



Metro

Los Angeles County
Metropolitan Transportation Authority

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metro

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**OPERATIONS COMMITTEE
JANUARY 15, 2009**

**SUBJECT: FENCE INSTALLATION AND REPAIRS FOR METRO TRANSIT
PROPERTIES**

ACTION: AMEND CONTRACT OP334406B4038 WITH ACE FENCE COMPANY

RECOMMENDATION

Authorize the Chief Executive Officer to execute Modification No. 1 to Contract No. OP334406B4038 with Ace Fence Company to provide as-needed fence installation and repair services on our transit properties in the amount not to exceed of \$859,000, increasing the Total Contract Value from \$1,035,905 to \$1,894,905.

RATIONALE

Ace Fence Company was awarded Contract OP334406B4038 in February 2007 to provide fence repairs and installation services for operational and non-operational railroad rights-of-way (ROW), transit stations and facilities. The contract term, including two one-year options, will end in January 2012. Typical utilization of this contract was to repair and/or replace damaged fence systems due to accidents or vandalism and provide limited new small-scale fence installations. However, other departments have relied on Facilities Maintenance to support various projects as they arise. Examples include Rail Safety's Artesia Station razor wire installation to relieve a liability issue due to fence jumpers, Real Estate's need to secure sections of open right-of-way to mitigate trespassing and dumping issues, and the Planning department's fencing off portions of the Exposition Right-of-Way in response to community crime issues. Due to these types of ad hoc projects, expenditure authority requires modification.

During the first 22 months of its term, cost of services provided under the Ace Fence Company contract reached \$687,000. The approved contract amount of \$1,035,905 will be exceeded within a year based on the current level of service requests. Staff is requesting execution of a contract modification in the amount of \$859,000 be granted to ensure there is sufficient expenditure authority to provide needed services through the entire contract term inclusive of option years. No additional budget is required in the current year, or anticipated in future years beyond normal contract escalation, since we are requesting departments to budget and fund their specific project needs.

FINANCIAL IMPACT

The funding of \$249,918 for this service is included in the FY09 budget in cost center 3344, Contract and Administration under project 300022 (Blue Line Operations), 300033 (Green Line Operations), 300044 (Red Line Operations), 300055 (Gold Line Operations), 301012 (Orange Line Operations) and 610041 (Inactive ROW Maintenance). Since this is a multi-year contract, the cost center manager and Chief Operations Officer will be accountable for budgeting the cost in future years, including any options exercised. In FY08, \$209,586 was expended on this service.

IMPACT TO OTHER CONTRACTS

There are no impacts to other contracts.

ALTERNATIVES CONSIDERED

One alternative considered is to provide the service in-house. This will require the hiring of additional personnel and the purchase of additional equipment and trucks. Staff's analysis indicates that this is a labor intensive but sporadic task and not a cost effective option for us.

ATTACHMENTS

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

Prepared by: Brady Branstetter, Director, Facilities Maintenance
Hussein Farah, Facilities Maintenance Manager
Ted Sparkuhl, Sr. Contract Administrator

Carolyn Flowers

Carolyn Flowers
Chief Operations Officer

Roger Snoble

Roger Snoble
Chief Executive Officer

**BOARD REPORT ATTACHMENT A
PROCUREMENT SUMMARY**

FENCE INSTALLATION AND REPAIRS FOR METRO TRANSIT PROPERTIES

1.	Contract Number: OP3344-06-B-4038		
2.	Recommended Vendor:		
3.	Cost/Price Analysis Information:		
	A. Bid/Proposed Price: \$859,000	Recommended Price: \$859,000	
	B. Details of Significant Variances are in Attachment A-1.D		
4.	Contract Type:		
5.	Procurement Dates:		
	A. Issued:		
	B. Advertised:		
	C. Pre-proposal Conference:		
	D. Proposals Due:		
	E. Pre-Qualification Completed:		
	F. Conflict of Interest Form Submitted to Ethics:		
6.	Small Business Participation:		
	A. Bid/Proposal Goal:	Date Small Business Evaluation Completed:	
	B. Small Business Commitment:		
7.	Invitation for Bid/Request for Proposal Data:		
	Notifications Sent:	Bids/Proposals Picked up:	Bids/Proposals Received:
8.	Evaluation Information:		
	A. Bidders Names: Ace Fence Company	<u>Bid/Proposal Amount:</u> \$859,000	<u>Best and Final Offer Amount:</u> \$859,000
	B. Evaluation Methodology: Describe Methodology Details are in Attachment A-1.C		
9.	Protest Information:		
	A. Protest Period End Date: Not Applicable		
	B. Protest Receipt Date: None received		
	C. Disposition of Protest Date: N/A		
10.	Contract Administrator: W. T. (Ted) Sparkuhl	Telephone Number: 213.922.7399	
11.	Project Manager: Hussein Farah	Telephone Number: 213.922.8877	

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

FENCE INSTALLATION AND REPAIRS FOR METRO TRANSIT PROPERTIES

A. Background on Contractor

Ace Fence (Ace) is the incumbent contractor having been awarded the contract in February 2007 in the amount of \$1,035,905, inclusive of two single year options. To date, Ace has performed in full accordance with the Contract.

B. Procurement Background

Our Procurement Department conducted a sealed-bid, lowest responsive, responsible bidder procurement for this requirement. The contract is an indefinite delivery/indefinite quantity contract.

This request for contract modification is in response to unanticipated additional project and fencing requirements. Because of the popularity of this contract with various agency departments, this contract has been utilized to protect our assets and mitigate risk to us and the general public. Because of additional project requirements, authorized expenditures have accelerated beyond the rates originally anticipated.

C. Evaluation of Bids

No additional bidding was performed for this increased level of effort. This procurement activity will be accomplished on a Task Order basis. Each Task Order will be evaluated for level of effort and compliance to contract rates and terms.

D. Price Analysis Explanation of Variances

The \$859,000 contract price has been determined to be fair and reasonable base upon current contract rates established in competition. The requested \$859,000 will be consumed at the same rates and escalations as currently stipulated in the terms and conditions of the existing contract.

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

FENCE INSTALLATION AND REPAIRS FOR METRO TRANSIT PROPERTIES

PRIME CONTRACTOR – Ace Fence Company

Small Business Commitment

N/A

Other Subcontractors

N/A

Total Commitment 0.0%