



AGENDA

TREASURE ISLAND MOBILITY MANAGEMENT AGENCY Meeting Notice

Date: Tuesday, November 19, 2019; 10:30 a.m. (immediately following SFCTA Board meeting)

Location: Legislative Chamber, Room 250, City Hall

Commissioners: Haney (Chair), Walton (Vice Chair), Brown, Fewer, Mar, Mandelman, Peskin, Ronen, Safai, Stefani and Yee

Clerk: Alberto Quintanilla

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1. Roll Call	
2. Chair’s Report - INFORMATION	
3. Executive Director’s Report - INFORMATION	

Consent Agenda

4. Approve the Minutes of the June 25, 2019 Meeting - ACTION*	3
5. Award Three-Year Professional Services Contracts, with an Option to Extend for Two Additional One-Year Periods, to Nossaman LLP; Meyers Nave Riback Silver & Wilson; and Wendel, Rosen LLP; in a Combined Amount Not to Exceed \$150,000 for On-Call General Legal Counsel Services - ACTION*	5
6. Approve the Revised Procurement Policy - ACTION*	13

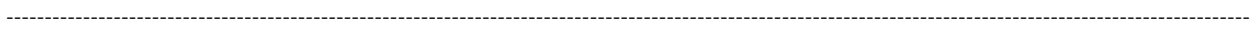
End of Consent Agenda

7. Approve a Toll Exemption for Current Residents - ACTION*	23
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Other Items

- 8. Introduction of New Items - **INFORMATION**
During this segment of the meeting, Commissioners may make comments on items not specifically listed above, or introduce or request items for future consideration.
- 9. Public Comment
- 10. Adjournment

*Additional Materials



TIMMA Board Meeting Agenda

The meeting proceedings can be viewed live or on demand after the meeting at www.sfgovtv.org. To know the exact cablecast times for weekend viewing, please call SFGovTV at (415) 554-4188 on Friday when the cablecast times have been determined.

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If any materials related to an item on this agenda have been distributed to the TIMMA Board after distribution of the meeting packet, those materials are available for public inspection at the Transportation Authority at 1455 Market Street, Floor 22, San Francisco, CA 94103, during normal office hours.

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DRAFT MINUTES

TREASURE ISLAND MOBILITY MANAGEMENT AGENCY

Tuesday, June 25, 2019

1. Roll Call

Chair Haney called the meeting to order at 12:23 p.m. The following members were:

Present at Roll Call: Commissioners Brown, Fewer, Haney, Mar, Mandelman, Peskin, Ronen, Safai, Stefani, Walton and Yee (11)

2. Chair's Report - INFORMATION

Chair Haney reported that the Treasure Island Development Authority and Mercy Housing, assisted by TIMMA staff, had won a \$20 million grant from the State Affordable Housing and Sustainable Communities grant program. He said the Strategic Growth Council awarded the full amount requested this year to fund affordable housing construction on Treasure Island and supporting transportation improvements. Chair Haney said the transportation improvements included construction of a bicycle-pedestrian path connection between the Bay Bridge East Span touchdown on Yerba Buena Island and the new Treasure Island ferry terminal, as well as electric buses to AC Transit to operate the new east bay transit service.

There was no public comment.

3. Executive Director's Report - INFORMATION

Tilly Chang, Executive Director, elected to forego her executive director's report.

There was no public comment.

4. Approve the Minutes of the January 29, 2019 Meeting - ACTION

There was no public comment.

Commissioner Peskin moved to approve the item, seconded by Commissioner Walton.

The item was approved without objection by the following vote:

Ayes: Commissioners Brown, Fewer, Haney, Mar, Mandelman, Peskin, Ronen, Safai, Stefani, Walton and Yee (11)

Chair Haney requested that Item 5 and 6 be called together.

5. Approve the Proposed Fiscal Year 2018/19 Budget Amendment - ACTION

6. [Public Hearing] Adopt the Proposed Fiscal Year 2019/20 Annual Budget and Work Program- ACTION

Cynthia Fong, Deputy Director for Finance and Administration, presented the items per the staff memorandum.

There was no public comment.

Commissioner Peskin moved to approve items 5 and 6, seconded by Commissioner Walton.

The items were approved without objection by the following vote:

Ayes: Commissioners Brown, Fewer, Haney, Mar, Mandelman, Peskin, Ronen, Safai, Stefani, Walton and Yee (11)

7. 2019 TIMMA Outreach Approach and Work Program - INFORMATION

Chair Haney continued Item 7 to the following TIMMA Board meeting without objection.

8. Introduction of New Items - INFORMATION

There were no new items introduced.

9. Public Comment

There was no public comment.

10. Adjournment

The meeting was adjourned at 12:29 p.m.



RESOLUTION AWARDING THREE-YEAR PROFESSIONAL SERVICES CONTRACTS, WITH AN OPTION TO EXTEND FOR TWO ADDITIONAL ONE-YEAR PERIODS, TO NOSSAMAN LLP; MEYERS NAVE RIBACK SILVER & WILSON; AND WENDEL ROSEN LLP; IN A COMBINED AMOUNT NOT TO EXCEED \$150,000 FOR ON-CALL GENERAL LEGAL COUNSEL SERVICES AND AUTHORIZING THE EXECUTIVE DIRECTOR TO NEGOTIATE CONTRACT PAYMENT TERMS AND NON-MATERIAL CONTRACT TERMS AND CONDITIONS

WHEREAS, The Treasure Island Mobility Management Agency (TIMMA) is seeking professional services of legal firms experienced in matters related to the operation of public entities to provide on-call general legal counsel services; and

