

**Board Report**

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**File #:** 2016-0580, **File Type:** Contract**Agenda Number:** 51.

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**SYSTEM SAFETY, SECURITY AND OPERATIONS COMMITTEE  
AUGUST 18, 2016****SUBJECT: FIRE-LIFE SAFETY SYSTEMS TESTING AND CERTIFICATION SERVICES****ACTION: APPROVE CONTRACT AWARD****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award a firm fixed unit rate Contract No. OP5766200 for **Fire-Life Safety Systems Testing and Certification** to Link-Nilsen Corp, in the not-to-exceed amount of \$1,388,558 for the three-year base period, \$478,347 for the first option year, and \$486,474 for the second option year, for a combined total of \$2,353,379, effective September 1, 2016.

**ISSUE**

The existing Fire-Life Safety contract expires October 31, 2016. To continue providing on-time fire-life safety testing and certification services and ensure compliance with LAFD Reg. 4 requirements, a new contract award is required effective September 1, 2016.

Under this new contract, the mandated Fire-Life Safety Systems testing and certification services will continue to be performed throughout Metro bus and rail facilities in accordance with the Los Angeles Fire Department Regulation 4 (LAFD Reg. 4) testing requirements.

**DISCUSSION**

Under the existing contract, the scope of work was significantly expanded to include additional locations testing and certification services. In October 2013, Metro bus divisions' elevator and emergency generator Reg. 4 testing services were added to this contract. Furthermore, in April 2014, ninety-nine (99) rail facilities Reg. 4 equipment testing, repair and certification services were added to this contract. This included all the rail lines water-based fire protection system along with the elevator and emergency power systems. 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 fire/life safety testing requirements.

The existing contract expires October 31, 2016. However, since the scope of work has been expanded to include additional locations and services, there are insufficient funds remaining within the current contract and a new contract award is required effective September 1, 2016, to continue

performing the mandated Reg. 4 testing, repair and certification services.

Under the new contract, the contractor is required to provide system-wide annual and five-year testing, calibration, repair, retesting where applicable and certification of water based fire suppressions systems. Simple and complex fire alarm panels and related fire/life safety equipment testing, repair and certification services are performed on an as-needed basis due to the limited resources of Reg. 4 certified testers among Metro personnel. These services are needed to ensure compliance with the LAFD Reg. 4 fire/life safety testing requirements.

### **DETERMINATION OF SAFETY IMPACT**

The approval of this item will ensure providing the mandated Reg. 4 fire/life safety testing, repair and certification services in a timely manner and in accordance with the LAFD regulatory requirements and guidelines, and to deliver safe, quality, timely, and reliable services to our customers and the public.

### **FINANCIAL IMPACT**

Funding of \$462,852 is included in the FY17 budget within various bus and rail cost centers, line item 50308 - Contract Maintenance Services, under various projects.

Since this is a multi-year contract, the cost center manager, project managers, and Sr. Executive Officer, Maintenance & Engineering will ensure that the balance of funds is budgeted in future years.

### **Impact to Budget**

The current year funding for this action will come from the Enterprise operating fund. The source of funds for this procurement will come from State and local funding sources that are eligible for Bus and Rail Operating or Capital Projects. These funding sources will maximize the use of funds for Metro's on-going maintenance costs.

### **ALTERNATIVES CONSIDERED**

Staff considered providing this service through Metro 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. Currently, an insufficient number of Metro personnel are certified. As we work through obtaining additional trained and certified personnel to assist with the required testing services, Metro will use contracted services to perform all mandated regulatory testing services to ensure timely compliance with fire/life safety requirements and guidelines.

### **NEXT STEPS**

Upon Board approval, staff will execute Contract No. OP5766200 with Link-Nilsen Corp., to provide Reg. 4 fire-life safety testing, repair and certification services effective September 1, 2016.

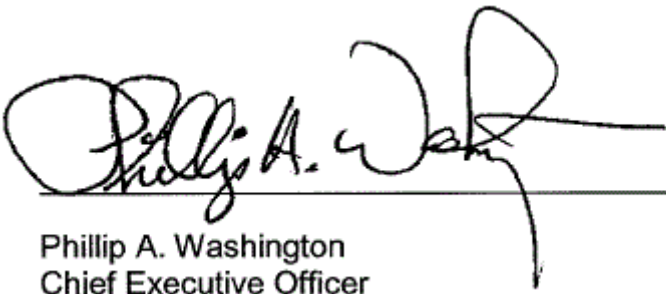
**ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - DEOD Summary

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Phillip A. Washington  
Chief Executive Officer

