



Hillsborough Transit Authority  
AGENDA  
Major Projects and Legislative Committee Meeting

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**Committee Members**

Ron Govin, Chair  
Karen Jaroch, Vice Chair  
Sandra Murman  
David Mechanik  
Steve Polzin  
Mike Suarez

HART Administrative Offices  
1201 E. 7<sup>th</sup> Avenue, 3<sup>rd</sup> Floor  
Florida Conference Room  
Tampa, Florida 33605  
Monday, November 14, 2011, at 9:00 a.m.

Information not viewable is available upon request through the Clerk of the Board phone:  
813-223-6831, fax: 813-223-7976, or e-mail: [petitl@goHART.org](mailto:petitl@goHART.org)

**TAB**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**1. APPROVAL OF MINUTES**

Minutes from the October 24, 2011, Major Projects and Legislative Committee meeting

**PUBLIC COMMENT (3 MINUTES PER SPEAKER)**

**PRESENTATIONS**

- a. **Federal Legislative Update** WebEx  
Jeffrey Boothe, Holland & Knight

Overview:

Mr. Boothe will provide a federal legislative update on transportation and transportation-related issues; and will answer the questions from the Committee members.

- b. **Update on HART Major Projects**  
Mary Shavalier, Director of Grants Management and Planning

Overview:

Several capital projects are underway to update and modernize facilities, enhance access to service and improve service reliability. Staff will provide an update on progress on the projects.

**2. COMMITTEE DISCUSSION ITEM**

- a. **Drafting a Statement of Work and Selection Process for a Contract for Federal Legislative Consulting Services**  
Brenda Mowen, Chief Administrative Officer

Overview:

HART's existing contract for federal legislative consulting services expires in April 1, 2012. A procurement needs to be developed and issued to retain services for upcoming years. To develop the statement of work, procurement method, selection criteria, pricing scheme, contract term and options, evaluators and timeline/schedule, it is staff recommendation to work with the Major Projects and Legislative Committee.

**3. ADJOURNMENT**



**Committee Members Present 6**

Ron Govin  
Karen Jaroch  
David Mechanik  
Sandra Murman  
Steven Polzin  
Mike Suarez

**Committee Members Absent 0**

**Other Board Members Present**

Fran Davin  
Alison Hewitt

**Staff Present**

Sylvia Berrien  
Katharine Eagan  
Philip Hale  
Marcia Mejia  
Martha Milligan  
Brenda Mowen  
Lena Petit  
Mary Shavalier  
Michael Stephens  
Randy Stribling

**Others Present**

Charles Fletcher, Gray Robinson  
Mitch Perry, Creative Loafing

*Sign-in sheets are attached*

**CALL TO ORDER**

The meeting was called to order by Committee Chair Ron Govin at 9:08 a.m.

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT**

No one signed up to speak.

**APPROVAL OF MINUTES**

*Director Suarez moved and Director Polzin seconded approval of the January 24, 2011 Major Projects and Legislative Committee meeting minutes. All Committee members present voted aye. The motion carried unanimously.*

**ACTION ITEMS**

**Authorizing the Interim Chief Executive Officer to Award a Contract for Construction Services for the Yukon Transfer Center to Precision Paving of Tampa, Inc., in the Amount of \$516,491, Plus a Contingency of \$83,509, for a Total Not-to-Exceed Amount of \$600,000**

Ms. Mary Shavalier, HART Director of Grants Management and Planning, introduced the item. She provided a brief description of the improvements needed to upgrade the facility, including providing additional bays to accommodate increased demand as well as improving visibility. Ms. Shavalier spoke about joint use of the site with the School Board as a drop-off and pick-up area for school buses. Director Polzin asked about ridership and usage of the transfer center.



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Ms. Katharine Eagan, HART Chief Operating Officer, said she will pull information on the daily utility counts and provide to the Committee members. She noted it is a second most productive transit center.

Commissioner Murman arrived at 9:18 a.m.

Director Polzin asked if the Yukon Transfer Center is an end of a route or is it a mid-route for all routes it serves.

