



## Board Report

File #: 2024-0255, File Type: Contract

Agenda Number: 26.

### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE JUNE 20, 2024

**SUBJECT: GRAFFITI ABATEMENT MAINTENANCE SERVICES FOR REGIONS 1, 2 AND 3**

**ACTION: APPROVE CONTRACT AWARDS**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to:

- A. AWARD a firm fixed unit rate Contract No. OP91160-20028370 for Region 1 to BriteWorks, Inc. to provide graffiti abatement maintenance services in the not-to-exceed (NTE) amount of \$2,644,321 for the three-year base period, and \$1,937,690 for the one, two-year option, for a combined NTE amount of \$4,582,011, effective August 1, 2024, subject to resolution of any properly submitted protest(s), if any; and
- B. AWARD a firm fixed unit rate Contract No. OP91160-20008370 for Regions 2 and 3 to Bread & Water Landscape, LLC to provide graffiti abatement maintenance services in the NTE amount of \$7,636,800 for the three-year base period, and \$5,559,840 for the one, two-year option, for a combined NTE amount of \$13,196,640, effective August 1, 2024, subject to resolution of any properly submitted protest(s), if any; and
- C. EXECUTE individual contract modifications within the Board approved contract modification authority.

#### **ISSUE**

The existing graffiti abatement services contracts expire July 31, 2024. To ensure service continuity providing timely graffiti abatement services systemwide, two (2) new contract awards are required, effective August 1, 2024. Under these new contracts, graffiti abatement maintenance services will be performed collectively throughout Metro's service area, restructured and split geographically into three regions (Attachment C). One contract will provide services for Region 1, while the other contract will provide services for Regions 2 and 3 combined.

#### **BACKGROUND**

On September 17, 2015, the Metro Board of Directors awarded four contracts for Regions 1 through 4 to maintain Metro's service area, which was split geographically into four regions. Each contract

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combined services for graffiti abatement, landscape and irrigation maintenance, and trash and overgrown vegetation removal.

On May 20, 2021, in lieu of new contract awards, Metro Operations, Safety, and Customer Experience Committee directed staff to extend the existing four regional contracts on a month-to-month basis with the required additional authority to continue providing the critical maintenance services, survey small businesses to solicit feedback related to doing business with Metro, and re-evaluate Metro's service area to further enhance competition and increase small business participation.

On June 24, 2021, the Metro Board of Directors approved recommendations for a new enhanced Medium-Size Business Enterprise (MSZ) Program and Small Business Enterprise (SBE) Program.

Based on the staff's evaluation of Metro's service area and frequency levels, the input received from the small businesses survey conducted, and the newly enhanced MSZ and SBE programs policy, revised solicitations were issued, splitting Metro's service area into three geographical regions. Each region will be maintained by three service-specific contracts for graffiti abatement, landscape and irrigation maintenance, and trash and overgrown vegetation removal services. Staff conducted two Systemwide Metro Connect Industry Forum Outreach events specific to graffiti abatement maintenance services on August 23 and 31, 2023. During these outreach events, staff provided an overview of the upcoming solicitation, explained how Metro's service area was split into three geographical regions, and reviewed the new enhanced MSZ and SBE Programs for competitively negotiated procurements.

On September 27, 2022, a solicitation to provide graffiti abatement maintenance services for the three regions was issued under the SBE Set Aside Program. On October 27, 2022, proposals were received for each area; however, the solicitation was canceled to expand SBE Prime participation by updating the solicitation package and limiting contract award to a maximum of two (2) regions per qualified SBE Prime contractor. On October 13, 2023, a new solicitation to provide graffiti abatement maintenance services for the three (3) regions was issued under the SBE Set Aside Program. On November 14, 2023, four (4) proposals were received for each region and were deemed responsive to the SBE Set Aside Program requirements.

## **DISCUSSION**

Under these new graffiti abatement maintenance services contracts, the contractor is required to perform daily inspections throughout Metro's system. All accessible graffiti observed by the contractor must be removed immediately within the same day. All reported accessible graffiti must be removed within 48 hours and reported non-accessible graffiti must be removed expeditiously upon securing approved track allocation and support. Graffiti will be removed using chemical removal agents, a rag, pressurized hot water, and paint-out methods.

Regular graffiti abatement services are essential for Metro facilities to maintain a safe, clean, and pleasant environment for our patrons. Approximately 4,000 graffiti tags are removed monthly from Metro facilities, Rights-Of-Way (ROWs), parking lots, and parcel properties. This service will continue our long-standing practice of zero tolerance for graffiti systemwide, enhance customer

experience, and improve Metro facilities' overall conditions.

