



## Board Report

File #: 2020-0499, File Type: Contract

Agenda Number: 21.

---

### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE SEPTEMBER 17, 2020

**SUBJECT: PEST AND BIRD CONTROL SERVICES**

**ACTION: APPROVE CONTRACT MODIFICATION**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Modification No. 4 to Contract No. OP852420003367 with Pestmaster Services Inc., for pest and bird control services to exercise the one, two-year option in the amount of \$2,727,946.08, increasing the total contract value from \$3,926,123.12 to \$6,654,069.20 and extending the period of performance from January 1, 2021 to December 31, 2022.

#### **ISSUE**

The existing contract three-year base period is due to expire December 31, 2020. To continue providing safe, quality, regularly scheduled and as-needed pest and bird control services throughout Metro facilities and vehicles, excluding buses covered under a separate maintenance contract, a contract modification is required effective January 1, 2021. This action is necessary to ensure service continuity and avoid any interruption to Metro's operations.

#### **BACKGROUND**

On October 26, 2017, Metro Board of Directors authorized the Chief Executive Officer to award a firm fixed unit rate Contract No. OP852420003367 to Pestmaster Services Inc., the lowest responsive and responsible bidder for pest and bird control services effective January 1, 2018.

#### **DISCUSSION**

Under the existing contract, pest and bird control services are performed throughout Metro facilities, rail cars, non-revenue vehicles, and service vehicles, excluding buses covered under a separate maintenance contract. Services include treatment of pest infestations, pest and bird waste clean-up, installation of pest and bird deterrent applications, animal trapping and dead animal removal.

This contract is critical to Metro's operations to mitigate pest and bird infestations and ensure providing safe and clean facilities and vehicles for Metro employees and patrons.

---

The Diversity and Economic Opportunity Department (DEOD) established a 12% Small Business Enterprise (SBE) goal and a 3% Disadvantage Veteran Business Enterprise (DVBE) goal for this contract. Pestmaster Services, Inc. made a 12% Small Business Enterprise (SBE) and a 3% Disabled Veteran Business Enterprise (DVBE) commitment for this contract. The project is 65% complete and the current SBE participation is 10.67%, representing a 1.33% shortfall and the current DVBE participation is 3%.

### **DETERMINATION OF SAFETY IMPACT**

The approval of this item will ensure meeting Metro maintenance standards providing the necessary regularly scheduled and as-needed pest and bird control services to support operations, facilitate critical track maintenance, and improve Metro bus and rail facilities overall appearance and cleanliness and continue providing prompt response time to deliver safe, quality, on-time, and reliable services system-wide.

### **FINANCIAL IMPACT**

Subject to Board approval of the FY21 Budget, funding of \$1,160,732.00 is to be allocated under cost center 8370 - Facilities Maintenance Contract and Administration, account 50308, Service Contract Maintenance, under various 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**

The current source of funding for this action will come from State and Local sources including Fares. Using these funding sources maximizes project fund use given designated 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 pest infestation, bird and pest waste clean-up, removal of dead animals, and installation of pest and bird deterrent measures/systems, and to comply with all applicable Federal, State and Local laws.

### **ALTERNATIVES CONSIDERED**

Staff considered providing this service through in-house staff; however, this would require the hiring, training and certification 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**

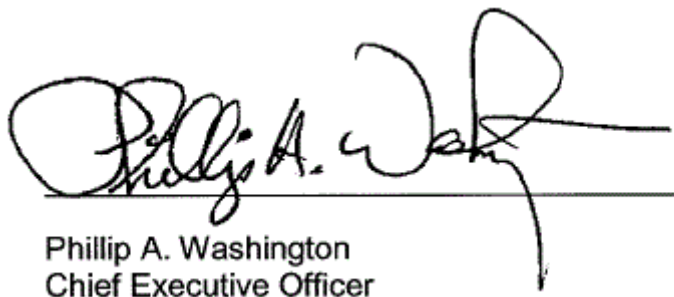
---

Upon Board approval, staff will execute Modification No. 4 to Contract No. OP852420003367 with Pestmaster Services Inc. to continue providing the necessary pest and bird control services throughout Metro facilities, rail cars, non-revenue vehicles, and service vehicles, excluding buses covered under a separate maintenance contract, effective January 1, 2021.