WHEREAS, TIMMA has a need for broad and deep access to specialized transportation legal services given the wide range of desired proficiencies and experience, the amount and complexity of TIMMA's and the San Francisco County Transportation Authority's (Transportation Authority's) work programs, as well as occasional conflicts of interest or availability that arise for specific efforts; and

WHEREAS, Staff propose to contract with multiple legal firms which will enable TIMMA and the Transportation Authority to enlist the services of a broad range of legal consultants on an on-call, as-needed basis; and

WHEREAS, On May 7, 2019, TIMMA and the Transportation Authority issued a joint Request for Qualifications (RFQ) for on-call general legal counsel services to support TIMMA's and the Transportation Authority's work programs over the next three years; and

WHEREAS, TIMMA and the Transportation Authority received six statements of qualifications in response to the RFQ by the due date of June 6, 2019; and

WHEREAS, A selection panel comprised of TIMMA staff evaluated the statements of qualifications based on qualifications and other criteria identified in the RFQ, and interviewed the three top-ranked firms on June 19, 2019; and

WHEREAS, Based on the competitive selection process defined in the RFQ evaluation criteria,



the selection panel recommended awarding contracts to the three highest-ranked firms of Nossaman LLP; Meyers Nave Riback Silver & Wilson; and Wendel Rosen LLP; and

WHEREAS, The selection panel recommended that TIMMA and the Transportation Authority both award contracts to the same three firms, as both agencies share legal resources, which will enhance staff efficiency in issuing task orders and supporting project needs; and

WHEREAS, TIMMA's portion of the scope of work described in the RFQ is anticipated in TIMMA's adopted Fiscal Year 2019/20 work program and budget, and sufficient funds will be included in future fiscal year budgets to cover the cost of these contracts; and

WHEREAS, The professional services contracts will be funded by a combination of local agency contributions from the Treasure Island Development Authority and Prop K sales tax funds; and

WHEREAS, At its July 16, 2019 meeting, the TIMMA Committee considered the subject request and unanimously recommended approval of the staff recommendation; now, therefore, be it

RESOLVED, That TIMMA hereby awards three-year professional services contracts, with an option to extend for two additional one-year periods, to Nossaman LLP; Meyers Nave Riback Silver & Wilson; and Wendel Rosen LLP; in a combined amount not to exceed \$150,000 for on-call general legal counsel services; and be it further

RESOLVED, That the Executive Director is hereby authorized to negotiate 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 TIMMA to the contrary, the Executive Director is expressly authorized to execute agreements and amendments to agreements that do not cause the total agreement value, as approved herein, to be exceeded and that do not expand the general scope of services.



Attachment:

1. Scope of Services

Attachment 1
Scope of Services

TIMMA is seeking the legal services of firms experienced in matters related to the operation of public entities. The below example task types are representative of needs in the coming three years - additional undetermined task types are anticipated to be needed and not all task types listed below will necessarily be produced under these contracts. TIMMA may assign tasks on these qualifications as well as capabilities, experience, availability, and conflicts of interests, if any. Contractors are not guaranteed a task under these contracts.

Task Types:

- 1. Parliamentary Procedure and Rules for TIMMA Board.** Attendance at board and committee meetings and consultation on Rules of Order, Ralph M. Brown Act, Administrative Code, City and County of San Francisco Elections Code, San Francisco Sunshine Ordinance, and conflict of interest issues. Contractor will be expected to attend the regular meetings of the TIMMA Board and Committee.
- 2. Administration.** Personnel: As needed, advise regarding all labor-related issues such as benefits, hiring, discipline, termination, and review of internal policies and procedures. Contracts: As needed, review and/or draft legal documents including procurements, contracts, specifications, and standard grant agreements, including necessary legal opinions on restrictions, revisions, claims, default liability, protests and appeals. Public Records Act: As needed, advise on public records requests regarding scope of request, reviewing records, and approach to retrieving/releasing records.
- 3. Financial.** Assist in the review of financial and budgetary matters, including financial presentations, representations and audit documents, and review of fiscal policies.
- 4. TIMMA Program.** Review issues of jurisdiction and legal authority; support environmental requirements; develop, review and/or advise on policy and operating agreements; develop and/or review vendor and operator procurement documents and contracts; and advise on local, state, and federal requirements and legislation.
- 5. Legislation.** Assist in drafting or reviewing legislation and the legislative process, from the local to the federal level.
- 6. Litigation.** Prepare necessary documents, provide legal representation in court as required to initiate and prosecute or respond to lawsuits, and support mediation and negotiations (settlement) as needed.
- 7. General Advice.** Provide verbal or written advice, as requested by TIMMA, on questions concerning the conformity of any contemplated action of TIMMA with applicable law and other matters, including providing guidance on TIMMA projects.
- 8. Miscellaneous.** Provide verbal or written advice relating to California Environmental Quality Act/National Environmental Policy Act, construction (including construction manager general contractor), right of way, real estate and land use, state transportation finance, regional transportation planning and programming, and public private partnerships, among others.



Memorandum

Date: July 9, 2019
To: Treasure Island Mobility Management Agency Committee
From: Cynthia Fong - Deputy Director for Finance & Administration
Subject: 07/16/19 Committee Meeting: Recommend Awarding Three-Year Professional Services Contracts, with an Option to Extend for Two Additional One-Year Periods, to Nossaman LLP; Meyers Nave Riback Silver & Wilson; and Wendel, Rosen, Black & Dean LLP; in a Combined Amount Not to Exceed \$150,000 for On-Call General Legal Counsel Services

