Los Angeles County
Metropolitan Transportation
Authority
One Gateway Plaza
3rd Floor Board Room
Los Angeles, CA

Metro

Board Report

File #: 2020-0847, **File Type:** Contract **Agenda Number:** 25.

OPERATIONS, SAFETY AND CUSTOMER EXPERIENCE COMMITTEE
FEBRUARY 18, 2021

SUBJECT: TRANSIT LAW ENFORCEMENT SERVICES

ACTION: APPROVE CONTRACT MODIFICATIONS

RECOMMENDATION

A. AUTHORIZE the CEO to execute Contract Modification No. 3 to Contract PS95866000LBPD24750 with the City of Long Beach to continue to provide transit law enforcement services and increase the not-to-exceed contract value by $6,878,776 from $30,074,628 to $36,953,404;

B. AUTHORIZE the CEO to execute Contract Modification No. 2 to Contract PS5862100LAPD24750 with the City of Los Angeles to continue to provide transit law enforcement services and increase the not-to-exceed contract value by $60,154,998 from $369,330,499 to $429,485,497; and

C. AUTHORIZE the CEO to execute Contract Modification No. 2 to Contract PS5863200LASD24750 with the County of Los Angeles to continue to provide transit law enforcement services and increase the not-to-exceed contract value by $44,168,199 from $246,270,631 to $290,438,830.

ISSUE

In order to maintain a consistent and reliable law enforcement presence and to ensure a safe and secure transit system for Metro patrons and employees, the multi-agency law enforcement services contracts need to be modified.

Additional contract authority is being requested to cover significant costs incurred to (1) augment outreach services to the unhoused population, address crime trends, sexual harassment; and (2) enhanced deployments to cover special events, employee, and customer complaints, or other unforeseen circumstances.

Total additional resources requested by Metro from each of our transit law enforcement partners have resulted in a 16.9% shortfall for the first three years of the contracts' combined approved contract authority. Based on current deployment levels, staff anticipates shortfalls to continue up to the end of the contract term, estimated at 14.5% for FY21 (Year 4) and 20.7% for FY 22 (Year 5), for an overall

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average shortfall of 17.2%, increasing the combined total contract price from $645,675,758 to $756,877,731. A Funding/Expenditure Plan indicating these variances is shown in Attachment A.

BACKGROUND

On February 23, 2017, the Metro Board of Directors approved the award of three individual five-year, firm-fixed unit rate contracts to the City of Long Beach, City of Los Angeles and County of Los Angeles for multi-agency law enforcement services to support bus and rail operations throughout the entire Metro transit system. The total five-year contract amount for multi-agency law enforcement services is $645,675,758.

In order to effectively and efficiently meet Metro's changing safety and security requirements and to better address ridership safety and security concerns, Metro evaluates and adjusts policing strategies and realigns deployment methodologies. Since contract inception, Metro has requested all three law enforcement agencies to deploy additional resources to meet these changing needs. These deployment adjustments, have, among other things, resulted in fewer copper thefts, making it possible to reopen the New Blue Line on schedule; a decreased crime rate; and improved supportive services for the unhoused population through an increased number of homeless contacts, referrals to social services and housing placements.

The following additional resources and cost adjustments have been incurred to date:

City of Long Beach

In December 2018, Metro requested the City of Long Beach to provide two (2) full-time Metro Quality of Life officers for homeless outreach along the A (Blue) Line, one (1) detective and one (1) vehicle. Metro staff estimates that these adjustments will increase the total five-year contract price by $6,878,776 from $30,074,628 to $36,953,404.

City of Los Angeles

In July 2018, Metro authorized the City of Los Angeles to implement the following contract adjustments:

- Augment the "Billing and Inspection Unit";
- Increase Crime Analyst Personnel;
- Reclassify the Sick/IOD/Subpoena Control Coordinator from Police Officer III to Management Analyst;
- Convert HOPE Detail from overtime positions to full-time positions;
- Convert Bomb/K9 Unit from as needed to full-time positions; and
- Enhance "Watch 3" staffing (overtime coverage) to facilitate station closures;
- Increase the training budget for additional law enforcement personnel;
- Increase "Reserve Overtime" for new positions;
- Include "Premium Holiday Pay" in accordance with the respective labor agreements;
- Include provisions for community outreach activities; and

- Increase budget for office supplies.

Since October 2017, the City of Los Angeles has deployed resources to support 184 additional activities such as the following: Metro Real Estate Agreements with Council District 1, Westlake/MacArthur Station Park Community Market, Metrolink Union Station Platforms, A (Blue) Line Closure, New Blue Copper Theft Mitigation, and Metro Rail Operation's calendar of special events, among other enhance deployments.

