

# REGIONAL TRANSIT ISSUE PAPER

Agenda Item No.	Board Meeting Date	Open/Closed Session	Information/Action Item	Issue Date
4	06/14/10	Open	Action	05/20/10

Subject: Approving a Noncompetitive and Sole Source Procurement and Awarding a Contract for Interest Arbitration Services to John A. Dash and Associates, Inc.

## ISSUE

Whether or not to approve a noncompetitive and sole source procurement and award a contract for interest arbitration services to John A. Dash and Associates, Inc.

## RECOMMENDED ACTION

Approve Resolution No. 10-06-\_\_\_\_, Approving a Noncompetitive and Sole Source Procurement and Awarding a Contract for Interest Arbitration Services to John A. Dash and Associates, Inc.

## FISCAL IMPACT

Budgeted:	Yes	This FY:	\$0
Budget Source:	Operating	Next FY:	\$ 150,000
Funding Source:	Local	Annualized:	\$ 150,000
Cost Cntr/GL Acct(s) or	CC: 43	Total Amount:	\$ 150,000
Capital Project #:	GL: 630006		
Total Budget:	\$ 150,000		

## DISCUSSION

Representatives of RT and ATU Local 256 began meeting in collective bargaining on July 10, 2009 to renegotiate the terms and conditions of their collective bargaining agreement (CBA) which was set to expire on August 31, 2009. The parties were unable to conclude negotiations by the expiration of the CBA and agreed to extend its terms until a final agreement was reached. On April 8, 2010, RT provided the ATU with a Final Offer for Settlement and received a counter offer for settlement from the ATU on April 30, 2010. Unable to resolve the remaining issues, the parties agreed to submit the impasse for final and binding resolution by way of interest arbitration.

On May 3, 2010, RT received a formal written request for interest arbitration pursuant to Section 13(c) of the Federal Transit Act. RT responded by letter on May 14, 2010, accepting the request.

After considering possible options, staff recommends entering into a sole source contract with John A. Dash and Associates, Inc. to represent RT's interests before the arbitrator and sit as RT's representative on the tripartite arbitration panel. The firm of John A. Dash and Associates, Inc. was formed in 1968 and specializes in representing public transit entities in labor relations matters. They have amassed a nationwide data base of materials necessary for labor negotiations, fact-finding, and interest arbitration, and are familiar with recent trends and tactics in transit contracts. The firm has been employed by RT periodically to provide information in support

Approved:

Presented:

FINAL 6/3/10

General Manager/CEO

Chief Administrative/EEO Officer

J/Board Meeting Documents/2010/June 14, 2010/John A. Dash

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of the collective bargaining process since the mid-1970's and has represented RT in interest arbitration proceedings occurring in 1981-82 and 1996-97. As result, they are familiar with RT's structure and labor history and will require minimum time to prepare for representation. They come highly recommended by transit labor professionals throughout the United States and have made presentations at APTA regarding labor relations trends, judgments, and issues in negotiations.

In order to maintain an aggressive schedule to complete this matter, an early-July arbitration date is being sought. In order to have sufficient time to prepare and assist RT, it is critical to have a consultant on-board as soon as possible. The ATU has been engaged in extensive negotiations statewide over the last several years and it is imperative that RT have access to comparable experience during the upcoming arbitration.

In accordance with Section 1.405C of RT's Procurement Ordinance, the Board may approve and award a noncompetitive procurement when it determines that it is in the best interest of RT.

Staff recommends that the Board approve a noncompetitive and sole source procurement and award a contract for interest arbitration services to John A. Dash and Associates, Inc. for an amount not to exceed \$150,000, including reimbursable expenses.

RESOLUTION NO. 10-06-\_\_\_\_\_

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

June 14, 2010

**APPROVING A NONCOMPETITIVE AND SOLE SOURCE PROCUREMENT AND  
AWARDING A CONTRACT FOR INTEREST ARBITRATION SERVICES TO  
JOHN A. DASH AND ASSOCIATES, INC.**

BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, John A. Dash and Associates, Inc. has represented RT in Interest Arbitration proceedings in the past and is very familiar with RT's employee relations structure, its policies, and processes;

THAT, because of its familiarity with RT, John A. Dash and Associates, Inc. is able to represent RT in Interest Arbitration proceedings with minimal time taken to familiarize itself with RT, potentially resulting in substantial costs and time savings;

THAT, because of John A. Dash and Associates, Inc.'s expertise and familiarity with RT, it is in RT's best interest to retain the services of John A. Dash and Associates, Inc. without following RT's competitive solicitation procedures set forth in Article III of RT's Procurement Ordinance;

THAT, pursuant to Section 1.405C of RT's Procurement Ordinance a sole source procurement is authorized upon a Best Interest finding;

THAT, the Contract between the Sacramento Regional Transit District, therein referred to as "RT," and John A. Dash and Associates, Inc., therein referred to as "Consultant," whereby Consultant agrees to provide Interest Arbitration Services, as specified, for an amount not to exceed \$150,000, including reimbursable expenses, is hereby approved.

THAT, the Chair and General Manager/CEO are hereby authorized and directed to execute said Contract.

\_\_\_\_\_  
STEVE MILLER, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary