



Board Report

File #: 2015-1164, File Type: Contract

Agenda Number: 65.

SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE SEPTEMBER 17, 2015

SUBJECT: GRAFFITI ABATEMENT, LANDSCAPE AND IRRIGATION MAINTENANCE, AND TRASH AND VEGETATION REMOVAL SERVICES

**ACTION: PART A - APPROVE CONTRACT AWARD FOR REGIONS 1- 4
PART B - AMEND FY16 BUDGET TO ADD FUNDS TO CC3367**

RECOMMENDATION

AUTHORIZING the Chief Executive Officer to:

- A. Award a firm fixed unit rate Contract under RFP No. PS11654, for Region 1 to **Woods Maintenance Services, Inc., the second lowest responsive and responsible proposer, to provide graffiti abatement, landscape and irrigation maintenance, and trash and vegetation removal services throughout Metro Red Line (MRL), Metro Purple Line, Metro Orange Line (MOL), Inactive rights-of-way (IROWs) and various bus and rail locations within the geographical area specified as Region 1**, for a not-to-exceed amount of \$16,542,520 for the three-year base period, \$5,462,340 for the first option year, and \$5,462,340 for the second option year, for a combined total of \$27,467,200, effective October 1, 2015 through September 30, 2020.
- B. Award a firm fixed unit rate Contract under RFP No. PS11654, for Region 2 to **Parkwood Landscape Maintenance, Inc., the lowest responsive and responsible proposer, to provide graffiti abatement, landscape and irrigation maintenance, and trash and vegetation removal services throughout Pasadena Gold Line (PGL), IROWs and various bus and rail locations within the geographical area specified as Region 2**, for a not-to-exceed amount of \$12,599,235 for the three-year base period, \$4,352,459 for the first option year, and \$4,568,300 for the second option year, for a combined not-to-exceed total of \$21,519,994, effective October 1, 2015 through September 30, 2020.
- C. Award a firm fixed unit rate Contract under RFP No. PS11654, for Region 3 to **Woods Maintenance Services, Inc., the second lowest responsive and responsible proposer, to provide graffiti abatement, landscape and irrigation maintenance, and trash and vegetation removal services throughout Metro Expo Line (Expo I), Metro Green Line (MGL), IROWs and various bus and rail locations within the geographical area specified as Region 3**, for a not-to-exceed amount of \$16,863,892 for the three-year base period, \$5,575,764 for the first option year, and \$5,575,764 for the second option year, for a combined total of \$28,015,420, effective October 1, 2015 through September 30, 2020.

- D. Award a firm fixed unit rate Contract under RFP No. PS11654, for Region 4: **Parkwood Landscape Maintenance, Inc., the lowest responsive and responsible proposer, to provide graffiti abatement, landscape and irrigation maintenance, and trash and vegetation removal services throughout Metro Blue Line (MBL), Harbor Transitway (HTW), IROWs and various bus and rail locations within the geographical area specified as Region 4.** This contract amount consists of \$11,996,937 for the three-year base period, \$4,141,657 for the first option year, and \$4,346,958 for the second option year, for a combined total of \$20,485,552, effective October 1, 2015.
- E. Amend the FY16 budget to add funds to CC3367 in the amount of \$14,625,000 to ensure sufficient funding and service continuity for the four regions under RFP No. PS11654.

ISSUE

Maintenance of graffiti abatement, landscape and irrigation, and trash and vegetation removal services were historically provided as three separate services. Since the landscape and irrigation maintenance services contract expired on April 30, 2013, previous bids were received and rejected as none of the bidders were deemed responsive and responsible. In the interim, landscape and irrigation maintenance services are being provided under the existing trash and vegetation removal services contract. The two existing contracts for graffiti abatement and trash and vegetation removal services will expire on September 30, 2015.

Considering the significantly large service area throughout Los Angeles (LA) County, including approximately 180 miles of active and inactive Metro ROWs and over 300 Metro-owned bus and rail facilities, the service area has been divided into four regions. The three services listed above were combined to be performed under one contract per region. These actions were taken to enhance and increase competition and attract more companies to do business with Metro.

