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Title: Actions related to the award of a consulting services agreement with The LeFlore Group, LLC, of Whittier, California, not to exceed the amount of \$269,360

1. Affirm the City Manager's determination that the LeFlore Group, LLC is uniquely qualified to provide technical expert services to the Department of Transportation
2. Approve the Consultant Services Utilizing the California Multiple Award Schedule (CMAS) to Establish a 3-year Contract with the LeFlore Group, LLC, Not to Exceed \$269,360 to Provide Technical Expert Services for Federal Transit Administration (FTA) funded activities

Sponsors: Department of Transportation

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Attachments: 1. CMAS Agreement 4-20-03-0461C, 2. GSA Schedule GS-00F-224CA, 3. Consultant Agreement, 4. FTA Dear Colleague Letter, dated April 20, 2021, 5. Uniquely Qualified Memo, dated April 21, 2022

Date	Ver.	Action By	Action	Result
4/21/2022	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

FROM: JOE VARGAS, Director
Department of Transportation

BY: BELINDA MCMILLAN HAENER, Interim Assistant Director
Department of Transportation

SUBJECT

Actions related to the award of a consulting services agreement with The LeFlore Group, LLC, of Whittier, California, not to exceed the amount of \$269,360

1. Affirm the City Manager's determination that the LeFlore Group, LLC is uniquely qualified to provide technical expert services to the Department of Transportation
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RECOMMENDATION

Staff recommends the City Council approve a 3-year contract for Consultant Services Utilizing the California Multiple Award Schedule with the LeFlore Group, LLC, not to exceed \$269,360.

EXECUTIVE SUMMARY

The Department of Transportation requires technical assistance to provide oversight and ensure compliance with Federal Transit Administration (FTA) funded activities. The Department's federally funded projects are in the areas of construction, project management, quality assurance, program management, and procurement. With the influx of funding from the CARES Act, ARPA, and CRRSAA, the Department will recognize an additional \$66M of FTA funds. The FTA has notified recipients that it will implement supplemental oversight activities, in addition to regular oversight activities. Mr. Rudy LeFlore of The LeFlore Group, LLC, is recommended due to his unique qualifications, namely many years of experience in managing federal compliance as well as his established record of performance with the Department of Transportation.

BACKGROUND

On March 27, 2020, the former President of the United States signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act into law. The FTA allocated \$25 billion to recipients of urbanized area and rural area formula funds. Funding was provided at a 100 % federal share, with no local match required, and is available to support capital, operating, and other expenses generally eligible under those programs to prevent, prepare for, and respond to COVID-19. The Department was allocated \$32.4 million which has been earmarked for COVID-19 and eligible operating-related expenses.

On March 11, 2021, the President of the United States signed the American Rescue Plan Act which provided \$1.9 trillion in additional relief to respond to COVID-19. Of that, \$30.5 billion has been allocated for transit; specifically, \$26 billion for FTA 5307 Urbanized Area Formula Grants, \$317 million for FTA 5311 Rural Area Formula Grants, and \$1.675 billion for Capital Investment Grants. The allocation to the Department of Transportation is \$28.9 million.

On April 20, 2021, the FTA released a Dear Colleague letter that highlights the magnitude of this funding and the challenges it creates for both the FTA and recipients. The FTA intends to meet this challenge through a two-part approach. First, the FTA intends to provide webinars that focuses specifically on helping recipients understand how to calculate and document operating expenses in order to charge them to FTA grants. Second, starting early summer 2021, the FTA will begin supplemental oversight activities which will entail spot reviews of expenses charged to FTA grants, documentation of those expenses, and review of recipient's financial systems.

On November 15, 2021, the President of the United States signed the Infrastructure, Investment and Jobs Act (IIJA) which authorizes up to \$108 billion to support federal public transportation programs, including \$91 billion in guaranteed funding. Urbanized Area Formula grants received an increase of more than \$33.5 billion to provide funding for transit capital and operating assistance. The Act also provide \$23 billion, with \$8 billion guaranteed to invest in new high-capacity transit project, for Capital Investment Grants (CIG) and \$23.1 billion over five years for State of Good Repair Grants.

The LeFlore Group, LLC. was established in 2003 as a full service support group with the purpose of helping the transit industry navigate federal and state government compliance, project and program management, and organizational improvement. The Le Flore Group is a Certified DBE with the Federal Transit Administration and has a Multiple Award Agreement with the State of California. The LeFlore Group has one office located in Whittier, California, and services cities and transit agencies throughout the state of California. The LeFlore Group, LLC, will work with internal staff to meet FTA requirements and project activities.

Mr. LeFlore has extensive knowledge and experience with Federal contract compliance and program oversight including:

- Owner's representative for similar FTA-funded capital projects including an \$18 million maintenance facility for the City of Glendale and a \$16 million 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.

Mr. Leflore is also experienced with Fresno City policy and procedures through his involvement in various activities as outlined below:

- 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.
- Provided assistances with Zero-Emission Bus Rollout Plan to satisfy California Air Resource Board requirements.
- Provided assistance with Public Transportation Agency Safety Plan to meet FTA requirements
- Provided assistance with the Transit Asset Management (TAM) Plan to meet FTA requirements

The FTA encourages the use of State and local government purchasing schedules if the recipient ensures all Federal requirements, required clauses, and certifications are followed and included, whether in the master intergovernmental agreement or in the recipient's purchasing documents. The California Multiple Awards Schedule (CMAS) is such a schedule.

CMAS agreements are not established through a competitive bid process conducted by the State of California. Because of this, all pricing, products and/or services offered must have been previously bid and awarded on a Federal GSA schedule. The supplier completes a CMAS Application offering products and/or services at prices based on an existing Federal GSA multiple award schedule. This schedule is referred to as the "base" contract.

The LeFlore Group has an established CMAS agreement (4-20-03-0461C) for executive consultant,

project management, technical expert, and administrative assistant services. The CMAS agreement in conjunction with the Department's purchasing documents complies with both federal and local purchasing requirements.

The Department recommends that the City utilize the CMAS agreement. The LeFlore Group's unique qualifications and CMAS cost-effective and expeditious means of contracting products and services, make this procurement for services ideal for addressing current demands on the Department.

The City Attorney has reviewed and approved as to form.

ENVIRONMENTAL FINDINGS

By the definition provided in the California Environmental Quality Act Guidelines Section 15378 the award of this contract does not qualify as a project.

LOCAL PREFERENCE

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

FISCAL IMPACT

There is no fiscal impact to the General Fund from this request as the contract will be funded by 5307 Urbanized Area Formula Grant funding program at 80%. The 20% match will be funded by enterprise dollars.

5 Attachments:

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