



## Board Report

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**File #:** 2018-0272, **File Type:** Contract

**Agenda Number:** 32.

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### SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE JUNE 21, 2018

**SUBJECT: FIRE-LIFE SAFETY SYSTEMS TESTING AND  
CERTIFICATION SERVICES**

**ACTION: APPROVE CONTRACT MODIFICATION**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 3 to Contract No. OP5766200 with Link-Nilsen Corp., for Fire-Life Safety Systems Testing and Certification services in the amount of \$1,360,000 increasing the not-to-exceed three-year base contract value from \$1,623,895.90 to \$2,983,895.90.

#### **ISSUE**

Under the existing contract, fire/life safety regulatory mandated testing, repair and certification services are performed on an ongoing basis throughout Metro bus and rail facilities in accordance with the Los Angeles Fire Department Regulation 4 (LAFD Reg. 4).

The Contract three-year base term will expire on September 15, 2019. However, since the scope of work has been expanded to include additional rail locations and services, there are insufficient funds remaining within the current contract and additional funding is required to complete all mandated fire/life safety Reg. 4 testing.

#### **DISCUSSION**

The contractor, Link-Nilsen Corp., made a small business enterprise (SBE) commitment of 11%. The contractor's actual performance exceeds the commitment with a total of 40.07% SBE participation.

This Contract requires the contractor to provide regulatory required testing, repair and certification services for fire/life safety five-year water-based systems throughout Metro bus and rail facilities, and the bus facilities annual water-based systems, elevators, emergency power and exit lighting systems, complex and basic fire alarm panels, supervising station fire alarm systems, automatic closing fire assemblies and emergency generators.

During the Contract three-year base period, starting January 2017 and thereafter, services were

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expanded to include the rail facilities 484 annual water-based systems, 136 elevators and 32 auto closing assemblies. These services were added to this contract due to the limited resources of Reg. 4 certified testers among Metro personnel and to ensure compliance with the LAFD Reg. 4 and fire/life safety testing requirements.

### **DETERMINATION OF SAFETY IMPACT**

The approval of this Modification will ensure providing on-time fire/life safety testing and maintenance services in accordance with regulatory requirements and guidelines and to ensure delivering safe, quality, timely, and reliable services to our customers and the public.

### **FINANCIAL IMPACT**

The FY19 funding of \$1,165,714 for this action is allocated in cost center 3367 - Facilities Property Maintenance, account 50308, Service Contract Maintenance, under multiple operating projects.

Since this is a multi-year contract, the cost center manager and Sr. Executive Officer, Maintenance and Engineering will be accountable for budgeting the cost in future years.

#### **Impact to Budget**

Funding for this action will come from State and Local sources including sales tax and fares that are eligible for Bus and Rail Operations. These funding sources will maximize the allowable fund use given approved funding provisions and guidelines.

### **ALTERNATIVES CONSIDERED**

Staff considered providing this service with in-house staff. This would require the hiring and training of additional certified personnel, purchase of additional equipment, vehicles, and supplies to support the expanded responsibility. Staff's assessment indicates this is not a cost-effective option for Metro.

### **NEXT STEPS**

Upon Board approval, staff will execute Modification No. 3 to Contract No. OP5766200 with Link-Nilsen Corp., to continue providing fire/life safety systems testing and maintenance services.

### **ATTACHMENTS**

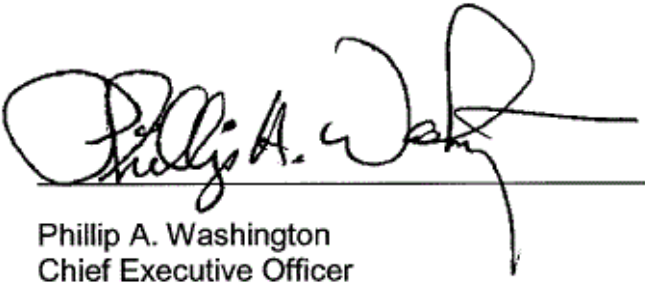
Attachment A - Procurement Summary  
Attachment B - Contract Modification/Change Order Log  
Attachment C - DEOD Summary

Prepared by: Brady Branstetter, DEO, Facilities Maintenance, (213) 922-6767  
Lena Babayan, Sr. Director, Facilities Maintenance, (213) 922-6765

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Reviewed by: James T. Gallagher, Chief Operations Officer, (213) 922-4424

Debra Avila, Chief, Vendor/Contract Management Officer, (213) 418-3051



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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

