



RESOLUTION EXERCISING CONTRACT OPTIONS FOR ON-CALL LEGAL AND ON-CALL TRANSPORTATION PLANNING SERVICES IN AN AMOUNT NOT TO EXCEED \$2,500,000, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY CONTRACT PAYMENT TERMS AND NON-MATERIAL CONTRACT TERMS AND CONDITIONS

WHEREAS, The Transportation Authority contracts for certain professional support services in areas where factors like cost, work volume, or the degree of specialization required would not justify the use of permanent in-house staff, which include general legal counsel and on-call transportation planning services; and

WHEREAS, The Transportation Authority is currently contracted with two firms on an on-call basis for specialized transportation legal services due to its need for broad and deep access to legal services; and

WHEREAS, On April 28, 2015, through Resolution 15-50, the Transportation Authority awarded three-year contracts, with an option to extend for two additional one-year periods, to Nossaman LLP and Wendel, Rosen, Black & Dean LLP for on-call legal services, for a combined amount not to exceed \$750,000; and

WHEREAS, The original budget and first option for this contract provided adequate funds for professional legal services related to the operation of public entities and for some project-specific general counsel services, however it did not anticipate costs for legal services associated with the Presidio Parkway (Doyle Drive) and Geary Bus Rapid Transit (BRT) projects; and

WHEREAS, Additional legal services related to these projects are estimated at about \$400,000, costs which were not anticipated when the contracts were negotiated; and

WHEREAS, The proposed action would exercise the second of two options of the initial contract in an amount not to exceed \$700,000, to a total contract value of \$1,700,000, which would



provide sufficient contract capacity for routine legal services needed and additional capacity for work related to the second option; and

WHEREAS, The Transportation Authority is currently contracted with five firms on an on-call, task order basis for transportation planning services due to the amount and complexity of the Transportation Authority's work program, and occasional conflicts of interest or availability that arise for specific efforts; and

WHEREAS, On April 26, 2016, through Resolution 16-49, the Transportation Authority awarded three-year consultant contracts, with an option to extend for two additional one-year periods, for on-call transportation planning services to Arup North America, Ltd., Iteris, Inc., Nelson\Nygaard Consulting Associates, Stantec Consulting Services, Inc., and WSP USA Inc. (formerly WSP Parsons Brinckerhoff), for a combined amount not to exceed \$2,000,000; and

WHEREAS, The original contract award did not anticipate the extensive consultant services needed for the Treasure Island Mobility Management Agency (TIMMA) and Geary BRT projects, which accounted for approximately \$1,235,000 of the original contract award; and

WHEREAS, The proposed action will exercise the first of two options of the initial contract in an amount not to exceed \$1,800,000, to a total contract value of \$3,800,000; and

WHEREAS, The proposed contract options will be funded by a combination of federal and state grants, funding from other agencies through memoranda of agreement, and Prop K funds; and

WHEREAS, The Fiscal Year 2017/18 budget amendment will include sufficient funds to accommodate this year's activities, and sufficient funds will be included in future year budgets; and

WHEREAS, At its February 28, 2018 meeting, the Citizens Advisory Committee considered the subject request and unanimously adopted a motion of support for the staff recommendation; now, therefore, be it

RESOLVED, That the Executive Director is hereby authorized to execute contract options



for on-call legal and on-call transportation planning services in an amount not to exceed \$2,500,000; and be it further

RESOLVED, That the Executive Director is authorized to modify contract payment terms and non-material contract terms and conditions; and be it further

RESOLVED, That for the purposes of this resolution, “non-material” shall mean contract terms and conditions other than provisions related to the overall contract amount, terms of payment, and general scope of services; and be it further

RESOLVED, That notwithstanding the foregoing and any rule or policy of the Transportation Authority to the contrary, the Executive Director is expressly authorized to execute agreements and agreement amendments that do not cause the total contract value, as approved herein, to be exceeded and that do not expand the general scope of services.



