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## PUBLIC COMMENT, SFCTA MEETING OF 2-8-22, AGENDA ITEM 8

1 message

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**Mary Miles** <page364@earthlink.net>  
To: clerk@sfcta.org

Tue, Feb 8, 2022 at 6:36 AM

FROM:

Mary Miles (SB #230395)

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TO:

Tilly Chang, Director

Angela Tsao, Clerk, and Members of

San Francisco County Transportation Authority ("SFCTA") Board

[1455 Market Street, 22nd Floor](#)

[San Francisco, CA 94103](#)

BY E-MAIL TO: [clerk@sfcta.org](mailto:clerk@sfcta.org)

**PUBLIC COMMENT, SFCTA Meeting of February 8, 2022, Agenda Item 8 (Awarding Contracts to Ten Shortlisted Consultant Teams for a Three-Year Period, with an Option to Extend for Two Additional One-Year Periods, for a Combined Amount Not to Exceed \$3,000,000.)**

This is public comment opposing the proposed award of unstated amount in consulting contracts to Nelson\Nygaard Consulting Associates, Inc., one of several consultants on SFCTA's "Recommended Team." Please distribute this Comment to all SFCTA Board members and place a copy in applicable files.

Nelson\Nygaard has already received "on-call" consulting fees from SFCTA of \$959,578 from 2016-2022. (Packet, Attachment 3.) That ongoing contract expires on May 31, 2022. (Packet, Memorandum, January 27, 2022, page 1.)

For more than a decade, Nelson\Nygaard has also received lucrative consultant contracts from SFCTA and several City agencies for various San Francisco transportation and development projects including an ongoing SFCTA contract for its congestion pricing project.

The Problem: Jeffrey Tumlin was a principal partner in the Nelson\Nygaard corporation for many years, and he had a conflict of interest in November, 2019, when he was appointed Director of the San Francisco Municipal Transportation Agency ("MTA"). (See Attachment A hereto, Form 700, 1/15/20.) While being paid as a private for-profit consultant for Nelson\Nygaard, that firm and Mr. Tumlin as a principal, received lucrative contracts from the City and SFCTA for many projects, including the Market-Octavia, Balboa Park, Central Waterfront, Glen Park, Visitation Valley, and Ocean Beach Master Plan projects.

As a paid principal and consultant for Nelson\Nygaard, Mr. Tumlin also signed contract(s) awarding public money to Nelson\Nygaard to promote SFCTA's ongoing, unpopular congestion pricing project, after his appointment as Director of City's MTA. Since becoming Director of the City's MTA, Mr. Tumlin has continued to promote congestion pricing, as well as the same policies he advocated as a principal and consultant for Nelson\Nygaard: removing parking, traffic lanes, and projects that close streets or obstruct vehicle travel on public streets in San Francisco, while collecting \$342,483 per year salary plus perks from public City money as MTA Director.

Incredibly, SFCTA admits that *MTA* has played a role in *selecting* Nelson\Nygaard for the Contract(s) before this Board today. SFCTA states that after its November 10, 2021 RFQ for these consulting contracts, it received 16 responses ("SOQ's"), from which it chose 10 "highest-ranked" firms, which included Nelson\Nygaard. (Packet Memorandum, January 27, 2022, pages 1 and 2.) Those responses to the RFQ were evaluated by a "selection panel" that consisted of unnamed "representatives from *SFMTA* and Transportation Authority staff." (*Id.*, emphasis added.) The MTA/SFCTA selection panel interviewed three candidates, but chose "seven other qualified teams" based on "familiarity of staff" with their previous work. (*Id.*, pages 2-3.)

For these reasons, and to avoid the appearance of a continuing conflict of interest, this Board should not approve *any* award of contracts or money to Nelson\Nygaard while Mr. Tumlin is on the City's payroll.

Please remove Nelson\Nygaard from the proposed contract(s) at Item 8 of today's SFCTA Agenda.

Sincerely,

Mary Miles

Attorney at Law