Mr. Steve Feigenbaum, HART Manager of Service Planning, responded that Routes 14 and 16 start at that location, and Routes 1, 9, and 39 pass through the transfer center.

Director Polzin commented that the contract amount is modest and he is comfortable with authorizing it. He questioned the functionality need of the transfer center and pointed out that at some point HART has talked about getting away with this transfer center.

Mr. Feigenbaum responded that staff has been evaluating other sites over the past two years, and made a decision to keep this location for a transfer center having taken into consideration many factors.

Director Jaroch asked for details on the school usage of this site and how the traffic pattern is coordinated with the school board.

Pointing to the map print out, Ms. Shavalier explained that parents drop-off and pick-up area at the side of the building, this traffic is not coming in the middle of the property, but is rather situated on the periphery of the site of the transfer center.

Director Hewitt thanked staff for the work on the upgrades of the transfer center. She noted that this site has always been in the center of the public interest, including public comments and recommendations for improvements.

Director Suarez said the cost of the project is \$600,000. He asked which part is covered from HART funding.

Ms. Shavalier responded it is a 50/50 split between FDOT grants and HART.

Director Suarez asked about the School Board's financial participation in the project.

Ms. Shavalier responded there was no participation from the School Board at this time.

Director Mechanik asked if HART owns the land and lets the School Board use part of it.

Ms. Shavalier responded that FDOT owes the land and lets HART use it with no charge to HART for the lease.

***Director Polzin moved and Director Jaroch seconded approval of the action item Authorizing the Interim Chief Executive Officer to Award a Contract for Construction Services for the Yukon Transfer Center to Precision Paving of Tampa, Inc., in the Amount of \$516,491, Plus a Contingency of \$83,509, for a Total Not-to-Exceed Amount of \$600,000.***



## **DISCUSSION ITEM**

### **Formulating HART Board State Legislative Agenda**

Chair Govin announced that the legislative support team would not be present in person this morning, but rather join in a teleconference call.

Director Davin asked to outline for the Committee a chain of communication with the legislative support group. She indicated that during the session, communication is very important.

Mr. Charles "Chip" Fletcher, HART Board General Counsel, stated the legislative process moves quickly and there will be time when the HART Board would not be able to convene to react to certain developments and a process needs to be set up in support of the Board's ability to react during the session.

Chair Govin suggested that the Committee have a discussion on the consolidation proposal to give staff starting points to begin compiling data to provide to the Board to be able to make a decision on consolidation.

Director Mechanik stated, in his opinion, it is incumbent upon HART to understand potential benefits and costs associated with consolidation. He added that it might be useful as a part of the process to ask staff to look at areas where there are opportunities to consolidate activities. Director Mechanik said it might be useful to consolidate the research efforts with Pinellas Suncoast Transit Authority (PSTA) so that both agencies presumably look at the same information.

Director Murman asked why a firm from outside of the county was chosen to provide legislative support when there are many local connections to Tallahassee in the community that could provide legislative support. She noted that the Legislature already started and committee work is almost done and there is no excuse why a representative of this law firm could not participate in the meeting over the phone. Director Murman added that the topics under discussion at this meeting should have been started three months ago. She said, in her opinion, the legislative support firm is out-of-county and will not understand local transit.

Director Polzin cautioned against focusing on consolidation as the only agenda item of the legislative session. He stated, in his opinion, another meeting with PSTA should be pursued. Director Polzin indicated that as it relates to consolidation, HART could ask the legislature to do a legitimate study, look at the budget, analysis and facilities, relationships and contracts, and could spend a lot of time and energy to explore it. He remarked that another topic for discussion is governance and accountability, relationship between population and this alone, in his opinion, represents a whole issue. Director Polzin stated there is no evidence that anyone is interested in facts, but rather it is a perception of regionalism and service quality associated with regionalism. He suggested that HART approach the business group that Senator Latvala referenced.