<p>RECOMMENDATION <input type="checkbox"/> Information <input checked="" type="checkbox"/> Action</p> <ul style="list-style-type: none"> • Recommend awarding three-year professional services contracts, with an option to extend for two additional one-year periods, to Nossaman LLP (Nossaman), Meyers Nave Riback Silver & Wilson (Meyers Nave), and Wendel, Rosen, Black & Dean LLP (Wendel Rosen) in a combined amount not to exceed \$150,000 for on-call general legal counsel services. • Authorize the Executive Director to negotiate contract payment terms and non-material terms and conditions <p>SUMMARY</p> <p>We are seeking professional services of legal firms experienced in matters related to the operation of public entities to provide on-call general legal counsel services. We also need broad and deep access to specialized transportation legal services given the wide range of desired proficiencies and experience, the amount and complexity of the San Francisco County Transportation Authority's (Transportation Authority's) and TIMMA's work programs, as well as occasional conflicts of interest or availability that arise for specific efforts. We issued a Request for Qualifications (RFQ) in May. By the proposal due date, we received six Statements of Qualifications. Following interviews with three firms, the selection panel recommends award of contracts to the three highest-ranking firms: Nossaman, Meyers Nave, and Wendel Rosen. The establishment of contracts with multiple consultant firms will enable TIMMA to enlist the services of a broad range of legal consultants on an on-call, as-needed basis.</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: _____
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DISCUSSION

Background.

We contract with City departments and outside firms for certain specialized professional services in areas where factors like costs, work volume or the degree of specialization required would not justify the use of in-house staff. Currently TIMMA utilizes the City Attorney's Office for certain inter-agency agreements, as needed. We currently contract with Nossaman and Wendel Rosen for specialized transportation legal counsel services. The breakdown of past assignments to these firms are included as Attachment 2. Our policy is to competitively re-bid professional services contracts after five years. We propose to contract with multiple consultant firms with whom TIMMA may call upon on a task order basis, which is intended to increase competition and allow for improved responsiveness (e.g., during times of peak demand).

The RFQ scope of services, included as Attachment 1, describes example tasks types that are representative of the needs in the coming three years under this contract, which are also listed below.

1. Parliamentary Procedure and Rules for TIMMA Board and Committee
2. Administration
3. Financial
4. TIMMA Program
5. Legislation
6. Litigation
7. General Advice
8. Miscellaneous

Procurement Process.

The Transportation Authority and TIMMA issued a joint RFQ for on-call general legal counsel services on May 7, 2019. Although a pre-proposal conference was not held, respondents were able to submit questions regarding the RFQ and receive responses by May 17. We took steps to encourage participation from small, local, and disadvantaged business enterprises, including advertising in five local newspapers: the San Francisco Chronicle, San Francisco Examiner, the Small Business Exchange, Nichi Bei, and the San Francisco Bayview. We also distributed the RFQ and questions and answers to certified small, local, and disadvantaged businesses; Bay Area and cultural chambers of commerce; and small business councils.

By the due date of June 6, 2019, we received six Statements of Qualifications in response to the RFQ. A selection panel comprised of Transportation Authority/TIMMA staff evaluated the Statements of Qualifications based on the criteria identified in the RFQ, including the proposer's understanding of project objectives, technical and management approach, and capabilities and experience. The panel selected three firms to interview on June 19, 2019. Based on the competitive process defined in the RFQ, the panel recommends awarding contracts to the three highest-ranked firms: Nossaman, Meyers Nave, and Wendel Rosen. The three highest-ranked firms provide a strong set of skills, specialists, and relevant experience. Both Nossaman and Wendel Rosen build upon proven track records of performance, while Meyers Nave demonstrated a strong set of qualifications and management approach, in particular regarding their experience with managed lanes projects.

The selection panel recommends that the Transportation Authority and TIMMA both award contracts to the same three firms, as both agencies share legal resources. Awarding contracts to the same on-call legal firms will enhance staff efficiency in issuing task orders and supporting project needs. The contract award for the Transportation Authority portion of the contract received first approval by the Transportation Authority Board at its July 9 meeting.

Due to the specialized nature of the requested services we established a Disadvantaged Business Enterprise (DBE) goal of 0% for this contract based on recommendation from the California Department of Transportation, and accepted certifications by the California Unified Certification Program. Nossaman has made a commitment to exceed the DBE goal and includes 10% DBE participation from San Francisco-based, Asian-American-owned firm Law Offices of Alexis S.M. Chiu. Meyers Nave and Wendel Rosen do not include any subconsultants.

The selected consultant firms will remain eligible for consideration for task order negotiation on an as-needed basis for the initial three-year term, plus two optional one-year extensions. While TIMMA intends to engage pre-qualified firms based on capabilities, experience, and availability, no selected team is guaranteed a task order.

FINANCIAL IMPACT

Agenda Item 5

The scope of work described in the RFQ is anticipated in TIMMA's adopted Fiscal Year 2019/20 work program and budget. Budget for these activities will be funded by a combination of local agency contributions from the Treasure Island Development Authority and Prop K sales tax funds. The first year's activities are included in TIMMA's adopted Fiscal Year 2019/20 budget and sufficient funds will be included in future fiscal year budgets to cover the cost of these contracts.

SUPPLEMENTAL MATERIALS

Attachment 1 - Scope of Services

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RESOLUTION APPROVING THE REVISED PROCUREMENT POLICY

WHEREAS, The Treasure Island Mobility Management Agency (TIMMA) develops and implements policies and procedures to organize and formalize agency activities, and to ensure compliance with current statutes and TIMMA objectives; and

WHEREAS, While TIMMA is not required to annually review its Procurement Policy, it is good management practice to do so on a regular basis; and

WHEREAS, The Procurement Policy guides decisions pertaining to procurement, including the modes, methods and procedures for acquiring the materials, equipment and services necessary to carry out the operations of TIMMA; and

WHEREAS, With assistance and guidance from TIMMA's general counsel, TIMMA staff are the Procurement Policy to conform to applicable law; and

WHEREAS, At its November 12, 2019 meeting, the TIMMA Committee considered the subject request and unanimously recommended approval of the staff recommendation to approve the revised Procurement Policy; now, therefore, be it

RESOLVED, That TIMMA hereby adopts the Procurement Policy as presented in Attachment 1; and be it further

RESOLVED, That the Executive Director is hereby authorized to communicate the Procurement Policy to all relevant parties.