FIRE-LIFE SAFETY SYSTEMS TESTING AND CERTIFICATION SERVICES /  
OP5766200

1.	<b>Contract Number:</b> OP5766200		
2.	<b>Contractor:</b> Link-Nilsen Corp.		
3.	<b>Mod. Work Description:</b> Additional funding to continue all mandated fire/life safety LAFD Reg 4 testing for the remainder of the contract base period.		
4.	<b>Contract Work Description:</b> Regulatorily mandated testing, repair and certification of Metro's fire/life safety equipment are performed on an on-going basis throughout Metro bus and rail facilities in accordance with the Los Angeles Fire Department Regulation 4.		
5.	<b>The following data is current as of:</b> 5/21/18		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contract Awarded:</b>	8/25/16	<b>Contract Award Amount:</b> \$1,388,558.00
	<b>Notice to Proceed (NTP):</b>	N/A	<b>Total of Modifications Approved:</b> \$235,337.90
	<b>Original Complete Date:</b>	9/15/19	<b>Pending Modifications (including this action):</b> \$1,360,000.00
	<b>Current Est. Complete Date:</b>	9/15/19	<b>Current Contract Value (with this action):</b> \$2,983,895.90
7.	<b>Contract Administrator:</b> Rommel Hilario		<b>Telephone Number:</b> (213) 922-4654
8.	<b>Project Manager:</b> Sean Roe		<b>Telephone Number:</b> (213) 922-6733

**A. Procurement Background**

This Board Action is to approve Contract Modification No. 3 issued in support of Facilities Maintenance to continue providing fire/life safety regulatory mandates testing, repair and certification services in accordance with LAFD Regulation 4. The Contract Modification increases the three-year base contract value by \$1,360,000, from \$1,623,895.90 to \$2,983,895.90.

This Contract Modification will be processed in accordance with Metro's Acquisition Policy and the contract type is firm fixed unit rate.

On August 25, 2016, the Board approved a five-year contract, inclusive of two, one-year options, to Link-Nilsen Corp. to provide annual testing, calibration, repair, re-testing, and certification of water based fire suppression systems, simple and complex fire alarm panels, related sensors, systems and fire-life safety equipment at Metro.

(Refer to Attachment B – Contract Modification/Change Order Log)

**B. Cost/Price Analysis**

The recommended price has been determined to be fair and reasonable based upon an independent cost estimate (ICE), technical evaluation, and fact finding. The Prevailing Wage requirements are applicable to this contract, and labor rate contract remains unchanged.

<b>Proposed Amount</b>	<b>Metro ICE</b>	<b>Award Amount</b>
\$1,360,000	\$1,360,000	\$1,360,000

## CONTRACT MODIFICATION/CHANGE ORDER LOG

FIRE-LIFE SAFETY SYSTEMS TESTING AND CERTIFICATION SERVICES /  
OP5766200

<b>Mod. No.</b>	<b>Description</b>	<b>Date</b>	<b>Amount</b>
1.	Add funding for Reg 4 testing	10/24/17	\$100,000
2.	Add funding for Reg 4 testing	1/3/18	\$135,337.90
3.	Add funding for Reg 4 testing	<b>PENDING</b>	<b>\$1,360,000.00</b>
	<b>Modification Total:</b>		<b>\$1,595,337.90</b>
	<b>Original Contract:</b>	<b>04/01/16</b>	<b>\$1,388,558.00</b>
	<b>Total Contract Value:</b>		<b>\$2,983,895.90</b>

DEOD SUMMARY

FIRE-LIFE SAFETY SYSTEMS TESTING AND CERTIFICATION SERVICES/  
OP5766200

**A. Small Business Participation**

Link-Nilsen Corporation made an 11.00% SBE commitment. The project is 75% complete. Link-Nilsen Corporation is currently exceeding their commitment with an SBE participation of 40.07%.

<b>Small Business Commitment</b>	<b>11.00% SBE</b>	<b>Small Business Participation</b>	<b>40.07% SBE</b>
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	<b>SBE Subcontractors</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	Certified Testing Specialists, Inc.	11.00%	40.07%
	<b>Total</b>	<b>11.00%</b>	<b>40.07%</b>

<sup>1</sup>Current Participation = Total Actual amount Paid-to-Date to DBE firms ÷ Total Actual Amount Paid-to-date to Prime.

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

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

**C. Prevailing Wage Applicability**

Prevailing Wage requirements are applicable to this project. DEOD will continue to monitor contractors' compliance with the State of California Department of Industrial Relations (DIR), California Labor Code, and, if federally funded, the U S Department of Labor (DOL) Davis Bacon and Related Acts (DBRA).

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

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