

STAFF REPORT

DATE: August 28, 2023
TO: Sacramento Regional Transit Board of Directors
FROM: David Topaz, VP, Employee Development and Engagement
SUBJ: APPROVING THE CONTRACT FOR “TRAIN THE TRAINER PROGRAM” TRAINING WITH THE INTERNATIONAL TRANSPORTATION LEARNING CENTER

RECOMMENDATION

Adopt the Attached Resolution.

RESULT OF RECOMMENDED ACTION

Approving the Contract will allow SacRT to obtain training from industry leaders to develop its workforce and improve learner outcomes.

FISCAL IMPACT

The cost of the International Transportation Learning Center (ITLC) on-site “Train-the-Trainer Level 1: Adult Learning Theory and Teaching Techniques” and “Train-the-Trainer Level 2: Creating Courseware that Works” is \$27,000. Funding for this purchase is included in the FY 2024 Operating Budget.

DISCUSSION

In June 2023, the Training and Workforce Development Department developed a Scope of Work for a vendor to provide training for SacRT Light Rail and Bus Operations trainers on how to effectively develop and deliver trainings for adult learners. SacRT received and reviewed 2 proposals from transit industry training service providers: the ITLC and Department of Transportation (DOT) Transportation Safety Institute (TSI). After review by the Training and Workforce Development staff, the proposal from ITLC was determined to meet SacRT’s needs, in particular SacRT’s desire to complete training in Fiscal Year 2024.

The ITLC’s highly engaging train-the-trainer courses take subject matter experts and give them the skills to convey their vast knowledge to others in a classroom setting. The courses give experienced trainers the skills to define, design, and develop an effective and engaging training course and accompanying courseware and assessments, incorporating established adult learning principles. Topics include adult learning theory, teaching techniques, and presentation skills.

Approval of a contract involving an expenditure of only \$27,000 would typically be vested in the General Manager/CEO under the terms of the Procurement Ordinance. However, during the process of preparing the contract, it was determined that execution of the Contract by the General Manager/CEO might constitute a violation of Government Code section 1090, which prohibits an officer or employee from having a financial “interest” in any contract “made” by them in their official capacity. The General Manager/CEO holds the uncompensated positions of Treasurer, Chief Financial Officer, and member of the ITLC Board of Directors.

The making of a contract has been broadly construed under case law to include any actions affording an opportunity to influence the selection of a contractor, negotiation, and award, not merely the signing of the contract. As a result, simply shifting the final approval of the contract from the General Manager/CEO to the Board would not necessarily resolve the potential conflict.

However, pursuant to Government Code section 1091.5(a)(7), an officer or employee shall not be deemed to be interested in a contract if his or her interest is “that of a nonsalaried member of a nonprofit corporation, provided that this interest is disclosed to the body or board at the time of the first consideration of the contract, and provided further that this interest is noted in its official records.”

Henry Li receives no compensation for his positions at ITLC, which is a non-profit 501(c)(3) organization.

To comply with the requirements of Section 1091.5(a)(7) and Title II of SacRT’s Administrative Code governing conflicts of interest, Staff requests that the Board note the General Manager/CEO’s interest in ITLC and that it award the contract to ITLC and authorize the Board Chair to execute the contract

RESOLUTION NO. 2023-08-077

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

August 28, 2023

APPROVING THE CONTRACT FOR “TRAIN THE TRAINER PROGRAM” TRAINING WITH THE INTERNATIONAL TRANSPORTATION LEARNING CENTER

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

THAT, the Board hereby acknowledges and makes note that the General Manager/CEO of Sacramento Regional Transit District serves as the Treasurer, Chief Financial Officer, and a Board Member of the International Transportation Learning Center, which is a non-profit entity devoted to providing training to transit workers.

THAT, the Contract for “Train The Trainer Program” Training, between Sacramento Regional Transit District, therein referred to as “SacRT,” and the International Transportation Learning Center, therein referred to as “Contractor,” wherein Contractor agrees to provide two on-site training sessions for an amount not to exceed \$27,000, is hereby approved.

THAT, the Board Chair is hereby authorized and directed to execute the foregoing contract.

PATRICK KENNEDY, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Tabetha Smith, Assistant Secretary