



Agenda Report

August 28, 2017

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 \$1,000,000

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 the City Manager to enter into a contract, based on a competitive selection process pursuant to Pasadena Municipal Code Section 4.08.047, for professional or unique services, with Telecom Law Firm PC for On-Call Telecommunications Facilities Consultant Services for three years with option for two, one-year extensions at the discretion of the City Manager in an amount not to exceed \$200,000 per year for a total of \$1,000,000.

BACKGROUND:

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

In the past year, the City has been approached by four major telecommunications carriers and/or their representatives to discuss their citywide master plans. A significant number of small cell sites are proposed for installation within the public right-of-way within the next three to five years. Most of the sites are in the vicinity of the Rose Parade route and the City's densely populated business districts.

The Department of Public Works issued a Request for Proposals (RFP) for On-Call Telecommunications Facilities Consultant Services on June 26, 2017. The City received three proposals on July 17, 2017 in response to the RFP. Below is a list of proposers and their respective scores:

Firm	City	Rating
Telecom Law Firm PC	Los Angeles, California	86.00
Preiser Consulting	Temescal Valley, California	73.33
CityScope Consultants, Inc.	Boca Raton, Florida	67.00

Based on the evaluation process and criteria specified in the RFP, the firms were scored and ranked by City staff. Telecom Law Firm PC was ranked highest and is recommended to be selected to provide on-call consulting services for review and permitting of telecommunications facilities.

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.

Since 2008, Telecom Law Firm PC has assisted the City of Pasadena on various reviews and site inspections for proposed telecommunications facilities within the public right-of-way. Telecom Law Firm PC currently is providing identical consulting services to the City under Contract No. 30187, which will expire in November 2017.

Based on the proposal ratings, it is recommended that the City enter into a contract with Telecom Law Firm PC for three years with two, one-year options at the discretion of the City Manager in an amount not to exceed \$200,000 per year for a total of \$1,000,000, 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:

The proposed action herein 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 \$1,000,000 over five 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,



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