



**OPERATIONS COMMITTEE
APRIL 16, 2009**

SUBJECT: BETWEEN-CAR BARRIERS

**ACTION: RATIFY CONTRACT AWARD FOR BETWEEN-CAR BARRIERS FOR
METRO LIGHT RAIL STATIONS**

RECOMMENDATION

- A. The Board finds that there is only a single source of procurement for this type of platform based Between-Car Barriers system and purchase is necessary in order to ensure the facilities of Metro are available to serve the transportation needs of the general public. The Board hereby authorizes purchase of Impact Recovery Systems' platform based Between-Car Barriers system pursuant to Public Utilities Code section 130235.
- B. Ratify the award of a firm-fixed price Contract No. DR05289 to Impact Recovery Systems, Inc. to furnish platform based Between-Car Barriers (BCB) for all Metro light rail stations for a total amount of \$302,893, inclusive of sales tax.

Requires Two-Thirds Vote

ISSUE

Federal Law mandates (49 CFR 38.85) that "where vehicles operate in a high-platform, level-boarding mode, devices or systems shall be provided to prevent, deter or warn individuals from inadvertently stepping off the platform between cars". The California Public Utilities Commission (CPUC) is approving the use of the specific manufactured devices (engineered and supplied by Impact Recover Systems) to allow Metro to comply with Federal law.

POLICY IMPLICATIONS

There are no policy implications. It is in our best interest to purchase and install the platform based BCB system in order to safeguard life, ensure that the facilities of Metro are available to serve the transportation needs of the general public and prevent an interruption in service.

OPTIONS

The alternative is not to install platform based between-car barriers on the Metro light rail stations. This alternative is not recommended as it would prevent Metro from complying with 49 CFR 38.85.

FINANCIAL IMPACT

Funds for this action are included in the FY09 budget under Cost Center 3960, Account Code 53102 and under Project 204113, Install Between-Car Barriers.

BACKGROUND

Metro is mandated by Federal Law to install a between-car barrier structure at all of its high level platform rail stations to prevent visually impaired patrons from injury. After years of testing and discussions with federal and state regulators, Metro has obtained consensus of both the Federal Transit Administration and the Californian Public Utilities Commission on this specific and unique BCB design provided exclusively by Impact Recovery Systems, Inc.

NEXT STEPS

Our rail staff will install the platform mounted BCB system at all light rail stations as soon as the product is delivered beginning in May 2009. The Red/Purple lines will retain its current on-car BCBs at this time; however, Metro Operations is currently evaluating replacing them with the same design as proposed for the light rail stations.

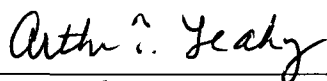
ATTACHMENTS

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

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Richard Bachman, Contract Administration Manager



Mike Cannell
General Manager, Rail Operations



Arthur T. Leahy
Chief Executive Officer

**BOARD REPORT ATTACHMENT A
PROCUREMENT SUMMARY**

BETWEEN-CAR BARRIERS

1.	Contract Number: DR05289		
2.	Recommended Vendor: Impact Recovery Systems, Inc.		
3.	Cost/Price Analysis Information:		
	A. Bid/Proposed Price: \$302,893	Recommended Price: \$302,893	
	B. Details of Significant Variances: N/A		
4.	Contract Type: Firm Fixed Price		
5.	Procurement Dates:		
	A. Issued: N/A		
	B. Advertised: N/A		
	C. Pre-bid Conference: N/A		
	D. Bids Due: N/A		
	E. Pre-Qualification Completed: N/A		
	F. Conflict of Interest Form Submitted to Ethics: Yes		
6.	Small Business Participation:		
	A. Bid/Proposal Goal: N/A	Date Small Business Evaluation Completed: N/A	
	B. 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. <u>Bidders/Proposers Names:</u> Impact Recovery Systems, Inc.	<u>Bid/Proposal Amount:</u> \$302,893	<u>Best and Final Offer Amount:</u> N/A
	C. Evaluation Methodology: Sole Source Procurement. 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: Al Mitchell	Telephone Number: 213-922-1070	
11.	Project Manager: Davide Puglisi	Telephone Number: 213-922-5207	

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

BETWEEN-CAR BARRIERS

A. Background on Contractor

Impact Recovery Systems, Inc. (IRS) is based in San Antonio, Texas. IRS manufactures railway signaling systems, gate barrier systems and other various products for the transportation industry.

IRS has provided permanent traffic delineators for use in highways and streets to other government agencies including the San Antonio District of the Texas Department of Transportation and the New Mexico Department of Transportation.

B. Procurement Background

On the CEO's daily brief of January 29, 2009, the CEO directed staff to immediately begin the process of installing between-car barriers on all of our light rail stations and to inform all concerned parties. At Metro staff's recommendation the CEO authorized staff to quickly conduct and award a, single-source, firm fixed price contract with IRS to procure the platform based between-car barriers system, under the authority granted him under PUC 130235, "Immediate Remedial Measures".

Under this authority, the CEO can award a contract without observance of the PUC requirements for competitive sealed bidding, "Upon determining that immediate remedial measures to avert or alleviate damage to property, or to replace, repair, or restore damaged or destroyed property, of the commission are necessary in order to ensure that the facilities of the commission are available to serve the transportation needs of the general public." In addition, FTA Procurement Circular 4220.1F Section 3.i.(1)2(c) Unusual and Compelling Urgency, allows a non-competitive procurement in the event of a public exigency or emergency.

Installation of the platform based between-car barriers system will be carried out by Metro Wayside staff.

C. Evaluation of Proposals

The single proposal from IRS was determined to be responsive and the contract to supply this equipment was awarded at the CEO's direction subject to ratification by the Board of Directors.

D. Cost/Price Analysis

The recommended price of \$302,893 has been determined to be fair based upon a sample market analysis.

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

BETWEEN-CAR BARRIERS

PRIME CONTRACTOR

Impact Recovery Systems, Inc.

Small Business Commitment

0%

Other Subcontractors

None

Total Commitment: 0%

