



Metro

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TO: BOARD OF DIRECTORS

THROUGH: ARTHUR T. LEAHY *by PCT*
CHIEF EXECUTIVE OFFICER

Michelle Lopes Caldwell
FROM: MICHELLE LOPES CALDWELL
CHIEF ADMINISTRATIVE SERVICES OFFICER

SUBJECT: UPDATE ON FY12 NON-COMPETITIVE PROCUREMENTS

ISSUE

In November 2009, the Board requested Management Audit Services (MASD) to conduct an audit on MTA's procurement processes, specifically sole source and single bid procurements. MASD completed their audit and reported their findings and recommendations to the Board in May 2010.

One of the recommendations was for Administrative Services to provide the Board with a report discussing the status of non-competitive procurements. This report covers FY12 (July 1, 2011 to June 30, 2012).

DISCUSSION

A summary of the total actions occurring over the past two years is listed below:

Source Type	FY11	FY12
Micro, Small Purchase and Competitive	21,749	23,740
Invitation for Bid – Single Bid	9	31
Request for Proposal – Single Proposal	3	16
Non-Competitive	180	173
Total Actions	21,941	23,960

From FY11 to FY12 there was an increase of 2,019 total procurement actions which equates to a 9.2% increase. Out of the 23,960 procurement actions 173 were non-competitive which is less than 1% of the total procurement actions, the same percentage as in FY11. The reasons for these non-competitive procurements are listed below.

Reason	Definition	FY11	FY12
Advertising	Promote MTA to a selected audience.	7	1
Change to Existing Contract	Includes modification for added scope of work, task orders, and amendments to add funding. In general, original contract was competitively bid.	10	7
Emergency	Requirement demands immediate action.	6	11
Memorandum of Understanding	Agreement usually between MTA and another government agency.	7	4
Original Equipment Manufacturer	Product is only available from original manufacturer.	15	5
Proprietary	Required when agreement is with a vendor who owns the right to the product, such as a software program.	98	105
Single Source	Service or product is only available from one source or MTA chooses to use one source, generally due to unique expertise.	37	40
Total Actions		180	173

Out of the 40 Single Source procurements, 31 were less than \$100K and 9 were between \$100K and \$400K. See Attachment A for a detailed analysis of the single source non-competitive procurements and dollar amounts.

NEXT STEPS

Procurement will continue to monitor non-competitive procurements and provide an annual update for this Fiscal Year (FY13) in September 2013.

Attachment A: Single Source Non-Competitive Procurement Activities

FY12 SINGLE SOURCE NON-COMPETITIVE PROCUREMENTS

ATTACHMENT A

Line	Vendor	Description of Item	Reason for Single Source	PO Amount	Cost Center Name
1	Snap-On Industrial	Snap On Torque Wrenches for mechanics who graduated training program	Replacement and duplication of existing equipment.	\$ 3,504	Central Instruction Maintenance
2	DLT Solutions Inc.	Purchase Autocad 2012	DLT Solutions, Inc. is the only distributor with the rights to sell the Autodesk (Autocad) product to government agencies via a General Services Agency contract.	\$ 3,624	Project Control
3	Simmons Machine Tool Corporation	Multiple parts for wheel truing machine repair	Simmons is the only approved vendor who provides the wheel truing machine repair.	\$ 4,065	Rail Fleet Services Maintenance Administration Red Line
4	Master K-9, Inc.	Annual Security Canine Training for FY12	This contract was originally competitively procured. At the time, the vendor provided the canines as well as annual training. It is necessary for annual training to be handled by the same trainers as the dogs are familiar and comfortable with their trainers. To change trainers after the relationship has already been established and maintained throughout the years would be counterproductive.	\$ 4,500	System Security & Law Enforcement
5	Crossroads Software, Inc.	Database to exchange files between ACS INC. & Crossroads	Crossroads has a specialized database for checking and transferring prior history on tickets, etc.	\$ 4,900	Transit Court
6	Specialized Business Systems, Inc.	Service agreement for Lektrievers	Several vendors were contacted to submit quotes for service and did not respond. SBS has done and continues to be the only firm to provide service for Lektrievers.	\$ 5,180	Administrative Business Services
7	Fence Fabric	Transportation Art Program - Mural Replica	Metro was directed by Caltrans to use their approved Contractor that provided murals along local freeways.	\$ 5,777	Freeway Service Patrol
8	Consolidated Office System	Purchase Shelving for Risk Management Department	The Aurora Quik-Loc Shelving System is currently being used by Department and additional shelving is required at this time. Consolidated Office System has the exclusive rights to sell "Richard Wilcox" shelving. The new shelving will connect to the existing and expand the filing system as needed.	\$ 5,922	Risk Management
9	CPR Industries	To rebuild/install USG Bldg. Air Compressor	USG Compressor Unit failed and was taken apart by vendor to troubleshoot/repair.	\$ 7,510	Building Services