Director Suarez concurred that the session will start in January and HART is joining late in the process. He indicated that Senator Latvala he has a very prominent role in the Senate and can do what he wants from a political side. Director Suarez stated, as he understands it, this move in the legislature this year is an effort to trade off the property tax for sales tax, and a consolidation part of it is a way to make it palpable to people. He added that sales tax could be a much richer way of running the bus system; however at the same time this needs to be approved through a referendum. Director Suarez stated that to figure out all pieces of consolidation is a monumental task and HART may want to have a consultant to

make sure that the numbers submitted by both sides are accurate. He added that, in his opinion, at this point HART could not bring any value into the process coming in so late in the game.

Mr. Fletcher said HART has an opportunity to influence the process. He explained that PSTA has a different set of processes they have to go through to amend their governing documents. Mr. Fletcher recommended that the Committee at this meeting establish some broad policy statements that could be used in Tallahassee to frame as a policy position. He agreed that there are other issues on the legislative agenda, such as maintaining existing funding, property sales versus sales tax swap issue, and mandatory privatization.

Director Murman stated, in her opinion, it is late for HART to step in because there is no information on HART side, compared to the information on Pinellas side. She used as an example the formation of Tampa Bay Water. Director Murman said HART should take action on this matter quickly.

Director Jaroch concurred that the Committee and the HART Board need to have broad policy statements framed soon. She added that, in her opinion, HART is behind in the legislative process, and needs to advise the legislative support team of the Board's position.

### **State Legislative Support Team**

Ms. Brenda Mowen, HART Chief Administrative Officer, introduced Ms. Katherine Webb, Esq. with the firm Colodny, Fass, Talenfeld, Karlinsky & Abate, P.A., HART state legislative support team.

Ms. Webb apologized for the calendar confusion and not being able to present in person. She introduced the team members participating in the conference call, Timothy Stanfield and Meredith Snowden. Ms. Webb stated that this year the legislators do redistricting and go through the reapportionment process, and typically there is no other substantive legislation in years when the Legislators address reapportionment. She added that the legislature is going to encounter a budget shortfall, which will be a dominant issue and will take time and energy from legislative leadership. Ms. Webb noted that they will consider other legislative proposals, but it is hard to predict which ones will make it through the process. She referred to the Florida legislative activities briefing document distributed to each Committee member. Ms. Webb said, as the HART legislative team, they request a position on the pieces of legislation and if there are alternative proposals or amendments. She said they will help to craft the legislative proposals, and then take the HART position and encourage legislators to incorporate HART suggestions into the legislation. Ms. Webb stated that having a broad Policy statement is a very effective way to communicate the message to the legislature, and the sooner the position can be crafted, the stronger HART's position will be.

Director Suarez noted that the briefing document deals with the issue of consolidation. He said if HART's statement is in opposition of consolidation, it would counter Senator Latvala's efforts. Director Suarez asked if it is counterproductive to oppose Senator Latvala's initiative although it is introduced in the reapportionment year.

Ms. Webb responded that there are many ways HART could work with Senator Latvala to amend his proposal. She said there are a lot of negotiations during the sessions, and there are other allies among the members of the legislature who could be sought to support HART's position. Ms. Webb explained that in terms of strategy, she recommended the Board request that Senator Latvala carve HART out of his proposal or otherwise making his proposal acceptable to the parameters in which HART could operate.

She stated it is important to demonstrate a good faith attempt to work conceptually with what Senator Latvala is trying to do and find common grounds.

Mr. Fletcher explained that one issue is the Senate Bill 192, which primarily applies to special districts formed by special act; some parts of it look like it might apply to all special districts. He said a question to the Board would be if HART wants to be a part of it, and in any event HART should get clarity on it. Mr. Fletcher stated the second issue in focus now is Senator Latvala's initiative and he did not think HART could be carved out of it since it is a center of discussion. He concurred that engaging is the right thing to do, talking about creating tools or options for cooperation, additional work while HART investigates the proposal and so on. Mr. Fletcher noted that currently PSTA and HART are so different in their government structures, there are significant legislative changes that are to happen for consolidation to occur.

