UNDERSTAND COMMON TYPES OF AGREEMENTS IN MOBILITY CONTRACTS

When developing contracts, additional agreements may be required. Data sharing and sponsorship agreements are outlined below, additional agreements may be required and should be identified prior to signing a final contract.

Sponsorship Agreements

Sometimes additional funding may be needed to support costs associated with launch and operations. Therefore, sponsorship agreements with local or national businesses may be a viable solution.

Depending on the nature and scope of the mobility project, there may be opportunities for sponsors to pay to have their brand on assets such as ad panels, vehicles or kiosks. Any sponsorship agreements would need to be incorporated into a modified stakeholder agreement with the Lead Applicant (Awardee), mobility operator, municipality and third party property owners.

Leveraging community resource contributions and in-kind donations, sponsorship can come in a variety of forms such as cross-promotional materials and events with local area non-profits and transit agencies. The sponsorship can also supplement costs associated with outreach and community engagement budgets.

Data-Sharing Agreements

As data reporting is critical to fulfilling the voucher agreement, it is recommended to incorporate data sharing agreements into any contract with a subcontractor who will be collecting, analyzing, owning/holding, and handling data on behalf of the team. The Lead Applicant (Awardee) is responsible for complying with all data requirements outlined in the IM, and thereby responsible for all subcontractor's data collection activities. It is the Lead Applicant (Awardee)'s responsibility to collect and submit all required data from their subcontractors.

During the solicitation or request for proposals (RFP) process to find subcontractors, consider incorporating the following data-sharing components in contracts and service agreements that collect and analyze data relevant to the operations and equity consideration of your project.

1   Review the parameters, required data points, and data reporting dates. Data reporting requirements for CMO voucher recipients are found **here**. Data reporting for CMO occurs on a quarterly basis. Data reporting should accompany the Project Status Reports.

2   Identify how data will be collected (it is required, where possible, to collect vehicle data through telematics). The reporting requirements as described in the IM should be followed for all data reports to CMO.

3   Consider the potential to embed surveys into user interfaces. Surveys are required to be distributed on an annual basis to assess user behaviors and obtain a clear understanding of how the fleet is used in the field. Explore if embedding into user interfaces is an option for a provider to determine the cost or needs associated with this program requirement.

4 Check with local partners about data reporting needs. Data sharing can help support a successful program and prepare for reporting. It would be a good practice to establish any other needs or uses of the data the Lead Applicant (Awardee) would wish to use the data for and incorporate that into the agreement upfront.

5 Build accountability practices and contingencies into data sharing agreements in the event the subcontractor does not comply with program requirements. As referenced above, it is the Lead Applicant (Awardee)'s responsibility to ensure all requirements of the program are met. Beyond contingencies, it is recommended to (1) establish a clear data reporting process to maintain relationships of trust between all parties involved, (2) convey data needs and requests for transparency early on in the process between the Lead Applicant (Awardee) and Mobility Operator, and (3) engage with municipal and public agency partners early-on to streamline data requests, points of contact and data reporting structure.

6 Meet Data Specification Standards. Successful programs use these broader standards, such as the General Bikeshare Feed Specification (GBFS) or the General Transit Feed Specification (GTFS) to their advantage. Due to their established uniformity, these standards help operators communicate with more than one municipality or governing body using the same data reporting. These agreements should cover future scaling possibilities, user privacy, and cohesion with other programs. Agreements should also specify that the Lead Applicants (Awardees), transit agencies, or municipalities can request telematics data directly from the operators. From the Shared-Use Mobility Center, **this guide on data specifications** and its role helps illustrate the importance of these data standards.

7 Explore open data sharing. Enable application programming interface (API) for user-facing apps. For example, the app Transit can collect departure information or trip matching information (for microtransit), to help streamline the collection process for easier data reporting.

Indemnity Agreements

An indemnity agreement allows for extra protection against loss, damage, or legal action from third parties, and it may be necessary to provide such an agreement for a mobility project. For example, if a user gets into an accident, an indemnity agreement will generally protect the mobility project from any lawsuits, damages, or claims from third parties. Attorneys' fees, court costs, intellectual property claims, and other costs associated with litigation can end up being a major financial burden for a mobility project, and a well-written indemnity agreement can offer some additional protection.

Service-level Agreements

Service-level agreements dictate the details of specific aspects of the service being provided. For a mobility project, this might include definitions of services, standards for responsiveness, availability, or quality of service, and metrics for measuring those aspects. Though these agreements require effort to manage and monitor, they can be a helpful tool for the mobility project to describe and establish specific aspects of the project and evaluate the progress and provisions of its vendors.

End-user Agreements

It may be important to develop an end-user agreement to cover the final customer's interaction with the mobility project's services. These agreements allow for the use of the mobility service while dictating how it can be used and detailing restrictions and limitations. These agreements

are necessary to protect the rights of the mobility project by describing the terms of the service and setting the expectations of the user.

Worksheet

It is important to have a road map to help anticipate contractual and agreement needs for the short term, medium term, and long term of your mobility project. Here is some note taking space to help you organize the type of contracts or agreements you expect over the course of your mobility project.

Year 0-1: Planning & Construction Phase

During this phase, the Mobility Project Team plans to have contracts or agreements with (use the check box to indicate which agreements or contracts need to be established):

☐ Sponsorship Agreement
☐ Data-Sharing Agreement
☐ Indemnification Agreement
☐ User Agreement
☐ Service Level Agreements
☐ Mobility Operator Contract
☐ Software Providers Contract
☐ Vehicle Suppliers Contract
☐ Infrastructure Suppliers Contract
☐ Landlords for Site Agreements Contract
☐ Construction Staff Positions Contract
☐ Mobility Project Staff Positions Contract

The Mobility Project Team has:

- Included the development period for the agreements in the project schedule.

- Budgeted for the time and labor required for developing and finalizing the agreements.

- A buffer has been established in the projected schedule and agreements to anticipate delays to finalizing contracts or agreements.

During this phase, the Mobility Project Team plans to have contracts or agreements with (use the check box to indicate which agreements or contracts need to be established):

- [ ] Sponsorship Agreement
- [ ] Data-Sharing Agreement
- [ ] Indemnification Agreement
- [ ] User Agreement
- [ ] Service Level Agreements
- [ ] Mobility Operator Contract
- [ ] Software Providers Contract
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Step 4: Understand Common Types Of Agreements In Mobility Contracts

WORKSHEET

During this phase, the Mobility Project Team plans to have contracts or agreements with (use the check box to indicate which agreements or contracts need to be established):

☐ Sponsorship Agreement

☐ Data-Sharing Agreement

☐ Indemnification Agreement

☐ User Agreement

☐ Service Level Agreements

☐ Mobility Operator Contract

☐ Software Providers Contract

☐ Vehicle Suppliers Contract

☐ Infrastructure Suppliers Contract

☐ Landlords for Site Agreements Contract

☐ Construction Staff Positions Contract

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Step 4: Understand Common Types Of Agreements In Mobility Contracts

WORKSHEET

Personal Notes (use this section to write down thoughts, ideas, or to-dos for the Mobility Project Team):

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WORKSHEET