Attachment:

1. Proposed Procurement Policy



PROCUREMENT POLICY

I. INTRODUCTION

The Procurement Policy is designed to guide decisions pertaining to procurement, including the modes, methods and procedures for acquiring the materials, equipment and services necessary to carry out the operations of the Treasure Island Mobility Management Agency (TIMMA). This policy is intended to establish the manner in which all TIMMA procurement activities shall be conducted, and define the requirements and/or limitations for TIMMA and those individuals, firms or agencies doing business with TIMMA. It is intended to be consistent with TIMMA's Administrative Code, federal and state regulations, and general prudent accounting and financial management practices.

II. SCOPE AND AUTHORITY

The Procurement Policy applies to the operations of TIMMA and is not applicable to the operations of any project sponsoring agencies of TIMMA, unless otherwise specifically provided. TIMMA may enter into an agreement to solicit and award contracts on behalf of a sponsoring agency, if requested and if it is determined to be in the best interest of TIMMA and the sponsoring agency.

The Procurement Policy provides guidelines for procuring materials and supplies, professional and technical services, and lease and rental agreements. Overall policy direction shall be the responsibility of the TIMMA Board (Board). Responsibility for implementation of the Procurement Policy, and day-to-day responsibility and authority for structuring, implementing, and managing TIMMA's policies, goals, and objectives, shall lie with the Executive Director. This Policy will be reviewed and updated as required or deemed advisable at least once every three years. Any changes to the policy are subject to approval by the Board at a public meeting.

III. PROCUREMENT PROCESS

Open competition is the basis for efficient, economic and fair public procurement. It is the policy of TIMMA to competitively bid the procurement of all goods and services, and to encourage small and local firms to do business with TIMMA. All procurement activities are considered to be contractual obligations encompassing financial compensation in return for the rendering of specific goods and/or services. All procurements are to be negotiated on a fixed-price or cost plus fee basis.

A. General Provisions

All procurement transactions, regardless of purchasing methodology or dollar value, shall be conducted in a manner that maximizes open and free competition. Solicitation for offers, whether by an informal or formal bid process or through competitive negotiation shall:

1. incorporate a clear and accurate description of the technical requirements for the materials, product or services to be procured; and
2. clearly set forth all requirements which bidders must fulfill, and all other factors to be used in evaluating the proposals.



All bids or proposals must be submitted to and received at the location designated no later than the exact time and date stated in bid or proposal requirements, and must be date- and time-stamped and logged as received by TIMMA staff. Bids or proposals received after the date and time deadline will be returned unopened and will be considered as disqualified. A bid or proposal may be withdrawn prior to bid or proposal opening for any reason by a bidder or his/her authorized representative, provided a written request to withdraw is received by TIMMA prior to bid or proposal opening. After bid or proposal opening, a bid or proposal may be withdrawn only for material obvious error(s) and subject to written approval by the Executive Director.

TIMMA reserves the right to modify and/or suspend any and all aspects, terms, conditions and requirements of any procurement, to obtain further information from any firm or person responding to the procurement, to waive any informality or irregularity as to form or content of the procurement document or any response thereto, to be the sole judge of the merits of the bids or proposals received, and to reject any or all bids or proposals for any reason provided that such actions are made in accordance with federal and state laws.

Contract awards shall be made only to responsive and responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as compliance with public policy, record of past performance, and financial and technical resources. False statements in proposals will be a basis for disqualification. All contract awards shall be documented by written purchase order, written contract or written memorandum. Contracts, including all options therein, will generally be limited to a maximum period of five years.

The TIMMA annual budget establishes the monetary limits for the procurement of goods and services subject to this Policy. All procurements, whether formal or informal, shall be in compliance with TIMMA's non-discrimination policy and any other TIMMA contracting policy in effect at the time of the procurement.

B. Conflict of Interest

Commissioners, staff, or agents of TIMMA shall not participate in the procurement process, or in the award or administration of a contract, if such participation would result in a conflict of interest, real or apparent, as defined by state and federal laws. Commissioners, staff, or agents shall not solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub-agreements. TIMMA shall be subject to Articles 1 and 3 of Title 9, Chapter 7 of the California Government Code and the regulations which implement those provisions.

INFORMAL BID PROCESS

Solicitations for goods and services that are anticipated to be equal to or less than \$75,000 may go through an informal Request for Proposal (RFP) or bid process. Quotes may be requested by telephone, via the internet or through the mail from known qualified vendors or from current vendor catalogs and/or websites. Routine purchases in the amount of \$25,000 or less should be distributed equitably among qualified competitively priced suppliers, with consideration given to DBE/SBE/LBE utilization as applicable and as permitted by law. It is not permissible to segment the contract or use multiple solicitations for similar goods or services in order to circumvent the limitation for formal solicitation.



The informal bid or solicitation process shall include a minimum of three quotes from potential providers to ascertain that the proposed price is fair and reasonable. TIMMA files shall maintain support documentation demonstrating that a sufficient number of quotes were obtained.

Except in the case of an emergency, or a finding by the Board by two-thirds vote of all its voting members that, in its opinion, the supplies, equipment or materials may be purchased at a lower price in the open market, awards of contracts for supplies, equipment and materials in excess of \$25,000 shall be awarded to the lowest responsible and responsive bidder. Awards of contracts for supplies, equipment and materials not in excess of \$25,000 will generally be awarded to the lowest bidder after a competitive process, but other factors including but not limited to delivery date and known performance and, if applicable and permitted by law, DBE/SBE/LBE participation may be considered in selecting the vendor.