Director Murman remarked that she mentioned to Senator Latvala an option of just studying this initiative this year, which he did not oppose to. She pointed out that to her that means a middle ground, rather than say HART does not want consolidation, reference limited time this year and state the need to do an analysis. Director Murman suggested HART needs to approach partners in the House of Representatives who would be the lead on this initiative. She referenced Representative Weatherford since he is the most knowledgeable in this issue.

Mr. Tim Standfield supported the suggested type of engagement with Senator Latvala, along with working with partners in the House, such as Representative Weatherford, as a champion on the issue to support HART position.

Director Hewitt suggested that the state is approached with a request on the path of the state's responsibility of saving tax payers' dollars to put together a process for regionalism or consolidation.

Director Polzin stated at one point it was CUTR proposed that the state would provide the agency some resources to address the issue of regionalization which has been reoccurring for a decade. He noted that focusing on regionalism is legitimate, but it is not our core market at this time. Director Polzin said someone needs to look at the details of the proposal to ensure it is not a complete disaster and there is a myriad of factors that are to be considered. He said he was uncomfortable with creating uncertainty that will make the agency paralyzed.

Mr. Fletcher stated that he was involved with the Tampa Bay Water reorganization and consolidation, and it took two years of meetings with lawyers and consultants to go through this major undertaking.

Director Davin noted that Tampa Bay Water had a framework whereas there is no existing framework in place for regional transit.

Director Jaroch stated, in her opinion, HART needs to address what is most pressing. She requested that Mr. Fletcher brief Committee members on the proposed bill so that the Committee could form a statement and take it to the full Board.

Director Mechanik commented that the Committee has heard that the process moves quickly in Tallahassee, and the Committee at this meeting needs to discuss a broader position on consolidation initiative.

Mr. Fletcher pointed out that Senator Latvala indicated that his view would not be forced on the agencies. He clarified the Bill 192 that sets up two potential processes for merging independent special districts. Mr. Fletcher provided a definition of a special district and creation process. He added that when you read through details in the bill, there are some ambiguous areas, one of which is whether it applied to special districts that are created by an interlocal agreement, like HART's charter. Mr. Fletcher summarized that essentially this bill is aimed at creating processes for dissolving or reconstituting agencies like HART without approval of counties or cities. He emphasized that a question to the Board is if it is a good idea to have these options available and if so, whether it applies to HART, and whether the county and the city would be supportive of eliminating or merging of a special district that they created.

Director Polzin asked if both options require a referendum.

Mr. Fletcher replied that he will research an answer.

Director Mechanik stated HART's position could be that this bill is not intended to apply to us, and thus no position from HART would be required since it is not relevant to HART. He added that it might be interpreted as relevant to HART, and we fall back to whatever position we take on consolidation which is a study regarding consolidation.

Mr. Fletcher pointed out a provision in the bill for a consolidation plan, and on the surface it looks like all mergers will require a referendum, but there is ambiguous language that does not give clear guidance.

Director Davin asked if anyone met with the group conducting a study for Senator Latvala. She emphasized importance of addressing this range of problems with the group to be considered in the study.

Mr. Fletcher summarized the comments from the Committee members to be formed into a clear Board statement.

Director Jaroch asked if HART should propose any specific topics the study needs to include, such as funding, governance, legal implications, operations, structure, savings, staffing levels.

Director Mechanik suggested not to come up with a narrow scope of work for the study, but rather the study needs to analyze all the implications for consolidation and have language similar to "including, but not limited to..."

Director Murman suggested approaching staff in Tallahassee to find out what similar functions legislature is looking at and conduct an independent analysis of those functions.

Mr. Fletcher indicated it would be prudent for HART to have a position on funding, including support of local control over funding and exploring new funding opportunities.

Director Suarez suggested that the position statement language says that the funding mechanism is to equal the current budget level with an ability to expand.

Director Murman emphasized the importance of a neutral end-result. If the options under consideration include taxes, a voter should have an opportunity to speak on the issue, and that it has a revenue-neutral outcome.



