

Schedule Oversight Committee Roster
March 27, 2006

Participants	Organization	E-Mail Address	Telephone Number	Fax Number
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Bold = Primary Representative

Pending Change Orders With Potential Schedule Impacts

March 27, 2006

	Information Management System (CN-0018, Rev 1) ???	Caltrain Comms Network (CO-0076)	Automated Report Distribution and Additional Financial Data (CN-0040)
Change Notice Issue Date	TBD	6/10/05	11/1/05
Change Notice Due Date	TBD	7/25/05	12/2/05
ERG Proposal -Date Received	TBD	8/31/05	Not Received
Schedule Impact*	TBD	0 Months	TBD
Cost Impact (000)*	TBD	\$227	TBD
Phase 2.2			
AC	TBD		TBD
GGT	TBD		TBD
Phase 2.3			
BART			
Caltrain	√	√	√
Muni	√		√
Phase 2.4			
VTA	√		√
SamTrans	√		√

Legend

√ Operator requires for Revenue Ready

X Operator prefers for Revenue Ready

* Proposed by ERG. Negotiations are pending.

TransLink® Baseline Contract Milestones (Excluding Pending & Approved Change Orders)

Phase II

March 27, 2006

Milestone	Contract Date	Calendar Days from Phase II NTP
Phase II Notice to Proceed	11/10/03	0
Phase II Design		
Complete Milestone 4 (Including revised/updated version of all items in Section B4-4.2.3.4 of the Contract) ^(A)	7/30/04	263
Complete First Article Testing - Submit Test Results ^(A)	10/26/04	351
Phase II Implementation		
Phase 2.1(Phase I Equipment Retrofit and Card Upgrade)		
Phase 2.1 Build Complete	6/29/04	232
Conditional Acceptance of Phase II Equipment	7/29/04	262
Phase 2.2 (includes AC Transit and Golden Gate Transit)		
AC Transit – Change order 51 executed September 2004.		
Complete Interface and Integration Inspection and Testing – Submit Results (I3T)	11/10/04	366
Deliver Phase II Configuration O&M, Software, and Training Manuals and Software Documentation	1/30/05	447
Revenue Ready Status ⁽¹⁾	3/15/05	491
Conditional Acceptance of Phase II Equipment	4/26/05	533
Golden Gate – Change order 51 executed September 2004.		
Complete Interface and Integration Inspection and Testing – Submit Results (I3T)	12/27/04	413
Deliver Phase II Configuration O&M, Software, and Training Manuals and Software Documentation	1/11/05	428
Revenue Ready Status ⁽¹⁾	4/5/05	512
Conditional Acceptance of Phase II Equipment	5/3/05	540
Phase 2.3 (includes Caltrain, Muni and BART)		
Caltrain – Change order 61 executed April 2005.		
Complete Interface and Integration Inspection and Testing – Submit Results (I3T)	7/5/05	603
Deliver Phase II Configuration O&M, Software, and Training Manuals and Software Documentation	7/20/05	618
Revenue Ready Status ⁽¹⁾⁽²⁾	12/5/06	1,121
Conditional Acceptance of Phase II Equipment	1/16/07	1,163
MUNI – Change order 59 executed February 2005.		
Complete Interface and Integration Inspection and Testing – Submit Results (I3T)	3/14/05	490
Deliver Phase II Configuration O&M, Software, and Training Manuals and Software Documentation	3/29/05	505
Revenue Ready Status ⁽¹⁾⁽²⁾	10/19/05	709
Conditional Acceptance of Phase II Equipment	11/19/05	740

