

**Board Report**

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**File #:** 2017-0158, **File Type:** Contract

**Agenda Number:** 37.

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**EXECUTIVE MANAGEMENT COMMITTEE  
APRIL 20, 2017**

**SUBJECT: METRO MYSTERY RIDER PROGRAM**

**ACTION: AWARD CONTRACT FOR MYSTERY RIDER PROGRAM**

**RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award a 3-year, with two, one year options, firm fixed price Contract No. PS6224700 to **Mobility Advancement Group, for Metro's Mystery Rider Program** in the amount of \$565,516 for the (3) year base period and \$408,128 for the (2) one year options, for a total contract amount of \$973,644, subject to resolution of protest(s), if any.

**ISSUE**

Metro's current Mystery Rider Program (MRP) contract, which was issued in December 2011, is approaching the end of its term in April 2017. MRP monitors and reports on the effectiveness of Metro's fixed route bus services and all Metro's contracted bus services (operated by outside bus contractors) in their adherence to Americans with Disabilities Act (ADA) requirements, accessibility, Title VI of the Civil Rights Act of 1964 (Title VI), Executive Order 13166, and other operating policies and procedures. In addition, Metro must ensure that its many subrecipients of federal funding are in compliance with the ADA, Title VI, and Executive Order 13166.

**DISCUSSION**

The purpose of the Mystery Rider Program (MRP) is to monitor and test Metro's fixed route bus services, as well as Metro's contracted bus services, for compliance with the requirements of the ADA, additional accessibility-related policies and procedures, and Title VI of the Civil Rights Act of 1964. Metro is also required to ensure that its subrecipients of federal funding are compliant with required regulations and policies.

**Accessibility / ADA MRP Observations**

On a quarterly basis, Metro requires 600 observations of Metro's bus services and 120 observations of its contracted bus services for ADA and accessibility compliance. Metro uses these 720 quarterly observations to generate statistical data for reports.

In addition to these observations, up to 120 “Special Rides” will be required of the Contractor each quarter. Special Rides are as-needed observations of Metro’s bus services and those services provided by the participants of Metro’s ADA Oversight Program for Subrecipients Program.

The primary point of contact for all Accessibility-related MRP contract issues will be the Mystery Rider Program Manager.

#### Title VI MRP Observations

In order to ensure that Metro and its subrecipients are in compliance with the Limited English Policy under Title VI, Metro requires 100 quarterly observations and contacts (75 in-person observations and 25 telephone contacts) of Metro employees through its system.

The observations and contacts will help Metro monitor and evaluate the compliance of Metro employees who have contact with the public with the Language Assistance Program of Metro as mandated by Title VI and Executive Order 13166. This will include evaluating Metro’s bus services, contracted bus services, and other frontline employees having direct contact with customers.

An additional 75 in-person observations and 25 telephone contacts of Metro’s subrecipients will be required of the Contractor each quarter. The observations and telephone contacts of Metro’s subrecipients will begin January 1, 2018.

The primary point of contact for all Title VI MRP contract issues will be the Title VI Program Manager.

#### **DETERMINATION OF SAFETY IMPACT**

MRP will help ensure that patrons with disabilities and other needs will receive the safest and most accessible service from Metro, its contracted lines, and its subrecipients. MRP will address potential accessibility-related maintenance and operations issues, and will help in improving safety for Metro staff and customers who ride the system.

#### **FINANCIAL IMPACT**

The funding of \$148,360 for this service is included in the FY17 budget in cost center 2413, Office of Civil Rights, under project number 100002, and project name Mystery Rider Program.

Since this is a multi-year contract/project, the cost center manager and Chief Civil Rights Programs Officer will be accountable for budgeting the cost in future years, including any options exercised.

#### Impact to Budget

The source of funds is Prop A, Prop C and TDA Administration, which is not eligible for bus and rail Operating and capital uses.

#### **ALTERNATIVES CONSIDERED**

One alternative is to reduce the scope of work to encompass mystery rides for solely Metro's fixed route system; however, this alternative is not recommended as Metro's contracted lines and subrecipients are required to adhere to the Americans with Disabilities Act and Title VI of the Civil Rights Act of 1964. The Mystery Rider Program is a vital tool in monitoring the adherence to the aforementioned statutes; improving Metro's services, contracted services, and subrecipients; and ensuring compliance with federal regulations.

### **NEXT STEPS**

Upon approval by the Board, staff will execute Contract No. PS6224700 with Mobility Advancement Group for Metro's Mystery Rider Program.

