



**December 3, 2018**

**To:** Executive Committee

*Handwritten signature: Kenneth R. Johnson for*

**From:** Darrell E. Johnson, Chief Executive Officer

**Subject:** Agreement with Grand Jurors Association of Orange County for Recruitment Services for Measure M2 Taxpayer Oversight Committee

### **Overview**

Orange County's Measure M2 calls for the establishment of a Taxpayer Oversight Committee to ensure fidelity with the investment summary presented in Ordinance No. 3 – the Renewed Measure M Transportation Ordinance and Investment Plan. Eleven members serve staggered three-year terms, and each year the Grand Jurors Association of Orange County, as mandated by the ordinance, conducts a recruitment to replace outgoing members whose terms have expired. Board of Directors' approval is requested to execute a new five-year agreement with the Grand Jurors Association of Orange County for Taxpayer Oversight Committee recruitment services.

### **Recommendation**

Authorize the Chief Executive Officer to negotiate and execute sole source Agreement No. C-8-2079 between the Orange County Transportation Authority and the Grand Jurors Association of Orange County, in the amount of \$47,500, for managing the annual Taxpayer Oversight Committee recruitment process through June 30, 2023.

### **Discussion**

The Measure M2 Taxpayer Oversight Committee (TOC) is required by Ordinance No.3 – the Renewed Measure M Transportation Ordinance and Investment Plan (Measure M2). The TOC is an independent committee representing all five supervisorial districts in Orange County. Committee members serve three-year terms. The TOC is responsible for ensuring the transportation projects in Measure M2 are implemented according to the investment plan approved by the voters in 2006. Currently, the TOC meets bimonthly to review progress on the Measure M2 program.

To ensure an independent committee member selection process, the recruitment and selection of finalists must be conducted by a neutral body serving in the interests of the citizens of Orange County. The Grand Jurors Association of Orange County (GJAOC) was originally selected in 1990 to screen and recommend potential candidates as required by the Measure M1 ordinance based upon the following criteria:

- part of an independent organization without any political affiliation
- familiarity with evaluating government functions
- capable of understanding the function of an oversight committee
- not part of a local government agency

The Measure M2 ordinance also mandates the GJAOC as the contracted organization to screen and recommend TOC candidates. An agreement was negotiated in 1990 with the GJAOC for an annual fee, which includes application processing, data compilation and organization, copying, initial screening, and meeting and mileage expenses. The GJAOC performed the recruitment function for the formation of the initial Measure M Oversight Committee (formerly the Citizens Oversight Committee) in 1990 and has since conducted the annual recruitment for new members each spring to fill vacancies on the TOC. A five-member GJAOC selection panel screens all applications, interviews qualified individuals, and recommends candidates for membership on the committee. A lottery of potential TOC members is forwarded to the Orange County Transportation Authority's (OCTA) Board of Directors (Board) each June.

In 2014, the OCTA Board authorized the Chief Executive Officer to execute the previous agreement with the GJAOC for five years to conduct five annual recruitments. Staff is requesting a new sole source agreement be executed for the next five years, through June 30, 2023.

As in previous years, the agreement calls for an annual fee for managing the TOC application process and selecting the finalists. The annual fee of \$6,000, which is the same as in 2014, is paid to the GJAOC upon completion of services under the scope of work to conduct the application review and selection process for the year. In addition, selection panel members will be paid \$50 per meeting for review of applications and interviews, and are reimbursed for actual mileage and any duplication or copying costs. These expenses are anticipated to be approximately \$3,500 per year. The total cost per year of the agreement, including the annual fee and expenses, is \$9,500. The five-year total for the contract is \$47,500.

The formal recruitment process for 2019 begins in February 2019 and concludes in June 2019. The GJAOC selection panel will be using the enhanced criteria and application process that has been outlined in the Measure M TOC amendment, which the OCTA Board approved on November 25, 2013, and became effective on January 9, 2014. The GJAOC selection panel's recommended finalists (the ordinances allow five from each district) will be presented at the regular OCTA Board Meeting on June 24, 2019. The OCTA Chair will select the new members of the TOC by lottery at that meeting.

### ***Procurement Approach***

This procurement was handled in accordance with OCTA's Board-approved policies and procedures for a sole source procurement.

The requirement was handled as a sole source procurement due to the unique circumstance in which OCTA is mandated to specifically contract with GJAOC to provide the services related to the formation of a TOC membership recommendation panel. The GJAOC has been providing this service to OCTA since 1990.

In accordance with OCTA's sole source procurement procedures, the Contracts Administration and Materials Management Department (CAMM) conducted a price review of GJAOC's proposed rates. The total cost per year of \$9,500 will remain the same as the existing contract. Therefore, CAMM determined the proposed rates are deemed fair and reasonable.

Based on the above, it is recommended that the contract is awarded to GJAOC.

### **Fiscal Impact**

This project was approved in OCTA's Fiscal Year 2018-19 Budget, External Affairs, Public Communications, Account 0017-7629-M0201-JR8, and is funded through Measure M.

### ***Summary***

The annual recruitment to fill four positions on the Measure M Taxpayers Oversight Committee is beginning in February 2019. Staff recommends the Board authorize the Chief Executive Officer to negotiate and execute sole source Agreement No. C-8-2079 with the Grand Jurors Association of Orange County, as required by the Measure M2 ordinance, to manage the annual TOC new member recruitment process, in the amount of \$47,500, through June 30, 2023.

***Attachment***

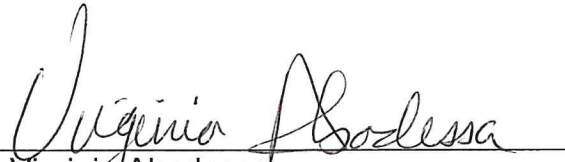
None.

**Prepared by:**



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**Approved by:**



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