

Agenda Report

August 17, 2015

TO: Honorable Mayor and City Council

FROM: Department of Public Works

SUBJECT: AUTHORIZATION TO ENTER INTO A CONTRACT WITH TELECOM LAW FIRM PC TO PROVIDE ON-CALL TELECOMMUNICATIONS FACILITIES CONSULTANT SERVICES IN AN AMOUNT NOT TO EXCEED \$200,000

RECOMMENDATION:

It is recommended that the City Council:

1. Find the proposed action is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) the General Rule that CEQA only applies to projects that may have an effect on the environment; and
2. Authorize City Manager to enter into a contract without competitive bidding pursuant to City Charter Section 1002(F), contract for professional or unique services, with Telecom Law Firm PC for On-Call Telecommunications Facilities Consultant Services for two years in an amount not to exceed \$100,000 per year for a total of \$200,000.

BACKGROUND:

The Department of Public Works is seeking a qualified consulting firm to evaluate the technical aspects of telecommunication facilities applications in the public right-of-way, in conformance with Pasadena Municipal Code (PMC) Chapter 12.22, Telecommunications Facilities, on an as-needed basis. The scope of work may include the evaluation and analysis of telecommunication facilities applications; technical reports such as justification study, coverage maps, and radio frequency emissions study; photo simulations; and proposed construction drawings. The review and any findings provided shall be in accordance with PMC Chapter 12.22 and any applicable Federal Communications Commission standards.

The City has been approached by various telecommunications providers and/or their representatives to discuss future projects. Crown Castle and its partner Verizon are

requesting to add 13 new sites to upgrade the local wireless network. In order to provide fiber to the GigaPower home service, AT&T is seeking to install cabinets on sidewalks and/or easements adjacent to existing U-verse cabinets at nine locations.

The Department of Public Works issued a Request for Proposals (RFP) for On-Call Telecommunications Facilities Consultant Services on May 22, 2015. The City received two proposals on June 25, 2015 in response to the RFP. Below is a list of proposers and their respective scorings:

Firm	City	Rating
Telecom Law Firm PC	Los Angeles, California	88.50
CityScape Consultants, Inc.	Boca Raton, Florida	63.00

Based on the evaluation procedures and criteria specified in the RFP, the firms were scored and ranked by the Department of Public Works. Telecom Law Firm PC was ranked highest and is recommended to be selected to provide on-call telecommunications facilities consultant services.

Mr. Jonathan Kramer, Esq., J.D. LL.M is the founder and principal of Telecom Law Firm PC. Mr. Kramer is a radio frequency and broadband technology expert with over 35 years of experience. For nearly 25 years, he has provided consultation services to more than 800 local and state government agencies. His professional services include issues regarding wireless and wired telecommunications, radio frequency emissions safety, broadband, fiber optic, and cable television law and technology. In addition, Mr. Kramer has significant experience testifying as an expert witness and trial consultant in various litigations between municipalities and private service providers.

Telecom Law Firm PC has assisted the City of Pasadena in various reviews and site inspections for previous telecommunications facilities applications since 2008. Through various purchase order contracts, the Departments of Public Works and Planning and Community Development have utilized the services of Telecom Law Firm PC.

Based on the scoring as shown above, it is recommended that the City enter into a contract with Telecom Law Firm PC for an amount not to exceed \$200,000 over a two-year term commencing the date that the contract is fully executed.

COUNCIL POLICY CONSIDERATION:

The proposed contract is consistent with the City Council's goals to improve, maintain and enhance public facilities and infrastructure, support and promote the quality of life and local economy, and ensure public safety.

ENVIRONMENTAL ANALYSIS:


This contract is exempt from CEQA review pursuant to State CEQA Guidelines Section 15061(b)(3). The contract is covered by the general rule that CEQA applies only to

projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to the provisions of CEQA. This contract would retain the consultant for professional services only. The specific design and subsequent construction of each telecommunications facilities application within the public right of way will be subject to appropriate project-level environmental review by the City's Environmental Administrator.

FISCAL IMPACT:

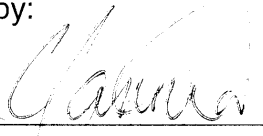
The cost of this contract is a maximum of \$200,000 over two years. Telecom Law Firm PC will not be receiving any City funds in providing its services. The City requires the applicants of the proposed telecommunications facilities to submit sundry deposits for the review and processing of the permit applications. Funds from these deposits will be used to pay Telecom Law Firm PC for their consultation services.

Respectfully submitted,



JULIE A. GUTIERREZ
Interim Director of Public Works

Prepared by:



Yannie Wu
Principal Engineer

Approved by:



MICHAEL J. BECK
City Manager