



Metro

Metropolitan Transportation Authority

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**BOARD OF DIRECTORS
DECEMBER 15, 2005**

**SUBJECT: 2006 UNITED TRANSPORTATION UNION (UTU) AND AMALGAMATED
TRANSIT UNION (ATU) LABOR NEGOTIATIONS SUPPORT**

**ACTION: AWARD AN 18-MONTH CONTRACT TO GAYLAND MOFFAT, INC. IN
THE AMOUNT NOT TO EXCEED \$523,000**

RECOMMENDATION

Authorize the Chief Executive Officer to execute Contract No. OP3000772, a non-competitive contract with Gayland Moffat, Inc., for labor consulting services in support of the 2006 labor negotiations for an 18-month period in the amount not to exceed \$522,580 effective February 1, 2006.

RATIONALE

The collective bargaining agreements for the United Transportation Union (UTU) and the Amalgamated Transit Union (ATU) expire in June 2006. On November 18, 2005, Metro's Chief Negotiator for the UTU and ATU presented to the Board in Closed Session a summary of the proposed 2006 negotiating approach, plan, and proposed schedule for the UTU and ATU, including the use of outside technical/labor assistance in the negotiations. The Board concurred with the plan and directed the Chief Negotiator to expedite the schedule.

The proposed contract is non-competitive because of the required in-depth knowledge and understanding of Metro's past collective bargaining agreements, UTU and ATU negotiating strategies, tactics and past interests, contract-related issues faced by Metro Operations, and knowledge and understanding of the proposed negotiating approach. Based on his direct experience with Metro in the 2000 negotiations, Gayland Moffat will be ready to provide labor negotiations assistance immediately, with limited preparation time. This will be important to meet the Board's request to expedite the negotiating process.

The scope of work for this contract includes three phases: I: Pre-negotiations planning, preparation, and training support; II: Negotiating table assistance; and III: Labor contract implementation and training. A separate, non-competitive contract for Phase I was awarded to Gayland Moffat, Inc. in November 2005 under Chief Executive Officer authority. This short, three-month contract in the amount not to exceed \$145,000 expires on January 31, 2006. The proposed 18-month contract for board action covers Phases II, III and includes a

12-month retention following completion of the Phase III contract implementation and training. The not-to-exceed amount of \$522,580 includes \$508,000 of labor costs and \$14,580 of travel and per diem expenses.

FINANCIAL IMPACT

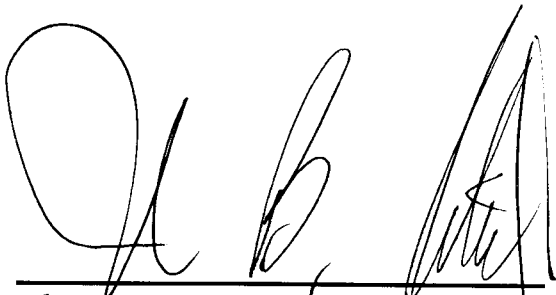
Funding of \$300,676 for this service is included in the FY06 budget and is 100% locally funded from multiple cost centers. Since this contract covers multiple fiscal years, the cost center manager and the Deputy Chief Executive Officer will be responsible for budgeting in future years.

ALTERNATIVES CONSIDERED

The Board could direct staff to conduct negotiations using in-house staff or to issue a competitive procurement for this service. Staff does not recommend the first option, since a new negotiating approach will require specialized planning and knowledge. While other consultants provide similar services, staff did not consider issuing a competitive procurement for this service due to the recommended consultant's experience and knowledge of Metro's bargaining environment, coupled with the desire to expedite the negotiation process.

ATTACHMENT

- A. Procurement Summary
- A-1. Procurement History
- A-2. List of Subcontractors