Metro staff also anticipates staffing level increases will be required to support the Offloading and Flexible Dispatching operations, and the opening of the new Crenshaw/LAX Line. Once the opening date of the new Crenshaw/LAX Line is established, Metro staff will return to the Board of Directors to request approval for additional contract modification authority.

Overall, the above adjustments, including future staffing level increases to support only the Offloading and Flexible Dispatching operations are projected to increase the five-year contract price by $60,154,998 from $369,330,499 to $429,485,497.

County of Los Angeles

Since contract inception, the County of Los Angeles has augmented budgeted personnel to support 59 additional activities such as: Metro's Red-Light Photo Enforcement (RLPE) program, Metro Real Estate Agreements with East San Gabriel Valley Coalition (ESGVCH), Annual Homeless Winter Shelter Program, and Metro Rail Operation's special events and enhance deployments. These additional resources are estimated to increase the total five-year contract price by $44,168,199 from $246,270,631 to $290,438,830.

Metro staff anticipates staffing level increases will be required to support the opening of the new Crenshaw/LAX Line. Once the opening date of the new Crenshaw/LAX Line is established, Metro staff will return to the Board of Directors to request approval for additional contract modification authority.

DISCUSSION

Through the multi-agency law enforcement services contracts, Metro is able to provide a consistent and reliable law enforcement presence, improve response times, increase law enforcement staffing over each 24-hour operating period, support bus and rail operations throughout the entire Metro transit system and provide additional law enforcement services on an as-needed basis for special events and/or other exigent circumstances.

DETERMINATION OF SAFETY IMPACT

The authorization of the contract modifications to each of the law enforcement contracts, will ensure continued safety and security of patrons and employees, improvement of Metro's ability to safeguard critical transportation infrastructures, and outreach to the unsheltered.

FINANCIAL IMPACT

The funding increase of $111,201,973 will be added to the total contract value of the three five-year multi-agency law enforcement contracts. The FY21 budget requirement is $43,350,000 and will be reflected in Cost Center 2610 - System Security and Law Enforcement, Account 50320 - Contract Services, in multiple projects. It will be funded with projected FY21 year-end budget availability.

Since this is a multi-year service contract, the Chief System Security and Law Enforcement Officer and the Project Manager will be responsible for budgeting costs for this multi-year service contract.

Impact to Budget

The source of funds for this effort will be local operating funds including fares, sales tax Proposition A, C, TDA, and Measure R. Using these funding sources maximizes the allowable project funding designations given approved funding use provisions and guidelines.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommendation supports strategic plan goal 2.1 of committing to improving security. To achieve this goal, Metro will rely on a multi-layered, integrated security program that comprises of technology, people, and partnerships.

ALTERNATIVES CONSIDERED

The Board may decline to approve the contract modifications. This alternative is not recommended as it will result in: 1) inadequate law enforcement staff to support current and future bus and rail operations throughout the entire Metro transit system, 2) increase in crime rate making it unsafe for patrons and employees to use the Metro system, and 3) surge of the homeless population seeking shelter on the Metro System.

NEXT STEPS

Upon Board approval, staff will execute contract modifications to each of the law enforcement contracts to continue to provide law enforcement services.

ATTACHMENTS

Attachment A - Funding/Expenditure Plan
Attachment B - Procurement Summary
Attachment C - Contract Modification/Change Order Log
Attachment D - DEOD Summary

Prepared by: Ronald Dickerson, Deputy Executive Officer, System Security & Law Enforcement, (213) 922-4948

Reviewed by: Robert Green, Chief System Security & Law Enforcement Officer

(213) 922-4811
Debra Avila, Chief Vendor/Contract Management Officer
(213) 418-3051
Nalini Ahuja, Chief Financial Officer, (213) 922-3088

Phillip A. Washington
Chief Executive Officer

Funding Expenditure Plan

Transit Law Enforcement Services		LBPD Period of Performance 3/2017 - 6/2022			LASD Period of Performance 9/2017 - 6/2022			LAPD Period of Performance 3/2017 - 6/2022			Combined Org. Budget		
Contract Year	Fiscal Year Description	Org. Contract Budget	Current Invoice	Amt. Remaining	Org. Contract Budget	Current Invoice	Amt. Remaining	Org. Contract Budget	Current Invoice	Amt. Remaining	Total Org. Contract Budget	Authorized Adjustments	Total Current Invoice
0	Fiscal Year 0: (3/2017-6/2017)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
1	Fiscal Year 1: (7/2017-6/2018)	$ 5,459,271.00	$ 6,344,849.00	$ (885,578.00)	$ 41,586,561.00	$ 41,114,094.00	$ 472,467.00	$ 70,098,520.00	$ 78,291,243.16	$ (8,192,723.16)	$ 117,144,352.00	$ -	$ 125,750,186.16
2	Fiscal Year 2: (7/2018-6/2019)	$ 5,517,674.00	$ 6,999,269.00	$ (1,481,595.00)	$ 51,171,017.00	$ 57,572,094.00	$ (6,401,077.00)	$ 69,495,306.00	$ 84,723,931.00	$ (15,228,625.00)	$ 126,183,997.00	$ 77,352,499.44	$ 149,295,294.00
3	Fiscal Year 3: (7/2019-6/2020)	$ 5,959,087.00	$ 6,761,851.74	$ (802,764.74)	$ 51,171,017.00	$ 60,405,468.00	$ (9,234,451.00)	$ 73,652,923.00	$ 94,573,123.92	$ (20,920,200.92)	$ 130,783,027.00	$ 83,140,603.13	$ 161,740,443.66
4	Fiscal Year 4: (7/2020-6/2021)	$ 6,316,633.00	$ -	$ 6,316,633.00	$ 51,171,018.00	$ 21,195,415.43	$ 29,975,602.57	$ 76,531,010.00	$ 12,864,890.46	$ 63,666,119.54	$ 134,018,661.00	$ 105,095,536.38	$ 34,060,305.89
5	Fiscal Year 5: (7/2021-6/2022)	$ 6,821,963.00	$ -	$ 6,821,963.00	$ 51,171,018.00	$ -	$ 51,171,018.00	$ 79,552,740.00	$ -	$ 79,552,740.00	$ 137,545,721.00	$ 109,000,292.53	$ -
	SUBTOTAL	**$ 30,074,628.00**	**$ 20,105,969.74**	**$ 9,968,658.26**	**$ 246,270,631.00**	**$ 180,287,071.43**	**$ 65,983,559.57**	**$ 369,330,499.00**	**$ 270,453,188.54**	**$ 98,877,310.46**	**$ 645,675,758.00**	**$ 374,588,931.48**	**$ 470,846,229.71**

Attachment A

PROCUREMENT SUMMARY

TRANSIT LAW ENFORCEMENT SERVICES/PS5862100LAPD24750/ PS5863200LASD24750 and PS95866000LBPD24750

1.	**Contract Number**: (1) PS5862100LAPD24750, (2) PS5863200LASD24750 and (3) PS95866000LBPD24750			
2.	**Contractor**: (1) City of Long Beach (2) City of Los Angeles (3) County of Los Angeles			
3.	**Mod. Work Description**: Increase contract authority			
4.	**Contract Work Description**: Transit Law Enforcement Services			
5.	**The following data is current as of**: December 1, 2020			
6.	**Contract Completion Status**		**Financial Status**	
	Contract Awarded:	LAPD: 2/23/17 LBPD: 2/23/17 LASD: 2/23/17	**Contract Award Amount:**	LAPD: $369,330,499 LASD: $246,270,631 LBPD: $ 30,074,628
	Notice to Proceed (NTP):	N/A	**Total of Modifications Approved:**	LAPD: $0 LASD: $0 LBPD: $0
	Original Complete Date:	6/30/22	**Pending Modifications (including this action):**	LAPD: $60,154,998 LASD: $44,168,199 LBPD: $6,878,776
	Current Est. Complete Date:	6/30/22	**Current Contract Value (with this action):**	LAPD: $429,485,497 LASD: $290,438,830 LBPD: $36,953,404
7.	**Contract Administrator**: Aielyn Dumaua		**Telephone Number**: (213) 922-7320	
8.	**Project Manager**: Aston Greene		**Telephone Number**: (213) 922-2599	

A. Procurement Background

This Board Action is to approve modifications to Contract No. PS95866000LBPD24750 with the City of Long Beach, Contract No. PS5862100LAPD24750 with the City of Los Angeles, and Contract No. PS5863200LASD24750 with the County of Los Angeles to continue to provide law enforcement services to support bus and rail operations throughout the entire Metro transit system.

These modifications are being requested to cover significant costs incurred to (1) augment outreach services to the unhoused population, address increasing crime trends, and sexual harassment; and (2) increase deployment to cover special

events, intensified threat levels, increased crime suppression or other exigent circumstances, necessitating the deployment of additional contractor resources above and beyond the original budgeted personnel. Contract modifications will be processed in accordance with Metro's Acquisition Policy and the contract type is a firm fixed unit rate.

