

PROCUREMENT SUMMARY

COVERED CONTRACTORS/SUBRECIPIENTS DRUG & ALCOHOL COMPLIANCE OVERSIGHT SERVICES/PS123023000

| | | |
|----|---|--|
| 1. | Contract Number: PS123023000 | |
| 2. | Recommended Vendor: Byrnes & Associates | |
| 3. | Type of Procurement (check one): <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order | |
| 4. | Procurement Dates: | |
| | A. Issued: July 02, 2024 | |
| | B. Advertised/Publicized: July 02, 2024 | |
| | C. Pre-Proposal Conference: July 11, 2024 | |
| | D. Proposals Due: August 01, 2024 | |
| | E. Pre-Qualification Completed: In process | |
| | F. Ethics Declaration Forms submitted to Ethics: August 16, 2024 | |
| | G. Protest Period End Date: November 27, 2024 | |
| 5. | Solicitations Picked up/Downloaded: 9 | Bids/Proposals Received: 1 |
| 6. | Contract Administrator: Annie Duong | Telephone Number: (213) 418-3048 |
| 7. | Project Manager: Marisa King | Telephone Number: (213) 922-2734 |

A. Procurement Background

This Board Action is to approve Contract No. PS123023000 to provide Workplace Drug & Alcohol Testing Program compliance oversight services. Board approval of contract award is subject to the resolution of any properly submitted protest(s), if any.

On July 2, 2024, Request for Proposal (RFP) No. PS123023 was issued as a competitive procurement in accordance with Metro’s Acquisition Policy and the contract type is a firm fixed unit rate. The Diversity and Economic Opportunity Department (DEOD) did not recommend a Small Business Enterprise (SBE)/ Disabled Veteran Business Enterprise (DVBE) participation goal for this procurement.

Two amendments were issued during the solicitation phase of this RFP:

- Amendment No. 1, issued on July 23, 2024, updated the list of subrecipients providing service with FTA-funded buses included in the Scope of Services.
- Amendment No. 2, issued on July 29, 2024, revised the Scope of Services to incorporate additional well-being services.

A total of nine individuals representing eight firms downloaded the RFP and were included on the planholders list. A virtual pre-proposal conference was held on July 11, 2024, and was attended by one participant representing one firm. There were two questions received and responses were issued prior to the proposal due date.

One proposal was received from Byrnes & Associates by the proposal due date of August 1, 2024.

Since only one proposal was received, staff conducted a market survey of the planholders to determine why no other proposals were submitted. Responses were received from three firms and they included the following reasons:

- lacking the local resources to do business in California
- lacking the capability to fulfill the technical requirements of the RFP
- lacking resources to prepare the proposal

The market survey revealed that the decisions not to propose were based on individual business considerations. Therefore, the solicitation can be awarded as a competitive award.

B. Evaluation of Proposal

A Proposal Evaluation Team (PET) consisting of staff from Countywide Planning and Development, Transportation Planning, and Helping Employees Access Resources (H.E.A.R.) and Well Being Services departments was convened and conducted a comprehensive technical evaluation of the proposal received.

The proposal was evaluated based on the following evaluation criteria:

Phase 1 Evaluation – Minimum Qualifications (Pass/Fail): To be responsive to the RFP minimum qualification requirements, the proposer must meet all of the following:

- Proposer must be a nationally certified substance abuse program administrator (C-SAPA) and said certification must be valid and active at the time of proposal submittal.
- Key personnel responsible for conducting audits, policy reviews, training or other functions related to 49 Code of Federal Regulation (CFR) Parts 40 and 655 must, at a minimum, be a nationally certified drug and alcohol program administrator with a specialty in transit (CDAPA-T) and must hold a current and valid certification in good standing.
- Proposer must have at least three years of experience serving as an instructor for the United States Department of Transportation's (DOT) Transportation Safety Institute for trainings related to 49 CFR Parts 40 and 655.

- Proposer has at least five years of relevant experience overseeing drug and alcohol testing programs mandated by the DOT and Federal Transit Administration (FTA) as an external consultant.
- Key personnel responsible for conducting audits, policy reviews, training or other functions, related to 40 CFR Parts 40 and 655, must have at least three years of relevant experience working with drug and alcohol testing regulations 49 CFR Parts 40 and 655.

Phase 2 Evaluation - Weighted Technical Evaluation. The proposer met the Minimum Qualifications (Pass/Fail) Criteria and was further evaluated based on the following evaluation criteria and weights:

- Experience and Qualifications of Firm/Team and Key Personnel 30%
- Training Conducted by Proposer/Key Personnel 30%
- Implementation/Planned Approach 20%
- Price Proposal 20%

Several factors were considered in developing these weights, giving the greatest importance to experience and qualifications of firm/team and key personnel and training conducted by proposer/key personnel.

From September 10, 2024, through September 23, 2024, the PET independently evaluated and scored the technical proposal. At the conclusion of the evaluation, the PET determined that Byrnes & Associates met all RFP requirements and was technically qualified to perform the work.

The following is a summary of the PET scores:

| 1 | FIRM | Average Score | Factor Weight | Weighted Average Score | Rank |
|---|--|---------------|---------------|------------------------|----------|
| 2 | Byrnes & Associates | | | | |
| 3 | Experience and Qualifications of Firm/Team and Key Personnel | 98.33 | 30.00% | 29.50 | |
| 4 | Training Conducted by Proposer/Key Personnel | 90.83 | 30.00% | 27.25 | |
| 5 | Implementation/Planned Approach | 91.10 | 20.00% | 18.22 | |
| 6 | Price Proposal | 100.00 | 20.00% | 20.00 | |
| 7 | Total | | | 94.97 | 1 |

C. Price Analysis

The recommended amount has been determined to be fair and reasonable based on a price analysis, Independent Cost Estimate (ICE), fact-finding, and technical analysis. Metro staff successfully negotiated a cost savings of \$35,328.

| | Proposer Name | Proposal Amount | Metro ICE | Recommended Amount |
|----|----------------------|------------------------|------------------|---------------------------|
| 1. | Byrnes & Associates | \$1,163,493 | \$1,307,078 | \$1,128,165 |

The variance between the recommended amount and the ICE is due to the proposer using single flat-rate pricing for the entire five-year contract term, inclusive of a three-year base term and two, one-year options; whereas, Metro's ICE included a 5% annual escalation rate for the base term and option years.

D. Background on Recommended Contractor

Byrnes & Associates, headquartered in New Port Richey, Florida, was established in 2013. It monitors transit agency compliance with FTA and DOT drug and alcohol testing regulations and provides various drug and alcohol testing and training programs for DOT, FTA, and Federal Motor Carrier Safety Administration covered employees.

Byrnes & Associates is a certified substance abuse program administrator and its subcontractor is a certified drug and alcohol program administrator with a specialty in transit.

Relevant transit agency clients include the USDOT and the Florida Department of Transportation. Currently, Byrnes & Associates is a subcontractor to the current administrator of Metro's Transportation Workplace Drug and Alcohol Testing Program and has been providing onsite and offsite drug and alcohol compliance audit services to Metro since 2019. Performance has been satisfactory.