Under these new regional comprehensive services contracts, the contractors will provide graffiti abatement, landscape and irrigation, and trash and vegetation removal services throughout Metro-owned active and inactive ROWs and bus and rail facilities within LA County.

Prevailing Wage

As a recipient of state and federal funds, Metro is required to monitor and enforce contractor compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and the U.S. Department of Labor (DOL) Davis Bacon and Related Acts (DBRA) on Metro public works projects. Public works as defined by the California Labor Code is construction, alteration, demolition, installation, or repair work (including maintenance) done under contract and paid with public funds. Workers employed on public works projects must be paid the prevailing wage rates determined by the State DIR according to the trade classification used and the location of the project.

The federal DBRA applies to contractors and subcontractors performing on federally funded or assisted contracts for the construction, alteration, or repair (including painting and decorating) of

public buildings or public works. Like the DIR, DOL contractors and subcontractors must pay their workers no less than pre-determined prevailing wages for the classification used on the project.

The Living Wage Policy & Service Contract Worker Retention Policy was adopted by the Metro Board April 24, 2014 with an effective date of July 1, 2014. Pursuant to that policy, Metro now has three wage classifications: state prevailing wage, federal prevailing wage and living wage, which apply primarily to service contracts. The policy stipulates that if a contract is subject to a federal or state prevailing wage requirement, the highest of the three wage rates shall apply. Most employers in California are subject to both the federal and state wage laws. The rule in California is that the employer must follow the stricter standard, i.e., the one that is most beneficial to the employee, and in most cases, California prevailing wages are slightly higher than federal prevailing wages.

The initial funding source for this contract was through State and Federal funds. On May 12, 2015, an amendment to this contract was issued changing the funding source to State funding only. While the change in funding source resulted in applying Metro's living wage for the landscape and irrigation services, the rates determined by the DIR for graffiti abatement and trash and vegetation removal services remain significantly higher than Metro's living wage, as shown within the Table below.

FUNDING SOURCE APPLICABILITY	METRO LIVING WAGE / STATE Rates Shown Below are Based on Using th Highest of the Two Wages		
Service Type	Graffiti Abatement	Landscape & Irrigation	Trash & Vegetation Rem
State DIR Recommended Classification	DIR: Painter, Lead Abatement	Metro Living Wage: Landscape Laborer	DIR: Laborer Group 1
Non-Fully Burdened Hourly Rate	\$43.37	\$16.04	\$48.88
FEDERAL WAGES (NOT APPLICABLE FOR THIS CONTRACT) SHOWN ONLY FOR COMPARISON PURPOSES			
Federal DOL Recommended Classification	DOL: Painter	DOL: Laborer Group 1	DOL: Laborer Group 1
Non-Fully Burdened Hourly Rate	\$42.55	\$46.67	\$46.67

Providing the required graffiti abatement, landscape and irrigation maintenance and trash and vegetation removal services system-wide requires new contract awards along with an amendment of the FY16 budget, with an effective start date of October 1, 2015.

DISCUSSION

Under these new regional contracts, each contractor will provide regular maintenance services to abate graffiti, perform landscape and irrigation maintenance, and trash and vegetation removal

services within their defined locations.

Graffiti abatement services will be performed five days per week, removing any graffiti via chemical and/or pressure washing techniques throughout the system, within 24 hours and upon securing track allocation approval to access Metro restricted areas.

The contractors' crews are required to take before and after photos of the vandalized areas for law enforcement before removing graffiti from Metro transit stations, sound walls, retaining walls, bridges, poles, columns, and any other transit structures, five days a week within 24 hours, and in accordance with Metro's safety requirements.

Regular graffiti abatement service for Metro facilities is essential to ensure maintaining a safe, clean, and pleasant environment to our patrons. This service will continue our long standing practice of zero tolerance for graffiti system-wide and enhance the overall appearance and cleanliness of Metro facilities while mitigating criminal activities.