**TransLink® Baseline Contract Milestones (Excluding Pending & Approved Change Orders)
Phase II**

March 27, 2006

Milestone	Contract Date	Calendar Days from Phase II NTP
BART – Change order 51 executed September 2004.		
Complete Interface and Integration Inspection and Testing – Submit Results (I3T)	N/A	N/A
Deliver Phase II Configuration O&M, Software, and Training Manuals and Software Documentation	N/A	N/A
Revenue Ready Status ⁽¹⁾⁽³⁾	9/23/05	683
Conditional Acceptance of Phase II Equipment	10/23/05	713
Phase 2.4 (includes VTA and SamTrans)		
VTA – Change order has yet to be executed by MTC and ERG.		
Complete Interface and Integration Inspection and Testing – Submit Results (I3T)	8/31/06	1,025
Deliver Phase II Configuration O&M, Software, and Training Manuals and Software Documentation	3/20/07	1,226
Revenue Ready Status ⁽¹⁾	3/20/07	1,226
Conditional Acceptance of Phase II Equipment	4/20/07	1,257
SamTrans		
Complete Interface and Integration Inspection and Testing – Submit Results (I3T)	N/A	
Deliver Phase II Configuration O&M, Software, and Training Manuals and Software Documentation	N/A	
Revenue Ready Status ⁽¹⁾	TBD	
Conditional Acceptance of Phase II Equipment	TBD	
Final Acceptance of Phase II Equipment ⁽⁴⁾		
Complete Initial O&M Phase ⁽⁵⁾		
Notes		
1 As defined in Article 8.2, including training.		
2 This schedule includes Change Order - 0043 MUNI Faregate Retrofit.		
3 Date is based off of Change Order - 0042, BART Faregate Integration.		
4 The date of this Milestone depends upon approval of Acceptance Testing Results for each testing period as defined in Section B4-4.3 of the contract.		
5 Defined by Article 9.2 of the Terms and Conditions.		
Phase I Milestones not yet Completed		
Transition to Phase II		
Complete Milestone 1	4/20/04	162
Complete Milestone 2	4/20/04	162
Complete Milestone 3 ^(A)	7/30/04	263
Notes		
A Dates reflect ERG's May 17, 2004 submittal of the Common Task Baseline TransLink® Schedule which is a component of the schedules approved for AC Transit & Golden Gate.		

Legend:

- Dates in ***Bold & Italics*** are approved by the TMG

		Monthly Update						
		16	17	18	19	20	21	22
Agency	Approved Baseline	September (R)	October	November (R)	December (R)	January (R)	February (R)	March (R)
Golden Gate RR (Apprv'd May '04)	4/5/2005	12/29/2005	Not Provided	3/17/2006	3/17/2006	3/22/2006	6/6/2006	6/29/2006
Month Change		0		-78	0	-5	-76	-23
Cumulative Change		-268		-346	-346	-351	-427	-450

		Monthly Update						
		16	17	18	19	20	21	22
Agency	Approved Baseline	September (R)	October	November (R)	December (R)	January (R)	February (R)	March (R)
AC Transit RR w/o CO #53 (Apprv'd May '04)	3/15/2005	12/30/2005	Not Provided	3/8/2006	3/8/2006	3/17/2006	3/31/2006	4/28/2006
Month Change		-4		-68	0	-9	-14	-28
Cumulative Change		-290		-358	-358	-367	-381	-409
		10	11	12	13	14	15	16
AC Transit RR w/ CO #53 (Apprv'd Nov '04)	8/25/2005	1/23/2006	October	November (R)	December (R)	January (R)	February (R)	March (R)
Month Change		-28		-44	0	-9	-14	-28
Cumulative Change		-151		-195	-195	-204	-218	-246

C.O. #53 = Remote Switch

		Monthly Update						
		16	17	18	19	20	21	22
Agency	Approved Baseline	September (R)	October	November (R)	December (R)	January (R)	February (R)	March (R)
BART RR w/o CO #56 (Apprv'd May '04)	9/23/2005	7/7/2006	Not Provided	8/9/2006	8/9/2006	8/7/2006	9/11/2006	9/27/2006
Month Change		-126		-33	0	2	-35	-16
Cumulative Change		-287		-320	-320	-318	-353	-369
		8	9	10	11	12	13	14
BART RR w/ CO #56 (Apprv'd Jan '05)	3/30/2005	8/24/2006	October	November (R)	December (R)	January (R)	February (R)	March (R)
Month Change		-59		15	-61	-24	-35	35
Cumulative Change		-147		-132	-193	-217	-252	-217

