



METROPOLITAN
TRANSPORTATION
COMMISSION

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700
Tel: 510.464.7700
TDD/TTY: 510.464.7769
Fax: 510.464.7848

Memorandum

TO: Operations Committee

DATE: September 4, 2009

FR: Executive Director

W.I.: 1112

RE: Contract – Embarcadero Kiosk Operations: Nematode Holdings, LLC

The current contract for Embarcadero Kiosk operations is due to expire on September 30, 2009. MTC released a Request for Proposal (RFP) for kiosk operations in April 2009 and received two proposals by the submission deadline. After extensive review of the proposal and qualification evaluations by MTC staff, we recommend entering into a contract with Nematode Holdings, LLC in an amount not to exceed \$795,300 to operate the Embarcadero Kiosk through June 30, 2012.

Background

In July 2007, MTC, along with the Bay Area Rapid Transit District (BART) and the San Francisco Municipal Transportation Agency (SF MTA), initiated a pilot project to create a one-stop transportation resource for Bay Area transit riders at the Embarcadero BART/Muni station, the busiest transit hub in the Bay Area. The kiosk is an existing, retrofitted San Francisco Chronicle newspaper kiosk and provides a convenient way to impart quality transportation information to the travelers using the Embarcadero BART/Muni station via trained staff, high-resolution video screens and printed collateral. The kiosk has played an integral role during the development phase of the 511 Regional Real Time Transit Program by hosting the program's first multi-agency Real Time sign. The kiosk also sells transit tickets and passes, FasTrak[®] toll tags, newspapers and magazines. Finally, the kiosk has begun selling Translink[®] cards and adding value during BART's and Muni's TransLink[®] roll-out.

A Request for Proposals (RFP) was released for the operation of the kiosk at the Embarcadero BART/Muni station on April 10, 2009 and MTC received two bids from: 1) Nematode Holdings LLC of San Francisco, and 2) Tectrans of Los Angeles, by the designated deadline of May 8, 2009. The scope of work for the RFP requires, among other things, that the kiosk contractor must have the ability to enter into a contract with SF MTA to sell its fare media. Tectrans was initially disqualified from award consideration, at the request of the SF MTA and the San Francisco City Attorneys' Office, due to the fact that CDS Net, a company acquired in part by Tectrans, had entered into a settlement agreement with the City that included a voluntary disbarment from either bidding on and/or accepting an award of any San Francisco contract, either for itself or through an affiliate. MTC deferred its final review of the proposals received in order to provide the company time to appeal the decision to the City. On August 10, 2009, the

City Attorney's Office issued a letter to Tectrans waiving their disbarment if Tectrans met two criteria related to the project. On August 24, 2009, Tectrans successfully met the criteria to waive their disbarment and became eligible for consideration for contract award.

The evaluation panel, which consisted of representatives from MTC, BART and SF MTA, reviewed the two proposals based on the following criteria (listed in order of importance):

1. Approach to conducting and completing the project
2. Qualifications to operate the Kiosk
3. Familiarity with Bay Area transportation and inter-jurisdictional relationships
4. Cost effectiveness
5. Presentation effectiveness

Nematode Holdings, LLC received higher scores in the first four criteria areas, and the highest scores overall. In addition to currently managing the Embarcadero Kiosk's operations, Nematode successfully operates the Bay Crossings store in the San Francisco Ferry Building. Nematode also operated the Embarcadero Kiosk during BART's 2008 Kiosk Evaluation, where 98% of respondents rated the kiosk's value as "excellent" or "good." Additionally, 95% of the evaluation's respondents rated the helpfulness/courtesy and knowledge of the kiosk staff as "excellent" or "good."

Nematode Holdings, LLC has ongoing success managing in-person transportation information venues in San Francisco, proving their project knowledge and ability to perform the work required. Nematode Holdings, LLC also received written recommendations from a variety of MTC partners, including the Water Emergency Transportation Authority, the Blue and Gold Fleet and TransForm, among others. Therefore, MTC staff recommends that MTC enter into a contract with Nematode Holdings, LLC to manage Embarcadero Kiosk operations from October 1, 2009 through June 30, 2012.

Recommendation

Staff recommends that the Operations Committee authorize the Executive Director or his designee to enter into a contract with Nematode Holdings, LLC in an amount not to exceed \$795,300 to operate the Regional Transportation Information Kiosk in the Embarcadero BART station through June 30, 2012.

Steve Heminger

SH:UV

J:\COMMITTEE\Operations\2009 Operations Comm Packets\Sept09\Kiosk Operations_Vogler.doc

REQUEST FOR COMMITTEE APPROVAL

Summary of Proposed Consultant Contract Amendment

Work Item No.: 1112

Consultant: Nematode Holdings, LLC
San Francisco, CA

Work Project Title: Transportation Information Kiosk Project

Purpose of Project: Operate one kiosk

Brief Scope of Work: Operate one kiosk at Embarcadero BART/Muni stations in San Francisco, for a total of two years and nine months

Project Cost Not to Exceed: \$795,300

Funding Source: RM2

Fiscal Impact: \$215,300 in RM2 funds are included in this year's BATA budget

Motion by Committee: That the Executive Director or his designee is authorized to negotiate and enter into a contract Nematode Holdings, LLC and the Chief Financial Officer is authorized to set aside \$215,300 in FY 09-10, \$289,200 each year, in FY 10-11 and FY 11-12. These costs are subject to inclusion in each respective budget year.

Operations Committee: _____
Amy Rein Worth, Chair

Approved: Date: September 11, 2009