For landscape and irrigation maintenance services, the contractors will provide general maintenance and cleanup services of all landscaped areas system-wide, including trees under 13 feet height, shrubs, vines, groundcover, lawns, planter boxes, and routine irrigation system maintenance. Also, the contractors are required to provide optimal water management service to comply with State and local water agencies conservation ordinances. In addition, the contractors will provide as-needed maintenance services as directed by Metro, such as replacing damaged or lost plant material resulting from natural causes beyond the control of the contractor.

The contractors will also provide regular trash and vegetation removal services throughout Metro-owned bus and rail facilities and ROWs.

Beginning February 2012 and thereafter, graffiti abatement and trash and vegetation removal services were expanded to routinely service the Union Pacific (UP) ROW adjacent to MBL stations, 42 Caltrans Park-and-Ride lots, and provide as needed services for selective non-Metro owned adjacent facilities. These actions were taken to improve the cleanliness and appearance of facilities and ROWs that are often perceived by the public as Metro properties. Service continuity is contingent upon availability of funds.

To avoid service interruptions and continue providing the critical maintenance services described above, contract awards, along with an amendment of the FY16 budget, are required with an effective start date of October 1, 2015.

DETERMINATION OF SAFETY IMPACT

The approval of this item will ensure the continuity of maintenance services, mitigate vandalism activities, enhance Metro-owned ROWs and facilities' overall appearance and cleanliness, and provide a proactive approach to maintenance needs, to ensure delivery of safe, clean, on-time and reliable services system-wide.

FINANCIAL IMPACT

The total amount for regions 1 through 4 under RFP No. PS11654 is \$97,488,166. Given that the contracts' period of performance for all four regions will start on October 1, 2015, an amendment of the FY16 budget is necessary to ensure sufficient funding combined amount of \$14,625,000 for all four regions, under RFP No. PS11654. Funds are to be allocated under cost center 3367 - Facilities Property Maintenance, account 50308, Service Contract Maintenance, under various projects.

Since this is a multi-year contract, the cost center Manager, Project Managers, and Executive Director, Maintenance, are responsible for the balance of funds to be budgeted in future years.

Impact to Budget

The source of funds for this action will come from State and local funding sources that are eligible for Bus and Rail Operating Projects.

ALTERNATIVES CONSIDERED

Preliminary analysis has been initiated for alternatives providing some or all of these maintenance services through Metro in-house staff. Metro staff will continue to explore these alternatives and conduct a thorough study identifying operational and potential cost saving measures to determine the path forward that better serves Metro. However, such alternatives, if considered, may take 12-18 months due to administrative processes requiring discussions with Metro Collective Bargaining Units, the hiring procedure and training of additional personnel, purchase of additional equipment, vehicles, and supplies to support the expanded responsibilities.

NEXT STEPS

Upon approval by the Board, staff will execute contracts to the recommended contractors, to provide graffiti abatement, landscape and irrigation maintenance and trash and vegetation removal services, effective October 1, 2015, per the following:

Region 1, Woods Maintenance Services, Inc.
Region 2, Parkwood Landscape Maintenance, Inc.
Region 3, Woods Maintenance Services, Inc.
Region 4, Parkwood Landscape Maintenance, Inc.

ATTACHMENTS

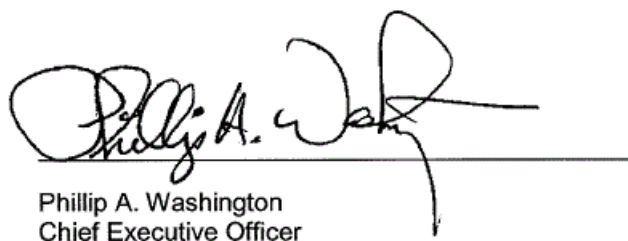
- A. Procurement Summary
- B. Four (4) Regions' Maps

Prepared by: Brady Branstetter, Director, Facilities Maintenance, (213) 922-6767
Lena Babayan, Facilities Maintenance Manager, (213) 922-6765

Questions: Christopher Reyes, Transportation Planning Manager III, Operations, (213)
922-4808

Reviewed by: Ivan Page, Interim Executive Director, Vendor/Contract Management, (213)
922-6383

James T. Gallagher, Chief Operations Officer



Phillip A. Washington
Chief Executive Officer