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REVISED  
**EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE**  
**MARCH 19, 2009**

**SUBJECT: MEMORANDUM OF UNDERSTANDING (MOU) TCP2610LASD WITH  
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT (LASD)**

**ACTION: EXERCISE A ~~ONE~~ TWO-MONTH EXTENSION AND MODIFY MOU NOT-  
TO-EXCEED AMOUNT**

**RECOMMENDATION**

Authorize the Chief Executive Officer to:

- A. Exercise a negotiated ~~one~~ two-month extension to Memorandum of Understanding (MOU) No. TCP2610LASD with the Los Angeles Sheriff's Department (LASD) for transit community policing services and;
- B. Execute Modification No. 14 MOU TCP2610LASD to provide funding for FY09 transit community policing services in the amount not-to-exceed ~~\$5,310,162~~ \$10,620,324 for the period April 1, 2009 through ~~April 30, 2009~~ May 31, 2009, revising the Total Contract Value from \$334,208,404 to ~~\$339,518,566~~ \$344,828,728.

**RATIONALE**

In November 2008, the Board approved funding for transit policing services for the period January 1, 2009 through March 31, 2009 in the amount not-to-exceed \$15,930,485. This modification was granted for LASD and Metro to negotiate a new contract. To date, negotiations are still ongoing due to its large size and complex nature and will not be completed by March 31<sup>st</sup>. Therefore, staff is requesting the Board approve an additional ~~one~~ two-month extension with LASD through ~~April 30~~ May 31, 2009.

This action will support continuation of our Transit Community Policing program through exercising an extension of the current MOU with the LASD.

**Background**

In February 2003, the Board approved a staff recommendation to implement a new policing program with LASD as the sole law enforcement provider to serve as our Transit Police Department. This new organizational structure was a follow-on program to the previous five-year period in which the LASD and the Los Angeles Police Department both served under contract to us.

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In 2003, the Board approved a funding level for the LASD in the amount not-to-exceed \$55,081,812. This amount included the FY04 base funding level of \$47,212,982, \$4,148,995 for service in the two remaining months of FY03 and \$3,719,835 in start-up capital costs for mobilization. An agreement was reached for us to pay for the mobilization costs over three years (\$1,239,945 each year for three years).

In FY05, our funding mark for LASD was \$51.5 million and included an increase of 60 non-sworn and unarmed Security Assistants and a special detail for dedicated service for the Union Station complex. The second \$1.239 million mobilization cost was included in this funding level.

In FY06, our funding for LASD was \$58.9 million, which included the third payment for mobilization. This funding level supported an expansion of service dedicated to our new Metro Orange Line. Additional capital items such as patrol cars and radios to support this service expansion were also included in this funding.

In FY07, our funding allocation for LASD service was \$59.5 million, which represented an increase of 4% over the FY06 base budget after subtracting the final mobilization payment of \$1.239 million and \$686,090 for Orange Line capital costs. For FY08 the funding mark requested by LASD was \$65,765,798 or a 10.5% increase. Subsequent to staff negotiations with the LASD and their agreement to achieve certain vacancy savings, the final MOU cost approved by the Board was \$62,313,387 or a 5.18% increase.

In March 2008, the Board approved funding for policing services for the period July 1, 2008 through December 31, 2008 in the amount not-to-exceed \$31,860,969. This extension was granted to allow staff time to formulate a comprehensive program recommendation for the long-term future of the Transit Security Program.

### **IMPACTS TO OTHER CONTRACTS**

The award of this MOU extension does not impact other contracts.

### **FINANCIAL IMPACT**

Funding of ~~\$5,310,162~~ \$10,620,324 for this MOU extension is included in the FY09 budget in cost center 2610, Transit Security. The recommended amount includes no change in nominal staffing level however LASD may hold selected positions open to achieve vacancy savings in order to meet the negotiated 2.3% net increase in the FY09 unit costs minus MOU adjustments.

### **ALTERNATIVES CONSIDERED**

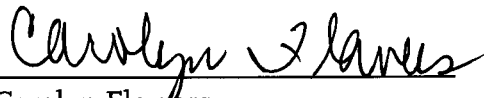
An option considered would be to not award this MOU extension. This alternative is not recommended because this is a critical security program and we do not currently have in-

place an alternative policy or strategy, nor do we have in place the security assets, to provide the current level of protection for our customers and employees if the MOU is not extended.

### ATTACHMENTS

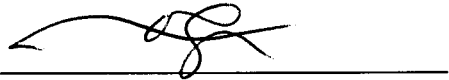
- A. Procurement Summary
- A-1 Procurement History
- A-2 List of Subcontractors

Prepared by: Jack Eckles, Deputy Executive Officer, Safety and Security  
Daniel Cowden, Director of Security



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Carolyn Flowers  
Chief Operations Officer



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Roger Snoble  
Chief Executive Officer

