

BOARD MEETING DATE: December 2, 2022

AGENDA NO. 8

PROPOSAL: Transfer Funds and Authorize Executive Officer to Initiate a Contract with Shah Dabirian for Socioeconomic Analysis Consulting Services

SYNOPSIS: This action is to transfer \$197,500 in funds from Salaries and Benefits to Professional and Special Services, and initiate a new contract with retired South Coast AQMD employee Dr. Shah Dabirian, a former Program Supervisor for Socioeconomic Analysis. This action also approves specific findings under Health and Safety Code Section 40426.7, which the Board is required to make before contracting with a former employee within 12 months of their retirement. Dr. Dabirian separated from the South Coast AQMD on March 30, 2022. Due to recent substantial staff vacancies, there is an immediate need for expert technical support to conduct socioeconomic impact assessments of rulemaking efforts and to train new incoming staff, to be provided by Dr. Dabirian as well as other contractors as needed. The total cost of each contract resulting from these actions will not exceed the Executive Officer's signing authority.

COMMITTEE: Administrative, November 10, 2022, Reviewed

RECOMMENDED ACTIONS:

1. Transfer \$197,500 from Planning, Rule Development & Implementation's Fiscal Year (FY) 2022-23 Budget Salary and Employee Benefits Major Object, Salaries account to Planning, Rule Development & Implementation's Services and Supplies Major Object, Professional and Special Services Account;
2. Authorize the Executive Officer to execute a contract for socioeconomic analysis consulting services with Dr. Shah Dabirian up to \$97,500; and
3. Approve findings in Attachment A regarding Dr. Dabirian's eligibility to provide South Coast AQMD with consulting services.

Wayne Nastri
Executive Officer

Background

As part of the rulemaking process, the Planning, Rule Development and Implementation (PRDI) Division conducts socioeconomic analyses of proposed rules and AQMPs before they are brought to Board for consideration. Over the past eight months, the Socioeconomic Analysis unit within PRDI has experienced an unexpected rate of staff turnover due to retirements, resignations, and transfers into other areas of the agency. Due to the specific training and experience required to conduct socioeconomic impact assessments, multiple recruitments are currently underway to fill the vacated program supervisor and multiple air quality specialist positions within this unit. The unit is expected to be fully staffed by the end of the first quarter of 2023. However, the initial training for new staff is anticipated to take an additional 3-6 months depending on the level of direct experience of the selected candidates. We are seeking additional resources for technical support to ensure that rulemaking can continue in this interim period, and that sufficient training can be provided to new staff.

Proposal

Staff proposes to transfer \$197,500 from Planning, Rule Development & Implementation's FY 2022-23 Budget Salary and Employee Benefits Major Object, Salaries account to Planning, Rule Development & Implementation's Services and Supplies Major Object, Professional and Special Services Account to be used for socioeconomic consulting services. Staff also proposes that the Board authorize the Executive Officer to initiate a contract with Dr. Shah Dabirian to provide socioeconomic impact assessment services up to \$97,500. The remaining funds will be used for other existing socioeconomic contracts.

California Health and Safety Code Section 40426.7 Requirements

Pursuant to California Health and Safety Code Section 40426.7, the Board must make specific findings for a retired employee to provide such services within 12 months of retirement. The Board must find that, at the time of their retirement, (1) the employee was working on one or more programs that are of great importance to the South Coast District, (2) that the services of the employee are necessary to assure the continued effectiveness of programs, (3) that the contract is only for that period of time necessary to complete the employee's work on these programs, and (4) that the employee is the most qualified person to provide the needed services. These findings must be made by a two-thirds vote. The Board can make these findings with regards to Dr. Dabirian and the socioeconomic analysis consulting services he could provide to support existing and upcoming rulemaking efforts. Dr. Dabirian is a former Program Supervisor for the Socioeconomic Analysis unit who retired from South Coast AQMD on March 30, 2022, after a 30-year career in the unit. Dr. Dabirian's chief responsibility was conducting and supervising socioeconomic impact assessments of proposed rules and rule amendments. Given Dr. Dabirian's specialized knowledge of the South Coast AQMD Socioeconomic Analysis program, he is the most qualified person to assure the continued effectiveness

of the socioeconomic program by conducting legally required socioeconomic impact assessments during the transitional period of hiring and training new program staff.

Sole Source Justification

Section VIII.B.2 of the Procurement Policy and Procedure identifies four major provisions under which a sole source award may be justified. This request for sole source award is made under provision of Section VIII.B.2.c.(1). Dr. Dabirian has extensive institutional knowledge and socioeconomic analysis experience and expertise related to South Coast AQMD rules and rule amendments adopted since 1992, and therefore, he is most uniquely qualified to conduct this work in a sole source contract.

Resource Impacts

Upon Board approval, sufficient funding will be available in Planning, Rule Development & Implementation's FY 2022-23 Budget.

Attachment

Health and Safety Code Section 40426.7 Findings

ATTACHMENT A

FINDINGS

PURSUANT TO HEALTH & SAFETY CODE SECTION 40426.7

The Governing Board of the South Coast Air Quality Management District makes the following findings with respect to a contract with Dr. Shah Dabirian for socioeconomic analysis consulting services, and notes the contract is more fully described in the accompanying Governing Board Letter:

1. During Dr. Dabirian's 30-year career with South Coast AQMD, he conducted and supervised over one hundred socioeconomic impact assessments of proposed rules and rule amendments, which are legally required pursuant to Health and Safety Code Sections 40440.8 and 40728.5 and of great importance to South Coast AQMD's rulemaking process.
2. His services are necessary to assure that socioeconomic impact assessments are able to be completed for proposed rules and rule amendments scheduled to be heard at least in the first three quarters of 2023, or until the Socioeconomic Analysis unit is fully staffed and new staff have received initial training.
3. The contract is only for the period of time necessary to complete work related to these efforts.
4. Based on his background and expertise, Dr. Dabirian is the most qualified person to provide these services.