



**OPERATIONS COMMITTEE
JANUARY 15, 2004**

SUBJECT: GRAFFITI ABATEMENT SERVICES FOR METRO TRANSIT FACILITIES

ACTION: MODIFY EXISTING CONTRACT TO EXTEND PERIOD OF PERFORMANCE BY ONE YEAR

RECOMMENDATION

Authorize the Chief Executive Officer to execute Modification No. 5 to Contract No. OP33402512 with Graffiti Control Systems to provide graffiti abatement services for Metro transit stations and facilities for a period of one year in an amount not to exceed \$497,600, inclusive of a \$40,000 contingency for as-needed services, increasing the total contract value from \$1,161,488 to \$1,659,088.

RATIONALE

Contract No. OP33402512 provides graffiti abatement services for all MTA Metro transit stations and rail facilities. Removal of graffiti from transit stations is necessary to alleviate its negative visual impact on systems riders. The current contractor, Graffiti Control Systems (GCS), deploys graffiti removal technicians that inspect the stations and facilities daily (Monday-Friday). The technicians remove any sprayed-on graffiti found during daily inspection, or through the reports by others, usually on the same day it is found or reported.

The current contract is due to expire on January 31, 2004, with no option periods remaining. A recent competitive solicitation, which began nearly six months ago for a 5-year replacement contract, had to be canceled pending clarifications from the State Contractors License Board and State of California Department of Industrial Relations (DIR) regarding contractor license requirements and the application of prevailing wages for this type of work. The pending prevailing wage issue could easily double the cost of this contracted service and will take considerable time to resolve with the state agency having jurisdiction. In the interim, in order to avoid disruption of service, staff recommends that the current contract be extended for a period of one year, starting February 1, 2004, under the current terms and conditions.

The recommendation also includes a scope increase over prior expenditure levels to further improve station cleanliness by adding three service technicians to the current work force of seven

for a total of ten crews. One technician is requested to service the Gold Line and the other two will be utilized to augment the current work force to improve graffiti removal efforts. This requested increase accounts for \$150,000 of the total \$497,600 amendment amount.

IMPACT TO OTHER CONTRACTS

There are no impacts to other contracts.

FINANCIAL IMPACT

The funding of \$331,181 for this service is included in the FY04 budget in cost center 3344, Contract & Administration under project 300011 (Bus Operations), 300022 (Blue Line Operations), 300033 (Green Line Operations), 300044 (Red Line Operations) and 300055 (Gold Line Operations). Since this contract will be extended into the next fiscal year, the Cost Center Manager and Deputy Executive Officer will be accountable for budgeting the cost in part of FY05. In FY03, \$244,733 was expended on this service.

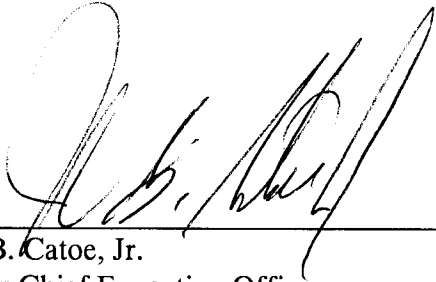
ALTERNATIVES CONSIDERED

One alternative considered is to provide the service in-house. This would require the hiring of additional personnel and the purchase of additional equipment, vehicles and supplies. Staff's analysis indicates that this is not a cost-effective option for the MTA. However, if staff's appeal regarding the DIR's prevailing wage determination is rejected, consideration will be given to reevaluate the option of using in-house union labor for this work. Another alternative considered is not to increase the number of technicians from seven to ten. Lack of this increase will result in inadequate graffiti removal from transit facilities, especially the newly opened Gold Line, and an inability to meet the stated goal of removing graffiti from transit facilities within 24 hours during workdays.

ATTACHMENTS

- A. Procurement Summary
- A-1 Procurement History
- A-2 List of Subcontractors

Prepared by: Denise Longley, Deputy Executive Officer, Facilities/Operations
Hussein Farah, Facilities Maintenance Manager
Robert Vasquez, Sr. Contract Administrator



