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Title: Approve an agreement for FTA oversight and compliance consultant services in an amount not to exceed \$250,000 from the LeFlore Group, LLC

Sponsors: Department of Transportation

Indexes:

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Attachments: 1. Uniquely Qualified Memo.pdf, 2. Agreement for Federal Consultant Services Over 100K.pdf, 3. Scope of Services.pdf, 4. CMAS Pricing Schedule.pdf, 5. CMAS Contract.pdf

Date	Ver.	Action By	Action	Result
2/28/2019	1	City Council	approved	

REPORT TO THE CITY COUNCIL

February 28, 2019

FROM: GREGORY A. BARFIELD, Director
Department of Transportation

BY: BELINDA R. McMILLAN HAENER, Administrative Manager
Department of Transportation

SUBJECT

Approve an agreement for FTA oversight and compliance consultant services in an amount not to exceed \$250,000 from the LeFlore Group, LLC

RECOMMENDATION

Staff recommends Council approve FTA oversight and compliance consultant services from the LeFlore Group, LLC., in an amount not to exceed \$250,000. Pricing was obtained from the California Multiple Award Schedule (CMAS) for these services.

EXECUTIVE SUMMARY

The Department of Transportation/FAX is in need of technical assistance to provide oversight and ensure compliance of Federal Transit Administration (FTA) funded projects. The Department's federally-funded capital projects require the City to ensure compliance with federal mandates in areas of construction procurement, project management, and quality assurance. The criticality of

these projects and potential funding loss if the complex requirements of the FTA are not met requires specialized knowledge in federal compliance. Mr. Rudy LeFlore of The Leflore Group, LLC., is recommended because of his unique qualifications; namely, many years of experience in managing federal contract compliance, as well as his long-standing relationship with the Department. The LeFlore contract will provide needed oversight and guidance for project compliance, as well as allow the Department to properly implement suggested and required protocol, policies, and standard operating procedures as mandated by the FTA in response to the 2018 triennial review and in preparation for the next triennial review.

BACKGROUND

The Department of Transportation/FAX has pursued an unprecedented number of capital projects that are expected to significantly improve service to its customers. These projects include Bus Rapid Transit (BRT), Downtown Bus Livability, Courthouse Park and Manchester Transit Center rehabilitations, and other capital projects totaling approximately \$74,000,000. All of these projects utilize FTA funding and must comply with numerous federal mandates in areas of construction procurement, project management, and quality assurance. Not complying with these FTA requirements can result in loss of funding.

In addition to providing assistance with closing out capital projects, the LeFlore Group will also orchestrate a Transportation Department-wide compliance and quality assurance effort, which will focus on revamping processes to ensure federal guidelines are implemented Department-wide. The LeFlore Group will provide an overall Department assessment of FAX compliance with new regulations promulgated by the FTA, support the compliance team within FAX to satisfy internal controls, and establish compliance with mandatory FTA programs such as Title VI, Disadvantaged Business Enterprise, and ADA.

Mr. LeFlore will work with internal staff to ensure the delivered projects and procedures will meet FTA requirements, and project activities will yield compliance to FTA triennial audits. Mr. LeFlore has extensive knowledge and experience with Federal contract compliance and oversight including:

- Owner's representative for similar FTA-funded capital projects including an 18 million dollar maintenance facility for the City of Glendale and a 16 million dollar construction project for the SunLine Transit Agency.
- Participated in federal triennial reviews and procurement audits for various transit agencies, including SunLine Transit, City of Tracy, and the City of Manteca.
- Instructs Caltrans sponsored FTA compliance courses for the University of the Pacific.
- Subject matter expert for Santa Clara VTAs legal department.

The LeFlore Group is also experienced with Fresno City policy and procedures through their previous involvement in various activities with the Department of Transportation/FAX. The LeFlore Group was awarded a contract in 2017 to assist the Department with severe compliance deficiencies, establish internal controls to satisfy FTA compliance and serve as an FTA liaison for the BRT project.

It is noteworthy to highlight Mr. LeFlore's experience with FTA regulations, guidance and expertise which have allowed the Department to navigate the complexity of state and federal funding regulations. Mr. LeFlore was instrumental in coordinating, organizing, and establishing processes to comply with audits and reviews. The LeFlore Group conducted internal department audits and

reviews to allow the Transportation Department to make strides toward establishing standard operating procedures and developing expertise in procurement, training and regulations. In addition, recent staffing moves and attrition require assistance to remain fully compliant and well-versed in the ever-changing and complex world of federal, state, and local grant funding. Therefore, for the reasons stated above, The LeFlore Group is uniquely qualified.

The Department would like to highlight several key areas of past accomplishments and deliverables performed by the LeFlore group:

- Successfully addressed findings, proposed corrective actions, and helped draft/revise policies, procedures, and forms in order to satisfy the federal requirements for FTA triennial review audit conducted in 2012 and 2018.
- Supported the department for a subsequent triennial audit by performing a pre-audit of department files.
- Assisted in developing procurement file documentation, solicitation, and change orders for numerous federally-funded projects.
- Reviewed and made recommendations related to the BRT project for establishment and/or ongoing management of the following:
 - Value engineering of the Teichert construction contract
 - Establishing the Genfare ticket vending machine contract
 - Parsons Brinckerhoff, Kimley-Horn, and VSCE BRT contracts
- Provided compliance and Quality Assurance review for several other department capital projects, including Courthouse Park transit improvements, Manchester Transit Center remodel, the downtown station area (Livability) project.

The Department recommends the City utilize pricing from the CMAS. The LeFlore Group, LLC., is a CMAS contractor and CMAS provides a cost-effective and expeditious means of contracting products and services. The State of California establishes CMAS contracts in accordance with Public Contract Code Sections 10290 and 12101.5. The CMAS offers a variety of products and services at prices which have been assessed to be fair, reasonable and competitive. State and local government agencies are able to take advantage of these CMAS contracts.

ENVIRONMENTAL FINDING

By the definition in the California Environmental Quality Act (CEQA) Guidelines Section 16378, the amendment of a service contract does not qualify as a “project” as defined by CEQA.

LOCAL PREFERENCE

Local preference was not implemented because The LeFlore Group is uniquely qualified.

FISCAL IMPACT

There is no impact to the General Fund from this action. This contract is federally funded by the Federal Transit Administration.

Attachments:

Uniquely Qualified Memo

Agreement for Federal Consultant Services Over 100K
Scope of Services
CMAS Pricing Schedule
CMAS Contract