

**From:** [herb](#)  
**To:** [Council City](#); [Clerk City](#)  
**Subject:** February 124, 2022 Council Meeting, Item #5: AECOM Contract Amendment  
**Date:** Saturday, February 12, 2022 5:48:59 PM

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Herb Borock  
P. O. Box 632  
Palo Alto, CA 94302

February 12, 2022

Palo Alto City Council  
250 Hamilton Avenue  
Palo Alto, CA 94301

**FEBRUARY 14, 2022 CITY COUNCIL MEETING, AGENDA ITEM #5  
AMENDMENT TO CONTRACT #18171057 WITH AECOM**

Dear City Council:

I continue to believe that AECOM has a potential conflict of interest due to its receipt of funds from both the Peninsula Corridor Joint Powers Board and the California High Speed Rail Authority as stated in the April 15, 2018 letter from me to you that appears below.

Thank you for your consideration of these comments.

Sincerely,

Herb Borock

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**From:** herb <herb\_borock@hotmail.com>  
**Sent:** Sunday, April 15, 2018 11:28 PM  
**To:** city.council@cityofpaloalto.org <city.council@cityofpaloalto.org>; city.clerk@cityofpaloalto.org <city.clerk@cityofpaloalto.org>  
**Subject:** April 16, 2018, Council Meeting, Item #6: Rail Contract with AECOM

Herb Borock  
P. O. Box 632  
Palo Alto, CA 94302

April 15, 2018

Palo Alto City Council  
250 Hamilton Avenue  
Palo Alto, CA 94301

**APRIL 16, 2018, CITY COUNCIL MEETING, AGENDA ITEM #6  
CONTRACT WITH AECOM IN THE RAILROAD GRADE SEPARATION AND  
SAFETY IMPROVEMENTS PROJECT**

Dear City Council:

I urge you to remove this item from the Consent Calendar and reject the proposed contract with AECOM, because AECOM has a potential conflict of interest due to its receipt of funds from both the Peninsula Corridor Joint Powers Board and the California High Speed Rail Authority.

I notified you at you January 29, 2018, meeting that the previous contractor for this project, Mott MacDonald also had a conflict of interest in regard to this project.

See my January 29, 2018, letter to you in the February 12, 2018, City Council agenda packet Public Letters Set 2 of 2 on PDF pages 149-156 at:  
<https://www.cityofpaloalto.org/civicax/filebank/documents/63291>.

On August 3, 2017, the Peninsula Corridor Joint Powers Board awarded a \$4 million contract to AECOM Technical Services, Inc. (AECOM) to provide on-call planning support for grade separation projects.

See Peninsula Corridor Joint Powers (JPB) Board staff report, "Award of Contract to Provide On-Call Planning Support for Grade Separation Projects" in the agenda packet for the August 3, 2017, JPB Board meeting on PDF pages 155-159 at:  
[http://www.caltrain.com/Assets/\\_Agendas+and+Minutes/JPB/Board+of+Directors/Agendas/2017/2017-08-03+JPB+Agenda.pdf](http://www.caltrain.com/Assets/_Agendas+and+Minutes/JPB/Board+of+Directors/Agendas/2017/2017-08-03+JPB+Agenda.pdf); and

minutes of the JPB August 3, 2017, JPB Board Meeting at the bottom of Page 6 of 8 and the top of Page 7 of 8 at:  
[http://www.caltrain.com/Assets/\\_Agendas+and+Minutes/JPB/Board+of+Directors/Minutes/2017/2017-08-03+JPB+approved+minutes.pdf](http://www.caltrain.com/Assets/_Agendas+and+Minutes/JPB/Board+of+Directors/Minutes/2017/2017-08-03+JPB+approved+minutes.pdf).

Therefore, AECOM has a potential conflict of interest in working for the City of Palo Alto on

the Grade Separation project, because it receives funds from the JPB for "Planning Support for Grade Separation Project".

The proposed contract with AECOM, including the Scope of Services for the contract, appears in the 4/16/2018 staff report (ID # 9100) for this agenda item at:

<https://www.cityofpaloalto.org/civicax/filebank/documents/64464>.

The following information appears in that staff report and scope of services at the pages indicated below:

Contract page 7, PDF page 12 of 51, under "Section 21. Conflict of Interest, paragraph 21.1": "In accepting this agreement, CONSULTANT covenants that it presently has no interest, and will not acquire any interest, direct or indirect, financial or otherwise, which would conflict in any manner or degree with the performance of Services."

