

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



W6b

DATE: October 31, 2014

TO: Commissioners and Interested Parties

FROM: Charles Lester, Executive Director
Susan Hansch, Chief Deputy Director
Alfred Wanger, Deputy Director
Pamela Wu, Chief, Fiscal & Business Services
Jessica Chan, Fiscal & Business Services Analyst

SUBJECT: **Contract Award for Written Spanish Translation Services for Commission Agenda and Notice for public hearing and Commission action, Item 6b, Wednesday, November 12, 2014**

STAFF RECOMMENDATION

The staff recommends that the Commission authorize the Executive Director, or his designee, to enter into a contract for an amount not to exceed \$15,000 for written Spanish translation services for the Commission agenda and meeting notice for a period of one year beginning on or about November 20, 2014, with an option to extend the contract for an additional one year period. These services are necessary to support the Commission's compliance with AB288 (Chapter 866, Statutes of 2014) which requires that the Commission make its agenda and meeting notice available in both English and Spanish. The staff also recommends that the Commission delegate the future responsibility for review, approval, execution, and oversight of annual contracts providing funding for the Commission's Spanish Translation Services to the Executive Director or his designee, as authorized.

I. MOTION AND RESOLUTION

MOTION

"I move that the Commission authorize the Executive Director or his designee to enter into a contract for an amount not to exceed \$15,000 to provide written Spanish translation services for the Commission agenda and meeting notice for a period of one year beginning on or about November 20, 2014, with an option to extend the contract for an additional one year period, in accordance with the Department of General Services instructions, and delegate authority to the Executive Director, or his designee to enter into such contracts on an annual or biannual basis."

Staff recommends a **YES** vote on the foregoing motion.

II. BACKGROUND

AB288, approved by the Governor on September 30, 2014, added section 30315.5 to the Public Resources Code, as follows:

30315.5. Notwithstanding any other law, the commission shall make the notice of any public meeting or hearing of the commission available in both English and Spanish, and may also make the notice available in any other language.

The Commission currently provides its monthly agenda and meeting notice only in English. PRC Section 301315.5 would require that the Commission agenda and meeting notice be provided in both English and Spanish beginning in January 2015.

The Commission's meeting agenda and notice typically contains an average of 5,000 words (ranging between 3,500 and 6,500 words) which must be translated into Spanish within the monthly production schedule. Commission staff evaluated whether these translation needs could be met using existing, on-line software or internal staff resources or would require the use of an outside vendor to assist the Commission in meeting the requirements of AB288.

Publicly available, auto-translation software is not reliable in terms of accuracy, and is not appropriate for complex translation services. Commission agendas and meeting notices fulfill legal notice requirements and must be translated accurately and error-free. Meeting notices and agendas frequently contain terminology and phrases that standard translation software does not recognize. Therefore, on-line software translation services are not adequate to meet this statutory requirement.

As part of this evaluation, staff conducted a review of vendors who hold California Multiple Award Schedule (CMAS) contracts with the state for written Spanish translation services to estimate the time required to translate the monthly agenda items. The available information indicates that the vendors translate approximately 2,000 words per day using experienced certified translators. These translated documents are then proofread and edited by a second person, prior to delivery.

Currently, there are a limited number of Commission staff with fluent written Spanish language skills, and none are currently performing written translation services as part of their position duties and responsibilities. If these staff were to be redirected to provide these new duties, it is expected that they would not be able to perform translation tasks at the same production rate of 2,000 words per day identified above for experienced, professional, certified translators. Staff estimates that redirecting current Commission staff with Spanish language skills would require 3-5 business days each month to complete the translations, plus additional time for a second reviewer to proofread and edit the materials.

This would represent a significant redirection of staff resources during key times in the monthly production schedule. Impacted staff would not be available to perform their other required duties for

writing and producing staff reports. Staff with Spanish language skills are distributed throughout the agency's programs and offices. The logistics of coordinating these time sensitive tasks would be complex, and potentially disruptive to agency operations. For example, an unexpected absence or illness among the staff with written Spanish language skills could result in disruption to agency operations or possible failure to complete translations in time to comply with meeting notice requirements for an agenda item.

Based on the above evaluation, staff concludes that the Commission does not currently have adequate internal staff resources with Spanish translation skills necessary to meet this new mandate, and a professional translation service is the most reliable choice for providing accurate, timely notice to the monolingual Spanish-speaking public. We will be exploring options for future years once the agenda templates are translated and have a clear understanding of the time and resources needed to perform these functions using internal resources.

III. CONTRACT SPECIFICATIONS

In accordance with state contracting requirements, a Request for Offer (RFO) was prepared by the Commission staff and emailed on October 28, 2014 to fifteen (15) vendors who hold CMAS contracts for written Spanish translation services with DGS, twelve (12) of whom are also State Certified Small Businesses. CMAS contracts are competitively bid and managed statewide by the Department of General Services/Procurement Division (DGS/PD). In order to award the contract under the CMAS contract User Instructions, offers must be requested from three (3) CMAS vendors, with at least one being a Small Business vendor. Offers will be evaluated by Commission staff using the "best value" method per DGS/PD policies and CMAS User Instructions.

The RFO stated the Commission's goals and objectives for obtaining said services and specified the written Spanish translation services to be provided. The RFO included the following specifications:

1. Translate English documents into Spanish while keeping the meaning and intent of the original text.
2. Proofread all translations for accuracy, including ensuring the same style and comprehension level of the original document is maintained, unless otherwise specified.
3. Provide at least a two-person translation process to ensure accuracy with one person translating the document and a second person proofreading and editing the document. Additional levels of review are accepted but not required.
4. Email the translated documents in the requested format in accordance with the specified

production schedule.

5. Commit to meet a detailed production schedule, including expediting any requested corrections or changes. There is no flexibility with the production schedule as the meeting notice deadlines are set by law.
6. Identify and assign a team to provide the services as described in this SOW, including identifying a Contract Manager. It is strongly preferred but not required for the same team to be assigned to translate the agenda and addenda each month for consistency.

The RFO identifies a number of standard meeting agenda and notice templates for one-time translation, which will minimize the monthly contract cost by allowing Commission staff to assemble and produce the monthly agenda and meeting notices in both English and Spanish as required by AB288.

Additionally, the RFO identifies Monthly Agenda Items that will be translated in an on-going, monthly basis through the term of the contract. In general, the Monthly Agenda Items will have a 48 hour turn-around time period and the Agenda Addenda will have a 24 hour turn-around time period. These include:

- a. Written Spanish translation of the Monthly Agenda Items
- b. Written Spanish translation of the Agenda Addenda, on an as needed basis

The translated documents will be emailed to the Commission's Production Team.

IV CONCLUSION

Offers will be reviewed by Commission staff by Monday, November 17, 2014. Upon completing the review, the CMAS vendor who submitted the offer that was determined to have the highest value under the "best value" method based upon RFO specifications will be awarded the contract. Staff recommends that the Commission authorize the Executive Director or his designee to enter into a contract for an amount not to exceed \$15,000 to provide written Spanish translation services for the Commission agenda and meeting notice and delegate authority to the Executive Director, or his designee to enter into such contracts on an annual or biannual basis with the vendor awarded the contract.

The motion is on page 1 of this staff report.