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10	Advanced Technology Innovations, Inc.	Software for Metro Rewards Program	ATI, Inc. licenses the "Stonefield Query" software to Metro for the Metro Rewards Program database.	\$ 7,920	Executive Office, Communications
11	Sierra Monitor Corporation	Wilshire Vermont RTU Fieldserver Interface Replacement	Replacement and duplication of existing equipment.	\$ 9,183	Rail Transit Engineering
12	Nu-Star	Power Pusher for Metro Gold Line	Nu-Star is the only provider of this power pusher that can push weight of up to 100,000 lbs. Gold Line Division needs one to assist with moving rail cars and parts such as motors and alternators. There are other distributors of this equipment, however, they purchase it from Nu-Star.	\$ 9,675	Rail Transit Engineering
13	Nu-Star	Power Pusher for Metro Red Line	Nu-Star is the only provider of this power pusher that can push weight of up to 100,000 lbs. Metro Red Line Division needs one to assist with moving rail cars and parts such as motors and alternators. There are other distributors of this equipment, however, they purchase it from Nu-Star.	\$ 9,675	Rail Transit Engineering
14	Franklin Covey	Leadership Symposium workshops for Metro's Managers/Supervisors.	This is a unique Leadership Training Program developed by Franklin Covey. Franklin Covey is a nationally recognized leader in the area of strategy execution and leadership.	\$ 9,930	Organizational Development & Strategic Planning
15	Accent Gold Solutions, LLC	SAGE Software maintenance, upgrade and support (23 renewals; 2 new licenses, support services).	Continuation of ACT Software maintenance, software upgrade, and technical support services. By going with the same vendor, Metro was able to receive 2012 upgrade pricing and thereby saving \$4,000. The software mfg raised prices and SAGE worked with Metro to keep 2012 pricing.	\$ 10,000	Regional Communications Programs
16	Information Handling Services	Engineering Standards via Internet	This is the only provider of engineering services standards via an internet environment that can deliver the full collections of standards needed to meet the agency's Construction Project Management Division.	\$ 12,060	Construction Contracts

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17	Exponent	Eng Emergency Lab Svcs for Analysis of failed coating materials on Expo Phase 1 LRT	Exponent Failure Analysis Associates (Exponent) is the only provider for the specialized technical analysis services required, which is to perform a specialized laboratory analysis to determine the cause of coating failures on structures and facilities presently being completed on the Exposition LRT Phase I.	\$ 15,000	Executive Office, Construction
18	Liebert Corp.	Purchase AC unit for Server Room at USG	Liebert AC unit needed for server room as it requires same type of unit to be installed so it will be compatible with the other Liebert units.	\$ 15,570	Building Services
19	Holland and Knight LLP	Federal Legislative Advocacy	Metro's Gov't Relations Department required the unique qualifications of this consultant to support Metro's federal legislative transportation interest to help secure support at the federal level for various projects and legislative initiatives.	\$ 24,000	Government Relations
20	Grant Thornton LLP	Audit for Metro Gold Line - Phase 2A	Board mandated request of MAS perform the audit. The firm of Grant Thornton has the expertise to conduct the audit.	\$ 25,000	Management Audit
21	Franklin Covey	Leadership Training Module for Transportation Managers and Assistant Managers	This is a unique Leadership Training Program developed by Franklin Covey. Franklin Covey is a nationally recognized leader in the area of strategy execution and leadership.	\$ 34,935	Organizational Development & Strategic Planning
22	Transtechnik Corp USA	Auxiliary Inverter for P865/P2020 Vehicles	Prototype equipment for purposes of testing and evaluating the item.	\$ 36,109	Rail Fleet Services Maintenance Blue Line
23	Dakota Communications	America Fast Forward Communication Services	The services were available only from a single source based on a unique capability or availability.	\$ 60,000	Executive Office, Communications
24	Impact Recovery Systems, Inc.	Purchase Between Car Barriers for Gold Line	Products offered by other vendors did not fit the design and application required by Metro.	\$ 73,724	Facilities Property Maintenance
25	Tolar Mfg Co Inc	Metro Rapid Poles/Signs	Tolar's unique experience and expertise with regard to the design, manufacturing and permitting requirements of the City of Los Angeles will ensure the completion of this project within FTA approved timeline.	\$ 78,850	Regional Transit Planning

