



## Board Report

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File #: 2022-0483, File Type: Contract

Agenda Number: 36.

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### OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE SEPTEMBER 15, 2022

**SUBJECT: AUTOMATED PUBLIC TOILETS ROUTINE MAINTENANCE AND REPAIR SERVICES**

**ACTION: APPROVE CONTRACT AWARD**

#### **RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to award a sole source firm fixed price Contract No. OP850488370000 for Automated Public Toilets (APTs) maintenance services with Public Facilities and Services, Inc. for a not-to-exceed amount of \$1,393,540 for the contract five-year base period, effective December 1, 2022.

#### **ISSUE**

The existing contract with Public Facilities and Services, Inc. expires on November 30, 2022. To continue providing clean, safe, and operational APTs to Metro patrons, a new contract award is required effective December 1, 2022.

#### **BACKGROUND**

On June 22, 2017, Metro Board of Directors approved a five-year sole source firm fixed price Contract No. OP783160003367 with Public Facilities and Services, Inc., the only authorized service provider, effective July 15, 2017.

Under the existing contract, the contractor has been providing satisfactory maintenance services to the APTs, on a regular schedule and as-needed basis.

#### **DISCUSSION**

APTs are stationary restroom facilities located at the Harbor Gateway and El Monte Transit Centers for use by Metro patrons. The APTs are accessible by all Metro patrons and employees, with an average monthly patron usage of 9,000 at Harbor Gateway and more than 12,000 for the El Monte Transit Center. These automated restrooms contain highly technical and specialized computer software called Programmable Logic Controllers (PLC). This specialized software allows these restrooms to automatically wash and disinfect their complete interior capsule via water sprays, hoses, and

ventilation fans to air out and dry all interior wall panels, floors, and fixtures.

The technicians servicing these units must be well-trained to access, adjust and repair PLC systems via the control board located in the APTs service bay. Public Facilities and Services, Inc. is the sole service and maintenance provider for APTs within the United States and Canada, authorized by the Australian manufacturing company, Exeloo. To avoid service interruption and continue providing the required critical maintenance services, a new contract award is required effective December 1, 2022.

### **DETERMINATION OF SAFETY IMPACT**

The approval of this item will ensure providing, safe, clean, and reliable APT services to Metro patrons.

### **FINANCIAL IMPACT**

Funding of \$248,970 for the APT maintenance services at Metro Bus Facilities is included in the FY23 budget in cost center 8370 - Facilities Contracted Maintenance Services, account 50308, Service Contract Maintenance, under various projects.

Since this is a multi-year contract, the cost center manager and Deputy COO, Administration and Development, will be accountable for budgeting the costs for future years.

#### **Impact to Budget**

The current source of funds for this action includes State and Local funds including Fares. Using these funding sources ensures the best allocation given approved funding provisions and guidelines.

### **EQUITY PLATFORM**

These restroom units are ADA compliant providing individuals with disabilities easy access and use while conveniently situated on the station platforms without the need to transverse stairs or elevators to use the restroom.

The Diversity and Economic Opportunity Department (DEOD) did not establish a goal for this solicitation due to a lack of subcontracting opportunities and that Public Facilities and Services, Inc. is the sole service and maintenance provider for APTs within the United States and Canada, authorized by the Australian manufacturing company, Exeloo.

### **ALTERNATIVES CONSIDERED**

The Board may elect not to approve this recommendation. This option is not recommended as it would result in a gap in service impacting Metro's system safety, cleanliness, operations, and customer experience.

### **NEXT STEPS**

Upon approval by the Board, staff will execute Contract No. OP850488370000 with Public Facilities and Services, Inc., to provide APT maintenance services effective December 1, 2022.

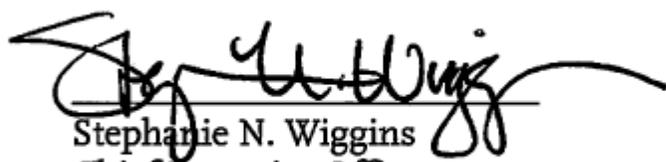
### **ATTACHMENTS**

Attachment A - Procurement Summary

Attachment B - DEOD Summary

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Stephanie N. Wiggins  
Chief Executive Officer

