



Board Report

File #: 2021-0665, File Type: Contract

Agenda Number: 24.

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE NOVEMBER 18, 2021

SUBJECT: INFRASTRUCTURE PROTECTION SERVICES

ACTION: APPROVE CONTRACT MODIFICATIONS

RECOMMENDATION

AUTHORIZE the Chief Executive Officer to:

- A. EXECUTE scope modifications (Attachment A) to align with the move towards reimagining public safety;
- B. EXECUTE Contract Modification No. 9 to Contract No. PS560810024798 with RMI International, Inc. for a six (6) month (April -September 2022) extension to the period of performance inclusive of scope modifications, for an amount not-to-exceed \$19M, increasing the total contract price from \$120,453,758 to \$139,453,758; and extend the period of performance from April 1, 2022, to September 30, 2022; and
- C. EXERCISE one (1) six-month option (October 2022 - March 2023), for an additional amount not-to-exceed \$19M, increasing the total contract price from \$139,453,758 to \$158,453,758, only if necessary to complete the procurement process of a new contract award.

ISSUE

The current overall Metro Security Program consists of three main elements to support the safety strategy:

- Contract Security Guard (RMI International Inc.)
- In-House Metro Security (Transit Security)
- Contract Law Enforcement (LAPD, LASD, LBPD)

The contracted security guard component is designed and deployed as a fully integrated and mutually supportive part of the overall security program by providing dedicated fixed-post security protections to Metro properties, including employee parking facilities, Metro Rail and Metro Bus System parking lots, Metro support facilities, and for short-term assignments and special security operations, as necessary. Security guard services are deployed at Metro facilities and properties based on our analysis of overall risks, vulnerability assessments, area crime rates, the configuration

of facilities, and special identified needs.

The existing contract will expire on March 31, 2022. An extension will allow Metro staff sufficient time to finalize the scope of work (SOW) that will incorporate Public Safety Advisory Committee (PSAC) input for the new solicitation, launch a new competitive solicitation process to procure infrastructure protection services and award a new contract.

BACKGROUND

RMI provides infrastructure protection services at selected locations of the regional Metro system to protect Metro assets, staff, and prevent unlawful entry into secured areas.

Since the Metro Board approved the award of a five-year, firm-fixed unit price contract to RMI for security guard services in September 2016, additional costs have been incurred to provide additional coverage for special events and new services and to support the increasing demand for visible security presence, system-wide, to deter crime and address homelessness.

To support the increasing demand for a visible security presence, in April 2018 Metro increased security guard presence in the underground stations on the Red and Purple Rail Lines.

In February 2019 an increase in staffing levels was also required to support the opening of the Southwest Yard facility and Location 64, as well as an increase in 24-hour security guard presence at the following locations: Soto, Mariachi Plaza, and North Hollywood Stations, and the new Rosa Parks Customer Service area.

In addition, Contract No. PS560810024798 was impacted by the unforeseen higher living wage increases during the FY17/18 and FY18/19 budget cycles. These rates are subject to an annual increase every July 1. These rate increases have exceeded the originally anticipated annual rate of increase Metro advised proposing firms to use in determining their price proposals for multi-year contracts.

In October 2018, the Board approved the staff's recommendation to cap the annual living increases for both active and future contracts to 3% effective July 1, 2019. However, additional funding was required to cover the unanticipated living wage rate increases from prior years.

June 2021, Metro board approved a six (6) month extension to the allow time for System Security and Law Enforcement (SSLE) to conduct a comprehensive evaluation of Metro's existing infrastructure protection service requirements and consult with the newly formed Public Safety Advisory Committee (PSAC) in the development of a revised scope of services resulting in a new solicitation focused on reimaging safety for our ridership.

Contract Modification No. 9 is required in order to continue to provide preventative physical security at Metro stations, parking lots/structures, and critical infrastructures and increase visible protection presence at bus/rail maintenance facilities and systems. This modification will also allow continued

engagement with PSAC regarding recommendations to future infrastructure protection services contract.

PSAC meetings commenced in April 2021, with the introduction of the IPS ad-hoc subcommittee in June. Since then, the ad-hoc subcommittee has held 10 meetings. Members have engaged in discussions regarding the existing contract, reviewed data on calls for service and use of force, and had an opportunity to hear directly from front-line RMI security staff.

Based on the hard work and feedback received through the ad-hoc subcommittee meetings, Metro staff developed the proposed recommendations to the existing contract SOW.

DISCUSSION

Providing a visible security presence is an effective deterrent to crime and disorder and mitigating acts of terrorism. Toward that end, Metro's private sector security contract plays an important role in safeguarding patrons, employees, and facilities. This contracted function has been a key enhancement to existing staffing levels and assigning guards to areas previously understaffed.

The extension of the contract supports the following priorities:

1. Increasing physical security at stations and parking lots/structures;
2. Safeguarding critical infrastructure;
3. Improving security at bus/rail maintenance facilities.

Under this contract, RMI provides infrastructure protection services at selected locations of the regional Metro system including rail and bus lines, stations, transit facilities, parking lots, construction sites, bus and rail operating divisions, and maintenance facilities. It also provides preventative physical security by inspecting station ancillary structures and hatches, which deters damage to critical infrastructure. This contract also provides additional protection services on an as-needed basis for emergencies. The extra security visibility positively impacts the perception of security felt by customers and employees.