Memorandum

Date: February 22, 2018
To: Transportation Authority Board
From: Cynthia Fong – Deputy Director for Finance and Administration
Subject: 03/13/18 Board Meeting: Exercise Contract Options for On-Call Legal and On-Call Transportation Planning Services in an Amount Not to Exceed \$2,500,000

<p>RECOMMENDATION <input type="checkbox"/> Information <input checked="" type="checkbox"/> Action</p> <ul style="list-style-type: none"> • Execute contract options for on-call legal and on-call transportation planning services in an amount not to exceed \$2,500,000: <ul style="list-style-type: none"> ○ Nossaman LLP and Wendel, Rosen, Black & Dean LLP (\$700,000) ○ Arup North America, Ltd., Iteris, Inc., Nelson\Nygaard Consulting Associates, Stantec Consulting Services, Inc., and WSP USA Inc. (\$1,800,000) • Authorize the Executive Director to modify contract payment terms and non-material contract terms and conditions <p>SUMMARY</p> <p>Transportation Authority staff seeks to exercise the second contract option with the current two firms for on-call legal services and the first contract option with the current five firms for on-call transportation planning services.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Fund Allocation <input type="checkbox"/> Fund Programming <input type="checkbox"/> Policy/Legislation <input type="checkbox"/> Plan/Study <input type="checkbox"/> Capital Project Oversight/Delivery <input type="checkbox"/> Budget/Finance <input checked="" type="checkbox"/> Contract/Agreement <input type="checkbox"/> Other: <hr/>
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DISCUSSION

Background.

The Transportation Authority contracts for certain professional support services in areas where factors like cost, work volume, or the degree of specialization required would not justify the use of permanent in-house staff. Services requested from outside firms include general legal counsel and on-call transportation planning services. The contract amounts proposed are annual limitations, as these professional support services are provided through contracts where costs are incurred only when the specific services are used.

Contracts.

Below are brief descriptions of the recommended services and amounts.

On-Call Legal Services \$700,000

The Transportation Authority is currently contracted with two firms on an on-call basis for specialized transportation legal services due to its need for broad and deep access to legal services. Having multiple contracts also mitigates any conflicts of interest, increases competition and allows for improved

responsiveness. On April 28, 2015, through Resolution 15-50, the Transportation Authority awarded three-year contracts, with an option to extend for two additional one-year periods, to Nossaman LLP and Wendel, Rosen, Black & Dean LLP for on-call legal services, for a combined amount not to exceed \$750,000. On June 27, 2017, through Resolution 17-57, the first option was exercised for \$250,000. The original budget and first option for this contract provided adequate funds for professional legal services related to the operation of public entities and for some project-specific general counsel services. However, the contract budget did not anticipate costs for legal services associated with Presidio Parkway (Doyle Drive) project and Geary Bus Rapid Transit (BRT) project.

Additional legal services related to these projects are estimated at about \$400,000, costs which were not anticipated when the contracts were negotiated. We are recommending an increase to the contract amount of \$700,000, to a total contract value of \$1,700,000. This would provide sufficient contract capacity for routine legal services needed and provide additional capacity for work related to the second and final option of the initial contract.

Attachment 1 provides brief descriptions of the work assigned to both legal teams.

On-Call Transportation Planning Services..... \$1,800,000

The Transportation Authority is currently contracted with five firms on an on-call, task order basis for transportation planning services due to the amount and complexity of the Transportation Authority’s work program, and occasional conflicts of interest or availability that arise for specific efforts. On April 26, 2016, through Resolution 16-49, the Transportation Authority awarded three-year consultant contracts, with an option to extend for two additional one-year periods, for on-call transportation planning services to Arup North America, Ltd., Iteris, Inc., Nelson\Nygaard Consulting Associates, Stantec Consulting Services, Inc., and WSP USA Inc. (formerly WSP Parsons Brinckerhoff), for a combined amount not to exceed \$2,000,000. Since then, the consultant teams have provided assistance to various transportation studies, including: Geary BRT, Treasure Island Travel Demand Management, Transportation Affordability Program, and Transit Pass, and Alemany Interchange Improvement Study, among others.

The original contract award did not anticipate the extensive consultant services needed for the Treasure Island Mobility Management Agency (TIMMA) and Geary BRT projects, which accounted for approximately \$1,235,000 of the original contract award. Stantec Consulting Services, Inc. has provided expertise in project management, toll policies and engineering. Arup North America, Ltd. is assisting staff to develop a transit pass study for Treasure Island, including developing policy guidelines and technical specifications for the multi-operator transit pass. Nelson\Nygaard Consulting Associates is providing consulting services to develop an implementation strategy for the TIMMA Travel Demand Management and Transportation Affordability Programs. In addition, the Geary BRT project required additional consulting services to update and revise the Administrative Final Environmental Impact Statement and Record of Decision due to multiple rounds of comments from the Federal Transit Administration.

During Fiscal Year 2018/19, the consultant teams will continue to provide assistance as the following projects advance forward: Lombard Crooked Street Reservations and Pricing Study, Vision Zero Ramp Intersections Study Phase II and other various projects. The proposed action will add contract capacity and exercise the first of two options of the initial contract.