Awards of contracts for professional services, including legal, financial advisory, private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required, and at a price that is fair and reasonable, in accordance with state and federal laws.

C. Formal Bid Process

Solicitation of goods and/or services that are anticipated to be in excess of \$75,000 shall be required to go through a formal Request for Proposal (RFP) or Invitation for Bid (IFB) process. An RFP process will also be used to procure professional and technical services as applicable in accordance with the provisions of California Government Code Section 4526 and applicable federal laws and regulations. Award of a contract for professional services will be qualifications-based and will consider multiple factors that will be clearly stated in the RFP, although price may be considered during the negotiation of the contract. Procurement for establishing an on-call or preapproved list of professional services providers shall be based on a qualifications-based process in accordance with state and federal law, and price may be taken into consideration when negotiating a contract with a firm selected from such a list to fulfill task orders.

For procurements anticipated to be in excess of \$75,000, an Invitation for Bids (IFB) process will be used to procure all supplies, equipment, or materials that are standard in nature, character, and quality; easily defined; and/or reasonably accessible in the open market. Award will be made to the lowest responsive and responsible bidder after competitive bidding, except in an emergency declared by the vote of two-thirds of the voting membership of the Board. If, after rejecting bids received, TIMMA determines and declares by a two-thirds vote of the voting membership of the Board that, in its opinion, the supplies, equipment, or materials may be purchased at a lower price in the open market, TIMMA may proceed to purchase these supplies, equipment, or materials in the open market without further observance of the provisions regarding contracts, bids, or advertisement.

Solicitation for offers in the formal bid process shall include the following:

1. A clear and accurate written description of the project scope and deliverables, and technical requirements for the materials, product, or service being procured;



2. Special conditions or restricting policies, policy goals such as DBE/SBE/LBE goals, if applicable, patents, liquidated damages and performance, bid or indemnification requirements;
3. Proposed timetable for the project or service;
4. General format requirements and number of copies/items (if applicable) to be delivered;
5. Date of pre-proposal conference, if applicable;
6. A clear definition of the evaluation criteria to be used in evaluating the bids or proposals; and
7. Date, time, and place for submission of final bids or proposals.

If a pre-proposal conference is held, a listing of those in attendance showing name(s) of attendees and agency or company represented shall be maintained in the resulting contract files.

Responses to RFPs for professional and technical services shall require identification of the bidders or proposer’s key employees and subcontractors. Bidders or proposers shall be required to notify TIMMA of any pending lawsuits or labor disputes that may interfere with the delivery of services.

Procurements in amounts greater than \$75,000 shall require a formal notice process including advertising requests for bids or proposals in local appropriate newspapers or other media outlets. Notice should occur with sufficient time to allow bidders or proposers reasonable time in which to respond. The term “reasonable time” may vary depending on the complexity of the proposed project. Thirty (30) calendar days shall be considered the standard time allotted in notification to potential bidders or proposers. More or less time may be allotted at the determination of the Executive Director.

RFPs and IFBs will be reviewed by a selection panel appointed by the Executive Director. The Executive Director may elect to assemble a separate cost evaluation panel to review cost proposals and evaluate cost assumptions. Based on their reviews and analysis, the selection panel and cost evaluation panel, if any, shall rank bids or proposals. The Executive Director or her designee will recommend to the Board award of a contract, based on the results of the procurement process and the recommendations the selection panel and cost evaluation panel, if any, to the bidder or proposer most advantageous to TIMMA. In the case of IFBs, the Executive Director or her designee will recommend award to the lowest responsive and responsible bidder or proposer.

Copies of all correspondence, including negative response letters, copies of evaluation sheets/scores, and copies of all bids or proposals not being considered further shall be maintained in the files.

In the event that only a single bid or proposal is submitted, TIMMA shall document its efforts in soliciting responses; and record the history of all correspondence, negotiations, including parties involved, etc. that took place with reference to the award of the resulting contract.



IV. NONCOMPETITIVE NEGOTIATED AGREEMENTS (SOLE SOURCE)

A noncompetitive, negotiated contract may be developed when special conditions arise. These types of agreements are defined as “Sole Source” agreements. Conditions under which noncompetitive, negotiated contracts may be acceptable include:

1. A unique commodity or specialized professional service is known to be available from only one vendor;
2. An emergency of such magnitude that cannot permit delay; or
3. Competition is determined to be inadequate after solicitation of a number of sources.

In these cases, TIMMA will develop an adequate scope of work, evaluation factors and cost estimate, and conduct negotiations with the vendor to ensure a fair and reasonable cost. TIMMA will document details of the special conditions and retain those details in the respective contract file for audit and grant review purposes.

V. PROCUREMENT PROTEST AND APPEAL PROCEDURES

It shall be the policy of TIMMA to have established protest procedures which shall apply to all procurements of supplies, equipment, and services. A copy of these policies and procedures shall be maintained in TIMMA’s offices for general inspection and review by the public. In addition, TIMMA shall provide, upon request, a copy of these protest policies and procedures to all individuals, associations, corporations, and companies with which TIMMA conducts business.

A bidder or proposer that has timely submitted a bid or proposal in response to a procurement of TIMMA may file a protest asserting that TIMMA has failed to follow applicable policies or procedures relative to seeking, evaluating, and/or awarding a contract or has failed to comply with relevant specifications or procedures contained in the bid documents or request for proposals. In order to file a protest, the protester must be an actual bidder or proposer whose direct economic interests would be affected by the award of a procurement contract or by the failure to award a procurement contract.

