



RESOLUTION EXECUTING CONTRACT RENEWALS AND OPTIONS FOR VARIOUS ANNUAL PROFESSIONAL SERVICES IN AN AMOUNT NOT TO EXCEED \$725,000 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY CONTRACT PAYMENT TERMS AND NON-MATERIAL CONTRACT TERMS AND CONDITIONS

WHEREAS, The Transportation Authority annually 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; and

WHEREAS, The Transportation Authority seeks general legal counsel services; computer network services; on-call strategic communications, media and community relations professional services; and

WHEREAS, On July 23, 2019, through Resolution 20-07, the Transportation Authority awarded a three-year professional services contract, with an option to extend for two additional one-year periods in a combined amount not to exceed \$1,000,000 for on-call general legal counsel services to Meyers Nave (formerly Meyers Nave Riback Silver & Wilson); Nossaman LLP; and Wendel Rosen LLP (formerly Wendel, Rosen, Black & Dean LLP); and

WHEREAS, The Transportation Authority maintains a bench of three legal firms experienced in matters related to the operation of public entities to provide on-call general legal counsel services; and

WHEREAS, Transportation Authority staff is recommending that the agency exercise the first of two one-year options in an amount not to exceed \$325,000; and

WHEREAS, On November 27, 2018, through Resolution 19-26, the Transportation Authority awarded a two-year professional services contract, with



options to extend for three additional one-year periods in an amount not to exceed \$480,000 for computer networking and maintenance services to SPTJ Consulting, Inc.; and

WHEREAS, On September 22, 2020, through Resolution 21-12, the Transportation Authority exercised the first of three renewal contract options in an amount not to exceed \$325,000 for a total contract amount not to exceed \$805,000; and

WHEREAS, During Fiscal Year (FY) 2021/22 and due to COVID-19, Transportation Authority needs to maintain technology support for the production of virtual Board and/or Committee meetings and for the reopening of Transportation Authority physical office; and

WHEREAS, Transportation Authority staff is recommending that the agency exercise the second of three renewal options in an amount not to exceed \$300,000; and

WHEREAS, On February 12, 2019, through Resolution 19-37, the Transportation Authority awarded a three-year professional services contract, with an option to extend for two additional one-year periods in a combined amount not to exceed \$300,000 for on-call strategic communications, media and community relations services to Civic Edge Consulting and Convey, Inc.; and

WHEREAS, The Transportation Authority regularly communicates with the public, the media, policy makers, and key stakeholders in partner agencies and the private and non-profit sectors on a wide range of agency and project-specific matters; and

WHEREAS, The Transportation Authority forecast continuous need for



assistance with strategic communications, media relations and outreach related to various projects; and

WHEREAS, Transportation Authority staff is recommending that the agency exercise the first of two renewal options in an amount not to exceed \$100,000; and

WHEREAS, The contract amounts proposed are annual limitations, as the subject professional support services are provided through contracts where costs are incurred only when the specific services are used; and

WHEREAS, The adopted FY 2021/22 budget includes this year's activities and sufficient funds will be included in future budgets to cover the remaining cost of the contracts; and

WHEREAS, The proposed contracts will be funded by a combination of federal grants, state grants and Prop K funds; and

WHEREAS, At its September 22, 2021 meeting, the Community Advisory Committee considered the proposed action to execute contract renewals and options for various annual professional services as summarized in Attachment 1 and unanimously adopted a motion of support for the staff recommendation; now, therefore, be it

RESOLVED, That the Transportation Authority hereby authorizes the Executive Director to execute contract renewals and options for the aforementioned annual professional services in an amount not to exceed \$725,000; 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 the Transportation Authority 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:

