



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Michael Jones</i> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 8/12/2022		9/1/2022		
BOARD INITIATED ITEM: No				
Originator/Prepared by: Emily Alter Dept: Civil Rights <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Maceo Wiggins</i> <small>B574118129214E1...</small> </div> Signature/Date: <div style="text-align: right;">8/29/2022</div>	General Counsel <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Jeanne Belan</i> <small>F8FD7B3A73E74E8...</small> </div> <div style="text-align: right;">8/29/2022 []</div>	Controller/Treasurer <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Chris Gan</i> <small>EE11C8CEEEA04FD...</small> </div> <div style="text-align: right;">8/31/2022 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> <small>DocuSigned by:</small> <i>Pamela Herhold</i> <small>3BB24D65B8724F5...</small> </div> <div style="text-align: right;">8/31/2022 []</div>

Award of Agreement No 6M5188 for Contractor Services to Provide Language Translation and Interpretation Services

PURPOSE: To authorize the General Manager to award Agreement No. 6M5188 for language translation and interpretation services to Accent on Languages, Inc.

DISCUSSION: Title VI of the Civil Rights Act of 1964 (Title VI) and other applicable federal regulations require the District take reasonable steps to ensure Limited English Proficient (LEP) persons who have a limited ability to speak, read, write, or understand English have meaningful access to the District's services, programs, and activities. Accordingly, in 2013 the District drafted a Title VI Language Assistance Plan to assist the District in implementing quality and accurate language assistance measures, which include translation and interpretation services. It was updated in 2019 to reflect linguistic changes in BART service area and to include new language assistance measures where applicable.

The services under this Agreement will be provided on an as-needed basis for a base term of three (3) years, with options to renew for two (2) additional one (1) year periods.

Advance Notice of the Request for Proposals (RFP) was issued to eighty-seven (87) potential proposers and one hundred thirty-four (134) certified Small Businesses. RFP No. 6M5188 was posted on BART's Procurement Portal on April 19, 2022 and advertised in ten (10) local newspapers on April 23, 2022. Thirty-one (31) planholders registered on the Procurement Portal for this RFP. A Pre-Proposal Meeting and Networking Session were held on May 3, 2022 with eighteen (18) firms in attendance. Three (3) proposals were received on May 31, 2022 from the following proposers:

1. International Contact, Inc., Oakland

2. Accent on Languages, Inc., Berkeley
3. Lan Do & Associates, LLC, San Francisco

The three (3) proposals were reviewed by a Source Selection Committee, which was chaired by Contract Administration and included representatives from the Office of Civil Rights (OCR) and the Planning, Development, and Construction Department. The Committee reviewed the technical proposals for compliance with the ten (10) minimum technical requirements set forth in the RFP. Two of the three proposals were determined to be technically acceptable.

The two technically acceptable price proposals for the 3-year base period and 2 additional option years were then opened and evaluated. During such evaluation, the Source Selection Committee discovered that the price proposals could not be comparably evaluated. Accordingly, the Price Proposal Form was revised so that the price proposals would be submitted in a consistent format to allow a comparable evaluation. Subsequently, a request for Best and Final Offers (BAFOs) was issued to the two technically acceptable proposers.

BAFOs received on August 3, 2022 were evaluated and ranked as follows:

Written Translation and Oral Interpretation Services by Contract Term	Proposer	
	Accent on Languages, Inc.	International Contact, Inc.
Base (3 Years)	\$637,620.00	\$726,450.00
Option (2 Years)	\$425,080.00	\$484,300.00
Total BAFO Price (5 Years)	\$1,062,700.00	\$1,210,750.00

The Committee determined that the proposal submitted by Accent on Languages, Inc. (AOL) is the lowest priced technically acceptable proposal. Furthermore, examination of the proposer's business experience and financial capabilities has resulted in a determination that the proposer is responsible and that the \$1,062,700 total BAFO price submitted by Accent on Languages, Inc. is fair and reasonable based on adequate price competition.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Agreement for Small Businesses certified by the California Department of General Services. The apparent low Proposer, AOL, is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference. The apparent second low Proposer, International Contact, Inc. is a certified Small Business, making it eligible for the 5% Small Business Prime Preference for this Agreement for evaluation purposes. After review by the Office of Civil Rights, and

application of the 5% Small Business Prime Preference, AOL remains the lowest responsive Proposer.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Contract are 5.5% for Minority Business Enterprises ("MBEs") and 2.8% for Women Business Enterprises ("WBEs"). AOL committed to 0% MBE and 0% WBE participation. AOL did not meet either the MBE or WBE Availability Percentages; therefore, AOL was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender or ethnicity. Based on the review of the information submitted by AOL, the Office of Civil Rights found no evidence of discrimination.

The Office of the General Counsel will approve the Agreement as to form.

FISCAL IMPACT: The cost of this agreement is for an amount not to exceed \$1,062,700.00. This amount covers the 3-year base period with options to renew for two (2) additional one (1) year periods. The Agreement will commence upon receipt of a Notice to Proceed.

The amount not to exceed \$1,062,700.00 will be requested in future preliminary operating budget cycles. The estimated annual cost for services is as follows:

<u>Fiscal Year</u>	<u>Amount</u>
2023	\$212,540.00
2024	\$212,540.00
2025	\$212,540.00
2026	\$212,540.00
2027	\$212,540.00
Total	\$1,062,700.00

The proposed services will be funded by a combination of capital and operating sources. Capital projects that require translation services will fund their share of the work while funding for the operating share of the work is included in OCR's Adopted FY23 & FY24 budget (Department Cost Center 1304391 and Account Code 681300). Funding for subsequent fiscal years will be included in the proposed annual operating budget, which is

subject to Board approval. This action is not anticipated to have any Fiscal impact on unprogrammed District reserves.

ALTERNATIVES:

1. To initiate another Request for Proposals. Staff believes this would be unlikely to result in more competitive pricing.
2. Not award this Agreement, which would jeopardize the District's ability to provide language services for BART's Limited English Proficient customer population.

RECOMMENDATION:

Adopt the following motion:

MOTION: The General Manager is authorized to award Agreement No. 6M5188 to Accent on Languages, Inc. for the proposed price of \$637,620.00 for the base 3 years, pursuant to notification to be issued by the General Manager and subject to compliance with the District's protest procedures and FTA requirements related to protest procedures. The General Manager is also authorized to exercise the options to extend the term of the Agreement for two (2) additional years for the proposed price of \$425,080.00 subject to availability of funds.