

**Board Report**

File #:2015-1778, **File Type:**Contract**Agenda Number:**

**SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE
FEBRUARY 18, 2016****SUBJECT: FENCE REPAIR AND INSTALLATION SERVICES FOR METRO RAIL RIGHTS-OF-WAY, FACILITIES AND PARCEL PROPERTIES****ACTION: APPROVE CONTRACT AWARD****RECOMMENDATION**

Authorize the Chief Executive Officer to award a firm fixed unit rate Contract No. OP4056400OP for Fence Repair and Installation Services for Metro Rail Rights-of-Way, Facilities and Parcel Properties with APW Construction Inc, DBA Ace Fence Co., for a not-to-exceed amount of \$1,000,800, for the three-year base period effective April 1, 2016 through March 31, 2019, plus \$343,200 for the first option year, and \$352,800 for the second option year, for a combined total of \$1,696,800.

ISSUE

There are multiple types of fencing systems installed on the perimeters of Metro operational and non-operational railroad properties throughout Los Angeles County. Property fences are subject to damage due to vandalism, forced entries, vehicle accidents and natural disasters requiring repair on an as-needed basis.

As Metro continues to upgrade the existing infrastructure, expand its services to include new rail construction stations and facilities, and continuously refine Metro's safety requirements and procedures, timely response to fencing repair and installation is required.

An ongoing fence replacement installation, maintenance, and repair service is necessary for rapid response to emergencies, to prevent endangering lives, protect public properties by restricting access to Metro-owned facilities, and to secure other restricted areas.

Although the current contract OP3344112821 term will not expire until January 30, 2017, several necessary as-needed fencing repair and installation services have been provided in support of Metro's construction and maintenance safety related projects, resulting in insufficient funds remaining within the current contract. Therefore, the current contract will expire because the authorized funding is fully expended and staff proactively issued a new solicitation allowing an opportunity for competition and small business participation.

DISCUSSION

In order to meet Metro's security needs, fencing is required on active railroad rights-of-way, electrified railroad yards and traction power substations to prevent the public from accessing these restricted areas and placing themselves at the risk of being hit by trains or electrocuted by third rail or high-power electrical lines.

Fencing on other Metro rail operating properties and storage yards is necessary to restrict access to trespassers, mitigate

illegal dumping, and to protect Metro properties from theft and vandalism.

To avoid service interruption and continue providing safe and timely fencing repair and installation services, a new contract award is required effective April 1, 2016.

DETERMINATION OF SAFETY IMPACT

The approval of this item will ensure safe, timely and quality as-needed fencing repair and installation services system-wide.

FINANCIAL IMPACT

Funding of \$83,400 under this contract for the remainder of FY16 is included in the FY16 budget within 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 will ensure that the balance of funds is 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 or Capital Projects. These funding sources will maximize the use of funds for these activities.

ALTERNATIVES CONSIDERED

Staff considered providing this service with in-house staff. This would require the hiring and training of additional personnel, purchase of additional equipment, vehicles, and supplies to support the expanded responsibility. Staff's assessment indicates this is not a cost-effective option for Metro.

NEXT STEPS

Upon approval by the Board, staff will execute Contract No. OP4056400OP to APW Construction Inc., DBA Ace Fence Co., to provide Fence Repair and Installation Services for Metro Rail Right of Ways, Facilities and Parcel Properties effective April 1, 2016.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - DEOD Summary

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PROCUREMENT SUMMARY

FENCE REPAIR AND INSTALLATION SERVICES FOR METRO RAIL RIGHTS-OF-WAY, FACILITIES, AND PARCEL PROPERTIES/OP4056400OP

| | | |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| 1. | Contract Number: OP4056400OP | |
| 2. | Recommended Vendor: APW Construction, Inc., DBA Ace Fence Company | |
| 3. | Type of Procurement (check one): <input type="checkbox"/> RFP <input checked="" type="checkbox"/> IFB <input type="checkbox"/> IFB-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order | |
| 4. | Procurement Dates: | |
| | A. Issued: August 11, 2015 | |
| | B. Advertised/Publicized: August 11, 2015 | |
| | C. Pre-proposal/Pre-Bid Conference: August 18, 2015 | |
| | D. Proposals/Bids Due: September 22, 2015 | |
| | E. Pre-Qualification Completed: September 25, 2015 | |
| | F. Conflict of Interest Form Submitted to Ethics: November 19, 2015 | |
| | G. Protest Period End Date: February 25, 2016 | |
| 5. | Solicitations Picked up/Downloaded: 13 | Bids/Proposals Received: 1 |
| 6. | Contract Administrator: Rommel Hilario | Telephone Number: (213) 922-4654 |
| 7. | Project Manager: Carlos Martinez | Telephone Number: (213) 922-6761 |

A. Procurement Background

This Board Action is to approve contract award in support of Facilities Maintenance to provide masonry walls, wrought iron, steel picket, welded wire mesh, and chain link fence installation, maintenance, and repair services for all Metro owned rail Rights-of-Way (ROWs), facilities and parcel properties as outlined in Invitation for Bid (IFB) No. OP1617533673491.