John B. Catoe, Jr.
Deputy Chief Executive Officer



Roger Snoble
Chief Executive Officer

**BOARD REPORT ATTACHMENT A
PROCUREMENT SUMMARY**

**GRAFFITI ABATEMENT SERVICES
FOR METRO TRANSIT FACILITIES**

1.	Contract Number: OP33402512		
2.	Recommended Vendor: Graffiti Control Systems		
3.	Cost/Price Analysis Information:		
	A. Bid/Proposed Price: \$457,600	Recommended Price: \$497,600 (includes \$40,000 contingency)	
	B. Details of Significant Variances: N/A		
4.	Contract Type: Firm Fixed Unit Rate		
5.	Procurement Dates:		
	A. Issued: N/A		
	B. Advertised: N/A		
	C. Pre-proposal Conference: N/A		
	D. Proposals Due: N/A		
	E. Pre-Qualification Completed: 09/12/03 (renewal)		
	F. Conflict of Interest Form Submitted to Ethics: 12/04/03		
6.	Small Business Participation:		
	A. Bid/Proposal Goal: 20% DBE	Date Small Business Evaluation Completed: October 1998	
	B. Small Business Commitment: 0% DBE. See details in Attachment A-2 regarding Good Faith Efforts (GFE).		
7.	Invitation for Bid/Request for Proposal Data:		
	Notifications Sent: N/A	Bids/Proposals Picked up: N/A	Bids/Proposals Received: N/A
8.	Evaluation Information:		
	A. Bidders/Proposers Names: Graffiti Control Systems	<u>Bid/Proposal Amount:</u> \$457,600 (excluding \$40,000 contingency)	<u>Best and Final Offer Amount:</u> N/A
	B. Evaluation Methodology: Details are in Attachment A-1.C		
9.	Protest Information:		
	A. Protest Period End Date: N/A		
	B. Protest Receipt Date: N/A		
	C. Disposition of Protest Date: N/A		
10.	Contract Administrator: Robert Vasquez	Telephone Number: 213-922-1044	
11.	Project Manager: Hussein Farah	Telephone Number: 213-922-8877	

**BOARD REPORT ATTACHMENT A-1
PROCUREMENT HISTORY**

**GRAFFITI ABATEMENT SERVICES
FOR METRO TRANSIT FACILITIES**

A. Background on Contractor

Graffiti Control Systems (GCS) is located in North Hollywood, CA and has been in business for over 25 years. GCS is the largest state-licensed graffiti abatement and removal contractor in the U.S. and serves more commercial businesses and public agencies than any other contractor. Barry Woods, the owner of GCS, has provided graffiti abatement services to the MTA for over five years and also has other contracts for various maintenance services with the MTA through GCS's sister companies, Hydro Pressure Systems and Woods Maintenance, Inc. GCS is a reputable contractor and has provided satisfactory service to the MTA over the years.

B. Procurement Background

Although the pending procurement action is a non-competitive extension to an existing contract, the contract was initially awarded in 1998 through the competitive sealed-bid process. At that time, the MTA established a 20% Disadvantaged Business Enterprise (DBE) participation goal for this project. The lowest bidder, GCS, did not meet the 20% DBE goal; however, it successfully passed the Good Faith Efforts (GFE) evaluation and was determined responsive to the DBE program requirements. The Board approved the contract award to GCS on October 22, 1998 for a five-year period, inclusive of two one-year options. The contract has been subsequently amended as follows:

- Amendment No. 1: approved by the Board on October 25, 2001, added service coverage for eight Metro Red Line Stations and two Harbor Transitway Bus Stations at a cost of \$208,693.
- Amendment No. 2: exercised the second one-year option with no additional funding required.
- Amendment No. 3: added coverage for Metro Gold Line with no additional funding required.
- Amendment No. 4: extended the contract for 3 months and added \$100,000 in funding.

As the prime contractor, GCS has used its own workforce for the entire scope of work without subcontracting any portion of the work. However, pursuant to the DBE program requirements, if the contractor utilizes the services of subcontractors, it is expected to afford maximum opportunities to DBEs in all subcontractor and service areas.

C. Evaluation of Bids/Proposals

This procurement action is based on a request for a non-competitive quotation from GCS to extend the existing contract by one year under current terms and conditions. The non-competitive quotation has been reviewed and is in compliance with MTA Procurement Policies and Procedures.

D. Cost/Price Analysis

The recommended price has been determined to be fair and reasonable based on a price analysis and current market rates and prices.

Bid/Proposal Amount	MTA Estimate	Recommended/Negotiated Amount
\$457,600 (excluding contingency)	N/A	\$497,600 (including contingency of \$40,000)

**BOARD REPORT ATTACHMENT A-2
LIST OF SUBCONTRACTORS**

**GRAFFITI ABATEMENT SERVICES
FOR METRO TRANSIT FACILITIES**

PRIME CONTRACTOR – GRAFFITI CONTROL SYSTEMS (GCS)

Small Business Commitment

Other Subcontractors

None

None

Total Commitment: 0% DBE (GCS did not meet 20% DBE goal but passed GFE requirements.)

