



## Board Report

File #: 2023-0366, File Type: Contract

Agenda Number: 7.

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### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE JULY 20, 2023

**SUBJECT: PORTABLE RESTROOM SERVICES FOR METRO EMPLOYEES**

**ACTION: APPROVE CONTRACT AWARD**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award a firm fixed unit rate Contract No. PS96427000 to United Site Services of California, Inc. for portable restrooms and handwash stations in an amount not-to-exceed \$896,490 for a three-year base period and \$272,705 for the first one-year option term and \$291,330 for the second one-year term, for a combined not-to-exceed amount of \$1,460,525, effective on August 1, 2023, subject to the resolution of all properly submitted protest(s), if any.

#### **ISSUE**

Metro utilizes portable restrooms and handwash stations for its employees when fixed restrooms are not available at critical locations. The current contract that provides these services is set to expire on August 30, 2023. Establishing a new contract that can provide the required portable restrooms, handwash stations, and related support facilities is critical to a safe and healthy environment for our Metro employees.

#### **BACKGROUND**

Portable restrooms and handwash stations are necessary for Metro bus operators who have limited access to permanent restroom facilities at various Metro bus terminals and layovers. These temporary stations ensure that the health and well-being of our front-line employees are taken care of and are mandatory to comply with federal, state and county (local) health and environmental statutes. The services performed under this contract will be monitored by Operations through the Stops & Zones Department. To continue providing portable restrooms, and handwash stations, a new contract for portable restroom services is recommended for award.

Portable restrooms are also needed to support normal operations at bus layover zones, bus and rail operating divisions, and other Metro properties to support planned and unplanned maintenance work. Portable restrooms are also provided for special events at various local venues for Metro support staff.

#### **DISCUSSION**

This contract will provide portable restrooms and handwash stations at a minimum of 11 selected Metro bus terminals and layover sites, with a minimum of 21 units to be collectively serviced 105 times per week. These portable restrooms can be used by nearly 1,200 bus operators that stop at these 11 bus layover zones daily (M-F), with reduced usage on weekends. Additional portable restrooms will be provided for Metro staff for special events at various locations adjacent to the Los Angeles Coliseum, Pasadena Rose Bowl, and Metro Bus and Rail Rodeos. The proposed new contract includes provisions for contingencies for emergencies and unanticipated special events. The scope of work for this new contract also includes ADA accessible, elite or suite restrooms (flushable toilets with interior lighting, A/C and other amenities when requested by Metro project managers).

### **DETERMINATION OF SAFETY IMPACT**

Award of this contract shall ensure compliance with federal, state and county (local) health and environmental statutes. Service of portable restrooms will be performed by a licensed contractor with certified technicians that have the training and experience to safely perform this service.

### **FINANCIAL IMPACT**

The funding of \$337,710 for this service is included in the FY24 budget in cost center 3630, Stops and Zones under bus and rail operating projects. Since this is a multi-year contract, the cost center manager and the Deputy Chief Operations Officer will be accountable for budgeting the cost in future years.

#### **Impact to Budget**

The source of funds for this action includes the Federal, State grants, and operating eligible local sources including Transportation Development Act (TDA), Measure R, and Measure M. Allocation of these funds to this effort maximizes their intended use given approved funding guidelines and provisions. This is an ongoing operating maintenance cost as portable restrooms are required to provide clean and sanitary restrooms.

### **EQUITY PLATFORM**

Portable units will be installed at Metro bus layover zones and other locations upon request. The benefits of this action are to ensure Metro bus operators and staff are provided safe, clean restrooms throughout Metro's service area.

The Diversity & Economic Opportunity Department did not recommend an SBE/DVBE participation goal for this procurement due to lack of small businesses that perform these services.

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

Portable restrooms services support Strategic Goal 5: Provide responsive, accountable, and trustworthy governance within the organization. The routine service will ensure clean and sanitized portable restrooms for Metro bus operators and staff at bus terminals, layovers, and special events.

**ALTERNATIVES CONSIDERED**

An alternative is to have Metro employees perform these services in-house, however, this is not recommended. Performing the service in-house would require the purchase and maintenance of portable restrooms. In addition, it would require the hiring of additional personnel and the purchase of additional equipment and vacuum trucks. Metro employees also do not possess the necessary certifications to perform this work. In addition, Metro and the vacuum trucks would require Health Department, L.A. County, and waste disposal permits.

**NEXT STEPS**

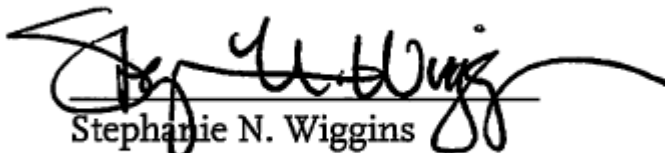
Upon approval by the board, staff will execute Contract No. PS96427000 to United Site Services of California, Inc. to provide portable restroom and waste tank services at selected Metro properties and locations effective on August 1, 2023.