- Attachment 1 - Proposed Professional Services Expenditures

**Attachment 1:
Proposed Professional Services Expenditures**

| Professional Services | Description of Services | Previous Year Contract | Increase/ (Decrease) | Proposed Annual Amount | Procurement Type/Contract Options | Contract Goal | Utilization to Date |
|--|--|-------------------------------|-----------------------------|-------------------------------|--|---------------------------|----------------------------|
| Meyers Nave; Nossaman LLP; and Wendel Rosen LLP | On-call Legal Counsel Services | \$333,333 | (\$8,333) | \$ 325,000 | Competitively bid. First of two renewal options. | 0% | 0% |
| SPTJ Consulting, Inc. | Computer Network and Maintenance Services | \$325,000 | (\$25,000) | \$ 300,000 | Competitively bid. Second of three renewal options. | 15% DBE, LBE or SBE | 94% DBE/LBE |
| Civic Edge Consulting and Convey, Inc. | On-call Strategic Communications, Media, and Community Relations Professional Services | \$100,000 | 0 | \$100,000 | Competitively bid. First of two renewal options. | 17% DBE | 81% DBE |
| | Total | \$758,333 | (\$33,333) | \$725,000 | | | |



Memorandum

AGENDA ITEM 8

DATE: September 23, 2021
TO: Transportation Authority Board
FROM: Cynthia Fong - Deputy Director for Finance and Administration
SUBJECT: 10/19/2021 Board Meeting: Execute Contract Renewals and Options for Various Annual Professional Services in an Amount Not to Exceed \$725,000

| | |
|---|--|
| <p>RECOMMENDATION <input type="checkbox"/> Information <input checked="" type="checkbox"/> Action</p> <p>Execute contract renewals and options for various annual professional services in an amount not to exceed \$725,000:</p> <ul style="list-style-type: none"> • Meyers Nave; Nossaman LLP; and Wendel Rosen LLP (\$325,000) • SPTJ Consulting (\$300,000) • Civic Edge Consulting and Convey, Inc. (\$100,000) <p>Authorize the Executive Director to modify contract payment terms and non-material contract terms and conditions.</p> <p>SUMMARY</p> <p>We annually contract 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. The purpose of this memo is to present the annual contract renewals and options for Fiscal Year (FY) 2021/22 and to seek approval. Attachment 1 provides summary information for the proposed contract options with brief descriptions of the recommended services and amounts in the memo below.</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: _____ |
|---|--|

BACKGROUND

We annually contract 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 computer network services, general legal counsel services, and on-call strategic communications, media and community relations professional 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.



DISCUSSION

Attachment 1 provides summary information for the proposed contract options. Below are brief descriptions of the recommended services and amounts.

| | |
|---|------------------|
| Meyers Nave; Nossaman LLP; and Wendel Rosen LLP | \$325,000 |
| <p>We maintain a bench of three legal firms experienced in matters related to the operation of public entities to provide on-call general legal counsel services. In July 2019, through Resolution 20-07 and based on the results of a competitive process, we awarded three-year professional services contracts to Meyers Nave (formerly Meyers Nave Riback Silver & Wilson); Nossaman LLP; and Wendel Rosen LLP (formerly Wendel, Rosen, Black, & Dean LLP), with an option to extend for two additional one-year periods, in a combined amount not to exceed \$1,000,000, for on-call general legal counsel services. The proposed action will exercise the first of two options of the initial contracts. Attachment 2 provides brief descriptions of the work assigned to the legal teams.</p> | |
| SPTJ Consulting | \$300,000 |
| <p>SPTJ Consulting provides information technology support services of our computer hardware and software, office networking equipment, telecommunications systems, servers, and disaster recovery preparation. On November 27, 2018, through Resolution 19-26, we awarded a two-year consultant contract, with options to extend for three additional one-year periods to SPTJ Consulting, Inc. in an amount not to exceed \$480,000 for computer network and maintenance services. On September 22, 2020, through Resolution 21-12, we approved the first contract option in an amount not to exceed \$325,000, for a total contract amount not to exceed \$805,000. During FY 2021/22 and due to COVID-19, we anticipate the need to maintain technology support for the production of virtual Board and/or Committee meetings and for the reopening of our physical office. The proposed action will exercise the second of three renewal options.</p> | |
| Civic Edge Consulting and Convey, Inc. | \$100,000 |
| <p>We regularly communicate with the public, the media, policymakers, and key stakeholders in partner agencies and the private and non-profit sectors on a wide range of agency and project-specific matters. In February 2019, through Resolution 19-37 and based on the results of a competitive process, we awarded three-year consultant contracts to Civic Edge Consulting and Convey, Inc., with an option to extend for two additional one-year periods, in a combined amount not to exceed \$300,000, for on-call strategic communications, media, and community relations professional services. Since then, the consultant teams have provided support for project-specific communications needs, assisted with development of a contacts database management system, assisted in the development of a project highlighting the half-cent sales tax, and helped hone messaging on assorted agency-wide efforts. For the upcoming year, we forecast continuous need for assistance with strategic communications, media relations and outreach related to various projects. The proposed action will exercise the first of two options of the initial contracts. Attachment 2 provides brief descriptions of the work assigned to both consultant teams.</p> | |



