

REGIONAL TRANSIT ISSUE PAPER

| Agenda Item No. | Board Meeting Date | Open/Closed Session | Information/Action Item | Issue Date |
|-----------------|--------------------|---------------------|-------------------------|------------|
| 3 | 03/28/11 | Open | Action | 03/21/11 |

Subject: Whether to Approve a Sole Source Procurement and Authorize Award of a Contract to Mentor Engineering, Inc.

ISSUE

Whether to Approve a Sole Source Procurement and Authorize Award of a Contract to Mentor Engineering, Inc.

RECOMMENDED ACTION

Adopt Resolution No. 11-03-____, Approving a Sole Source Procurement and Awarding a Contract to Provide and Install Mobile Data Computers with Mentor Engineering, Inc.

FISCAL IMPACT

| | | | |
|--|--|---------------|--------------------------------------|
| Budgeted: | Yes | This FY: | \$ 172,406 plus applicable sales tax |
| Budget Source: | Capital | Next FY: | \$ n/a |
| Funding Source: | Federal 5307, Measure A, COPS - Certificate of Participation | Annualized: | \$ n/a |
| Cost Cntr/GL Acct(s) or Capital Project #: | 771.07 | Total Amount: | \$ 172,406 plus applicable sales tax |
| Total Budget: | \$ 172,406 plus applicable sales tax | | |

DISCUSSION

RT provides its ADA complementary paratransit service through a contract with Paratransit, Inc. To provide this service, Paratransit, Inc. uses vehicles purchased by RT, as well as vehicles purchased through other funding sources available to Paratransit, Inc., as the Consolidated Transportation Service Agency (CTSA) for the urbanized portion of Sacramento County. RT maintains ownership of vehicles and equipment purchased by RT for use in ADA complementary paratransit service. Paratransit, Inc. uses Trapeze® software to book and track trip requests for RT's ADA complementary paratransit service. The Trapeze® software has been customized to work with the radio system on board the Paratransit fleet. The existing radio system is a custom system provided by Mentor Engineering. The system includes radios, mobile data computers, and other radio system equipment. Since the radio system was custom-designed and built to meet Paratransit, Inc.'s needs, this equipment is not available as a standard off the shelf item. Staff researched the market and found that no other mobile data computer/terminal will work with the Trapeze® dispatching software, without extensive and expensive customization of the software and without introducing incompatibilities between differing technologies. The cost to remove and replace the entire system would be cost prohibitive and not in the best interest of RT. In addition, different mobile data computers on board the vehicles create problems with driver training in mobile data computer usage.

Approved:

Presented:

Final 3/22/11

General Manager/CEO

Director, Accessible Services & Customer Advocacy

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On August 23, 2010, the RT Board authorized a purchase request with the California Association for Coordinated Transportation (CalACT)/Morongo Basin Transit Authority (MBTA) for 52 paratransit vehicles. To ready the vehicles for service as they are delivered, RT will install a radio and computer system on each vehicle. This system must be integrated into the existing system's features, functions, and programming, and be fully compatible. The computer equipment required for the 52 buses is only available from one source, Mentor Engineering.

The equipment and services to be purchased from Mentor Engineering includes:

- Ranger mobile data computers
 - Mounting brackets
 - Cabling
 - Odometer monitoring interface
 - Dual mode antenna
 - Mentor Mobility Application
 - Navigation software
 - Per vehicle license
- Installation of the equipment is included in the total price

The prices quoted by Mentor Engineering are equal to or less than those quoted to RT for the same equipment, software, support, and installation in January 2009. Since the current quoted prices have not increased in two years, and these prices were considered fair and reasonable in 2009, Staff believes they remain fair and reasonable for today's market. The radios compatible with the Mentor computer system will be purchased under a separate procurement.

The anticipated installation date for the equipment is four weeks after Notice To Proceed.

RT's enabling act (Public Utilities Code Section 102222) requires that all contracts for supplies in excess of \$40,000 be acquired from the lowest responsible bidder. However, under the relevant case law, there is an exception to this requirement if competitive bidding would be futile. In this case, because of the requirement for compatibility with an existing, proprietary system, Staff believes it would be futile to seek competition.

In addition, because this is a federally-funded procurement, RT must ensure that the sole source award satisfies the federal criteria for such procurements. In this case, Staff has determined that this procurement is justified under the federal criteria because it is a follow-on contract for continued development or production of highly specialized equipment; award to another contractor for the mobile data equipment would result in substantial duplication of costs not expected to be recovered through competition. Moreover, the existing system includes proprietary information, making it impossible to integrate a new system into the existing dispatch network.

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For the reasons stated above, staff requests the Board to approve a sole source procurement and authorize award of a Contract to Mentor Engineering, Inc. for an amount not-to-exceed \$172,406.00, plus applicable sales tax.

RESOLUTION NO. 11-03-_____

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

March 28, 2011

**APPROVING A SOLE SOURCE PROCUREMENT AND AWARDING A CONTRACT
TO PROVIDE AND INSTALL MOBILE DATA COMPUTERS WITH MENTOR
ENGINEERING, INC.**

WHEREAS, in accordance with Section 1.405 of the RT Procurement Ordinance, sole source procurement is permitted upon a determination that the required product is only available from the manufacturer and it would be futile to seek competition; and

WHEREAS, only Mentor Engineering sells the custom communication system, including mobile data computers and other radio system equipment, that is currently being used in vehicles operated by Paratransit, Inc.; and

WHEREAS, the acquisition of a non-compatible communication system would introduce incompatibilities between differing technologies, and the cost to remove and replace the current system would be cost-prohibitive and not in the best interest of RT.

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

THAT, in order to provide a compatible vehicle communication system, a sole source procurement for a mobile data computers and associated equipment will be implemented with Mentor Engineering; and

THAT, the Contract between the Sacramento Regional Transit District, therein referred to as "RT", and Mentor Engineering therein referred to as "Contractor," whereby Contractor agrees to provide mobile data computers and associated equipment, as specified, for an amount not to exceed \$172,406, plus applicable sales tax, is hereby approved.

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

DON NOTTOLI, Chair

A T T E S T:

MICHAEL R. WILEY, Secretary

By: _____
Cindy Brooks, Assistant Secretary