

**Board Report**

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**File #:** 2020-0498, **File Type:** Contract**Agenda Number:** 18.

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**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE  
SEPTEMBER 17, 2020****SUBJECT: HERBICIDE APPLICATION SERVICES****ACTION: APPROVE CONTRACT MODIFICATION****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 9 to Contract No. OP33673325 with Conejo Crest Landscape Maintenance, Inc., for herbicide application services to increase the contract authority by \$330,000 increasing the total contract value from \$2,026,594.55 to \$2,356,594.55 and extending the period of performance from December 1, 2020 to November 30, 2021.

**ISSUE**

The existing contract will expire on November 30, 2020. To continue providing the required regular herbicide application and vegetation control services, additional contract authority and time extension are necessary to ensure service continuity and avoid any interruption to Metro's operations.

**BACKGROUND**

On January 29, 2015, Metro Board of Directors authorized the Chief Executive Officer to award a firm fixed unit rate Contract No. OP33673325 to Conejo Crest Landscape Maintenance, Inc., the lowest responsive and responsible bidder, for herbicide application and vegetation control services effective March 1, 2015.

Under the existing contract, herbicide application services are performed throughout approximately 195 miles of active and inactive Metro owned ROWs. In February 2016 and thereafter, herbicide application services were expanded to include the additional service areas of Metro Bus Operating Division 13, Metro Foothill Extension and Expo Line Phase II.

**DISCUSSION**

This contract is integral in support of Metro's position to comply with California Public Utilities Commission (CPUC) regulations and local municipal codes to reduce fire hazards and mitigate complaints from adjacent property owners. Noxious weed growth, if not controlled, can propagate and invade neighboring properties. In addition, weed abatement on operational ROWs is necessary

to maintain drainage, allow for inspection, prevent wheel slippage or sliding, maintain visibility of wayside signs and signals, and facilitate track maintenance.

The Diversity and Economic Opportunity Department (DEOD) established a 5% RC DBE goal for this contract. Conejo Crest Landscape Maintenance, Inc. made a 15.5% DBE commitment. The project is 93% complete and Conejo Crest Landscape Maintenance, Inc. exceeded the goal by 10.5%, with 15.5% DBE participation.

### **DETERMINATION OF SAFETY IMPACT**

The approval of this item will ensure service continuity to provide on-going herbicide application and vegetation control services to support operations, facilitate critical track maintenance, improve Metro bus and rail facilities overall appearance and cleanliness and continue providing safe, quality, on-time, and reliable services system-wide.

### **FINANCIAL IMPACT**

Subject to Board approval of the FY21 Budget, funding of \$300,000 is to be allocated under cost center 8370 - Facilities Maintenance Contracts and Administration, account 50308, Service Contract Maintenance, under various projects.

Since these are multi-year contracts, the cost center manager and Sr. Executive Officer, Maintenance and Engineering will be accountable for budgeting all costs in future fiscal years.

#### **Impact to Budget**

The current source of funding for this action are State and Local sources including sales tax and fares. Using these funding sources maximizes the project funding allocations allowed by approved provisions and guidelines.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

This Board action supports Strategic Goal 5: Provide responsive, accountable, and trustworthy governance within the Metro organization. Metro objectives for this contract are to increase efficiency, minimize costs, maintain infrastructure free of unwanted vegetation through the application of pre-emergent herbicides, contact herbicides and growth inhibitors and comply with all applicable Federal, State and Local laws.

### **ALTERNATIVES CONSIDERED**

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

### **NEXT STEPS**


Upon approval by the Board, staff will execute Modification No. 9 to Contract No. OP33673325 with Conejo Crest Landscape Maintenance Inc. to increase the contract value and extend the contract period of performance, to provide Herbicide Application and Vegetation Control Services to Metro bus and rail ROWs, facilities and parcel properties system-wide, effective December 1, 2020.