Contract page 11, PDF page 16 of 51, under "Scope of Services Contents": "Task 7. Assist the City during CAHSR Environmental Analysis Phase".

Contract page 12, PDF page 17 of 51, under "Project Understanding", first paragraph, last sentence, "City is preparing for increases in passenger rail service due to Caltrain's Electrification Project and the probable California High-Speed Rail (CAHSR) Project."

Contract page 28, PDF page 33 of 51, under "Task 7. Assist City during CAHSR Environment Analysis Phase": "At CITY's request, CONSULTANT will attend relevant CAHSR EIR meetings and ensure that CITY's interests are represented during the environmental analysis process. ... CONSULTANT will review and summarize relevant information in the EIR documents and [help] draft comments and [provide] supplemental information to the CHSRA to address CITY's concerns."

Since November 2008, AECOM has had a \$55 million contract with the California High Speed Rail Authority (CHSRA) for the Altamont Corridor Rail Project as part of the Bay Area to Central Valley Program EIR/EIS.

In May 2013 CHSRA transferred funding for Altamont Corridor Planning to the San Joaquin Regional Rail Commission (SJRRRC), including the \$36.43 million the California Legislature appropriated to CHSRA for the Altamont Corridor when the Legislature approved SB 1029.

See the staff report prepared for the June 6, 2013, CHSRA Board Meeting, Item #3 to "Transfer Leadership and Funding for Altamont Corridor to the SJRRRC at:

[https://www.hsr.ca.gov/docs/brdmeetings/2013/060613/AI\\_3\\_Proposal\\_Amend\\_MOU.pdf](https://www.hsr.ca.gov/docs/brdmeetings/2013/060613/AI_3_Proposal_Amend_MOU.pdf)

See "Amended Second Memorandum of Understanding" between the California High Speed Rail Authority and the San Joaquin Regional Rail Commission at: [http://www.hsr.ca.gov/docs/brdmeetings/2013/060613/AI\\_3\\_Attachment\\_MOU\\_SJRRRC.pdf](http://www.hsr.ca.gov/docs/brdmeetings/2013/060613/AI_3_Attachment_MOU_SJRRRC.pdf), on PDF page 5 of 6, under "12. Funding.": The California State Legislature appropriated funds specifically for environmental and design work in the Altamont corridor as part of SB 1029 (Chapter 152, Statutes 2012) in the amount of \$36.43 million. The Authority plans to apply these funds to the planning and environmental work within the Region in cooperation with SJRRRC ..."

Monthly reports of the spending on the CHSRA contract with AECOM funded by CHSRA and currently administered by SJRRRC are provided to the CHSRA Finance & Audit Committee.

These reports enable the calculation of the contract amount spent during any time period by comparing the contract balance between two of these monthly reports.

During the most recent twelve months, it is possible to calculate the amount spent for the ten months of May 2017 through February 2018 inclusive.

For that ten month period over \$7 million of the \$55 million contract with AECOM was expended:

Balance as of April 30, 2017:	\$37,222,747
Balance as of February 28, 2018:	\$30,201,568
Total Expenditure:	\$ 7,021,179

CHSRA June 2017 Contracts & Expenditures Report as of April 30, 2018:

[http://www.hsr.ca.gov/docs/brdmeetings/2017/brdmtg\\_061417\\_FA\\_Contracts\\_Expenditures\\_Report.pdf](http://www.hsr.ca.gov/docs/brdmeetings/2017/brdmtg_061417_FA_Contracts_Expenditures_Report.pdf), Page 1 of 19.

CHSRA April 2018 Contracts & Expenditures Report as of February 28, 2018:

[http://www.hsr.ca.gov/docs/brdmeetings/2018/brdmtg\\_041718\\_FA\\_Contracts\\_Expenditures\\_Report.pdf](http://www.hsr.ca.gov/docs/brdmeetings/2018/brdmtg_041718_FA_Contracts_Expenditures_Report.pdf), Page 1 of 18.

AECOM has a potential conflict of interest in working for the City of Palo Alto, because it receives funds from CHSRA that are laundered through SJRRRC.

AECOM should not be working for the City of Palo Alto on rail issues related to Caltrain and related to CHSRA, because AECOM receives funding from both of these organizations.

Therefore, you should remove this item from your Consent Calendar and reject the proposed contract.

Thank you for your consideration of these comments.

Sincerely,

Herb Borock