Such protests must be filed within five business days after (i) notice, actual or constructive, of TIMMA’s finding that the bidder or proposer’s bid or proposal is not being considered further or (ii) an award of the contract by TIMMA to another bidder or proposer.

A protest shall be deemed filed when TIMMA actually receives the protest by mail or personal delivery. Failure to file a timely protest shall constitute a waiver of the right to file a protest under these procedures. Within five business days of receipt of an untimely protest, TIMMA shall notify the individual or entity that the protest was untimely and is being rejected. Such notice shall constitute the final decision of TIMMA relative to the untimely protest.

All protests filed must be filed by an actual bidder or proposer responding to the procurement and must be in writing and include the following information:

1. Name of individual or entity filing protest;
2. Business address and telephone number of individual or entity;
3. Name and title of contact person;
4. Description of specific procurement and the action or decision being protested;



- 5. A clear and concise statement of the protest, including identification of:
 - a) procedures or specifications contained in bid documents or request for proposals which were allegedly not complied with, or
 - b) specific instance(s) of TIMMA’s failure to follow its policies and procedures;
- 6. Detailed factual support for the protest, including relevant documents or correspondence;
- 7. Desired resolution of the protest; and
- 8. Dated signature of individual, or authorized representative of entity, filing the protest.

The Executive Director shall review and consider all stated concerns and issues alleged to be in non-compliance and issue a decision within five business days of receipt of the protest. If the decision of the Executive Director is not satisfactory to the protesting party, the protesting party may appeal that decision to the Board. The appeal must be filed within five business days of the date of the decision. The appeal must clearly state the basis for disputing the decision of the Executive Director.

The appeal shall be referred to the TIMMA Committee (Committee), which shall consider whether to accept the appeal, in which case the Board shall ~~and~~ hold a hearing on the matter. If a majority of the Committee does not wish to accept the appeal, the Committee shall recommend to the Board that the decision of the Executive Director shall be final.

If a majority of the Committee agrees to accept the appeal ~~and hold a hearing on the matter~~, the protesting party shall be notified of the ~~hearing~~ date and time of the hearing before the Board, which shall be scheduled at the earliest convenience of the Board ~~Committee~~. At the hearing, the protesting party shall be allowed 15 minutes to present its case. TIMMA staff shall then be allowed 15 minutes to present TIMMA’s case. The ~~Committee~~ Board may extend these time periods at its discretion.

~~Upon conclusion of the hearing, or if the Committee’s determination is to agree with the decision of the Executive Director and reject the appeal without a hearing, its recommendation shall be submitted to the Board. The Board shall review and act upon the Committee’s recommendation appeal at its next regularly scheduled meeting, unless it determines that additional time to consider the appeal is required. The Board may accept the recommendation of the Committee or determine to take action inconsistent with the recommendation of the Committee. The Board’s resolution of the bid protest shall issue written notification to the protester of its decision which shall constitute the final decision of TIMMA.~~

VI. CONTRACT ADMINISTRATION

No contractual obligations, administrative or capital, shall be assumed by TIMMA in the excess of its ability to pay as defined by the adopted final budget. Approval of the Board is required prior to the execution of any contract for the procurement of goods or professional services that authorizes payments that in the aggregate exceed \$75,000 in a fiscal year. The Executive Director is authorized to approve and execute all such contracts that authorize payments not in excess of \$75,000 per fiscal year, provided that the amounts are consistent with the adopted final budget, as amended in accordance with the Fiscal Policy for the current fiscal year or, in the event that the contract was not completed in a single fiscal year, the contiguous fiscal year(s). The Executive Director is authorized to amend contracts to extend time, to add or delete tasks of similar scope



and nature, and to increase or reduce the total amount of the contract. The Executive Director may execute such amendments without prior Board approval, if the amount of the amendment does not exceed \$75,000.

All expenditures shall comply with all federal, state and local statutory requirements and other legal restrictions placed on the use of said funds. The Executive Director shall execute all contracts in conformance with the monetary limits established in the adopted final budget. The Executive Director and/or his/her designee has the responsibility for monitoring all contractual agreements for compliance with the terms and conditions established in the contract and for rendering payment upon completion of services or delivery of goods and materials as agreed.

Memorandum

Date: November 5, 2019
To: Treasure Island Mobility Management Agency Committee
From: Cynthia Fong - Deputy Director for Finance and Administration
Subject: 11/12/19 Committee Meeting: Approval of the Revised Procurement Policy

<p>RECOMMENDATION <input type="checkbox"/> Information <input checked="" type="checkbox"/> Action</p> <p>Recommend approval of the revised Procurement Policy.</p> <p>SUMMARY</p> <p>It is the Treasure Island Mobility Management Agency's (TIMMA's) direction to review the administrative code and all policies periodically to ensure compliance with current statutes and TIMMA objectives. We are recommending changes to the Procurement Policy to conform to applicable law and keep consistent with state and local government codes.</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 type="checkbox"/> Contract/Agreement <input checked="" type="checkbox"/> Other: Policies
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DISCUSSION

Background.

TIMMA develops and implements policies and procedures to organize and formalize agency activities, and to ensure compliance with current statutes and TIMMA objectives. While TIMMA is not required to annually review its Procurement Policy, it is good management practice to do so on a regular basis.

Review.

The purpose of this memorandum is to present staff recommendations for updates to TIMMA's Procurement Policy, which was last adopted by the TIMMA Board through Resolution 15-01. Below is a brief description of the Procurement Policy and attached is the proposed policy with redline changes. Where applicable, the recommended changes to the Procurement Policy mirror the changes to the Transportation Authority's Procurement Policy that will be considered for adoption at a future meeting.

Procurement Policy: Designed to guide decisions pertaining to procurement, including the modes, methods and procedures for acquiring the materials, equipment and services necessary to carry out the operations of TIMMA.