John B. Catoe, Jr.
Deputy Chief Executive Officer



Roger Snoble
Chief Executive Officer

**BOARD REPORT ATTACHMENT A
PROCUREMENT SUMMARY**

**2006 UNITED TRANSPORTATION UNION (UTU) AND AMALGAMATED TRANSIT
UNION (ATU) LABOR NEGOTIATIONS SUPPORT**

1.	Contract Number: OP3000772		
2.	Recommended Vendor: Gayland Moffat Consulting, Inc.		
3.	Cost/Price Analysis Information:		
	A. Proposed Price: \$522,580	Recommended Price: \$522,580	
	B. Details of Significant Variances are in Attachment A-1.D		
4.	Contract Type: Time and Expenses		
5.	Procurement Dates:		
	A. Issued: N/A		
	B. Advertised: N/A		
	C. Pre-proposal Conference: N/A		
	D. Proposals Due: N/A		
	E. Pre-Qualification Completed: 12/9/05		
	F. Conflict of Interest Form Submitted to Ethics: 12/5/05		
6.	Small Business Participation:		
	A. Bid/Proposal Goal: N/A	Date Small Business Evaluation Completed: N/A	
	Small Business Commitment: None.		
7.	Invitation for Bid/Request for Proposal Data:		
	Notifications Sent: N/A	Proposals Picked up: N/A	Proposals Received: N/A
8.	Evaluation Information:		
	A. Bidders/Proposers Names:	Proposal Amount: \$522,580 NTE	<u>Best and Final Offer Amount:</u> \$522,580 NTE
	B. Evaluation Methodology: Describe Methodology Details are in Attachment A-1.C		
9.	Protest Information:		
	A. Protest Period End Date: N/A		
	B. Protest Receipt Date: N/A		
	C. Disposition of Protest Date: N/A		
10.	Contract Administrator: Victor Ramirez	Telephone Number: 213 922-1059	
11.	Project Manager: Andrea Burnside	Telephone Number: 213 922-3084	

**BOARD REPORT ATTACHMENT A-1
PROCUREMENT HISTORY**

**2006 UNITED TRANSPORTATION UNION (UTU) AND AMALGAMATED TRANSIT
UNION (ATU) LABOR NEGOTIATIONS SUPPORT**

A. Background on Contractor

Gayland Moffat, owner of Gayland Moffat, Inc., Salt Lake City Utah, has provided labor negotiations support for transit properties since 1984. Mr. Moffat's experience as a Chief Labor Representative and Organizer give him the type of knowledge and perspective that has made him a valuable asset to municipal and transit organizations in negotiations with represented labor groups. He has successfully supported transit property negotiations with WMTA, Utah Transit, and most importantly Metro in 2000. Mr. Moffat has also assisted the City of Salt Lake in their negotiations with Police, Fire and AFSME Labor groups as recently as 2003.

B. Procurement Background

This Non-Competitive procurement is considered to be in the best interest of Metro based on Mr. Moffat's outstanding support of the 2000 labor negotiations with UTU and ATU, and Mr. Moffat's detailed understanding of Metro's existing labor issues. This knowledge and experience make him uniquely qualified to support these negotiations. Use of another consultant would require additional time and cost to bring that individual or team to an equal level of expertise.

C. Evaluation of Proposals

The proposal submitted by Mr. Moffat has been reviewed for cost as well as qualifications. His firm has completed Metro's pre-qualification process. As described in the Rationale section above, Mr. Moffat has begun planning and negotiation preparation work under a separate contract issued in November 8, 2005. The proposal for this contract covers the main portions of the expected UTU and ATU negotiations in the spring of 2006. The rates for that contract and this new recommended contract are the same.

D. Cost/Price Analysis Explanation of Variances

The recommended labor rate has been determined to be fair and reasonable based upon comparison to Mr. Moffat's previous Labor Negotiations Support Contract negotiated in 2000, and labor rates for recent negotiations conducted on Metro's behalf related to litigation settlement. Mr. Moffat's proposed labor rate has risen by an average of 7.8% annually over a six-year period since his 2000 Contract. Mr. Moffat's rate was also compared to the rates paid for recent negotiations for litigation settlement support. These rates are viewed as being analogous because of the complexity of the negotiations, the skill set and experience necessary for success, and the relative importance to the agency. Based on a comparison of those rates, Mr. Moffat's proposed labor rate is 11% lower.

**BOARD REPORT ATTACHMENT A-2
LIST OF SUBCONTRACTORS**

**2006 UNITED TRANSPORTATION UNION (UTU) AND AMALGAMATED TRANSIT
UNION (ATU) LABOR NEGOTIATIONS SUPPORT**

PRIME CONTRACTOR

Gayland Moffat, Inc.

Small Business Commitment

None

Other Subcontractors

None

Total Commitment 0%