On February 23, 2017, the Board approved the award of contracts to the City of Long Beach, City of Los Angeles and County of Los Angeles to provide transit law enforcement services for a period of five years.

Refer to Attachment C – Contract Modification/Change Order Log for modifications issued to date.

B. Price Analysis

The recommended price has been determined to be fair and reasonable based on price analysis. Labor rates are subject to each law enforcement agencies' collective respective bargaining agreement.

Contractor	Modification Amount	Metro ICE	Negotiated Amount
City of Long Beach	$ 6,878,776	$ 6,878,776	$ 6,878,776
City of Los Angeles	$ 60,154,998	$ 60,154,998	$ 60,154,998
County of Los Angeles	$ 44,168,199	$ 44,168,199	$ 44,168,199

ATTACHMENT C

CONTRACT MODIFICATION/CHANGE ORDER LOG

TRANSIT LAW ENFORCEMENT SERVICES/PS95866000LBPD24750

Mod. No.	Description	Status (approved or pending)	Date	$ Amount
1	Revised Contract No. to PS95866000LBPD24750	Approved	1/8/18	$ 0
2	Revised Exhibit B – Memorandum of Cost	Approved	10/1/19	$ 0
3	Increase in contract authority	**Pending**	**Pending**	**$ 6,878,776**
	Modification Total:			**$ 6,878,776**
	Original Contract:			**$30,074,628**
	Total:			**$36,953,404**

TRANSIT LAW ENFORCEMENT SERVICES/PS5862100LAPD24750

Mod. No.	Description	Status (approved or pending)	Date	$ Amount
1	Revised provisions of GC14-Termination	Approved	7/1/18	$ 0
2	Increase in contract authority	**Pending**	**Pending**	**$ 60,154,998**
	Modification Total:			**$ 60,154,998**
	Original Contract:			**$369,330,499**
	Total:			**$429,485,497**

TRANSIT LAW ENFORCEMENT SERVICES/PS5863200LASD24750

Mod. No.	Description	Status (approved or pending)	Date	$ Amount
1	Revised Exhibit A - Statement of work and updated Exhibit B – SH-AD 575	Approved	7/1/20	$ 0
2	Increase in contract authority	**Pending**	**Pending**	**$ 44,168,199**
	Modification Total:			**$ 44,168,199**
	Original Contract:			**$246,270,631**
	Total:			**$290,438,830**

DEOD SUMMARY

TRANSIT LAW ENFORCEMENT SERVICES/PS5862100LAPD24750/ PS5863200LASD24750 and PS95866000LBPD24750

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) did not recommend a Disadvantaged Business Enterprise (DBE) goal for this solicitation due to a lack of subcontracting opportunities. As confirmed by the Project Manager, these services are performed with the law enforcement departments own workforces.

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 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.