FINANCIAL IMPACT

The recommended action would not have an impact on the adopted Fiscal Year 2019/20 budget.

SUPPLEMENTAL MATERIALS

Attachment 1 - Proposed Procurement Policy

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RESOLUTION APPROVING A TOLL EXEMPTION FOR CURRENT RESIDENTS

WHEREAS, The purpose of the Treasure Island Mobility Management Agency (TIMMA), as set forth in the Treasure Island Transportation Management Act of 2008, is to implement the Treasure Island Transportation Implementation Plan (TITIP) in support of the Treasure Island/Yerba Buena Island Development Project; and

WHEREAS, On June 7, 2011, the Board of Supervisors approved the Treasure Island/Yerba Buena Island Development Project, including a Development Agreement and a Disposition and Development Agreement (DDA) with Treasure Island Community Development, as well as the Treasure Island Transportation Implementation Plan (TITIP); and

WHEREAS, The TITIP calls for a comprehensive, integrated program to manage travel demand on Treasure Island as it develops, the Treasure Island Mobility Management Program (TIMM Program), which includes a complimentary package of strategies and services including required purchase of transit passes by residents, parking fees, and a multimodal congestion pricing program that applies motorist user fees to support enhanced and new bus, ferry, and shuttle transit, as well as bicycle sharing, to reduce the traffic impacts of the project; and

WHEREAS, The TITIP establishes two performance goals for the TIMM Program, specifically that at least half the residential trips on/off are made by transit and the TIMM Program raise the revenues needed to pay for the planned regional transit service levels; and

WHEREAS, TIMMA has conducted outreach on potential motorist user fee toll policies to refine the assumptions of the TITIP; and

WHEREAS, Stakeholder outreach feedback indicates that a toll exemption for current residents is a high priority; and

WHEREAS, TIMMA has prepared travel demand forecasts and financial projections to understand the effects of a current resident toll exemption on TIMM Program performance; and

WHEREAS, These analyses indicate that transportation system performance effects of a current resident toll exemption are likely to be modest, and the additional financial resources required to fund the current resident exemption range from \$8.6 - \$20.4 million (Year of Expenditure dollars) through TIMMA Program buildout, depending on the assumed toll rates; and

WHEREAS, The revenue loss from the current resident exemption would need to be off set to meet TIMM Program sustainability requirements and could include authorized TIMM Program revenue sources such as higher tolls, parking fees, or transit fares; or non-TIMM Program revenue sources such as bridge tolls, other discretionary fund sources, or increased direct or indirect (e.g. through developer provision of regional transit service) developer contribution; and

WHEREAS, The implementation details such as technology requirements and participant eligibility verification would be determined through the development and future adoption by the TIMMA Board of the Toll System Business Rules; and

WHEREAS, Staff continues to analyze additional toll policy options for future low-income residents and for current and future island workers, which would also have transportation system performance and financial sustainability impacts; and

WHEREAS, Based on outreach feedback and TIMM Program analyses, staff recommended approval of a current resident toll exemption; and to revisit or sunset the current resident toll exemption program, pending an evaluation of its effectiveness, at the midpoint of the Development Project (i.e., at the 4000th unit); and

WHEREAS, At its November 12, 2019 meeting, the TIMMA Committee unanimously recommended approval of the staff recommendation, and directed staff to clarify that the current resident toll exemption program be revisited rather than sunset at the midpoint of the Development Project; now, therefore, be it

RESOLVED, That the TIMMA hereby approves a toll exemption for current residents of

Treasure Island; and be it further

RESOLVED, That the implementation details shall be proposed and adopted by TIMMA as part of future Toll System Business Rules; and be it further

RESOLVED, That the TIMMA shall revisit the current resident toll exemption policy, pending an evaluation into its effectiveness, at the midpoint (i.e., 4000th unit) of the Development Project; and be it further

RESOLVED, That the additional program funding gap shall be addressed in further financial analysis and future toll policy actions.



Memorandum

Date: November 12, 2019
To: Treasure Island Mobility Management Agency Committee
From: Rachel Hiatt - Assistant Deputy Director for Planning
Subject: 12/12/19 Committee Meeting: Recommend Approval of Toll Exemption for Current Residents

<p>RECOMMENDATION <input type="checkbox"/> Information <input checked="" type="checkbox"/> Action</p> <p>Recommend approval of Toll Exemption for Current Residents.</p> <p>SUMMARY</p> <p>Staff has prepared further demand forecasts and financial analyses of Treasure Island Mobility Management Program toll policy options. Based on these analyses and public feedback, staff recommends a series of policy actions through early 2020 to complete the congestion pricing program. This first policy recommendation shall exempt current residents from the toll, with implementation details to be proposed and adopted as part of future Toll System Business Rules. The recommendation also includes a revisiting of the policy or a policy sunset, pending an evaluation into its effectiveness, at the midpoint (4,000th unit) of the Development Project. The exemption creates an additional program funding gap to be addressed in further financial analysis and future toll policy actions.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Fund Allocation <input type="checkbox"/> Fund Programming <input checked="" type="checkbox"/> Policy/Legislation <input type="checkbox"/> Plan/Study <input type="checkbox"/> Capital Project Oversight/Delivery <input type="checkbox"/> Budget/Finance <input type="checkbox"/> Contract/Agreement <input type="checkbox"/> Other: _____
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BACKGROUND

On April 21, 2011, in a joint session with the San Francisco Planning Commission, the Treasure Island Development Authority (TIDA) Board of Directors approved the Treasure Island/Yerba Buena Island Development Project, including a Development Agreement and a Disposition and Development Agreement (DDA) with Treasure Island Community Development, as well as the Treasure Island Transportation Implementation Plan (TITIP). On June 7, 2011, the Board of Supervisors approved the same.