**BOARD REPORT ATTACHMENT A  
PROCUREMENT SUMMARY**

**MOU NUMBER TCP2610LASD WITH LOS ANGELES COUNTY SHERIFF'S  
DEPARTMENT FOR TRANSIT COMMUNITY POLICING SERVICES**

1.	Contract Number: TCP2610LASD		
2.	Recommended Vendor: Los Angeles County Sheriff's Department		
3.	Cost/Price Analysis Information:		
	A. Bid/Proposed Price: \$5,310,162 <del>\$10,620,324</del>	Recommended Price: \$5,310,162 <del>\$10,620,324</del>	
	B. Details of Significant Variances are in Attachment A-1.D		
4.	Contract Type: Service Unit		
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: N/A		
	F. Conflict of Interest Form Submitted to Ethics:		
6.	Small Business Participation:		
	A. Bid/Proposal Goal: N/A	Date Small Business Evaluation Completed: N/A	
	Small Business Commitment: N/A		
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:  Los Angeles County Sheriff's Department	<u>Bid/Proposal Amount:</u>  \$5,310,162 <u>\$10,620,324</u> for a <del>one</del> <u>two</u> -month period	<u>Revised Amount:</u>  \$5,310,162 <u>\$10,620,324</u> for a <del>one</del> <u>two</u> -month period
	B. Evaluation Methodology: Describe 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: Tommye Williams	Telephone Number: (213) 922-1051	
11.	Project Manager: Jack Eckles	Telephone Number: (213) 922-3624	

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

**MOU NUMBER TCP2610LASD WITH LOS ANGELES COUNTY SHERIFF'S  
DEPARTMENT FOR TRANSIT COMMUNITY POLICING SERVICES**

**A. Background on Contractor**

The Los Angeles Sheriff's Department (LASD) is the largest sheriff's department in the world. In addition to specialized services, the LASD currently operates and provides contract services throughout and within the many cities that comprise Los Angeles County. In addition, LASD provided transit law enforcement services to us over a five-year period under Contract OP2610LASD and Interim Contract PS2610LASD prior to the existing services being provided under the current Contract TCP261LASD. LASD has provided satisfactory transit law enforcement services under these contracts.

**B. Procurement Background**

On February 27, 2003, the Board authorized the Chief Executive Officer (CEO) to negotiate and execute a Memorandum of Understanding (MOU) with the County of Los Angeles for Sheriff's Department Transit Community Policing Services, for a period of five years, inclusive of two one-year options, not to exceed \$47,212,982 for FY04, and \$7,868,830 for two months service in FY03, inclusive of all start-up capital costs and annualized capital expenses.

Modification 1 was executed under CEO authority in March 2004. This modification added \$50,000 to the Special Overtime Fund for the Accident Reduction Program along Wilshire Boulevard to support the enforcement of traffic laws in targeted problem areas.

Modifications 2 and 3 were approved by the Board of Directors in May 2004. Modification number 2 added \$500,000 to the MOU for contingency funding to cover emergency services required for heightened security after the Madrid train bombing. Modification 3 added funding in the amount of \$49,054,950 for FY05 to cover service levels for FY05.

Modification 4 was approved by the Board of Directors on July 15, 2004. Modification 4 added a not to exceed amount of \$116,813 to add an additional non-relieved deputy unit to fill a full-time anti-terrorism trainer position.

Modification 5 was approved by the Board of Directors in May 2005. Modification 5 added funding in the amount of \$58,916,716 to cover service levels for FY06 including the addition of transit community policing services for the Orange Line.

Modification 6 added a not-to-exceed amount of \$600,000 for LASD's project management responsibilities related to the grant-funded Weapons of Mass Destruction.

Modification 7 was approved by the Board of Directors on June 22, 2006. Modification 7 added funding in the amount of \$59,480,120 to cover service levels for FY07.

Modification 8 added funding in the amount of \$100,000 to cover increased overtime at the Union Station complex as a result of the London bombings. Modification 9 added an additional \$60,000 for project management responsibilities related to the Weapons of Mass Destruction training program. Modification 10 designated the LACMTA's newly appointed Deputy Executive Officer for Safety and Security as LACMTA's project manager under the MOU.

Modification No. 11 was approved by the Board of Directors on June 28, 2007 and added funding in the amount of \$62,524,538.52 to cover service levels for FY08.

The Board of Directors approved Modification No. 12 in March 2008. This modification extended the current LASD contract six months to cover service levels from July 1, 2008 through December 31, 2008 in an amount not to exceed \$31,860,970.

Modification No. 13 extended the current LASD contract three months to cover service levels from January 1, 2009 through March 31, 2009.

#### **C. Evaluation of Proposals**

LACMTA's review of the proposal received from LASD under the subject contract consisted of a mathematical accuracy check and a review of proposed deployment plan to ensure adequate service within the budgetary constraints.

#### **D. Cost/Price Analysis Explanation of Variances**

Service unit rates are established annually by the County Auditor-Controller's Office. As done previously, LACMTA will review support documents from the Los Angeles County Auditor Controller's Office to verify proposed rates. LACMTA shall negotiate with LASD to develop a deployment plan consistent with the FY09 budget.

The recommended price of ~~\$5,310,162~~ \$10,620,324 has been determined to be fair and reasonable based upon a comparison of the recommended price for FY09 versus the cost for these services during FY08. The cost increase represents a 2.3% increase over FY08.

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

**MOU NUMBER TCP2610LASD WITH LOS ANGELES COUNTY SHERIFF'S  
DEPARTMENT FOR TRANSIT COMMUNITY POLICING SERVICES**

**PRIME CONTRACTOR – Los Angeles County Sheriffs Department**

Small Business Commitment

Other Subcontractors

N/A

N/A

Total Commitment 0%