**ATTACHMENTS**

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

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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

**HERBICIDE APPLICATION SERVICES FOR BUS  
AND RAIL RIGHT-OF-WAYS (ROWS) AND FACILITIES**

1.	<b>Contract Number:</b> OP33673325		
2.	<b>Contractor:</b> Conejo Crest Landscape Maintenance, Inc.		
3.	<b>Mod. Work Description:</b> Increase contract value		
4.	<b>Contract Work Description</b> Provide regular herbicide application and vegetation control services for bus and rail Right-Of-Ways (ROWS), facilities and parcel properties.		
5.	<b>The following data is current as of:</b> 7/31/20		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contracts Awarded:</b>	3/1/15	<b>Contract Award Amount:</b> \$1,915,506.05
	<b>Notice to Proceed (NTP):</b>	N/A	<b>Total of Modification Approved:</b> \$111,088.50
	<b>Original Complete Date:</b>	2/28/20	<b>Pending Modification (including this action):</b> \$330,000.00
	<b>Current Est. Complete Date:</b>	11/30/20	<b>Current Contract Value (with this action):</b> \$2,356,594.55
7.	<b>Contract Administrator:</b> Rommel Hilario		<b>Telephone Number:</b> (213) 922-4654
8.	<b>Project Manager:</b> Dan Smith		<b>Telephone Number:</b> (213) 922-6762

**A. Procurement Background**

This Board Action is to approve Modification No. 9 issued in support of Facilities Maintenance to provide regular herbicide application and vegetation control services for bus and rail right-of-ways (ROWS), facilities and parcel properties.

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

In January 2015, the Board approved a five-year contract, inclusive of two, one-year options, to Conejo Crest Landscape Maintenance, Inc., the lowest responsive and responsible bidder, to provide herbicide application and vegetation control services.

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 on rates that were evaluated as part of the competitive contract award in 2015. Rates remain unchanged and are subject to prevailing wage rates set by the State of California.

<b>Proposed Amount</b>	<b>Metro ICE</b>	<b>Award Amount</b>
\$330,000	\$330,000	\$330,000

**CONTRACT MODIFICATION/CHANGE ORDER LOG**

**HERBICIDE APPLICATION SERVICES FOR BUS  
AND RAIL RIGHT-OF-WAYS (ROWs) AND FACILITIES**

<b>Mod. No.</b>	<b>Description</b>	<b>Date</b>	<b>Amount</b>
1.	Increase contract authority for the 5-year contract term (inclusive of options years) to cover additional service locations	2/18/16	\$ 68,111.00
2.	Decrease contract authority due to the reduction in service levels	2/18/16	(\$ 737,673.09)
3.	Increase contract authority to cover the addition of Expo II facilities	5/20/16	\$ 42,977.50
4.	Increase contract authority due to increase in service frequencies.	11/1/2016	\$ 737,673.09
5	Exercise Option Year One	1/8/18	\$ 0.00
6	Exercise Option Year Two	12/31/18	\$ 0.00
7	Extend period of performance	12/12/19	\$ 0.00
8	Revise submittal and reporting requirements	6/30/20	\$ 0.00
<b>9</b>	<b>Increase contract authority and extend period of performance</b>	<b>PENDING</b>	<b>\$ 330,000.00</b>
	<b>Modification Total:</b>		\$ 441,088.50
	<b>Original Contract:</b>	<b>1/29/15</b>	\$ 1,915,506.05
	<b>Total Contract Value:</b>		<b>\$ 2,356,594.55</b>

**DEOD SUMMARY**

**HERBICIDE APPLICATION SERVICES FOR BUS AND RAIL RIGHT-OF-WAYS (ROWs) AND FACILITIES CONTRACT / OP33673325**

**A. Small Business Participation**

Conejo Crest Landscape Maintenance, Inc. made a 15.5% Disadvantaged Business Enterprise (DBE) commitment. The project is 93% complete and Conejo Crest Landscape Maintenance, Inc. is currently meeting its commitment with 15.5% DBE participation.

<b>Small Business Commitment</b>	<b>15.5% DBE</b>	<b>Small Business Participation</b>	<b>15.5% DBE</b>
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	<b>DBE Subcontractor</b>	<b>Ethnicity</b>	<b>% Committed</b>	<b>Current Participation<sup>1</sup></b>
1.	Far East Landscape & Maintenance, Inc.	Asian Pacific American	15.5%	15.5%
	<b>Total</b>		<b>15.5%</b>	<b>15.5%</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**

A review of the current service contract indicates that the Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) was not applicable at the time of award. Therefore, the LW/SCWRP 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. Project Labor Agreement/Construction Careers Policy is applicable only to construction contracts that have a construction contract value in excess of \$2.5 million.