



Board Report

File #: 2023-0485, File Type: Contract

Agenda Number: 36.

OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE SEPTEMBER 21, 2023

SUBJECT: STAINLESS STEEL ANTI-GRAFFITI FILM INSTALLATION AND REPLACEMENT SERVICES FOR REGIONS 1 THROUGH 3

ACTION: APPROVE CONTRACT AWARD

RECOMMENDATIONS

AUTHORIZE the Chief Executive Officer to:

- A. AWARD a firm fixed unit rate Contract No. OP964830008370, for Regions 1, 2, and 3 combined, to Graffiti Shield, Inc., to provide stainless steel anti-graffiti film installation and replacement services systemwide in the not-to-exceed (NTE) amount of \$15,722,845 for the three-year base, \$5,737,859 for option year one, and \$5,963,032 for option year two, for a combined NTE amount of \$27,423,736, effective December 1, 2023, subject to the resolution of any properly submitted protest(s); and
- B. EXECUTE individual contract modifications within the Board-approved contract modification authority.

ISSUE

Providing monthly and as-needed stainless-steel anti-graffiti film maintenance and replacement services systemwide contributes to improving bus and rail stations' cleanliness and providing a safe environment for Metro's patrons. The existing stainless-steel anti-graffiti film installation and replacement services contract's three-year base term expires on November 30, 2023.

BACKGROUND

On December 6, 2018, Metro Board of Directors awarded a non-competitive three-year base with two (2), one-year options contract No. OP1141410003367 to Graffiti Shield, Inc., as the sole provider of the patent-pending stainless-steel anti-graffiti film product, to provide systemwide stainless-steel anti-graffiti film installation and replacement services.

In November 2022, Graffiti Shield, Inc., informed Metro that the product's patent-pending application

was denied, and the stainless-steel anti-graffiti film was available for purchase. To expand competition, staff elected not to exercise the option terms for the existing non-competitive contract and instead initiated a new contract solicitation splitting Metro's service area into three (3) geographical regions. Based on Metro's enhanced programs for Medium-Size Business Enterprise (MSZ) and Small Business Enterprise (SBE) approved by the Board on June 24, 2021, all three (3) regions were released for solicitation under Metro's Medium Size Business Enterprise (MSZ1) program. As part of this solicitation, a Systemwide Metro Connect Industry Forum Outreach event was conducted on July 13, 2022, to provide a detailed overview of the enhanced MSZ and SBE programs policy for competitively negotiated procurements.

On March 8, 2023, a single bid was received by Graffiti Shield, Inc., a Metro certified SBE Prime. A market review was conducted afterward to solicit feedback from potential bidders. One firm indicated the anti-graffiti film specifications included within the solicitation package are similar to product specifications manufactured by Graffiti Shield, Inc., therefore, the firm elected not to submit a bid. Another firm stated they were disappointed by the amount of paperwork required by Metro for a bid submittal.

DISCUSSION

Under this new contract, the contractor is required to conduct monthly and as-needed inspections of the stainless-steel anti-graffiti film installed systemwide, with 100% replacement of all vandalized stainless-steel anti-graffiti film. Regular and as-needed stainless-steel anti-graffiti film maintenance and replacement services are critical to protect Metro's assets, mitigate extended downtime of elevators due to vandalized stainless-steel surfaces compromising their integrity with repeated severe etching and engraving requiring costly repair and replacement, and to ensure compliance with ADA requirements and accessibility to Metro's transit system. The Metro stations that experience above average stainless-steel vandalism are highlighted in Attachment C.

Graffiti Shield, Inc., is a Metro certified SBE Prime and has been performing satisfactorily providing the necessary stainless-steel anti-graffiti film maintenance and replacement services systemwide.

There are approximately 200,000 sq. ft. of stainless-steel panel surfaces throughout the Metro transit system subject to vandalism. Based on historical data, an average of 57,000 sq. ft. of stainless-steel anti-graffiti film systemwide is etched/vandalized and replaced each month. Furthermore, the scope of services will expand during the life of this contract to include Metro's new system expansion projects for the D Line (Purple) Extension Phases I, II & III, A Line (Blue) Foothill Extension Phase 2B, and Airport Metro Connector (AMC) with an additional 13,579 sq. ft. of stainless-steel panel surface to be inspected and serviced on a monthly basis.