The \$19M funding request for each six (6) month extension is based on the following factors:

1. Year 5 Actual Service Hours: 390,500, (\$11.5M)
2. Planned restoration of temporally suspended hours during CY 2020 due to COVID: 91,500, (\$3.0M);
3. Expansion for CLAX which includes seven (7) rail stations: 90,000 Hours (\$3.0M);
4. New expansion of three (3) rail stations for the Regional Connector: 26,208 Hours (\$800K); and
5. Implementation of recommendations for reimagining public safety (\$300K)

It is important to recognize the direction from our Board of Directors and sentiments from the communities we serve to do a complete and thorough reenvisioning of public safety on the Metro

system ensuring an environment where everyone feels safe and respected. The following recommendations represent the first step forward in reimagining policing on the Metro system.

Metro staff's recommendations (Attachment A) are as follows:

- To align with the Public Safety Mission and Values Statement, Acknowledging Context, it is recommended that security contractors be required to exclude security guards that a law enforcement agency has previously terminated from working on the Metro contract and,
- Expand background checks to include psychological testing, and
- Utilize an early warning software system that flags multiple complaints and/or use of force incidences.
- To align with the Public Safety Mission and Values Statement, Emphasizing Compassion, it is recommended the contractor enhance training to include Implicit Bias, How to Better Serve Persons with Disabilities, including Mental and Development Disabilities, How to Assist Persons Who are Unsheltered, and Excellence in Customer Service.
- To align with the Public Safety Mission and Values Statement, Implement a Community-Centered Approach, it is recommended contractors have new uniforms to promote a more approachable, less militaristic appearance and assist the visually impaired for easier identification.
- To align with the Public Safety Mission and Values Statement, Transparency, it is recommended contractors utilize technology to provide for instant incident reporting and video recording.
- To align with the Public Safety Mission and Values Statement, Committing to Openness, it is recommended contractors be consistent with the principles of Campaign Zero "Eight Can't Wait".

As we reimagine our public safety efforts and continue to embrace the expansion of community engagement opportunities, this contract extension will provide immediate short-term actions through modifications to the existing contract that promotes safety, enhances and improves transparency,

and strengthens accountability.

PSAC

On October 5th, Metro staff issued a memo (see attachment E) to the ad-hoc subcommittee detailing staff recommendations in response to the ideas heard from members since June. The ad-hoc subcommittee met on October 12th to discuss the memo and provide feedback. Overall, there was alignment with most of the recommended categories. However, additional revisions were made based on the feedback received, and a supplemental memo (see attachment E) was provided to the full PSAC, with the concurrence of the ad hoc committee on October 20th.

On November 3rd, the committee was asked to consider staff's proposal to incorporate recommendations informed by the ad-hoc subcommittee, excluding staff's recommendation for a body-worn camera alternative. With 9 "no" votes, 3 "yes" votes, and 2 abstentions, the item did not pass (see attachment F).

DETERMINATION OF SAFETY IMPACT

This Board action will not have any negative impact on safety.

FINANCIAL IMPACT

The increase of up to \$19,000,000 will be added to the contract value in the System Security and Law Enforcement Department budget, in Cost Center 2612. The FY22 Budget includes \$23.7 million in Cost Center 2612, Account 50399 in multiple Bus and Rail projects. The Chief System Security and Law Enforcement Officer and the Project Manager will be responsible for the future budgets for exercising the option of an additional six (6) month extension of up to \$19,000,000 for a total additional contract value of up to \$38,000,000.

IMPACT TO BUDGET

The source of funds for these Projects will be local operating funds including Proposition A, C, TDA, Measure R and Measure M taxes. These funds are eligible for Bus and Rail Operations.

EQUITY PLATFORM

RMI made a 33.20% Disadvantaged Business Enterprise (DBE) commitment exceeding the established 30% goal for the solicitation. Based on payments reported, the contract is 82.19% complete and the current DBE participation is 30.42%, representing a 2.78% shortfall.

The RMI team includes four DBE subcontractors: Allied Protection Services, Inc., North American Security and Investigations, Inc. American Eagle Protective Services and Absolute International Security. Collectively, the DBE subcontractors provided 35.4 % of armed security personnel required by the contract. RMI is currently working with Metro staff to add three additional subcontractors to address the 2.78% DBE shortfall.

ALTERNATIVES CONSIDERED

The Board may decline to approve the contract modification, consistent with the PSAC recommendation. This alternative is not recommended because:

- the contract modification will increase accountability, transparency, and cultural sensitivity through the enhanced trainings and updated uniforms. These enhancements are all important factors in building trust and legitimacy with the public we serve; and
- Metro currently does not have internal resources to provide the necessary staffing level needed system-wide, to safeguard infrastructure, employees, and patrons.

Staff will continue to partner with the PSAC and seek their feedback on how to improve accountability and transparency in the new Infrastructure Protection Services contract.

NEXT STEPS

Upon Board approval, staff will execute Modification No. 9 to Contract No. PS560810024798 with RMI International, Inc., to continue to provide infrastructure protection services to the end of the extended contract term.

ATTACHMENTS

Attachment A - Infrastructure Protection Services Contract Recommendations

Attachment B - Procurement Summary

Attachment C - Contract Modification/Change Order Log

Attachment D - DEOD Summary

Attachment E - Staff Recommendations

Attachment F - PSAC November 3rd Meeting Votes

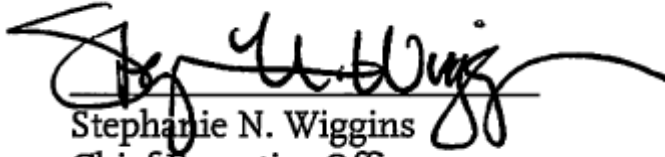
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