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Director Polzin agreed that consequences on revenue are huge in terms of people's acceptance of it. He added that there will be people in the community who will gladly trade off consolidation if that meant it will be a new source of revenue. Director Polzin said if funding sources are switched, it would be impossible to guarantee revenue-neutral outcome.

Director Mechanik suggested a broader statement that would acknowledge an idea to allow for revenue stream, while maintaining the current level of service.

Director Polzin remarked that HART future funding needs are to be kept in mind.

Mr. Fletcher pointed out that the locally controlled funding option is not only sales tax, there might be other options.

Director Murman spoke about volatility of property and sales taxes and the importance of an analysis on dependability of these funding sources.

Director Mechanik stated HART has to allow for potential growth of the agency.

Mr. Philip Hale, HART Interim Chief Executive Officer, clarified that in FY2012 and 2013 budgets, staff reallocated federal funding to operations. In FY2015, HART will have a shortfall for bus purchases of \$55 million to be able to maintain the current service level.

Mr. Fletcher summarized that he would draft a position statement having consulted with Director Polzin and circulate to the Board prior to the November 7 Board meeting.

Director Murman suggested the legislative support team follow the following developments: MPOs moving towards regionalization, expressway authority takeover process; special districts; PSTA; and the DOT budget, especially allocations for local transit. She said she would expect the legislative support group to report back to the Committee about the pulse of the delegation on the consolidation issue.

Chair Govin requested that Mr. Fletcher prepare a summary of the discussion and recommendations by the Committee for the full Board of Directors. He said a process of communication with the state legislative support group needs to be discussed.

Mr. Fletcher remarked that at a previous discussion with the legislative support group, it was suggested that the Board would establish strong policy statements to work with and the legislative support group would provide weekly updates to the Board, which will go through the Clerk's office on Fridays.

Mr. Fletcher said it is important to determine the level of the full Board's involvement during the legislative session.

Director Suarez suggested that the legislative support group would communicate about issues through General Counsel and the Committee Chair, and call special Board meetings for emergency sessions. He noted the Legislative Committee would meet on an as needed basis and make a recommendation to the full Board.



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Director Mechanik said a distinction needs to be made about questions that could come up consistent with the Board's position statements and allow the Legislative Committee to move forward since it is consistent with the Board's action. He added that other issues that deviate from the Board adopted policy statement would need to go to the full Board.

Director Suarez stated, in his opinion, it is important for the full Board to be informed.

Director Polzin suggested when the policy position is created HART needs to share it with the County, the City, and PSTA.

Director Hewitt requested that staff follow up on scheduling a joint meeting with the PSTA Board.

Director Murman stated it is important that HART figure out a way to operate with speed. She was willing to offer to work as a synthesizer as she communicates a lot with people in Tallahassee. Director Murman suggested that a way is found to authorize actions by the Legislative Committee.

Mr. Fletcher reported he will research the issue to find out if there is a way for the Board to authorize a Committee to take an action that remains within the purview of the policy statements.

Director Davin noted her concern about clarity of communication.

Director Mechanik requested that General Counsel articulate in writing for adoption by the full Board the rules for communication with the legislative support group.

Director Hewitt proposed that next time the selection of the legislative support team should go through the full board's approval as it directly relates to Board activities.

Ms. Mowen responded that as a part of the procurement policies rewrite, staff prepares recommendations that all contracts with auditors, law firms, legislative consultants, and banking services would require involvement of the full Board for selection and approval.

Mr. Fletcher stated it is not being suggested that any Board member could not individually talk to legislators.

Ms. Webb suggested that the HART Board meet with legislators on an individual basis. She proposed an option of arranging a trip to Tallahassee and host a capital or legislative day to personally meet with legislators. Ms. Webb confirmed that each Friday the Board would receive legislative and bill tracking updates through Mr. Hale.

Director Mechanik supported the idea of an individual Board member to go to Tallahassee, and to encourage the Board members to make clear that they speak as individual Board members and not on behalf of the Board.