While the NTE amount for the new contract recommended for award is comparable to the existing contract NTE amount and 10% above the Independent Cost Estimate (ICE), it is deemed fair and reasonable when taking into consideration the expanded services to include Metro's system expansion projects and the post pandemic inflation rates impacting both labor and material costs.

DETERMINATION OF SAFETY IMPACT

The approval of this item will ensure the delivery of timely and reliable stainless-steel anti-graffiti film maintenance and replacement services, while improving Metro bus and rail stations' overall appearance and cleanliness, and enhancing customers' experience.

FINANCIAL IMPACT

For this contract, funding in the amount of \$2,794,346 for the remainder of FY24 is allocated under 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, Deputy Chief Operations Officer, Shared Mobility will be accountable for budgeting the cost in future years.

Impact to Budget

The current source of funds for this action includes operating eligible sales tax funding including Propositions A/C, Measures R/M, and the Transportation Development Act. These fund sources are eligible for bus and rail operations.

EQUITY PLATFORM

Metro customers, including those with Limited English Proficiency (LEP), Metro staff, and Transit Ambassadors can report vandalism, cleanliness, and maintenance issues through the Customer Relations numbers posted throughout the rail and bus system. Customers have the option of communicating with Metro through nine (9) different languages using our translation service. Metro also ensures translated signage is posted for those reporting vandalized glass anti-graffiti film on the Metro system.

As part of this solicitation, a Systemwide Metro Connect Industry Forum Outreach event was conducted on July 13, 2022. During the outreach event, staff provided an overview detailing the new enhanced MSZ and SBE Programs policy for competitively negotiated procurements.

The Diversity and Economic Opportunity Department (DEOD) established a 22% Small Business Enterprise (SBE) and 3% for Disabled Veterans Business Enterprise (DVBE) goals for Regions 1, 2, and 3 and was issued as a MSZ-1 solicitation.. Graffiti Shield, Inc. is an MSZ-1 as a certified SBE firm and made a 97% SBE and 3% DVBE commitment for the three (3) Regions combined.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This Board action supports Strategic Goal 5: Provide responsive, accountable, and trustworthy governance within the Metro organization. Performing ongoing anti-graffiti film maintenance and replacement services contributes to facilities' overall cleanliness and will ensure providing a safe, clean environment for our patrons, service reliability, and enhancing customers' overall experience.

ALTERNATIVES CONSIDERED

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

With the completion of a financial based insourcing/outsourcing study based on a quantitative and qualitative assessment, staff has analyzed insourcing/outsourcing options for stainless-steel anti-graffiti film installation and maintenance services among other services. Based on the findings, stainless-steel anti-graffiti film installation and maintenance services may be considered for insourcing. Approving this recommendation for a contract award will allow staff the time during the three-year base contract term to take the necessary steps for the planning, acquisition of equipment and materials, allocation of resources, training, and implementation to bring the stainless-steel anti-graffiti film installation and maintenance services in-house.

NEXT STEPS

Upon approval by the Board, staff will execute Contract No. OP964830008370, with Graffiti Shield Inc., to provide stainless-steel anti-graffiti film maintenance and replacement services systemwide, effective December 1, 2023.

ATTACHMENTS

Attachment A - Procurement Summary

Attachment B - DEOD Summary

Attachment C - Stainless Steel Anti-Graffiti Film Vandalism Hot Spots

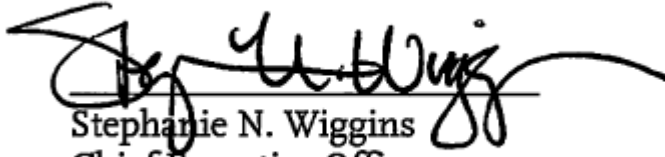
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Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

