



(Board Copy)
Washington Metropolitan Area Transit Authority
**METRO ELECTRONIC ACTION
DOCUMENT**

IDENTIFICATION			
MEAD ID:	99390	ACTION:	Initiate & Award
AWARD VALUE:	(Not yet awarded)	CONTRACT: (Proposed)	
FUND SOURCES: (View)	Operating Funds	CONTRACTOR:	
LAST MODIFIED:	03/27/2006		

DESCRIPTION	
SUBJECT:	Expert to provide analysis and report, and to testify, in Disability Rights Council v. WMATA
PURPOSE:	To request Budget Committee recommendation and Board approval to initiate and award one or more contracts through limited competition for the procurement of professional and technical litigation services in connection with litigation concerning the Authority's paratransit service.

ORIGINATION					
INITIATOR			DEPARTMENTAL APPROVAL		
BRUCE HEPPEM on 03/23/2006			Approved by O'KEEFFE, CAROL 03/27/2006		
PHONE:	202-962-2569	OFFICE:	COUN	DEPT:	Independent Offices

COORDINATION (ROUTING)		
OFFICE	NAME	ACTION/DATE
COUN (1410)	O'KEEFFE, CAROL	Approved 03/27/2006
CFO1 (2110)	WOODRUFF, HARRY	Approved 03/28/2006
COUN (1410)	O'KEEFFE, CAROL	Approved 03/28/2006
OPAS (3161)	HUGHES, JAMES	Approved 03/29/2006

FINAL APPROVALS	
OFFICE	NAME/ACTION
OPER_CMTE	Approved for OPAS by JAMES HUGHES on 03/29/2006
BEMR	Approved for by Emeka Moneme on 04/07/2006
GM	Approved for GMGR by GMGR CEO on 04/07/2006
BOARD	BOARD WMATA (Not Yet Approved)



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NARRATIVE

DISCUSSION:

WMATA has been sued by the Disability Rights Council, an advocacy group, and 14 individually named plaintiffs, who allege that WMATA's paratransit service is deficient in regard to on-time performance, missed trips, overly long trips and a variety of other criteria. Professional and technical litigation services are needed to assist COUN in defending this suit. The expert or experts will assist COUN in analyzing the performance of MetroAccess in the provision of services to disabled customers; the comparison of MetroAccess' performance to other transit properties; and the statistical analysis of the performance data maintained and supplied by LogistiCare and MV Transportation, the paratransit managers hired to oversee and supply paratransit services. The expert or experts will act, initially, as non-testifying experts but may ultimately be required to provide expert opinions and analysis for use in the litigation in depositions and at trial.

ALTERNATIVE: Defend the litigation without this expert assistance. The selection of this alternative may result in a less favorable result in the litigation.

IMPACT ON FUNDING:

Budget: Operating Budget Fiscal Year 2006
 Department: General Counsel
 Budget Line: Professional and Technical (Witnesses and Court Fees)
 Page Number: 31

Budget:	\$1,272,200
This Action:	250,000
Prior Expense:	<u>324,332</u>
subtotal	574,332
Budget Remaining:	697,868

AFFIRMATIVE ACTION REQUIREMENTS:

Disadvantaged Business Enterprise: DBE goals are not set for operationally funded contracts and procurements.

Afirmative Action: Contractor will be required to comply with E.O. 11246 as amended, Revised Order No.4 if the contractor has more than 50 employees and the contract is \$50,000 or more.

RECOMMENDATION:

That the Board Budget Committee recommend and the Board of Directors approve the initiation and award of one or more contracts procured through limited competition for expert litigation services in the total not-to-exceed amount of \$250,000.