## PROCUREMENT SUMMARY

**FIRE-LIFE SAFETY SYSTEMS TESTING  
AND CERTIFICATION SERVICES  
CONTRACT NO. OP5766200**

1.	<b>Contract Number:</b> OP5766200	
2.	<b>Recommended Vendor:</b> Link-Nilsen Corporation	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> RFP <input checked="" type="checkbox"/> IFB <input type="checkbox"/> IFB-A&E <input type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	A. <b>Issued:</b> May 2, 2016	
	B. <b>Advertised/Publicized:</b> April 28, 2016	
	C. <b>Pre-Proposal/Pre-Bid Conference:</b> May 19, 2016	
	D. <b>Proposals/Bids Due:</b> May 31, 2016	
	E. <b>Pre-Qualification Completed:</b> July 22, 2016	
	F. <b>Conflict of Interest Form Submitted to Ethics:</b> June 6, 2016	
	G. <b>Protest Period End Date:</b> August 25, 2016	
5.	<b>Solicitations Picked up/Downloaded:</b> 8	<b>Bids/Proposals Received:</b> 1
6.	<b>Contract Administrator:</b> Rommel Hilario	<b>Telephone Number:</b> (213) 922-4654
7.	<b>Project Manager:</b> Sean Roe	<b>Telephone Number:</b> (213) 922-6733

**A. Procurement Background**

This Board Action is to approve a contract award in support of Facilities Maintenance to provide annual and five-year testing, calibration, repair, re-testing, where applicable, and certification of water based fire suppression systems, simple and complex fire alarm panels, related sensors, systems and fire-life safety equipment per the requirements of the Authority Having Jurisdiction (AHJ), as per the Los Angeles Fire Department (LAFD) Chief's Regulation #4 Procedures (Reg4), the National Fire Prevention Association (NFPA) 72 and NFPA 25 as amended by California Code of Regulations (CCR) Title 19 as outlined in Invitation for Bid (IFB) No. OP26702.

The IFB was issued as a competitive Small Business Enterprise Price Preference procurement per applicable law and in accordance with Metro's Acquisition Policy. The contract type is firm fixed unit price.

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

- Amendment No. 1, issued on May 20, 2016, provided pre-bid conference material including sign-in sheets, planholder's list, and prevailing wage information.

A pre-bid conference was held on May 19, 2016, which was attended by two vendors. A single bid was received on May 31, 2016.

Metro staff conducted a market survey to determine why there were no other bids received per the Acquisition Policy. Four firms responded with the following reasons:

1. Potential bidder decided that it was not in their best interest to submit a bid.
2. Potential bidder felt that the SBE goal was too prohibitive.
3. Potential bidder decided that the SBE application process was too burdensome.
4. Potential bidder did not have sufficient resources to submit a bid.

Based on the market survey and further analysis, it was determined that the solicitation was not restrictive and the decisions not to bid were based on individual business considerations as affirmed by the responses. Based on the market survey, there is no evidence that a new procurement would result in a different outcome. Therefore, this solicitation can be awarded as a competitive award.

**B. Evaluation of Bids**

This procurement was conducted in accordance, and complies with, standard acquisition policy for a competitive sealed bid. One bid was received from Link-Nilsen Corporation, the incumbent. The firm was determined to be responsive, responsible and qualified to perform the required services based on the IFB's requirements and technical evaluation by the Project Manager.

**C. Cost/Price Analysis**

The recommended price from Link-Nilsen Corporation for the Contract is considered fair and reasonable based upon the expectation of adequate price competition, independent cost estimate (ICE), and technical evaluation. The ICE was based on the current contract rates which included a higher fee for one-time service for water based testing of all rail locations. The Contract includes more frequent water based testing services over the five-year period. As a result, Link-Nilsen's bid was lower than the independent cost estimate. The project office confirmed that the bid submitted by Link-Nilsen is inclusive of all required services.

BIDDER	AMOUNT	METRO ICE	AWARD AMOUNT
Link-Nilsen Corporation	\$2,353,379.00	\$5,074,250.00	\$2,353,379.00

**D. Background on Recommended Contractor**

Link-Nilsen Corporation, a private, family run business, was founded in 1972 specializing in designing, testing, servicing, repairing, and constructing all types of engineered fire extinguishing piping systems. Link-Nilsen Corporation has been

involved in the installation of fire protection systems in Metro facilities since construction began on the Blue Line in 1989. Since then, they have participated in a majority of construction, inspection, testing, maintenance, and repair projects along the Red Line, Green Line, Purple Line, Gold Line and Expo Line systems. Link-Nilsen is currently involved in the design and construction of the Crenshaw, Westside and Regional Connector projects.

In May 2014, Link-Nilsen was awarded a contract with Metro to provide inspection, testing, maintenance and repair of the water based fire protection systems in the bus facilities. In subsequent years, the scope of the contract has grown to include fire protective signaling systems, emergency standby power systems, battery systems and annual elevator testing in both rail and bus facilities. Link-Nilsen's performance has been satisfactory.

## DEOD SUMMARY

**FIRE-LIFE SAFETY SYSTEMS TESTING  
AND CERTIFICATION SERVICES  
CONTRACT NO. OP5766200**

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) established a 10% Small Business Enterprise (SBE) goal for this solicitation. Link-Nilsen Corporation exceeded the goal by making an 11% SBE commitment.

<b>Small Business Goal</b>	SBE 10%	<b>Small Business Commitment</b>	SBE 11%
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	<b>SBE Subcontractors</b>	<b>% Committed</b>
1.	Certified Testing Specialist	11%
	<b>Total Commitment</b>	<b>11%</b>

**B. Living/Prevailing 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 requirements are applicable to this project. DEOD will 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). Trades that may be covered include: surveying, potholing, field, soils and materials testing, building construction inspection and other support trades.

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

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