STAINLESS STEEL ANTI-GRAFFITI FILM INSTALLATION AND REPLACEMENT SERVICES / OP964830008370

1.	Contract Number: OP964830008370	
2.	Recommended Vendor: Graffiti Shield, Inc.	
3.	Type of Procurement (check one): <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.	Procurement Dates:	
	A. Issued: February 1, 2023	
	B. Advertised/Publicized: February 1, 2023	
	C. Pre-Proposal Conference: February 8, 2023	
	D. Proposals Due: March 8, 2023	
	E. Pre-Qualification Completed: July 7, 2023	
	F. Ethics Declaration Form Submitted to Ethics: March 9, 2023	
	G. Protest Period End Date: September 26, 2023	
5.	Solicitations Picked up/Downloaded: 12	Bids/Proposals Received: Region 1: 1 bid Region 2: 1 bid Region 3: 1 bid
6.	Contract Administrator: Antonio Monreal	Telephone Number: 213-922-4679
7.	Project Manager: Maral Minasian	Telephone Number: 213-922-6762

A. Procurement Background

This Board action is to approve the award of Contract No. OP964830008370 in support of stainless steel anti-graffiti film installation and replacement services systemwide, subject to resolution of any properly submitted protest(s), if any. The scope of service was split into three geographical regions: Regions 1, 2, and 3.

Prior to release of the solicitation, Metro conducted a virtual Metro Connect Industry Forum Outreach event on July 13, 2022. During the outreach event, staff provided an overview detailing the new enhanced MSZ and SBE Program policies for competitive sealed bid procurements. The event also informed the small business community of the upcoming contracting opportunity to increase and promote small business participation.

Invitation for Bid (IFB) No. OP96483 was issued on February 1, 2023, as a competitive sealed bid procurement in accordance with Metro's Acquisition Policy. The proposed contract type is a firm fixed unit rate. Bidders were allowed to submit bids for one or more regions.

The IFB was issued under the Medium-Size Business Enterprise Program 1 (MSZ-1) which requires that bidders must be MSZ-I firms, Metro Certified Small Business Enterprises (SBE), or Disadvantaged Business Enterprises (DBE) or Disabled Veterans Business Enterprises (DVBE) to be eligible to participate in this solicitation.

Bidders were also required to meet or exceed the recommended SBE goal of 22% and a DVBE goal of 3%. Further, the solicitation was subject to the Local Small Business Enterprise (LSBE) Preference Program, which gives eligible bidders a 5 percent preference as a bid price reduction for the utilization of local small business firms.

One (1) amendment was issued during the solicitation phase of this IFB:

- Amendment No. 1, issued March 7, 2023, extended the bid due date.

A virtual Pre-Bid Conference was held on February 8, 2023, and two firms were in attendance.

A total of 12 firms downloaded the IFB and were included on the planholders' list. Only one question was received, and Metro's response was released prior to the bid due date.

On March 8, 2023, the bid due date, Metro received bids from Graffiti Shield, Inc. for Regions 1, 2 and 3. Since only one bid was received per Region from the same firm, Metro staff canvassed firms on the planholders' list to determine why no other bids were received. One firm indicated the anti-graffiti film specifications included within the solicitation package are similar to product specifications manufactured by Graffiti Shield, Inc., therefore, it elected not to submit a bid. Another firm stated they were disappointed by the amount of paperwork required by Metro for a bid submittal.

Metro staff determined that the solicitation was not restrictive. The market survey revealed that the decisions not to propose were based on individual business considerations. Furthermore, the scope of services only provided the salient physical, functional and other characteristics of the required graffiti film material and did not require the use of a specific brand or manufacturer. Therefore, this solicitation can be awarded as a competitive award.

B. Evaluation of Bids

This procurement was conducted in accordance with and complies with Metro's Acquisition Policy for a competitive sealed bid. Graffiti Shield, Inc.'s bid was evaluated to determine responsiveness to the solicitation requirements. Areas of responsiveness include meeting the minimum qualifications requirements, such as years of experience providing anti-graffiti film installation and replacement services and salient features of the graffiti film material (including coating and adhesive).

Graffiti Shield Inc. was determined to be qualified to perform the required services based on the IFB requirements.

