAS, the CONSORTIUM wishes to exercise the fifth option year (Ninth Year 2021 as detailed in Attachment D—Contractor's Cost Proposal Forms, Form A.2—Cost Proposal Detail Form For the Five One-Year Extension Terms; and

WHEREAS, the CONSORTIUM believes it is in the best interest for all parties for AC Transit to continue as Administrator of the DBX service through December 31, 2021.

NOW, THEREFORE, in consideration of the faithful performance of the terms, conditions, promises and covenants contained in this Fifth Extension Agreement and the continuing provisions of the Contract, the First Extension Agreement, the Second Extension Agreement, the Third Extension Agreement, and the Fourth Extension Agreement, the parties agree as follows:

1. Section 1. RESPONSIBILITY FOR OPERATIONS OF THE DBX SERVICE

The following sentence:

“Commencing December 19, 2011, and continuing through December 31, 2020, MV Transportation (CONTRACTOR), on behalf of the CONSORTIUM, will operate the DBX service.”

shall be replaced with the following:

"Commencing December 19, 2011, and continuing through December 31, 2021, MV Transportation (CONTRACTOR), on behalf of the CONSORTIUM, will operate the DBX service."

2. Section 2. RESPONSIBILITY FOR THE ADMINISTRATION OF THE DBX SERVICE

The first sentence of the first paragraph of Section 2 is deleted and replaced as follows:

"Commencing December 19, 2011 and continuing through December 31, 2021, AC Transit will administer the DBX service on behalf of the CONSORTIUM."

The last sentence of the second paragraph of Section 2 is deleted and replaced with the following:

"Commencing July 2, 2012 and continuing through December 31, 2019 AC Transit shall use redirected Dumbarton Rail Regional Measure 2 (RM2) funds from the Metropolitan Transportation Commission (MTC) to fully support DBX operations.

Commencing January 1, 2020 and continuing through December 31, 2021 AC Transit shall use redirected Dumbarton Rail Regional Measure 2 (RM2) funds from the Metropolitan Transportation Commission (MTC) and AC Transit Easy Pass program revenues collected from Stanford University, Stanford Medical Center, and their affiliates to fully support DBX operations."

3. Section 5. Term

The language in this section is replaced in its entirety by the following:

"This Agreement shall commence on December 19, 2011 and shall remain in full effect until December 31, 2021. This Agreement may be amended at any time upon successful passage of an amendment by all of the CONSORTIUM members' Governing Boards, if required by each member's respective agency, and memorialized by a writing signed by all Parties."

5. Except as expressly modified by this Fifth Extension Agreement, the terms and conditions of the Contract of December 19, 2011, the First Extension Agreement of January 1, 2017, the Second Extension Agreement of January 1, 2018, the Third Extension agreement of January 1, 2019, and the Fourth Extension agreement of January 1, 2020 shall remain in full force and effect and be binding on the parties as if the provisions of the Contract were set forth in this Agreement.

IN WITNESS WHEREOF, this Extension Agreement has been executed by the parties hereto:

Alameda-Contra Costa Transit District

Michael Hursh, General Manager Date

Approved As to Form and Content:

Jill Sprague, General Counsel Date

Bay Area Rapid Transit District

Robert Powers, General Manager Date

Approved As to Form and Content:

Matthew Burrows, General Counsel Date

City of Union City

Antonio E. Acosta, City Manager Date

Approved As to Form and Content:

Kristopher Kokotaylo, City Attorney Date

San Mateo County Transit District

James Hartnett, General Manager

Date

Approved As to Form and Content:

Joan Cassman, Legal Counsel

Date

Santa Clara Valley Transportation Authority

Nuria Fernandez, General Manager

Date

Approved As to Form and Content:

Jeffrey Rodgers, VTA Counsel

Date