

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 7/22/2020

Staff Report No. 18-106c

TO: AC Transit Board of Directors
FROM: Michael A. Hursh, General Manager
SUBJECT: Contract Amendment for BRT Community Outreach Services

ACTION ITEM

RECOMMENDED ACTION(S):

Consider authorizing the General Manager to amend contract 2018-1437 for community outreach and public engagement services for the Bus Rapid Transit (BRT) Project and to exercise the second option year.

STRATEGIC IMPORTANCE:

Goal - Strong Public and Policymaker Support
Initiative - Infrastructure Modernization

The resulting work of this amendment will ensure the public's awareness and safe use of the new BRT service.

BUDGETARY/FISCAL IMPACT:

The contract is funded out of the BRT Project budget. This contract extension has a maximum cost of \$1,040,372 for community outreach services through August 2021, but the District does not expect to spend any of this amount as the remaining budget will allow services to continue until November 2020. The additional budget afforded by the second option year is then available if further services are required and/or the current remaining amount is exceeded.

BACKGROUND/RATIONALE:

On May 2, 2018, a solicitation was issued for community outreach services in support of BRT construction and implementation. L. Luster & Associates was awarded the contract on July 11, 2018. This award contained two one-year pre-priced options. Under the current contract, L. Luster & Associates is providing community outreach services for the District on the BRT project.

Major construction is nearing completion and BRT service is slated to launch in August 2020. Following the end of construction, L. Luster & Associates' services are needed to continue outreach and engagement through the end of the project, including completion of punch list items. Additionally, the contractor will continue to support the development and dissemination of safety-related information into the community prior to and after system launch. Contracted staff will also serve as community relations ambassadors, supporting efforts to educate stakeholders about the new system, and continuing to facilitate the resolution of issues and community concerns. Lastly, L. Luster & Associates will work with District staff to deliver

information and presentations to neighborhood organizations, civic groups and members of the public as part of the effort to attract new riders to the system. It is projected that these services will not be required for an entire additional year.

Staff is requesting authorization to amend the L. Luster & Associates contract to extend the performance period for another 12 months and add \$1,040,372 to the contract value, for a total contract value of \$3,035,063. Despite the increase in the total contract value, the District expects the contractor to continue through November with remaining budget from the current first year option budget. The additional budget from the second option is not strictly necessary but is available if needed.

The requested action complies with the Federal Transit Agency (FTA) guidance regarding exercising contract options (4220.1F Chapter V, 7, a (1)):

1. *Consistency with the Underlying Contract:* The option for this contract were priced before the execution of the original contract and submitted by each proposer. All other terms and conditions remain the same for this contract.
2. *Price:* Provided the time and resources required to re-solicit these services, the option price will be a significant cost saving to the District. Additionally, the Contract has performed under the monthly budgeted amount for these services for the past three months. The District plans to be under budget for the remaining months in 2020.
3. *Awards Treated as Sole Source Procurements:* The options were priced by all proposers as part of the original RFP, therefore this option was competitively priced as part of the original contract: *"The Service Cost Proposal must be submitted on a firm-fixed-price basis for the term of August 1, 2018 through July 31, 2019 and two option years from August 1, 2019 through July 31, 2021 respectively and shall be submitted on with your cost breakdown."* (RFP 2018-1437, Page 9)
4. Additionally, this action takes into account the District's need for continuity of service as the District transitions from the Shelter in Place mandate from Alameda County.

As per FTA guidance, AC Transit is required to exercise each option based on the price and terms from the original proposal although the Contractor will be required to justify each monthly invoice. Staff does not expect to use the full year of service.

ADVANTAGES/DISADVANTAGES:

By exercising this contract option, the District will ensure continuity of service for the BRT project's community outreach efforts and general promotion of the BRT service. L. Luster's services are critical for the successful adoption of the BRT service by the East Bay community. The community outreach contractor has performed the work within budget and to the District's expectations. Exercising this option will help ensure that BRT construction and eventual service will be successful. In addition, the contract can be terminated early or reduced based on the District's needs.

ALTERNATIVES ANALYSIS:

- 1) Issue Sole Source Agreement. The District could issue a sole source contract extension for L. Luster and Associates in order to shape a less expensive and shorter term. However, this would require extensive negotiations with the contractor. Additionally, the justification for issuing a sole source agreement with L. Luster would not withstand the scrutiny of the FTA.
- 2) Migrate the services in-house. The District could elect to reassign existing staff, or hire new staff, to perform community outreach for the BRT. Hiring new staff would entail a months-long process to fill positions that would only last for the remaining duration of BRT construction and implementation. Following BRT launch, the staff assigned to the project would need to be reassigned or laid off. This option would require a substantial investment in current staff's time to hire and/or train new staff, and to provide ongoing supervision and direction.
- 3) Re-Solicit Services: The solicitation of a new contractor for this service will require at least six months to plan and execute, and additional staff time to onboard the new community outreach team. With this option, it is anticipated that BRT construction will be complete and service launched before the District could have a new contract in place for community outreach services.
- 4) Do nothing. The District could opt to allow the existing contract to expire and continue construction without community outreach services. Based on the positive feedback provided from the community, local elected officials, and our FTA partners, staff believe that elimination of these services would be detrimental to achieving the project's community relations, local hire, and project completion goals.

PRIOR RELEVANT BOARD ACTION/POLICIES:

Staff Reports 18-106a and 18-106b

ATTACHMENTS:

None

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