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26	Cliff Madison	Metro Federal Legislative Advocacy Services	The services were available only from a single source based on a unique capability or availability.	\$ 85,000	Government Relations
27	Kelly Lytton & Williams LLP	Metro Strategic Advisory Services	The services were available only from a single source based on a unique capability or availability.	\$ 90,000	Board Relations, Policy & Research
28	Automattic Inc.	Word Press Hosting, Development and Support Services	Required a consultant with expertise in conflict resolution issues pending with the Attorney General and State Legislature.	\$ 90,000	Creative Services
29	Aprea & Micheli, Inc.	Metro State Legislative Advocacy Services	The services were available only from a single source based on a unique capability or availability.	\$ 91,992	Government Relations-State Affairs
30	CCLC	Funds needed for Modification #5 and #6 for Child Care Contract	CCLC was the incumbent child care provider and was preparing to transition out, but Metro Management requested they remain for an additional 6 months, then an additional 3 months to allow new provider to obtain its license for the Metro childcare center.	\$ 95,000	New Business Development
31	D R McNatty & Associates	PMIS Phase 2 Services	Two single source conditions present: substantial duplication costs; and unacceptable delay if another contractor were to pick up and finish work. Contractor originally awarded services as subconsultant to Contract Work Order under Stantec. Senior MTA management requested new contract mechanism to contractor to complete configuration work.	\$ 99,922	Construction Contracts
32	Robert W Naylor Advocacy Law Corporation	Metro State Legislative Advocacy Services	The services were available only from a single source based on a unique capability or availability.	\$ 102,000	Executive Office, Communications
33	Emerson & Associates	Strategic Planning & Implementation Support Services	Required the unique qualification of this consultant to assist with the strategic coordination of legislative policies.	\$ 104,000	Executive Office, Communications
34	Fernandez Government Solutions LLC	Metro State Legislative Advocacy Services	The services were available only from a single source based on a unique capability or availability.	\$ 110,400	Executive Office, Communications
35	Urban Land Institute	Urban Land Institute Panel Advisory Services	After market survey, it was determined that ULI alone had the available technical resources to meet the immediate conceptual development needs for the area surrounding Union Station and the related Union Station Master Plan.	\$ 120,000	Countywide Planning & Development

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36	Shaw/Yoder/Antwih, INC.	Metro State Legislative Advocacy Services	The services were available only from a single source based on a unique capability or availability.	\$ 120,000	Executive Office, Communications
37	C2 Group LLC	Metro Federal Legislative Advocacy Services	The services were available only from a single source based on a unique capability or availability.	\$ 135,000	Government Relations
38	Kadesh & Associates LLC	Metro Federal Advocacy Legislative Services	The services were available only from a single source based on a unique capability or availability.	\$ 138,000	Government Relations
39	IBM	IBM Servers - 3650	Item was originally competitively bid under IFB No. OP30202750, but based on the information obtained, it was determined that better pricing was available via the Western States Contracting Alliance (WSCA) agreement.	\$ 299,964	Universal Fare System
40	Brass Star Productions	Web-based Training Program for Transit Watch Public Awareness	Brass Star is the only known company who is DHS-certified and has the entire skill set, experience and resources to help the project team complete the project in time to meet DHS grant schedule requirements.	\$ 389,253	System Security & Law Enforcement
41	TOTAL			\$ 2,547,142	