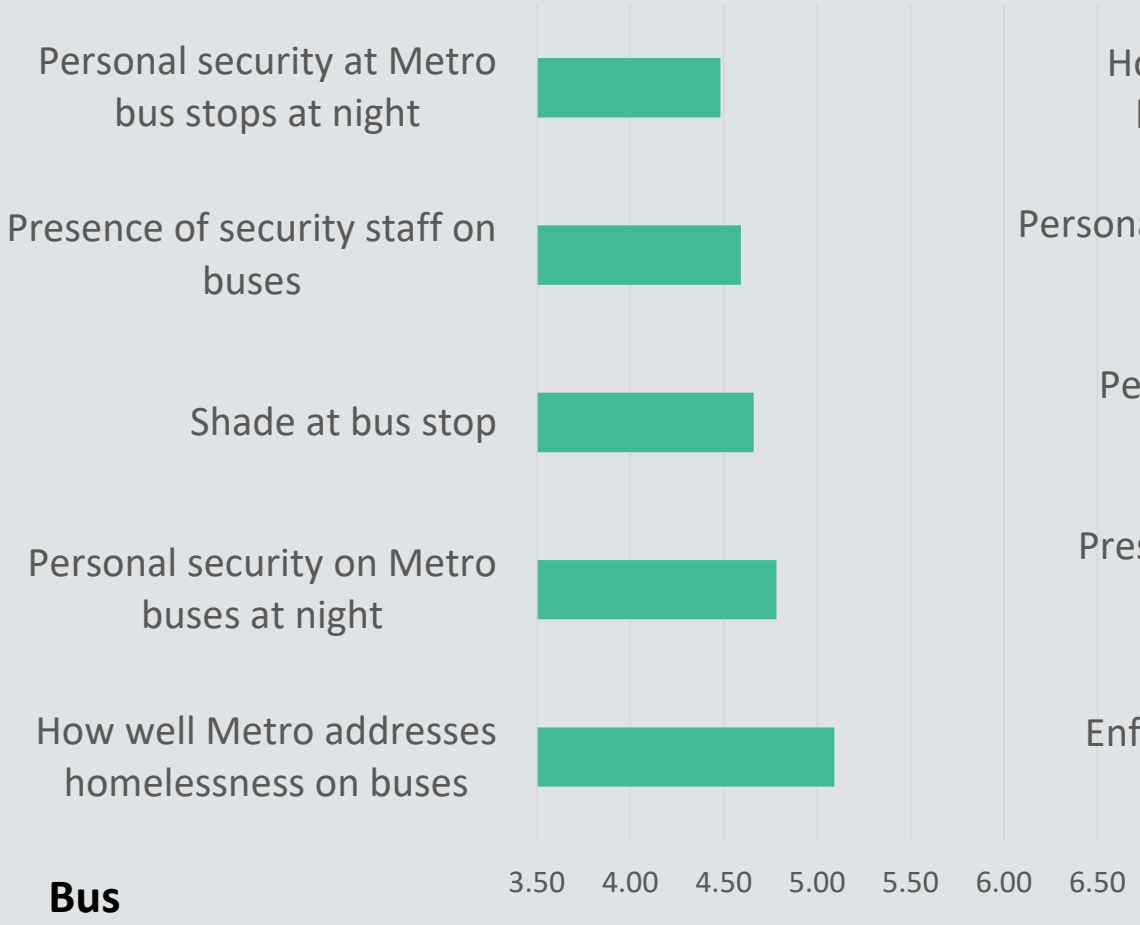
Transit Law Enforcement Services

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
FEBRUARY 18, 2021

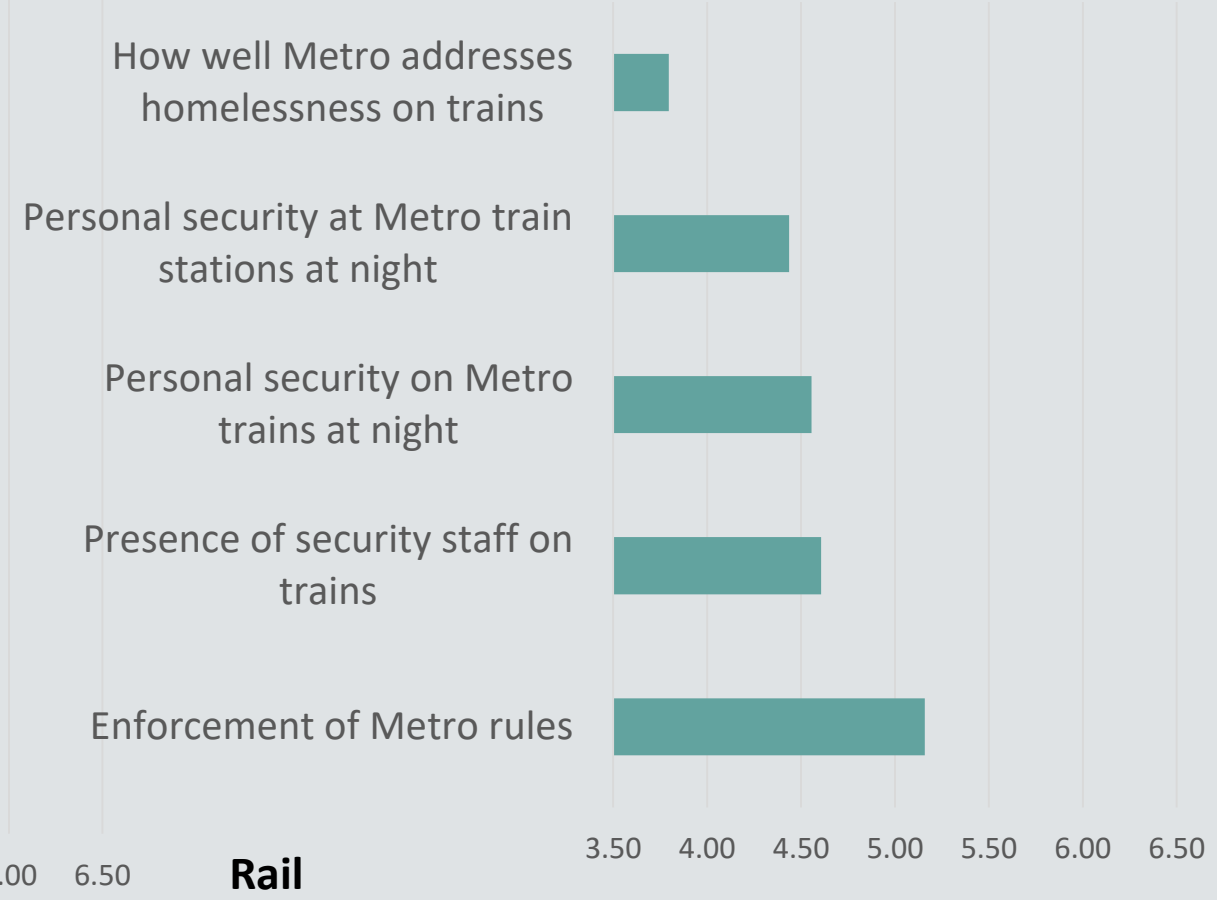
Current Conditions

- Continued challenges with addressing quality of life issues on the system (i.e., hygiene, sanitation) and violent behaviors from riders under the influence or suffering from mental illness
- Continued employee demand for uniformed presence across Metro stations
- Per Board Motions 37 and 37.1, Metro is to convene a Public Safety Advisory Committee (PSAC) to provide recommendations on how we can reimagine public safety on our system, which includes receiving input on our next multi-agency policing contract
  - To ensure PSAC members have the knowledge and time to provide input, Metro staff may need to consider extending the existing contract by 6-months, an approximate increase of **$84M** (not included in the amendment request)
- Law enforcement resources to support the Crenshaw Line are anticipated at an additional **$15M** (not included in amendment request)

Bottom 5 Aspects of Customer Experience



Bus



Rail

Contract Achievements

- In collaboration with Metro's Transit Security and PATH, launched *Operation Shelter the Unsheltered* in April 2020, which has helped to connect over **650** individuals to shelters
- Expanded the HOPE, MET, and Quality of Life homeless outreach teams
- Improved contract compliance, and reduced data reporting from 60 days to 30 days
- Improved Metro's Sexual Harassment Program by having law enforcement respond to incidents as priority calls with tracked response time
- Provided additional resources during construction of the "New Blue Line" to mitigate copper theft, resulting in meeting the project's opening date
- Enhanced deployment of uniform presence at:
  - Westlake /MacArthur Park Community Market, Expo Line, Union Station, Blue Line Closure Traffic, Red Line and Pershing Square

Contract Amendment Requests

1

LBPD: Increase contract value by $6,878,776 (23%) from $30,074,628 to $36,953,404