Chair Govin thanked everyone for the productive discussion and emphasized the importance remaining abreast of what is happening in Tallahassee.



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Mr. Hale announced that a 60-foot Bus Rapid Transit demo vehicle is parked downstairs and interested Board members can get onboard for a quick tour.

Director Davin asked if it is planned to introduce the legislative support group to the full Board at the November 7 regular meeting.

Mr. Hale responded that the legislative support group members will be attending the November 7, 2011 regular Board meeting.

**ADJOURNMENT**

The meeting adjourned at 11:16 a.m.



## **COMMITTEE DISCUSSION ITEM**

### **Drafting a Statement of Work and Selection Process for a Contract for Federal Legislative Consulting Services**

#### **OVERVIEW**

HART's existing contract for federal legislative consulting services expires in April 1, 2012. A procurement needs to be developed and issued to retain services for upcoming years. To develop the statement of work, procurement method, selection criteria, pricing scheme, contract term and options, evaluators and timeline/schedule, it is staff recommendation to work with the Major Projects and Legislative Committee.

#### **BACKGROUND**

HART's current contract is with Holland & Knight, LLP. The contract was awarded on April 2, 2007. It was a three-year contract with two one-year options. All five years of the contract will be exhausted as of April 1, 2012.

The annual contract value was initially set by the Board with a not-to-exceed of \$84,000 per year. Actual spend for each year was as following:

- Year 2007-2008 - \$ 43,093
- Year 2008-2009 - \$ 75,766
- Year 2009-2010 - \$131,602 (Added Funds Approved By Board Motion 2009-12-27)
- Year 2010-2011 - \$ 42,340
- Year 2011-2012 - \$ 9,020 (As of 11/09/2011)

A Request for Proposals (RFP) was issues in February 2007. The RFP was fully and openly competed and two proposals were received.

The Selection Committee consisted of the General Manager of Planning & Public Relations, Chief Financial Officer, and the Government Affairs Manager.

Evaluation criteria were 80% technical and 20% price. Holland & Knight, LLP was selected.

The contract was priced as "time and materials" at pre-established, fully-burdened labor rates ranging from \$450 to \$550 per hour. Other direct costs and travel were paid "at cost" and without administrative markup.

#### **DISCUSSION**

A draft solicitation that is substantially the same as the RFP used in 2007 is attached simply for the purpose of starting the broader discussion. See red-lined changes which call out some recommended changes. Decisions that need to occur include:

- Procurement method (IFB, RFP, etc.).
- Selection criteria and weightings, if applicable

- Pricing scheme (Firm Fixed Monthly Fee, Time & Materials, Open Method, etc.).
- Statement of Work, commensurate with anticipated budget.
- Contract term and options.
- Names of evaluators.
- Timeline/Schedule.

The statement of work in the prior contract was minimal. A more substantive statement of work has been included in the attached draft for the Committee's consideration. It was crafted after samples obtained from other transit agencies.

Based on current annual spend patterns, the total cost of the contract for the base term would exceed \$100,000.

Section 520.01(4)(d) of HART Board Policy Manual states "goods or services may be purchased only after the receipt of sealed bids or proposals." Procurement method options for sealed bids or proposals could include:

1. Two-Step Invitation for Bids (IFB) – an evaluation of technical proposals would occur first and sealed "bids" from only those firms determined technically acceptable would be opened. Low bidder would be selected.
2. Traditional Request for Proposals (RFP) with a "technical to price split" of 80 / 20 (or some other ratio). This method was used in 2007.
3. Professional Services Request for Proposals (RFP) – an evaluation of technical proposals would occur and "best technical proposal" would be selected. Price would be subsequently negotiated only with the firm determined to have submitted the "best proposal." If price cannot be agreed upon, the second best technical proposal would be selected and the process would continue.

### **NEXT STEPS**

Use the inputs of the members of the Major Projects and Legislative Committee to develop procurement for federal legislative consulting services.

Prepared by: Brenda Mowen, Chief Administrative Officer

Approved by: Philip R. Hale, Chief Executive Officer