The IFB was issued as a competitive procurement in accordance with Metro's Acquisition Policy. The contract type is firm fixed unit price.

Three amendments were issued during the solicitation phase of this IFB:

- Amendment No. 1, issued on August 13, 2015, provided answers to bidders questions;
- Amendment No. 2, issued on August 28, 2015, provided pre-bid conference material including sign-in sheets, planholder's list, and prevailing wage information;
- Amendment No. 3, issued on September 14, 2015, extended the bid due date.

A pre-bid conference was held on August 18, 2015. One bid was received on September 22, 2015.

Metro staff conducted a market survey to determine why there were no other bids received, per the Acquisition Policy. Four firms responded with the following reasons:

1. Potential bidder felt that the SBE goal was too prohibitive.
2. Potential bidder decided that the solicitation process was too burdensome.
3. Potential bidder did not have sufficient resources to submit a bid.
4. Potential bidder arrived 15 minutes after the bid opening and did not submit their bid.

Based on the market survey and further analysis, it was determined that the solicitation was not restrictive and the decisions not to bid were based on individual business considerations as affirmed by the responses. Adequate competition exists as the solicitation was performed in an environment where all bidders believed that competition was available. Therefore, this solicitation can be awarded as a competitive award.

B. Evaluation of Bids

This procurement was conducted in accordance, and complies with, the Metro Acquisition Policy for a competitive sealed bid.

One bid was received from the incumbent, APW Construction, Inc., DBA Ace Fence Company. The firm was determined to be responsive, responsible and qualified to perform the required services based on the IFB's minimum requirements and technical evaluation by the Project Manager. Reference checks were conducted which resulted in positive remarks.

C. Cost/Price Analysis

The recommended pricing for the contract is fair and reasonable based on the firm's published prices, independent cost estimate, and technical evaluation. The bid unit prices are the same as the unit prices in the current contract.

| BIDDER | AMOUNT | METRO ICE | AWARD AMOUNT |
|-------------------|---------------|------------------|---------------------|
| Ace Fence Company | \$1,696,800 | \$1,761,600 | \$1,696,800 |

D. Background on Recommended Contractor

Ace Fence Company originally started in the San Gabriel Valley in 1949, and is currently providing fence repair and maintenance services to Metro. In 1988 the company was acquired by America Tang, who has owned and managed the company until today. Ace Fence Company jobs are comprised of 95% Public Works and 5% Commercial and Industrial work. They are signatory to a collective bargaining agreement with the Southern California District Council of Laborers and

its affiliated locals. The company is one of California's earliest generation of fence contractors, providing engineering expertise in fencing to serve the Southern California community in all their fencing needs. Ace Fence Company has built and maintained a high reputation as a fence leader in the Southern California region, and they serve as fence consultants to many local agencies and major engineering firms. Ace Fence Company services customers from Santa Barbara to San Diego. The firm is certified as an MBE, WBE, SBE, DBE and UDBE. Ace Fence Company is listed in the Top 100 Women Owned Companies in the Los Angeles County since 1990. One of their largest projects was the construction of the electrified fence for the 105 Century Freeway spanning from the 605 Freeway to Los Angeles International Airport. The 34-mile median barrier chain link fence on both sides of the Metro Green Line was installed and completed within 45 days.

DEOD SUMMARY

FENCE REPAIR AND INSTALLATION SERVICES FOR METRO RAIL RIGHTS-OF-WAY, FACILITIES, AND PARCEL PROPERTIES/OP4056400P

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established a 20% Small Business Enterprise (SBE) goal for this project. APW Construction, Inc., DBA Ace Fence Company, an SBE Prime, exceeded the goal by making a 100% SBE commitment.

| | | | |
|----------------------------|----------------|----------------------------------|-----------------|
| Small Business Goal | 20% SBE | Small Business Commitment | 100% SBE |
|----------------------------|----------------|----------------------------------|-----------------|

| | SBE Subcontractors | % Committed |
|----|---------------------------|--------------------|
| 1. | Ace Fence Company (Prime) | 100% |
| | Total Commitment | 100% |

B. Living/Prevailing Wage and Service Contract Worker Retention Policy Applicability

The Living Wage and Service Contract Worker Retention Policy is not applicable to this contract.

C. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this project. DEOD will monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

D. Project Labor Agreement/Construction Careers Policy

The Project Labor Agreement/Construction Careers Policy is not applicable to this project.