Attachment 2 provides brief descriptions of the task orders assigned to the consultant firms.

FINANCIAL IMPACT

Agenda Item 9

The Fiscal Year 2017/18 budget amendment will include sufficient funds to accommodate this year's activities, and sufficient funds will be included in future year budgets. The proposed contract options will be funded by a combination of federal and state grants, funding from other agencies through memoranda of agreement, and Prop K funds.

CAC POSITION

The CAC was briefed on this item at its February 28, 2018 meeting and unanimously adopted a motion of support for the staff recommendation.

SUPPLEMENTAL MATERIALS

Attachment 1 – General Legal Counsel Services Work Assignments

Attachment 2 – On-Call Planning Task Orders

**Attachment 1:
General Legal Counsel Services Work Assignments**

Legal Firm	Work Assignment Description	Amount
Nossaman LLP	General Legal Services ¹	\$377,230
	Presidio Parkway	\$224,432
	Debt Issuance	\$84,943
	Yerba Buena Island Ramps	\$32,793
	Geary Bus Rapid Transit	\$38,681
	Vision Zero	\$10,000
	San Francisco Transportation Plan	\$6,775
	Treasure Island Mobility Management Agency	\$5,529
	Van Ness Bus Rapid Transit	\$3,002
	I-280 Balboa Park Interchange	\$760
	Quint-Jerrold Connector Road	\$342
Total Work Assignments Awarded to Nossaman LLP		\$784,487
Wendel, Rosen, Black & Dean LLP	Treasure Island Mobility Management Agency	\$45,520
	General Legal Services ¹	\$25,000
	Yerba Buena Island Ramps and Bridge Structures	\$24,500
	Transportation Network Company Research	\$20,000
	I-280 Balboa Park Interchange	\$956
	Vision Zero Ramps Phase 2	\$722
Total Work Assignments Awarded to Wendel, Rosen, Black & Dean LLP		\$116,698
Total Work Assignments Awarded to Date		\$901,185
Total Work Assignments Awarded to Disadvantaged Business Enterprise Firms		\$90,636

¹ General legal services encompasses activities such as attending Board and Committee meetings, assistance on contracts, advising on records requests and personnel matters, as well as providing legal services for Transportation Authority initiatives not covered by separate work assignments.

**Attachment 2:
On-Call Transportation Planning Task Orders**

Prime Consultant	Subconsultant(s)	Task Order Description	Amount
Arup N. America, Ltd.	Circlepoint	Geary Bus Rapid Transit Project	\$343,906
	CH2M Hill	TIMMA Mandatory Transit Pass Study	\$131,476
	Eisen/Letunic	San Francisco Transportation Task Force	\$75,000
	N/A	San Francisco Transportation Plan	\$39,903
Total Task Orders Awarded to Arup N. America, Ltd.			\$590,285
Iteris, Inc.	N/A	N/A	\$0
Total Task Orders Awarded to Iteris, Inc.			\$0
Nelson\Nygaard Consulting Associates	Ann Carey Consulting	TIMMA Travel Demand Management and Transportation Affordability Program	\$168,673
	Parisi Transportation Consulting, Ronny Kraft Consulting	Vision Zero Ramp Intersections Study Phase II Planning Services	\$106,306
	Daniller Consulting	District 10 Mobility Management Study	\$100,000
	N/A	Alemanly Interchange Improvement Study	\$33,526
	Elham Shirazi	BART Travel Incentives Program	\$2,250
Total Task Orders Awarded to Nelson\Nygaard Consulting Associates			\$410,755
Stantec Consulting Services, Inc.	W&S Solutions, Jay Primus	TIMMA Planning: Project Management and Parking Management Plan	\$268,551
	CDM Smith	TIMMA Engineering: On-Call Support for Preliminary Engineering Activities	\$161,219
	N/A	TIMMA Governance: Project Management and On-Call Advising	\$161,176
Total Task Orders Awarded to Stantec Consulting Services, Inc.			\$590,946
WSP USA, Inc.	Transportation Analytics	Technology Enabled Transportation	\$45,000
	N/A	Commuter Shuttles Hub Study	\$11,000
	Strategic Cities	Transportation Network Company Research	\$10,000
Total Task Orders Awarded to WSP			\$66,000
Total Task Orders Awarded to Date			\$1,657,986
Total Work Assignments Awarded to Disadvantaged Business Enterprise Firms			\$135,821