**ATTACHMENTS**

Attachment A - Procurement Summary  
Attachment B - DEOD Summary

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Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

## PORTABLE TOILET SERVICES / PS96427000

1.	<b>Contract Number:</b> PS96427000	
2.	<b>Recommended Vendor:</b> United Site Services of California, Inc.	
3.	<b>Type of Procurement (check one):</b> <input checked="" type="checkbox"/> IFB <input type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	<b>A. Issued:</b> March 30, 2023	
	<b>B. Advertised/Publicized:</b> March 30, 2023	
	<b>C. Pre-Bid Conference:</b> April 6, 2023	
	<b>D. Bids Due:</b> May 3, 2023	
	<b>E. Pre-Qualification Completed:</b> May 18, 2023	
	<b>F. Conflict of Interest Form Submitted to Ethics:</b> May 4, 2023	
	<b>G. Protest Period End Date:</b> July 25, 2023	
5.	<b>Solicitations Picked up/Downloaded:</b> 4	<b>Bids/Proposals Received:</b> 2
6.	<b>Contract Administrator:</b> Manchi Yi	<b>Telephone Number:</b> (213) 418-3332
7.	<b>Project Manager:</b> David Daniels	<b>Telephone Number:</b> (213) 922-5190

**A. Procurement Background**

This Board Action is to approve Contract No. PS96427000 to United Site Services of California, Inc. to provide portable toilets, handwash stations and holding waste tank services at selected locations in support of the Los Angeles County Metropolitan Transportation Authority's (Metro) bus and rail operations. Board approval of contract awards are subject to resolution of any properly submitted protest(s).

On March 30, 2023, the Invitation for Bids (IFB) was issued in accordance with Metro's Acquisition Policy and the contract type is a firm fixed unit rate. The Diversity & Economic Opportunity Department did not recommend an SBE/DVBE participation goal for this procurement due to lack of small businesses that perform these services.

One amendment was issued during the solicitation phase of this IFB:

- Amendment No. 1, issued on April 20, 2023, revised the Compensation and Payment section of the pro-forma Contract to remove the requirement for retention.

A virtual pre-bid conference was held on April 6, 2023, with two firms in attendance.

Three companies downloaded the IFB and were included on Metro's planholders list. Thirty questions were received, and responses were released prior to the bid due date.

A total of two bids were received by the due date of May 3, 2023 and are listed below in alphabetical order:

1. Diamond Environmental Services, LP
2. United Site Services of California, Inc. (United)

## **B. Evaluation of Bids**

This procurement was conducted in accordance with and complies with Metro's Acquisition Policy for a competitive sealed bid.

Both firms were determined to be responsive to the solicitation requirements and have provided portable toilet services to various public agencies, including Metro.

The recommended firm, United, is the lowest responsive and responsible bidder and has been determined to be qualified to perform the required services based on the IFB requirements.

## **C. Price Analysis**

The award amount of \$1,460,525 has been determined to be fair and reasonable based on adequate competition, price analysis, independent cost estimate (ICE) and technical analysis. The award amount is higher than the original bid amount by \$1,100 or 0.08% due to a clerical error on the bid. Clarification revealed that the bidder made a calculation error on one of the bid items for the option term.

	<b>Bidder Name</b>	<b>Bid Amount</b>	<b>Metro ICE</b>	<b>Award Amount</b>
1.	United Site Services of California, Inc.	\$1,459,425	\$2,119,588	\$1,460,525
2.	Diamond Environmental Services, LP	\$2,372,291		

**D. Background on Recommended Contractor**

The recommended firm, United Site Services of California, Inc. (United) headquartered in Westborough, Massachusetts, with an operational yard in El Monte, California, has been in business for about 19 years. United provides portable toilets, handwashing stations, restroom/shower trailer rentals and services and temporary fencing. Public agency clients that United currently services include County of Orange, City of Los Angeles, and City of Santa Cruz. United provided portable toilet services to Metro from December 2010 through December 2013 and performance was satisfactory.

DEOD SUMMARY

PORTABLE TOILET SERVICES / PS96427000

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) did not establish a Small Business Enterprise (SBE)/Disabled Veteran Business Enterprise (DVBE) goals for this solicitation due to the lack of availability of SBE/DVBE firms that perform these services. United Site Services of California, Inc. (USSC) did not make a commitment. It is expected that USSC will perform the services with its own workforce.

**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. PLA/CCP is applicable only to construction contracts that have a construction related value in excess of \$2.5 million.