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**EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE
OCTOBER 18, 2007**

SUBJECT: LABOR RELATIONS/LABOR NEGOTIATION SUPPORT

**ACTION: MODIFY CONTRACT WITH GAYLAND MOFFAT, INC. TO PROVIDE
ADDITIONAL LABOR RELATIONS TRAINING AND LABOR
NEGOTIATION SUPPORT**

RECOMMENDATION

Authorize the Chief Executive Officer to execute Amendment No. 4 to Contract No. OP3000772 with Gayland Moffat Inc. to provide consultant services in the amount not-to-exceed \$280,992, through March 31, 2009, increasing the Total Contract Value from \$946,505 to \$1,227,497.

RATIONALE

Metro has successfully negotiated collective bargaining agreements with Amalgamated Transit Union (ATU), United Transportation Union (UTU), Transportation Communications Union (TCU), and Teamsters by utilizing an interest based negotiation strategy. This strategy has enabled the negotiations/labor relations process to be more effective and timely. Additional post-negotiation training and meeting facilitation is needed to fully implement business processes and interest-based negotiation principles and concepts. Additionally, Metro has initiated negotiations with the American Federation of State, County, and Municipal Employees (AFSCME) to extend their collective bargaining agreement. Because of in-depth knowledge of Metro's past collective bargaining agreements, negotiation strategies, and contract related issues faced by Metro Operations, the consultant services of Gayland Moffat, Inc. are an integral component for successful implementation.

The scope of work for Modification No. 4 includes further implementation of post-negotiation training and AFSCME contract negotiation support. Specific tasks include:

1. Development of training materials and facilitation of post-negotiation contract implementation, interest-based problem solving, and contract "read-through" sessions to clarify contract terms and conditions.

2. AFSCME contract negotiation support, including but not limited to:
 - a. Analysis of competitive wages, benefits, and economic indicators that will be used for cost analysis.
 - b. Research and comparison of similar collective bargaining agreements in the surrounding area.
 - c. Development of negotiating authority analysis and documentation.
 - d. Providing ad-hoc support to the negotiation team to develop negotiation strategies.

IMPACTS TO OTHER CONTRACTS

This contract modification is necessary to continue the effective implementation of the agreements reached with the unions. Gayland Moffat Inc. will be collaborating with Agreement Dynamics, Inc. on the interest-based problem solving training.

FINANCIAL IMPACT

The funding of \$280,992 for this service is included in the FY08 budget in cost center 3010, Executive Office, Transit Operations under project 300006 Labor Negotiation Support, line item 50316, Professional and Technical Services.

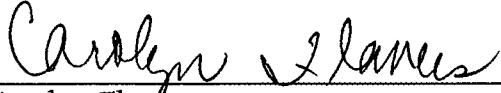
ALTERNATIVES CONSIDERED

The Board could direct staff to perform contract implementation and negotiation tasks using in-house staff and negotiate the AFSCME contract without outside assistance. Staff does not recommend this option since contract implementation and related training requires specialized strategic planning knowledge.

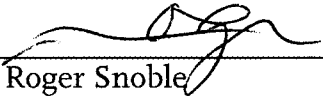
ATTACHMENT(S)

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

Prepared by: Ed Del Genio, DEO, Labor Relations



Carolyn Flowers
Chief Operations Officer



Roger Snoble
Chief Executive Officer

**BOARD REPORT ATTACHMENT A
PROCUREMENT SUMMARY**

LABOR RELATIONS/LABOR NEGOTIATION SUPPORT

1.	Contract Number: OP3000772		
2.	Recommended Vendor: Gayland Moffat Consulting, Inc.		
3.	Cost/Price Analysis Information:		
	A. Proposed Price: \$280,992	Recommended Price: \$280,992	
	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: Gayland Moffat Consulting	<u>Proposal Amount:</u> \$280,992 NTE	<u>Best and Final Offer Amount:</u> \$280,992 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: Chris Gallanes	Telephone Number: 213 922-2848	

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

LABOR RELATIONS/LABOR NEGOTIATION SUPPORT

A. Background on Contractor

Gayland Moffat, owner of Gayland Moffat Consulting, 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 gives 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 2006. Mr. Moffat has also assisted the City of Salt Lake in their negotiations with Police, Fire and AFSCME Labor groups as recently as 2003.

B. Procurement Background

The existing contract was awarded February 1, 2006 as a non-competitive award for negotiation table assistance and labor contract implementation planning for ATU and UTU labor contracts. Contract Modification No. 2 covered a level of effort increase to support negotiations with Teamsters and contract implementation and training for all labor contracts. Contract Modification No. 4 is a similar change to the contract. It intends to provide negotiation support for the AFSCME negotiations as well as follow-on services to implement the AFSCME contract using interest based problem solving training.

Amendment No. 1 was issued May 1, 2006 as a no cost modification covering slight changes to the terms and conditions for Indemnification, and Modification No. 3 extended the period of performance by one month through March 2008.

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.

D. Cost/Price Analysis Explanation of Variances

The rates proposed for this contract modification are equal to those under the existing contract. That 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 had risen by an average of 7.8% annually through 2006. Mr. Moffat has agreed to maintain the negotiated rate through the new period of performance. Mr. Moffat's rate was also compared to the rates paid for 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 Metro. Based on a comparison of those rates, Mr. Moffat's proposed labor rate is 11% lower.

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

LABOR RELATIONS/LABOR NEGOTIATION SUPPORT

PRIME CONTRACTOR

Gayland Moffat, Inc.

Small Business Commitment

None

Other Subcontractors

None

Total Commitment 0%