

MOTION NO. M2013-80

Ratify Sole Source Contract for Post-Disparity Study Support

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:	PHONE:
Board	09/26/2013	Final Action	Leslie Jones, Director of Diversity Program James Evans, Diversity Program Specialist	206-398-5047 206-398-5196

PROPOSED ACTION

Ratifies an amendment to a sole-source contract with Browne, Bortz & Coddington, Inc. to provide post-disparity study support in the amount of \$20,000, for a new total authorized contract amount not to exceed \$245,000.

KEY FEATURES SUMMARY

- Sound Transit must submit a Federal Disadvantaged Business Enterprise (DBE) Program goal to the Federal Transit Administration by September 30, 2013. The original deadline was extended so that Sound Transit could conduct a disparity study to determine if remedial actions were necessary to achieve the purposes of the DBE Program in accordance with FTA regulations.
- Browne, Bortz & Coddington, Inc. (BBC) completed the draft disparity study that provides the statistical and anecdotal data to refine the Sound Transit DBE Program. In order to use this data, Sound Transit asked BBC to assist with the DBE program refinements.
- Ratification is needed because Board authorization was not sought for the contract amendment before the work was authorized.
- BBC completed the following work to help Sound Transit refine its DBE Program:
 - Compared estimated Sound Transit budget amounts for projects anticipated during Federal Fiscal Year (FFY) 2014 – 2016;
 - Assisted Sound Transit in the development of overall goals for DBE participation in U.S. Department of Transportation-assisted contracts for FFY 2014 – 2016;
 - Drafted the Sound Transit goal and methodology document to be submitted to the FTA for FFY 2014 – 2016; and
 - Drafted a document requesting a waiver from the FTA for certain aspects of Sound Transit's implementation of the Federal DBE Program.
- BBC may also provide other consulting services during a 45-day comment period on the DBE Program, including participating in informational outreach events concerning the disparity study report and the three-year goal submittal document.

BACKGROUND

Sound Transit is required to establish and administer a Disadvantaged Business Enterprise (DBE) Program as a Federal Transit Administration (FTA) funding recipient that awards prime contracts in excess of \$250,000.

The DBE Program ensures that all procurements and contracts are administered without discrimination on the basis of race, color, sex or national origin and that DBE firms have an equal opportunity to compete for and participate in all agreements, contracts and subcontracts awarded by Sound Transit or its contractors.

In 2009, Sound Transit submitted a three-year DBE utilization goal of 18.39% to the FTA based on detailed engineer's cost estimates for upcoming construction and construction-related work. Sound Transit petitioned the FTA for an extension of that goal in order to complete a disparity study to allow Sound Transit to establish factually-based, narrowly-tailored, legally defensible utilization goals based upon current data. Sound Transit received permission to extend the date for its three-year DBE goal submittal, originally due October 2012, to September 2013 to conduct the disparity study. BBC, the consultant conducting that study, has completed the draft disparity study report that provides the statistical and anecdotal data to refine the Sound Transit DBE Program and prepare the three-year DBE goal submittal for FFY 2014 - 2016 to the FTA as mandated by the Code of Federal Regulations.

Preparation of the DBE goal submittal requires analyzing the estimated Sound Transit budget amount for anticipated projects, drafting a document explaining the goal and the methodology used to derive that goal and, if appropriate, drafting a document requesting a waiver from FTA for certain aspects of Sound Transit's implementation of the Federal DBE Program.

The goal submittal document will be available for review and comment for 45 days after submittal to the FTA. Comments will be evaluated and may generate and inform any modification to the initial submittal. It also may be determined that presentation of the goal submittal document and the disparity study report at selected venues may be beneficial to the Agency and stakeholders. BBC has been asked to provide post-study support in all of these areas.

FISCAL IMPACT

The 2013 Budget for the Executive Department's Consultant/Management services is \$1,313,300. Within that amount \$225,000 has been set aside for the services for BBC for a disparity study. The proposed action is a change order adding \$20,000 to the BBC contract, leaving a remaining budget balance in the Executive Department's Consultant/Management services budget of \$704,887,480.

This action is within the adopted budget and sufficient monies remain after approval of this action to fund the remaining work under Consultant/Management services as contained in the current cost estimates.

Summary for Board Action ('000)

Action Item: Browne, Bortz & Coddington, Inc. adding change order of \$20,000.

Current Year Budget	Adopted 2013 Budget	Spent to date 2013	Contract Expenditures	Remaining 2013 Budget
Executive Dept Consultant/Management Svcs	1,313	578	31	704

Contract Spending Plan	Prior Year(s) Spending	Expected 2013 Spending	Future Expenditures	Total
BBC Research & Consulting	193	52	-	245

Contract Budget	Current Approved	Spent to Date	Proposed Action	Proposed Total Contract Value
BBC Research & Consulting	225	214	20	245
Contingency	-	-	-	-
Total Contract	225	214	20	245
Percent Contingency	0%	0%	0%	0%

Notes:

1) Budget for this item is in the Executive Department staff budget within the services category, and is located on page 78 of the Adopted 2013 Budget book. Budget for the future expenses will be requested in future annual

2) 2013 expenses are thru to 31 Jul 2013.

SMALL BUSINESS PARTICIPATION

BBC is a Small Business and will perform 100% of the work.

EQUAL EMPLOYMENT WORKFORCE PROFILE

19 employees; 58% women; 21% minorities.

PUBLIC INVOLVEMENT

The Sound Transit DBE Goal submittal document will be available for review and public comment for 45 days from the date of submittal to the FTA.

TIME CONSTRAINTS

None.

PRIOR BOARD/COMMITTEE ACTIONS

Motion No. M2013-51: Authorized the chief executive officer to execute a sole source contract with Browne, Bortz & Coddington, Inc., to conduct a disparity study for the Sound Transit, for a total authorized contract amount not to exceed \$225,000.

ENVIRONMENTAL REVIEW

JI 9/4/2013

LEGAL REVIEW

JW 9/20/2013

MOTION NO. M2013-80

A motion of the Board of the Central Puget Sound Regional Transit Authority ratifying an amendment to a sole-source contract with Browne, Bortz & Coddington, Inc. to provide post-disparity study support in the amount of \$20,000, for a new total authorized contract amount not to exceed \$245,000.

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MOTION:

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that an amendment to a sole-source contract with Browne, Bortz & Coddington, Inc. to provide post-disparity study support in the amount of \$20,000, for a new total authorized contract amount not to exceed \$245,000 is ratified.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on September 26, 2013.



Pat McCarthy
Board Chair

ATTEST:



Marcia Walker
Board Administrator