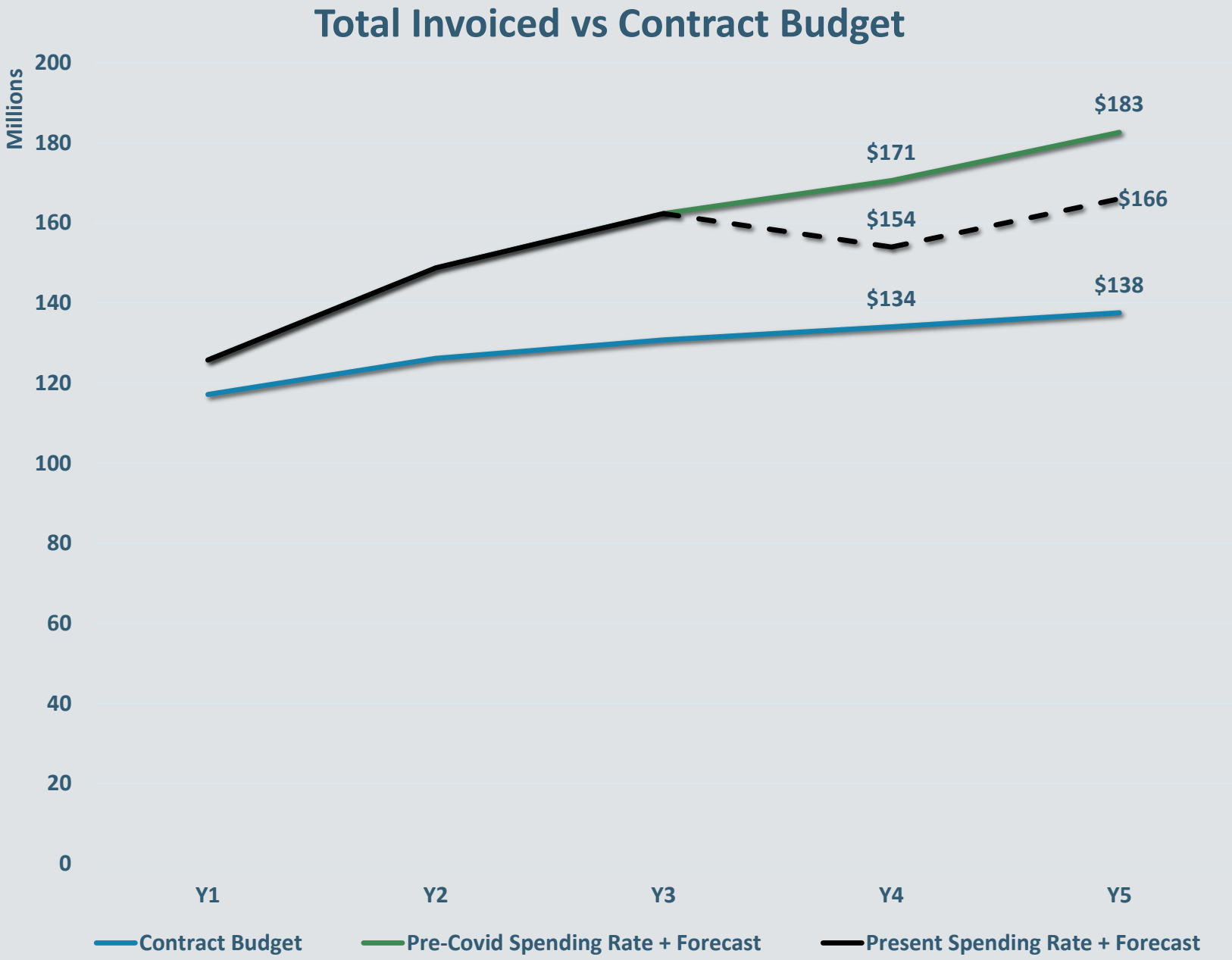
2

LAPD: Increase contract value by $60,154,998 (16%) from $369,330,499 to $429,485,497

3

LASD: Increase contract value by $44,168,199 (18%) from $246,270,631 to $290,438,830

A total of $111,201,973, a **17.2%** increase from $645,675,758 to $756,877,731.



Cost Savings

As a result of agencywide mandates for cost reduction, we eliminated additional resources for Special Events and Enhancements, which resulted in a savings of approximately **$33.14M.**

Additionally, a detailed review of the contract budget resulted in repurposing funds to cover additional resources such as Training, and a successful negotiation of reducing the current CAP Rate by an average of 9.85%. An overall savings of approximately **$16M.**

