

# Agenda Report

August 1, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Department of Public Works

**SUBJECT: CONTRACT AWARD TO TELECOM LAW FIRM, P.C. FOR 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 project proposed herein to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Article 5, Section 15061(b)(3), the General Rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment;
2. Authorize the City Manager to enter into a contract, as the result of a competitive selection process specified by Section 4.08.047 of the Pasadena Municipal Code, with Telecom Law Firm, P.C. for On-Call Telecommunications Facilities Consultant Services for four years with one optional one-year extension at the discretion of the City Manager and on terms and conditions set forth in this agenda report, including change orders by the City Manager as to time, for a total amount not-to-exceed \$1,000,000.

## **BACKGROUND:**

The City continues to be approached by major telecommunications carriers and/or their representatives to coordinate and implement their citywide master plans. A significant number of small cell sites are being proposed for installation within the public right-of-way over the next three to five years. The proposed sites are being considered for the expansion of the carriers' network for 5G deployment and to address additional coverage needs for teleworking and virtual connections.

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 the Pasadena Municipal Code (PMC). The scope of services 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.

The Department of Public Works issued a Request for Proposals (RFP) for On-Call Telecommunications Facilities Consultant Services on April 6, 2022. The City received two proposals on May 5, 2022 in response to the RFP. Below is a list of the two responsive proposers:

Firms	City
Telecom Law Firm, P.C.	Los Angeles, CA
Gunnerson Consulting & Communication Site Services	Sequim, WA

The firms were scored and ranked by a selection committee, comprised of staff from the Public Works Department, based on the evaluation procedures and criteria specified in the RFP. The evaluation criteria include the consultants' experience, technical competence, time commitment and availability, and fees proposal. Telecom Law Firm, P.C., the higher ranking of the two, is recommended to be selected to provide on-call consulting services for review and permitting of telecommunications facilities. Attachment A contains a summary of the total scoring.

Mr. Jonathan Kramer, Esq., J.D. LL.M is the founder and principal of Telecom Law Firm, P.C., which is located in Los Angeles, CA. He 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, P.C. 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, P.C. is currently providing identical consulting services to the City under Contract No. 31001, which will expire in November 2022. Since 2017, they have provided services for the City totaling \$208,000.

It is recommended that the City enter into a contract with Telecom Law Firm, P.C. for an amount not-to-exceed \$1,000,000 over a four-year term, with one optional one-year

extension to be exercised at the City Manager's discretion, commencing the date that the contract is fully executed. The contract will be on the standard City terms and conditions attached to the RFP and will provide change order authority as to time only, which may be exercised at the sole discretion of the City Manager if there is a need to extend the time for performance.

**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 has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Article 5, Section 15061(b)(3), the General Rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This contract would retain the consultant for professional services only. The specific design and subsequent construction of each telecommunications facility 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. Funding for Telecom Law Firm, P.C. services is provided by each respective applicant. 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, P.C. for their consultation services.

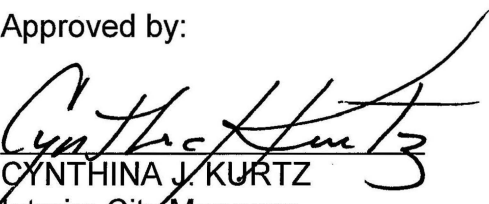
Respectfully submitted,

  
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TONY OLMOS, P.E.  
Director of Public Works

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Approved by:

  
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Attachment A – Consultant Scoring and Ranking