C. Price Analysis

The recommended amount has been determined to be fair and reasonable based on the independent cost estimate (ICE), price analysis, fact-finding, technical evaluation

and negotiations. It is 10% higher than Metro’s ICE due to increase in fuel, insurance, and labor costs.

	Bidder Name	Bid Amount	Metro ICE	Recommended Amount
1.	Graffiti Shield, Inc.			
	Region 1	\$ 13,299,880	\$ 11,539,056	\$ 12,708,116
	Region 2	\$ 6,537,599	\$ 5,671,283	\$ 6,246,465
	Region 3	\$ 8,863,245	\$ 7,689,043	\$ 8,469,155
	Total	\$ 28,700,724	\$ 24,899,382	\$ 27,423,736

By combining all three regions into one contract, Metro staff successfully negotiated a cost savings of \$1,276,988.

D. Background on Recommended Contractor

Graffiti Shield, Inc. (Graffiti Shield), was founded in 2013 and is located in Anaheim, CA. It manufactures and installs surface protection products for glass, metal and other solid surfaces. The firm specializes in precut anti-graffiti films for public and private spaces. Graffiti Shield’s clients include the San Diego Metropolitan Transit System, Dallas Area Rapid Transit, and Mitsubishi Electric US, Inc.

The Graffiti Shield team includes one DVBE subcontractor, TPRK Company, that will provide cleaning services after installation of stainless steel anti-graffiti film.

Graffiti Shield is a Metro certified SBE firm and has been providing stainless steel anti-graffiti film installation and replacement services to Metro since 2013 and performance has been satisfactory.

DEOD SUMMARY

STAINLESS STEEL ANTI-GRAFFITI FILM INSTALLATION AND REPLACEMENT SERVICES FOR REGIONS 1 THROUGH 3 / OP964830008370

A. Small Business Participation

The Diversity and Economic Opportunity Department (DEOD) established a 22% Small Business Enterprise (SBE) and 3% Disabled Veteran Business Enterprise (DVBE) goal for this Medium Size Business Enterprise (MSZ-I) solicitation. Graffiti Shield, Inc., an MSZ-I and certified SBE firm, exceeded the SBE goal by making a 97% SBE commitment and a 3% DVBE commitment on Regions 1, 2, and 3 combined.

Small Business Goal	22% SBE 3% DVBE	Small Business Commitment	97% SBE 3% DVBE
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	SBE Subcontractor	% Committed
1.	Graffiti Shield, Inc. (Prime)	97%
	Total SBE Commitment	97%

	DVBE Subcontractor	% Committed
1.	TPRK Consulting	3%
	Total DVBE Commitment	3%

B. Medium Size Business Enterprise Program I (MSZ-I)

The Pre-Qualification Department determined that Graffiti Shield, Inc. is an eligible MSZ-I.

C. Local Small Business Preference Program (LSBE)

Graffiti Shield, Inc. is a non-LSBE prime and did not subcontract at least 30% of its contract value with eligible LSBE firms and ineligible to receive the preference.

D. Living Wage and Service Contract Worker Retention Policy Applicability

The Living Wage and Service Contract Worker Retention Policy is not applicable to this contract.

E. 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).

F. 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.

ATTACHMENT C

Stainless Steel Anti-Graffiti Film Vandalism Hot Spots



Rail Station
Transfer Station
Busway Station
 Busway Street Service
 UNDER CONSTRUCTION

Metro Rail

- A Line** Azusa to Long Beach
- B Line** North Hollywood to Union Station
- C Line** Redondo Beach to Norwalk
- D Line** Wilshire/Western to Union Station
- E Line** Santa Monica to East LA
- K Line** Expo/Crenshaw to Westchester

Metro Busway

- G Line** Chatsworth to North Hollywood
- J Line** El Monte to San Pedro
Street Service in Downtown LA and San Pedro

Regional Rail

- Amtrak** amtrak.com
- MetroLink** metrolinktrains.com

Airport Shuttle

- LAX FlyAway*** flylax.com/flyaway
- LAX Shuttle (free)** flylax.com

JUN 2023 Subject to Change