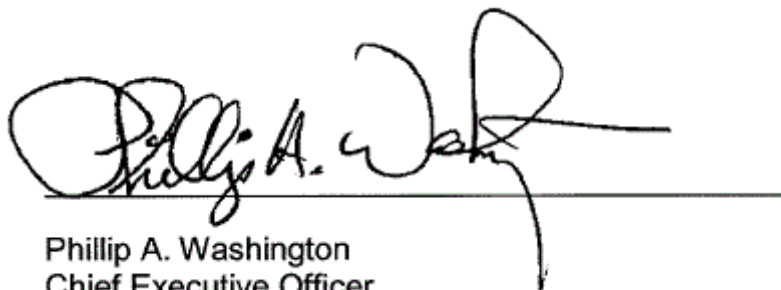
### **ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - DEOD Summary

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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

## METRO MYSTERY RIDER PROGRAM/PS6224700

|    |   |  |
|----|---|--|
| 1. | <b>Contract Number:</b> PS6224700   |  |
| 2. | <b>Recommended Vendor:</b> Mobility Advancement Group   |  |
| 3. | <b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E<br><input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order |  |
| 4. | <b>Procurement Dates:</b>   |  |
|    | <b>A. Issued:</b> August 15, 2016   |  |
|    | <b>B. Advertised/Publicized:</b> August 17, 2016  |  |
|    | <b>C. Pre-Proposal Conference:</b> August 25, 2016  |  |
|    | <b>D. Proposals Due:</b> September 12, 2016   |  |
|    | <b>E. Pre-Qualification Completed:</b> January 24, 2017   |  |
|    | <b>F. Conflict of Interest Form Submitted to Ethics:</b> September 27, 2016   |  |
|    | <b>G. Protest Period End Date:</b> April 24, 2017   |  |
| 5. | <b>Solicitations Picked up/Downloaded:</b> 12   | <b>Bids/Proposals Received:</b> 1          |
| 6. | <b>Contract Administrator:</b><br>Marc Margoni  | <b>Telephone Number:</b><br>(213) 922-1304 |
| 7. | <b>Project Manager:</b><br>Paula Guevara  | <b>Telephone Number:</b><br>(213) 922-7495 |

**A. Procurement Background**

This Board Action is to approve Contract No. PS6224700 issued in support of the Metro Mystery Rider Program (MRP). Board approval of contract awards are subject to resolution of any properly submitted protest.

Request for Proposal (RFP) No. PS31507 was issued in accordance with Metro's Acquisition Policy and the contract type is firm fixed price. The RFP was issued as a small business prime and was open to Metro SBE certified small businesses only.

One amendment was issued during the solicitation phase of this RFP. Amendment No. 1, issued on September 2, 2016, clarified Metro Title VI Mystery Rider observation report percentages and the number of in-person observations.

On August 25, 2016, a pre-proposal conference was held and representatives from four firms attended the conference.

On August 29, 2016, 23 questions were submitted and received, and answers to those questions were provided in writing the following week.

A total of one proposal was received on September 12, 2016. The single proposal received was from the incumbent, Mobility Advancement Group (MAG).

A market survey was conducted shortly thereafter inquiring as to why members on the Planholder's list elected not to participate in the solicitation. Two vendors

responded. One vendor elected not to participate due to the extensive report preparation required in the Statement of Work. The second vendor also indicated that he did not have the required research skills and report preparation experience as required.

## **B. Evaluation of Proposals**

A Proposal Evaluation Team (PET) consisting of staff from the Office of Civil Rights, Operations, and Bus Contract Services was convened and conducted a comprehensive technical evaluation of the proposal received.

The proposal was evaluated based on the following evaluation criteria and weights:

- Firm's Personnel, Skill, and Experience      30 percent
- Understanding of the Work                      25 percent
- Sample of Mystery Rider Observations      25 percent
- Price    20 percent

The evaluation criteria are appropriate and consistent with criteria developed for other, similar procurements. Several factors were considered when developing these weights, giving the greatest importance to the Firm's Personnel, Skill, and Experience.

During the week of September 21, 2016, the PET met and conducted an independent technical evaluation and deemed Mobility Advancement Group technically qualified to perform the tasks as outlined in the RFP.

### **Qualifications Summary of Firm**

#### **Mobility Advancement Group**

MAG is located in Altadena, CA. They have performed operator performance assessments for most of the major transit operations in Southern California since 2009. Martin Gombert, the owner of the Mobility Advancement Group, is responsible for overseeing transit consulting projects including performance audits, operation reviews, safety audits, and financial analysis.