Under the terms of these new contracts, the number of bus and rail stations, facilities, and locations will increase from 527 to 562, including 35 additional locations for the Rail to Rail, Airport Metro Connector (AMC), D line (Purple) Westside Extensions, and A Line (Blue) Foothill Extension Phase 2B system expansion projects as they become operational.

The combined amount for the new contracts recommended for award is 4% below the Independent Cost Estimate (ICE) and 13.6% below the existing combined contract amounts for graffiti abatement maintenance services. The State of California Department of Industrial Relations' prevailing wage applicable for graffiti abatement maintenance services has decreased by 18.9%, from \$43.47 to \$35.25 per hour, as a result of establishing a new service-specific prevailing wage classification of Graffiti Removal Worker, Journeyman. Based on the expanded scope of services stated above and the latest applicable prevailing wage classification, the amounts for the contracts recommended for award are deemed fair and reasonable.

### **DETERMINATION OF SAFETY IMPACT**

The approval of this item will ensure service continuity and meet Metro maintenance standards by promptly providing regularly scheduled and as-needed graffiti abatement maintenance services. A proactive approach to maintenance needs will ensure the delivery of safe, clean, on-time, and reliable services systemwide.

### **FINANCIAL IMPACT**

Funding of \$3,141,453 for systemwide graffiti abatement maintenance services is included in the FY25 budget under cost center 8370 - Facilities Contracted Maintenance Services, account 50308, Service Contract Maintenance, under various projects.

Since these are multi-year contracts, the cost center manager and Deputy Chief Operations Officer, Shared Mobility will be accountable for budgeting the cost in future years.

### **Impact to Budget**

The current source of funds for this action includes operating eligible sales tax funding, including Passenger Fares, Propositions A/C, Measures R/M, STA, and the Transportation Development Act. These fund sources are eligible for bus and rail operations. Given approved guidelines and provisions, these funding sources leverage maximum project fund use.

### **EQUITY PLATFORM**

Providing ongoing graffiti abatement maintenance services supports the beautification and cleanliness of Metro facilities, enhancing patrons' experience while utilizing Metro's transit system. Bus and Rail station cleanliness was identified as one of the top areas of concern in the 2022 Customer Experience Survey conducted to develop the Metro Customer Experience Plan 2023 and assist with funds allocation for the FY24 budget.

As part of this solicitation, two Systemwide Metro Connect Industry Forum Outreach events were conducted on August 23, 2023 and August 31, 2023. During these outreach events, staff provided an overview detailing policies for the SBE Programs for competitively negotiated procurements.

This procurement was solicited under the Small Business (SB) Prime (Set-Aside) program. BriteWorks, Inc., an SB Prime, made a 33% SBE commitment for Region 1, and Bread & Water Landscape, LLC, an SB Prime, made a 35% SBE commitment for Regions 2 and 3.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The staff recommendation supports Strategic Goal 2: Deliver outstanding trip experiences for all users of the transportation system. Performing ongoing graffiti abatement maintenance services will ensure safe and clean conditions while enhancing customers' experience.

### **ALTERNATIVES CONSIDERED**

The Board may elect not to approve the recommendations. This option is not recommended as it would result in a gap in service that would impact Metro's system safety, cleanliness, operation, and customer experience.

After completing a financial-based insourcing/outourcing study based on a quantitative and qualitative assessment, staff has conducted an initial analysis of insourcing/outourcing options for graffiti abatement services, among other services. Based on the findings, graffiti abatement services may be considered for insourcing. Approving this recommendation for a contract award will allow staff the time during the three-year base contract term to take the necessary steps for the planning, acquisition of equipment and materials, allocation of resources, training, and implementation to bring graffiti abatement services in-house.

### **NEXT STEPS**

Upon approval by the Board, staff will execute Contract No. OP91160-20028370 for Region 1 with BriteWorks, Inc., and Contract No. OP91160-20008370 for Regions 2 and 3 with Bread & Water Landscape, LLC, to provide graffiti abatement maintenance services, effective August 1, 2024.

### **ATTACHMENTS**

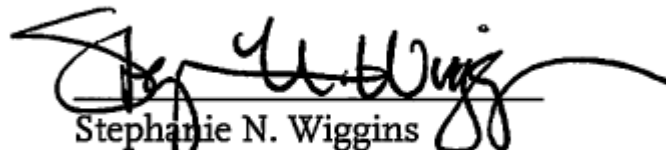
Attachment A - Procurement Summary  
Attachment B - DEOD Summary  
Attachment C - Three Regions' Maps

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