FINANCIAL IMPACT

The adopted Fiscal Year 2021/22 budget includes this year's activities and sufficient funds will be included in future budgets to cover the remaining cost of the contracts. The proposed contracts will be funded by a combination of federal and state grants, and Prop K funds.

CAC POSITION

The Community Advisory Committee considered this item at its September 22, 2021 meeting, and adopted a motion of support for the staff recommendation.

SUPPLEMENTAL MATERIALS

- Attachment 1 - Proposed Professional Services Expenditures
- Attachment 2 - Task Order Assignments

Attachment 2

General Legal Counsel Services Assigned Task Orders (2019 to 2021)

| Legal Firm | Task Order Description | Amount |
|--|---|--------------------|
| Nossaman LLP | General Legal Services ¹ | \$225,000 |
| | California Public Records Act | \$81,841 |
| | Downtown Extension | \$50,000 |
| | Sales Tax Reauthorization | \$40,000 |
| | Federal Legislative Services | \$25,000 |
| | Streets and Freeways Corridor Study | \$9,386 |
| | Yerba Buena Island Southgate Road Realignment | \$4,680 |
| Total Task Orders Awarded to Nossaman LLP | | \$435,907 |
| Wendel Rosen LLP | Yerba Buena Island Southgate Road Realignment | \$100,000 |
| | Yerba Buena Island West-side Bridges | \$25,000 |
| | General Legal Services ¹ | \$25,000 |
| Total Task Orders Awarded to Wendel Rosen LLP | | \$150,000 |
| Meyers Nave | General Legal Services ¹ | \$100,000 |
| Total Task Orders Awarded to Meyers Nave | | \$100,000 |
| Total Task Orders Awarded to Date | | \$685,907 |
| Total Contract Amount | | \$1,000,000 |

¹ General legal services encompass 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 task orders.

Attachment 2

On-Call Strategic Communications, Media and Community Relations Services Assigned Task Orders (2019 to 2021)

| Prime Consultant | Task Order Description | Amount |
|--|---|------------------|
| Civic Edge Consulting | Overall Communications ² | \$49,985 |
| | Outreach Guidelines | \$44,169 |
| | Outreach Services for the Pennsylvania Avenue Extension Study | \$25,000 |
| Total Task Orders Awarded to Civic Edge Consulting | | \$119,154 |
| Convey, Inc. | Overall Communications ² | \$49,370 |
| | 30th Anniversary of the Transportation Authority | \$36,265 |
| | Staff Survey | \$17,000 |
| | EnviroLytical Contacts Database | \$12,629 |
| Total Task Orders Awarded to Convey, Inc. | | \$115,264 |
| Total Task Orders Awarded to Date | | \$234,418 |
| Total Amount Awarded to Disadvantaged Business Enterprise Firms (81%) | | \$190,953 |
| Total Contract Amount | | \$300,000 |

² Overall communications encompass activities such as overall image development and branding of the Transportation Authority and creating communication materials, including translating documents to comply with Title VI requirements. In addition, consultant teams monitor legislative, community and media activity for various Transportation Authority projects and provide comprehensive support services for Transportation Authority initiatives not covered by separate task orders.