**ATTACHMENTS**

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

Prepared by: Lena Babayan, DEO, Facilities Maintenance Contracts &  
Administration, (213) 922-6765  
Ruben Cardenas, Sr. Manager, Facilities Maintenance Contracts &  
Administration, (213) 922-5932  
Reviewed by: James T. Gallagher, Chief Operations Officer, (213) 418-3108  
Debra Avila, Chief Vendor/Contract Management Officer, (213) 418-3051



---

Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

## PEST AND BIRD CONTROL SERVICES / OP852420003367

1.	<b>Contract Number:</b> OP852420003367		
2.	<b>Contractor:</b> Pestmaster Services, Inc.		
3.	<b>Mod. Work Description:</b> Exercise Two-Year Option Term		
4.	<b>Contract Work Description</b> To provide safe, quality, regularly scheduled and as-needed pest and bird control services throughout Metro facilities and vehicles.		
5.	<b>The following data is current as of:</b> 8/14/20		
6.	<b>Contract Completion Status</b>		<b>Financial Status</b>
	<b>Contracts Awarded:</b>	10/26/17	<b>Contract Award Amount:</b> \$ 3,906,123.12
	<b>Notice to Proceed (NTP):</b>	1/1/18	<b>Total of Modification Approved:</b> \$ 20,000.00
	<b>Original Complete Date:</b>	12/31/20	<b>Pending Modification (including this action):</b> \$ 2,727,946.08
	<b>Current Est. Complete Date:</b>	12/31/22	<b>Current Contract Value (with this action):</b> \$ 6,654,069.20
7.	<b>Contract Administrator:</b> Rommel Hilario		<b>Telephone Number:</b> (213) 922-4654
8.	<b>Project Manager:</b> Alberto Garcia		<b>Telephone Number:</b> (213) 922-6760

**A. Procurement Background**

This Board Action is to approve Modification No. 4 to Contract No. OP852420003367 with Pestmaster Services, Inc. to exercise the two-year option term to continue to provide safe, quality, regularly scheduled and as-needed pest and bird control services throughout Metro facilities and vehicles, excluding buses covered under a separate maintenance contract.

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

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 2017 and price analysis. Rates remain unchanged.

<b>Proposed Amount</b>	<b>Metro ICE</b>	<b>Award Amount</b>
\$2,727,946.08	\$2,727,946.08	\$2,727,946.08

**CONTRACT MODIFICATION/CHANGE ORDER LOG**  
**PEST AND BIRD CONTROL SERVICES/OP852420003367**

<b>Mod. No.</b>	<b>Description</b>	<b>Date</b>	<b>Amount</b>
1.	Add Service Locations	8/20/18	\$ 0.00
2.	Add Service Locations	4/2/20	\$ 20,000.00
3.	Change Service Frequencies	5/14/20	\$ 0.00
4.	Exercise Two-Year Option Term	<b>PENDING</b>	\$2,727,946.08
	<b>Modification Total:</b>		\$2,747,946.08
	<b>Original Contract:</b>	<b>10/26/17</b>	\$3,906,123.12
	<b>Total Contract Value:</b>		<b>\$6,654,069.20</b>

## DEOD SUMMARY

## PEST AND BIRD CONTROL SERVICES / OP852420003367

**A. Small Business Participation**

Pestmaster Services, Inc. made a 12% Small Business Enterprise (SBE) and a 3% Disabled Veteran Business Enterprise (DVBE) commitment for this contract. The project is 65% complete and the current SBE participation is 10.67%, representing a 1.33% shortfall and the current DVBE participation is 3%.

Pestmaster Services, Inc. explained that their SBE/DVBE subcontractor, Willow Street Enterprises, experienced a staff reduction due to COVID-19 related concerns but has pledged to hire replacement staff by September of 2020. As such, Pestmaster Services Inc. remains committed to meeting its SBE/DVBE commitment on the contract.

Additionally, the Diversity & Economic Opportunity Department has requested that Pestmaster Services, Inc. submit a mitigation plan to address the SBE shortfall and to provide a forecast of projected utilization through the end of the contract until the commitment is met.

<b>SMALL BUSINESS COMMITMENT</b>	<b>12% SBE 3% DVBE</b>	<b>SMALL BUSINESS PARTICIPATION</b>	<b>10.67% SBE 3% DVBE</b>
----------------------------------	----------------------------	-------------------------------------	-------------------------------

	<b>SBE Subcontractors</b>	<b>% Committed</b>	<b>% Participation</b>
1.	Willow Street Enterprises (Scope 1)	12%	10.67%
<b>Total SBE Commitment</b>		<b>12%</b>	<b>10.67%</b>

	<b>DVBE Subcontractors</b>	<b>% Committed</b>	<b>% Participation</b>
1.	Willow Street Enterprises (Scope 2)	3%	3%
<b>Total DVBE Commitment</b>		<b>3%</b>	<b>3%</b>

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

The Living Wage and Service Contract Worker Retention Policy (LW/SCWRP) is applicable to this modification. Metro staff will monitor and enforce the policy guidelines to ensure that applicable workers are paid at minimum, the current Living Wage rate of \$20.15 per hour (\$14.60 base + \$5.55 health benefits), including yearly increases. The increase may be up to 3% of the total wage, annually. In addition, contractors will be responsible for submitting the required reports for the Living

Wage and Service Contract Worker Retention Policy and other related documentation to staff to determine overall compliance with the policy.

**C. Prevailing Wage Applicability**

Prevailing wage is not applicable to this modification.

**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.