



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: November 5, 2019

Subject: Agreement with Ecopia Tech Corporation for Transportation Infrastructure Data, Countywide.

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Public Works Director, or designee, to execute a customer agreement and end user license agreement with Ecopia Tech Corporation (Ecopia), in an amount not to exceed \$80,000, to obtain transportation infrastructure data during the period November 5, 2019 through January 1, 2021, in connection with the County's active transportation planning, Countywide.

FISCAL IMPACT:

88% funded through a Caltrans Sustainable Communities Grant and 12% through MTC Transportation Development Act Article 3 funding.

BACKGROUND:

The Contra Costa Transportation Authority (CCTA) is currently preparing a Vision Zero plan for specific arterials and priority pedestrian areas throughout the County. Coincidentally, Contra Costa is also preparing a Vision Zero Plan and Active Transportation Plan for the unincorporated portions of the County. A unique opportunity is available for the County to execute a contract with Ecopia while efforts are underway with CCTA to obtain infrastructure data in the same format and in similar areas. The result will be the

☒ APPROVE ☐ OTHER
☒ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **11/05/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 5, 2019

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Laura Cassell, Deputy

Contact: Mary Halle,
925.313.2327

cc:

ability to more efficiently extract data and

BACKGROUND: (CONT'D)

refine the content of the data obtained through CCTA's effort. This infrastructure data will be used to provide the context of the existing infrastructure in preparation of the Active Transportation Plan, as well as provide the context for query of collision data in the Vision Zero plan to look for systemic countermeasures countywide.

Under the customer agreement, Ecopia will develop the infrastructure data and provide the data to the County in a usable format (the "deliverables"). Upon acceptance of the deliverables as complete, the County will pay Ecopia an amount not to exceed \$80,000 for the deliverables, the work it performs to create the deliverables, and the perpetual license it grants the County to use the deliverables. The deliverables will include certain data in specified formats for County roads, bike lanes, and adjacent improvements. Public Works Department staff have determined that the customer agreement requires the data to be provided to the County in a format that is usable in connection with the County's active transportation planning work.

Ecopia will retain ownership of the data. Ecopia will grant the County a perpetual license in the deliverables, to allow the County to use the deliverables for purposes related to active transportation planning, and for other County purposes. The license agreement requires the County to indemnify Ecopia from any claims related to the County's use of the deliverables, including breaches of the license agreement. The license agreement also limits Ecopia's liability to the County. Ecopia will not be liable to the County for any indirect, special, punitive, or consequential damages, and in no event will Ecopia's liability to the County exceed the amount the County pays Ecopia for the deliverables.

The County will retain the ability to produce reports and other materials using the data provided by Ecopia. The County also will retain the ability to disclose the data and deliverables when required by third-party subpoena, court order, state or federal laws, or the County's Better Government Ordinance.

The deliverables that Ecopia will provide the County will include critical information related to active transportation planning. Public Works Department staff recommends that the Board approve the execution of the customer agreement and the license agreement to enable the County to receive deliverables created by Ecopia.

CONSEQUENCE OF NEGATIVE ACTION:

If the agreement is not approved, the County will not be able to contract with Ecopia to obtain the deliverables for the above negotiated contract price.