C.O. #55 = HVD epurse

		Monthly Update											
		12	13	14	15	16	17	18					
Agency	Approved Baseline	September (R)	October	November (R)	December (R)	January (R)	February (R)	March (R)					
Muni RR (Apprv'd Sept '04)	10/19/2005	3/31/2006	Not Provided	6/23/2006	6/23/2006	7/14/2006	8/18/2006	8/28/2006					
Month Change		0	Provided	-84	0	-21	-35	-10					
Cumulative Change		-163		-247	-247	-268	-303	-313					

		Monthly Update											
		9	10	11	12	13	14	15					
Agency	Approved Baseline	September (R)	October	November (R)	December (R)	January (R)	February (R)	March (R)					
Caltrain RR (Apprv'd Dec '04)	12/5/2006	12/21/2006	Not Provided	12/21/2006	12/21/2006	12/28/2006	1/31/2007	3/27/2007					
Month Change		0	Provided	0	0	-7	-34	-55					
Cumulative Change		-16		-16	-16	-23	-57	-112					
Caltrain RR w/ CO #57 (Apprv'd Dec '04)	12/5/2006	9/15/2006	October	November (R)	December (R)	January (R)	February (R)	March (R)					
Month Change		-35	Provided	-60	-27	-25	-35	-46					
Cumulative Change		81		21	-6	-31	-66	-112					

C.O. #57 = Dual Tag ("No Schedule Impact")
 (This C.O. was added to the slip table January 9, 2006 as a result of the completion date projected beyond the approved baseline date for revenue ready.)

		Monthly Update											
		1	2	3	4								
Agency	Approved Baseline	September	October	November	December	January (R)	February	March					
VTA RR (Apprv'd Oct '05)	3/20/2007				Not Provided	8/16/2007	Not Provided	Not Provided					
Month Change						-149							
Cumulative Change						-149							

		Monthly Update											
		1	2	3	4								
Agency	Approved Baseline	September	October	November	December	January	February	March					
SamTrans RR (Apprv'd XXX '06)													
Month Change													
Cumulative Change													

**Preliminary Review Comments
Motorola/ERG March Schedule Submittal
March 27, 2006**

Golden Gate:

- Assumes point of sale network meets contract requirements by April 14, 2006.
- Assumes web site meets contract requirements by April 24, 2006.
- Assumes back office software is released in March.

AC Transit:

- Assumes bus installation complete by April 17, 2006.
- Assumes point of sale network meets contract requirements by April 14, 2006.
- Assumes web site meets contract requirements by April 24, 2006.
- Assumes back office software is released in March.

BART:

- ERG needs to refine training section of schedule – same comment as last month.
- Integration tasks associated with BART contractors (FCE and CTS) to be added to schedule – same comment as last month.
- POS schedule needs refinement.
- *Per March 22, 2006 status meeting, ERG reported that the faregate integration schedule will be delayed by approximately 12 weeks.*

Muni:

- IIT part 2 testing can not be completed until ERG has finished installation of the equipment.
- Training is scheduled for delivery ahead of IIIT lab testing. Training should be linked to IIT part 2 – same comment as last month.
- ERG has not included CID 3 IIIT part 1 or part 3 testing in their schedule.
- Training tasks in their schedule for CID3 devices associated with CO 43.
- POS schedule needs refinement.

Caltrain:

- Facility installation tasks are not linked to the completion of IIIT.
- POS schedule needs refinement.

VTA:

- No schedule for VTA was submitted – same comment as last month.



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March 13, 2006
MTC-MOT-2852

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Subject: Failure to Submit Reasonable and Realistic Monthly Schedules

Dear Mr. Cerney:

We have your letter of January 13, 2006 responding to Jennifer Cheng's letter of December 27, 2005 regarding Contractor's continued failure to submit acceptable project schedules. MTC does not want to engage in an extended debate over the meaning of the schedule provisions in the Contract, but several of your points require our response. .