The DDA referenced and outlined the goals, strategies, and implementation plan for a new transportation system, infrastructure, and services to support the development Project, including the designation of a transportation management agency to oversee the implementation and management of the transportation programs and revenues. On April 1, 2014, the San Francisco Board of Supervisors approved a resolution designating the Transportation Authority as the Treasure Island Transportation Management Agency (TIMMA). The purpose of TIMMA, as set forth in the Treasure Island Transportation Management Act of 2008 (State Assembly Bill 981-Leno), is to implement the TITIP.

The TITIP calls for a comprehensive, integrated program to manage travel demand on Treasure Island as it develops. This innovative approach to mobility includes a complementary package of strategies and services including required purchase of transit passes by residents, parking fees, and a multimodal congestion pricing program that applies motorist user fees to support enhanced and new bus, ferry,

and shuttle transit, as well as bicycle sharing, to reduce the traffic impacts of the project. AB 981 authorizes San Francisco to implement congestion pricing (tolling) on Treasure Island.

On July 20, 2016, the TIMMA Board approved the recommendations set forth in the Treasure Island Mobility Management Study (Study), a policy and financial analysis of the congestion pricing program. The Study refined the assumptions of the TITIP and recommended a subset of toll policies for the Island based on demand forecasting, financial analysis, and stakeholder input. The Study also recommended the development of an Affordability Program.

On November 21, 2018, the TIMMA Committee recommended approval of the Treasure Island Transit Pass, Toll Policy, and Affordability Program. This recommendation encompassed the remaining toll policies not adopted in 2016, including toll level, hours of operation, and discounts for current and future low-income households. However, on December 11, 2019, the TIMMA Board continued the item without approval, pending further outreach and analysis of additional policy options.

DISCUSSION

Staff has prepared further demand forecasts and financial analyses of toll policy and affordability program options. Based on this work as well as outreach with businesses and workers, staff recommends a series of policy actions through early 2020 to complete the congestion pricing program. The policy for current residents is recommended as the first of several policy actions.

Financial projections indicate that any exemption or discount requires supplemental revenue from Program and/or non-Program funding sources to support planned transit service levels. Staff recommends a policy to exempt current residents from the toll, with implementation details to be determined as described below, and to identify additional Program and/or non-Program funding, also discussed below, to cover the cost of planned transit service levels.

Remaining Toll Policy Areas: The TIMMA Board has previously adopted policy for toll direction (bi-directional) and HOV treatment (transit and registered shuttles and vanpool vehicles are exempt). Several aspects of program toll policy remain undefined. These are: toll level/rate; hours of operation; and additional exemptions or discounts. This recommendation addresses exemptions for current residents. The other remaining toll policies will be resolved in future actions by the Board.

Public Feedback 2018-2019: Public and Board feedback received in through 2018 and 2019 identified additional toll policy options for consideration. These include exemptions for current residents; discounts or exemptions for future low-income residents; and benefits, including potential discounts or exemptions, for workers. Feedback also called for more analysis of related policies such as transit pass eligibility, discounts, and transit service levels.

Current Residents Toll Exemption Findings: Financial analysis indicates that a toll exemption for current residents will require additional revenues ranging from a total of ~\$8.6M to ~\$20.4M over a 15 to 20-year program buildout period, depending on toll rate level.

We recommend adoption of a toll exemption for current residents based on the priority given to this issue in public feedback, modest effects on transportation system performance and mode share, and the feasibility of identifying a minimum of ~\$8.6M in additional Program and non-Program funding. We also recommend revisiting the policy or a policy sunset, pending an evaluation of benefit, cost and performance, at the mid-point of the development buildout, or at the 4000th unit.

Issues/Challenges: Toll exemptions incur administrative and enforcement costs or requirements on both the program participants as well as TIMMA. The specific implementation requirements will be determined through the development and adoption of Toll System Business Rules. The following are some of the administrative and enforcement requirements that will be considered in the Business Rules:

- Technology requirements. The toll exemption will require the use of a FasTrak toll tag, such as a registered "exempt" FasTrak toll tag for each program participant.
- Participant eligibility verification. TIMMA will need to verify program participants for eligibility, in partnership with TIDA. This verification is anticipated to include a requirement of proof of residency and/or a proof of parking permit.
- Participant registration and renewal. Program participants will need to register with TIMMA to receive an exempt toll tag. To prevent fraud, TIMMA is anticipated to require periodic registration renewals, e.g., as part of an annual parking permit renewal process.
- To minimize fraud, TIMMA anticipates a limit on the total number of exempt transponders per household.

Fall 2019 Outreach and Next Steps: Staff continues to analyze additional toll policy options for future low-income residents and for current and future Island workers. We anticipate additional outreach to both residents and workers through early 2020 to share findings and recommendations on those topics. We also continue to analyze areas of toll policy not yet adopted, including toll rate and hours of operation. We anticipate bringing recommendations in these policy areas to the TIMMA Board in one or more actions through early 2020.

RECOMMENDATION

The proposed action is to recommend exempting current residents from the Treasure Island Mobility Management Program congestion pricing toll. Implementation details, such as eligibility verification and per-household vehicle transponder maximums, shall be proposed and adopted as part of future Toll System Business Rules. The recommendation also includes revisiting the policy or a policy sunset, pending an evaluation into its effectiveness, at the midpoint (4,000th unit) of the Development Project. The exemption creates an additional program funding gap to be addressed together with other pending toll policy actions through further financial analysis. We anticipate bringing adoption of the final comprehensive toll and affordability program to the Board for consideration in Spring 2020.

FINANCIAL IMPACT

There is no financial impact to TIMMA's adopted FY 2019/20 budget from the requested action.

SUPPLEMENTAL MATERIALS

None