## PROCUREMENT SUMMARY

**AUTOMATED PUBLIC TOILETS ROUTINE  
MAINTENANCE AND REPAIR SERVICES / OP850488370000**

1.	<b>Contract Number: OP850488370000</b>	
2.	<b>Recommended Vendor:</b> Public Facilities & Services, Inc.	
3.	<b>Type of Procurement (check one):</b> <input type="checkbox"/> IFB <input type="checkbox"/> RFP <input type="checkbox"/> RFP-A&E <input checked="" type="checkbox"/> Non-Competitive <input type="checkbox"/> Modification <input type="checkbox"/> Task Order	
4.	<b>Procurement Dates:</b>	
	A. Issued: February 11, 2022	
	B. Advertised/Publicized: N/A	
	C. Pre-Proposal Conference: N/A	
	D. Proposals Due: March 8, 2022	
	E. Pre-Qualification Completed: August 4, 2022	
	F. Conflict of Interest Form Submitted to Ethics: March 8, 2022	
	G. Protest Period End Date: N/A	
5.	<b>Solicitations Picked up/Downloaded:</b> N/A	<b>Bids/Proposals Received:</b> 1
6.	<b>Contract Administrator:</b> Antonio Monreal	<b>Telephone Number:</b> (213) 922-4679
7.	<b>Project Manager:</b> Shaunt Avanesian	<b>Telephone Number:</b> (213) 864-9965

**A. Procurement Background**

This Board Action is to approve the award of Contract No. OP850488370000 to Public Facilities & Services, Inc. (PFS) to provide routine maintenance and repair services for two (2) Automated Public Toilets (APTs) located at the Harbor Gateway and El Monte Transit Centers.

This is a single source procurement issued in accordance with Metro's Acquisition Policy and the contract type is firm fixed unit rate.

In July 2017, Metro awarded a 5-year non-competitive firm fixed price contract to PFS to provide the maintenance and as-needed repair services for the two APTs. This contract will expire on November 30, 2022.

To effectively maintain and repair the APTs located at Harbor Gateway and El Monte Transit Centers, the continued services of PFS are required.

**B. Evaluation of Proposals**

The Automated Public Toilets (APT) located at Metro's two transit hubs are manufactured by Exeloo, a New Zealand company. These restrooms contain highly technical and specialized computer software which automatically cleans and disinfects the interior APT module. PFS is the sole distributor and maintenance provider of Exeloo APTs in North America.

Per Project Manager’s technical analysis dated April 5, 2022, PFS is responsive to the requirements of the scope of services. It has the required knowledge and skillset to provide maintenance and technical services for APTs as well as all associated electrical and utility components.

**C. Cost/Price Analysis**

The recommended price has been determined to be fair and reasonable based on historical pricing, technical evaluation, fact-finding, and price analysis. It is 19% higher than Metro’s Independent Cost Estimate (ICE) due to the increase in service frequency at the Harbor Gateway Transit Center, from three to four times per day, and the increase in maintenance costs and consumables. With the upsurge in the use of the APTs by the unhoused, particularly during evening hours, vandalism and excessive usage and theft of consumables, Metro staff finds that the change in service frequency will provide more oversight at the Harbor Gateway Transit Center and deter and/or minimize the recurrence of vandalism and theft.

BIDDER	AMOUNT	METRO ICE	AWARD AMOUNT
Public Facilities & Services, Inc.	\$1,393,540	\$1,173,759	\$1,393,540

**D. Background on Recommended Contractor**

Public Facilities & Services, Inc. (PFS), established in January 2005, is located in College Park, Georgia. It is a full-service official distributor and maintenance provider of Exeloo Automated Public Toilet (APT) facilities in California.

Exeloo APTs are a common site to travelers in Australia, New Zealand, North America and Asia. They are known for their convenience and cleanliness and have anti-loitering, anti-vandalism and automatic cleaning features that differ from traditional public restrooms. As an exclusive distributor of Exeloo, PFS offers a full line of related services including:

- APT & Kiosk Sales
- Site Preparation & Installation
- Service & Maintenance
- Related Mechanical Contracting Services

PFS’s transportation agency clients include the Cobb County Department of Transportation, Metropolitan Atlanta Rapid Transit Authority, Washington Metropolitan Area Transit Authority, and Potomac River Transit Authority. It currently provides routine maintenance and repair services for two APTs at Metro’s Harbor Gateway and El Monte Transit Centers and performance has been satisfactory.

## DEOD SUMMARY

## AUTOMATED PUBLIC TOILETS MAINTENANCE SERVICES / OP850488370000

**A. Small Business Participation**

The Diversity and Economic Opportunity Department (DEOD) did not establish a Small/Disabled Veteran Business Enterprise (SBE/DVBE) participation goal for this sole source procurement due to the lack of subcontracting opportunities. It is expected that Public Facilities & Services, Inc. (PFS) is performing 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 (LW/SCWRP) is applicable to this contract/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 \$23.81 per hour (\$18.04 base + \$5.77 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 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.