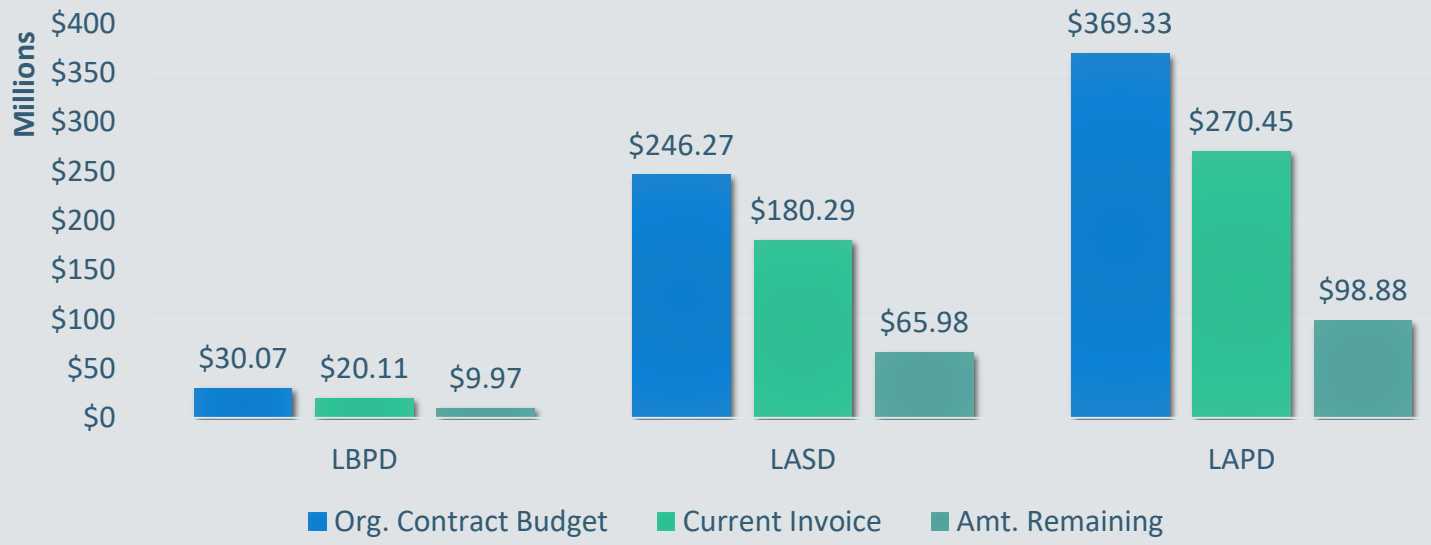
TOTAL SAVINGS: $49M

Contract Award to Present

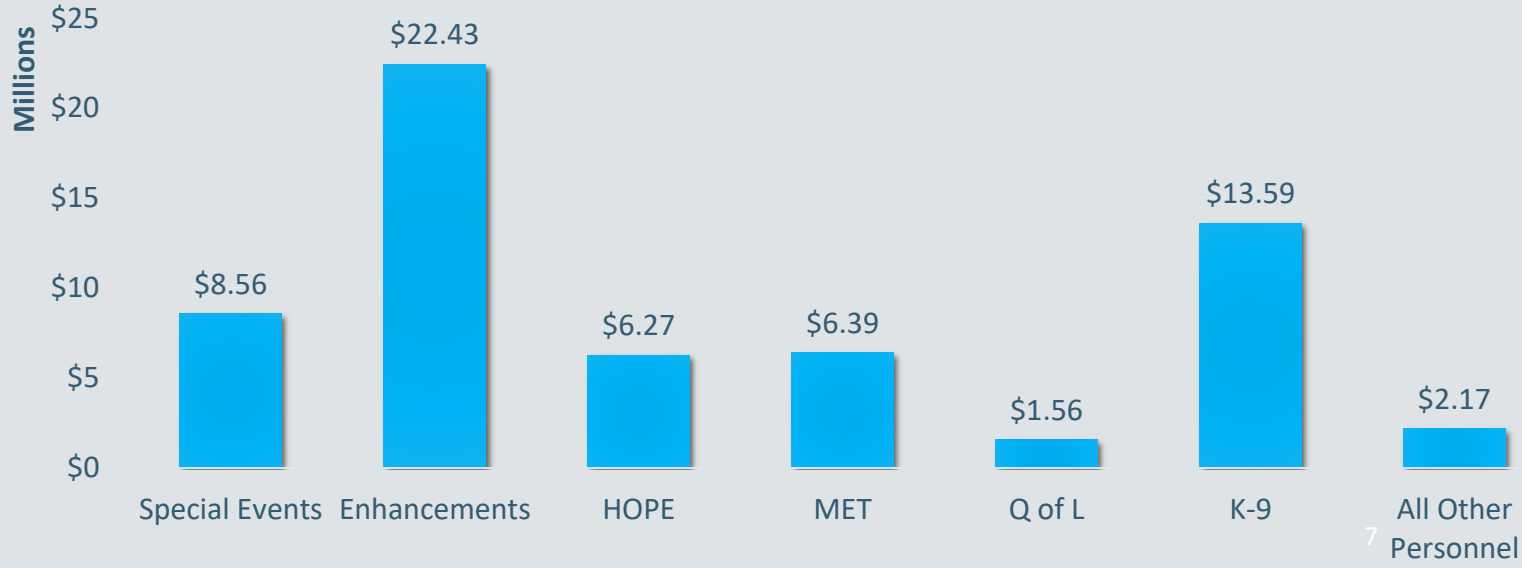
In 2017, Metro awarded a **$645,675,758** multi-agency contract to LAPD, LBPD, and LASD. This amount did not include additional resources requested by Metro, which have resulted in a 16.9% shortfall during the first 3 years of the contact.

Contract Years 1- 3

Budget vs Invoiced



Unanticipated Costs



Accountability Measures

- Assessed systemwide deployment model and redistributed resources
- Implemented the monitoring of sexual harassment Calls for Service response time
- Revamped the tracking and auditing of CCATS and LESRs to be addressed by law enforcement agencies within 7 business days
- Require partners to report crime data and trends at weekly meetings
- Reestablished regional law enforcement network to ensure Metro partners are responsive to the security and quality of life needs of our surrounding communities
- Audits of invoiced law enforcement deployments; increased from 10% to 50%
- Audits of payroll to confirm compliance with contract approved personnel; increased from 0% to 100%
- Performance of MPV audits have resulted in an overall average of a 51% compliance
- Closed-out a total of (34) aging OIG audit findings/recommendations