

Addressing Community Concerns about Sacramento Regional Transit Contracting for Private Security

Since September 2015, dozens of organizations and hundreds of individuals have communicated to Sacramento Regional Transit their concerns about its contracting out for private security, asking for RT to bring this function in house if possible and if it does contact out, to hire a company that is truly local and that upholds high standards of professional responsibility, including respect for human rights and not profiting from private prisons.

RT's Board responded to these concerns in March 2016 by extending the current contract for only one year instead of two and directing RT staff to address these concerns. Since then, representatives of SacRideHuman have had a number of meetings with RT staff and board members. RT staff have proposed creating two smaller requests for proposals (RFPs) to better facilitate smaller companies' ability to bid. They have asked for SacRideHuman's detailed review of the draft RFPs, which has been provided to RT. RT also stated that they would develop pre-screening criteria to incorporate concerns of staff counsel as well as those articulated by the community; SacRideHuman has not yet received these criteria.

In order to address the community's concerns, RT needs to do the following:

1. Bring security workers in house if at all possible.

RT should try to bring its private security workers in house, even if this is done in phases. This has proved to be very successful with the ticket agents that were hired as RT employees several months ago. As RT employees, these agents have positively represented RT to the public.

If it is not able to bring all the guards in house at this time, this should be a long-term goal.

RT should assure that any private guards working under contract for RT are paid living wages and given health benefits, sick leave, and vacation. Workers must also have card-check neutrality, allowing them the ability to unionize.

2. If it goes out to bid, RT must effectively prioritize local and small businesses by:

a. Clarifying that a local business is one that is locally owned or headquartered in the Sacramento area. RT must change its current Local Business Preference Program policy so that only businesses that are truly local get extra points in the bidding process. The current policy defines a business as "local" if it is "located in Sacramento, El Dorado, Placer, Sutter, Yolo or Yuba County." "Located" is not defined in the policy but has been interpreted by RT to mean that a company has an office in Sacramento or in the specified surrounding counties.

b. Giving preference points for small and local business in its RFP for private security.

c. Assuring an open, fair, and reasonable bidding solicitation and review process in which no advantages are given to prior contractors, including with how the RFP is written or scored.

The RFP must not be unduly onerous such as to be a barrier to local and small companies that are otherwise very capable of doing the work. It must be transparent in its review process and assure that there is no unfair advantage, such as a presumption of proprietary knowledge by prior contractors. Agencies can develop a familiar and comfortable relationship with a contractor, but this does not mean that public dollars should go over and over again to that same contractor. RT has an obligation to our community to give other companies an opportunity to earn its business. RT also should not continue to do business with the same contractor out of fear that the contractor will file a protest if it does not get the contract.

d. Not requiring or giving preference to prior transit-related experience, as this would prejudice the RFP process in favor of its current contractor. SacRideHuman recognizes that RT needs security guards who can effectively interact with the public, address situations with difficult or aggressive individuals, assist in station safety, pick up litter, etc. These are skills that RT can ask for in the RFP and clearly can be offered by guards who have not worked in public transit before.

e. Proactively reaching out to existing Sacramento-area private security companies in a timely manner. RT needs to allow enough time for companies to respond and to ask questions and get additional information.

3. Prioritize Social Responsibility

Federal Transportation Agency regulations state: “Before selecting a contractor for award, the recipient must consider such matters as contractor integrity, compliance with public policy, [and] record of past performance.” Contractor integrity and compliance with public policy means a company conducts its business in accord with applicable local, state, federal, and international laws and regulations as reflected through community values and standards. (See *Consideration of ‘public policy’ allows RT to examine bidders’ professional responsibility records.*)

In order to assure that preferences companies that conduct themselves with professional integrity in compliance with public policy, RT must:

- a. Consider the full scope of a company’s business practices, wherever that company operates, locally, nationally, and/or internationally.** To do this, RT must require bidding companies to disclose where they are headquartered and in what states and counties they operate. The City of Sacramento recently dropped Wells Fargo because of its actions as a corporation, not because it didn’t like something at a local branch. If RT wants to consider a multistate or multinational corporation, it cannot ignore any unethical practices, human and civil rights violations, records falsification, mismanagement, or other concerns regardless of where they occur.
- b. Require that bidders must disclose any investigations for alleged criminal activity or civil liability; criminal convictions; civil settlements; fines; grand jury findings; or any other activities that may raise questions about on its professional integrity or compliance with public policy.**
- c. Require bidders to disclose if they are involved in operating privatized prisons.**
- d. Exclude a company from bidding if RT determines that the company has been grossly negligent in its professional integrity and/or not compliant with public policy.**
- e. Include scoring criteria related to professional integrity and public policy in evaluating all bidders.**

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