1. The Contractor's assertion that the Contract contemplates approval by MTC of the baseline schedule, but not the monthly updates is contrary to the clear intent of Articles 5.3 and 5.4.1 and illogical in the context of other provisions of the Contract.

2. The Contractor's apparent claim that submission of **any** monthly schedule update, without regard to content or logic, meets the requirements of the Contract is likewise not supported by Articles 5.3 and 5.4.1 and ignores the careful description of the purposes of the project schedule in Article 5.3 and the remedy provided when the schedule fails to serve those purposes.

3. The Contractor's suggestion that a "healthy" schedule must be approved fails to take into account the requirements of Article 5.3 of the Contract (cited in your letter) that the schedule include "sufficient information to enable proper control and monitoring of the work...with sufficient detail to show how Mandatory Milestones are intended to be met." As discussed in MTC-MOT-2825, a "healthy" schedule may, upon examination, fail to provide correct or acceptable logic ties or activity durations or to forecast reasonable and accurate dates for Revenue Ready or other Mandatory Milestones as contemplated by Article 5.3.

4. The Contractor was not ready to start training at Golden Gate in December 2005 (or in fact, as of the date of this letter), even if all connections to testing activities had been deleted. By stating that it is within its contractual rights to submit a schedule showing training for GGT beginning in December 2005, Contractor is again making the argument that **any** schedule submission, even an obviously unrealistic one, meets the Contract requirements. As stated in 2 above, we disagree.

5. The Contractor's reliance on Article 5.4.2 as the basis for unilateral changes to the approved project implementation plan is misplaced. First, the parties' duty is to mitigate **damages** by reasonable and appropriate actions. Submission of a schedule so unrealistic that it causes operators to commit resources in relation to Revenue Ready dates that are impossible to

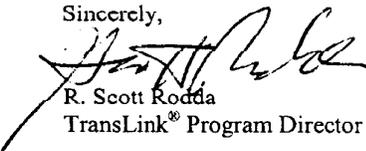
achieve itself generates damages, as opposed to avoiding them. For example, Golden Gate and AC Transit have had several false starts due to optimistic forecasts included in your past schedules. Furthermore, as noted in MTC-MOT-2825, the Contractor cannot rely on Article 5.4.2 as a basis for unilaterally changing the sequence of activities that involve the re-allocation of MTC and operator resources.

6. Your claim on page 3 of your letter that the Contractor is somehow required by the Contract to submit schedules that represent "a schedule that is holding firm," when the project reality shows continued slippage is alarming. The Contract requires Contractor to adhere to a firm schedule in terms of project progress, to be sure, but nowhere does the Contract oblige Contractor to show progress in the schedule that is not actually being made or to mask failure to achieve required progress through illusory schedule changes inconsistent with approved design documents. Such an interpretation is squarely at odds with the express provisions at Article 5.3, requiring Contractor to provide MTC with *accurate* information sufficient to monitor and control work, and at Article 5.4.1 requiring the Contractor to provide MTC with a statement as to how it will return to compliance with the schedule when it fails to complete an activity by the completion date in the Approved Project Schedule. The schedule is a tool, not an independently valuable artifact, and if the schedule does not contain accurate information, it has no value as either tool or record.

Despite the arguments raised in your letter to the contrary, MTC believes that we have made some inroads in convincing the Contractor of the importance of realistic and accurate schedules for a program as complicated as this one. The collaborative meetings to discuss MTC's comments on the schedules and the mitigations you are contemplating are a start. Continuous diligence in preparing and submitting accurate, realistic schedule updates from which we can predict each operator's Revenue Ready date is the best means of mitigating damages due to delay.

If you have any questions, please do not hesitate to contact me at (510) 817-5752.

Sincerely,



R. Scott Rodda
TransLink® Program Director

cc: TransLink® Management Group Members