



November 6, 2023

To: Executive Committee

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

A handwritten signature in blue ink, appearing to read "Darrell E. Johnson", is placed over the "From:" line of the memo.

Overview

The Renewed Measure M Transportation Ordinance and Investment Plan Ordinance No. 3 calls for the establishment of a Taxpayer Oversight Committee for the purpose of determining whether the Orange County Local Transportation Authority is proceeding in accordance with what was promised to the voters. 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-3-2908 between the Orange County Transportation Authority and the Grand Jurors Association of Orange County, in the amount of \$50,000, for managing the annual Taxpayer Oversight Committee recruitment process through June 30, 2028.

Discussion

The 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 quarterly 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 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 list of potential TOC member candidates is forwarded to the Orange County Transportation Authority (OCTA) Board of Directors (Board) for selection via a lottery process each June.

In 2018, the OCTA Board authorized the Chief Executive Officer to execute the current five-year agreement with the GJAOC to conduct five annual recruitments. This agreement is set to expire on June 30, 2023. Staff is requesting a new sole source agreement be executed for the next five years, through June 30, 2028.

As in previous years, the agreement stipulates an annual fee for managing the TOC application process and selecting the finalists. The GJAOC has requested an increase of the annual fee from \$6,000 to \$6,500 per the request of the GJAOC. The fee is paid to the GJAOC upon completion of services specified in the scope of work for each year. The fee was last increased in 2009 from \$4,000 to \$6,000 annually. 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 \$10,000. The five-year total for the contract is \$50,000.

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 (Camm) Department conducted a price review of GJAOC's proposed rates. The total cost per year increased from \$9,500 to \$10,000 from the existing contract executed in 2019. This represents a five percent increase; however, the GJAOC has held the same rates since 2009. Additionally, the total cost per year is lower than the OCTA project manager's independent cost estimate. 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 2023-24 Budget, External Affairs, Public Communications, Account No. 0017-7629-M0201-JR8, and is funded through Measure M.

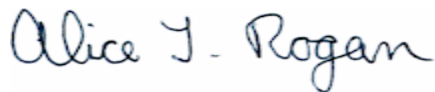
Summary

The annual recruitment to fill four positions on the Measure M2 Taxpayer Oversight Committee is beginning in January 2024. Staff recommends the Board authorize the Chief Executive Officer to negotiate and execute sole source Agreement No. C-3-2908 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 \$50,000, through June 30, 2028.

Attachment

None.

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