



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.