MAG is a Metro certified SBE and has been providing transit operator performance assessments to Metro since 2009. They are familiar with the proposed work and required approach. MAG is the incumbent vendor and is currently providing Title VI MRP observations for Metro.

For this project, MAG proposed as the prime contractor and partnered with Temps, Inc. (Temps), a Metro certified SBE, to manage the contract and serve as the client interface to Metro.

Temps, Inc. will provide transit surveyors. They have provided surveyors for the Metro Mystery Rider project since 2009. Ms. Brenda Sanchez-Johnson, V.P. of Operations for Temps, Inc., has over fifteen years of experience in data collection and participating in survey projects for transit agencies throughout Southern California.

As a result of the proposal received, the PET recommendation for contract award is as follows:

| 1 | Firm                                    | Average Score | Factor Weight  | Weighted Average Score | Rank     |
|---|---|---------------|----------------|------------------------|----------|
| 2 | <b>Mobility Advancement Group</b>       |               |                |                        |          |
| 3 | Firm's Personnel, Skill, and Experience | 93.3          | 30.00%         | 27.99                  |          |
| 4 | Understanding of the Work               | 100           | 25.00%         | 25                     |          |
| 5 | Sample of Mystery Rider Observations    | 93.2          | 25.00%         | 23.3                   |          |
| 6 | Price                                   | 100           | 20.00%         | 20                     |          |
| 7 | <b>Total</b>                            |               | <b>100.00%</b> | <b>96.29</b>           | <b>1</b> |

### **C. Cost/Price Analysis**

The recommended price has been determined to be fair and reasonable based upon independent cost estimate, price analysis, technical evaluation, fact finding, and negotiations. Mobility Advancement Group has developed a report preparation system where the majority of the requirements for Metro have been fully developed and their solution has been implemented with other transit agencies.

| Proposer Name              | Proposal Amount | Metro ICE   | Negotiated or NTE amount |
|----------------------------|-----------------|-------------|--------------------------|
| Mobility Advancement Group | \$1,023,492     | \$1,003,784 | \$973,644                |

The Period of Performance for the base contract is three (3) years. The option period is for two (2) single years. The value of the three year (3) base is \$565,516. The value of the (2) one year options is \$408,128. The total NTE amount is \$973,644.

### **D. Background on Recommended Contractor**

The recommended firm, MAG, located in Altadena, CA, is a leader in the field of Title VI MRP Observations. Previous Mystery Rider clients include Long Beach Transit, Foothill Transit, Bauer's Intelligent Transportation (Flyaway) and Norwalk Transit.

Mr. Martin Gombert (MAG) and Ms. Brenda Sanchez-Johnson (Temps) are subject matter experts in the transit operator performance assessments field and represent over 20 years of combined experience in MRP data collection and report preparation.

Both MAG and its subcontractor Temps are Metro certified SBE firms.

The Period of Performance for the base amount is three (3) years with two (2) one year options.



## DEOD SUMMARY

## METRO MYSTERY RIDER PROGRAM / PS6224700

**A. Small Business Participation**

Effective June 2, 2014, per Metro's Board-approved policy, competitive acquisitions with three or more Small Business Enterprise (SBE) certified firms within the specified North American Industry Classification System (NAICS) as identified for the project scope shall constitute a Small Business Prime (Set-Aside) procurement. Accordingly, the Contract Administrator advanced the solicitation, including posting the solicitation on Metro's website, advertising, and notifying certified small businesses as identified by NAICS code(s) that this solicitation was open to **SBE Certified Small Businesses Only**.

Mobility Advancement Group, an SBE Prime, is performing 35.54% of the work with its own workforce and made a 100% SBE commitment.

**SMALL BUSINESS PRIME (SET-ASIDE)**

|    | <b>SBE Contractor</b>              | <b>% Committed</b> |
|----|------------------------------------|--------------------|
| 1. | Mobility Advancement Group (Prime) | 35.54%             |
| 2. | TEMPS, Inc. (Subcontractor)        | 64.46%             |
|    | <b>Total Commitment</b>            | <b>100%</b>        |

**B. Living Wage and Service Contract Worker Retention Policy Applicability**

The Living Wage and Service Contract Worker Retention Policy is not applicable to this Contract.

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this Contract.

**D. Project Labor Agreement/Construction Careers Policy**

Project Labor Agreement/Construction Careers Policy is not applicable to this Contract.