

**Board Report**

File #: 2024-0385, **File Type:** Contract**Agenda Number:** 39.

**OPERATIONS, SAFETY, AND CUSTOMER EXPERIENCE COMMITTEE
JULY 18, 2024****SUBJECT: FIRE-LIFE SAFETY SYSTEMS TESTING, REPAIR AND CERTIFICATION SERVICES****ACTION: APPROVE CONTRACT MODIFICATION****RECOMMENDATION**

AUTHORIZE the Chief Executive Officer to execute Contract Modification No. 3 to Contract No. OP729180008370 with Link-Nilsen Corp, for Fire-Life Safety Systems Testing, Repair and Certification Services, to exercise the one, two-year option in the not-to-exceed (NTE) amount of \$1,990,280, and adding testing locations in the NTE amount of \$702,452, increasing the total contract NTE amount from \$3,911,744 to \$6,604,476, inclusive of the option term, and extending the period of performance from September 30, 2024 to September 30, 2026.

ISSUE

The existing contract's three-year base term to provide fire-life safety systems testing, repair, and certification services expires on September 30, 2024. To continue providing these critical services and ensure compliance with Los Angeles Fire Department (LAFD) Regulation 4 (Reg. 4), state and federal fire-life safety testing mandates, a contract modification is required to exercise the two-year option, and add testing locations, increasing the total NTE amount from \$3,911,744 to \$6,604,476 and extending the period of performance from September 30, 2024, to September 30, 2026.

BACKGROUND

On June 24, 2021, the Board authorized the Chief Executive Officer to award a firm fixed unit rate Contract No. OP729180008370, with one, two-year option, to provide systemwide fire-life safety systems testing, repair, and certification services, effective October 1, 2021.

Under the existing contract, the contractor Link-Nilsen Corp. has been providing satisfactory services for systemwide annual and five-year Reg. 4 testing, calibration, repair, retesting where applicable, and certification of water-based fire suppression systems and auto-closing fire assemblies. In the past year, Link Nilsen has tested and certified a total of 1,286 fire-life safety systems at Metro facilities consisting of 42 pre-action systems, 87 deluge systems, 510 automatic fire sprinkler systems, 162 standpipes, 17 fire pumps, 48 pressure-reducing valves, 174 fire hydrants, 229 auto-closing fire assemblies, two (2) water storage tanks, one (1) smoke control system, and 14 pressurized stairwell systems. These services are timely and critical to ensure compliance with the

Reg. 4 and fire-life safety testing requirements.

DISCUSSION

Under the existing contract's three-year base term, the contractor's responsibilities have expanded to include repair, annual and five-year testing, and certification of water-based fire suppression systems, auto-closing fire assemblies, smoke management systems, and clean agent extinguishing systems throughout new locations added to the scope of this contract to include Union Station East Portal and Gateway Headquarters Building. These locations used to be managed under a separate contract outside Metro Operations. The scope of services have further expanded to include Metro's system expansion projects for the K Line (Crenshaw/LAX), and Regional Connector (RC).

With staff's focus on providing fiscally responsible services, the costs associated with providing the critical fire/life safety testing and repair services for the additional locations added during the existing contract base period were covered within the contract base term available authority for as-needed services.

Under Modification No. 3 recommended for approval, the existing contract scope of services will further expand to include water-based fire suppression systems and auto-closing fire assemblies for Metro's upcoming system expansion projects at the Airport Metro Connector (AMC), A-Line (Blue) Foothill Extension 2B, and the Metro D Line (Purple) Extension Phase I. This is in addition to the further expanded scope to include the locations added within the existing contract base term.

DETERMINATION OF SAFETY IMPACT

The approval of this item will ensure timely testing, repair, and certification of the fire-life safety equipment, compliance with the LAFD Reg. 4 and fire-life safety mandated testing requirements and guidelines, and the delivery of safe and reliable facilities and services to Metro employees and patrons.

FINANCIAL IMPACT

Funding of \$1,335,900 is included within the FY25 budget 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 and Deputy Chief Operations Officer, Shared Mobility will be accountable for budgeting costs in future years.

Impact to Budget

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

EQUITY PLATFORM

Although this contracted service will be applied equally to fire-life and safety systems at all Metro divisions, stations, terminals, and locations, and patrons have no direct interaction with fire-life safety systems throughout the Metro transit system, it is imperative that fire-life safety systems are tested and certified to ensure proper operation during an emergency and ensure rider safety. This is especially critical in EFCs, where public transportation is dependent on as the primary means of travel.

The Diversity and Economic Opportunity Department (DEOD) did not recommend a Small/Disabled Veteran Business Enterprise (SBE/DVBE) participation goal for this procurement due to the lack of availability of certified firms able to perform the required fire-life safety systems testing, repair, and certification services.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

This Board action supports Strategic Goal 5; Provide responsive, accountable, and trustworthy governance within the Metro organization. Providing on-time fire-life safety equipment testing, repair, and certification services will ensure compliance with LAFD Reg. 4, state, and federal fire-life safety testing requirements while continuing to provide a safe environment for Metro employees and patrons.

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 severely impacting Metro's system safety and resulting in non-compliance with federal, state, and LAFD Reg. 4 fire-life safety testing requirements.

With the completion of a financial-based insourcing/outsourcing study based on a quantitative and qualitative assessment, staff has conducted an initial analysis for insourcing/outsourcing options for providing fire-life safety systems testing, repair, and certification services, amongst other services. Based on the findings, providing fire-life safety systems testing, repair, and certification services were not recommended for insourcing as this would require Metro to hire dedicated staff to be trained on several water-based fire-life, safety systems, require the dedicated staff to acquire Reg. 4 certifications for each type of system, acquire and maintain a valid C16 state contractor's license, and purchase additional equipment, vehicles, and supplies to support the expanded responsibility. The insourcing/outsourcing study assessment results indicate that this is not a cost-effective option for Metro.

NEXT STEPS

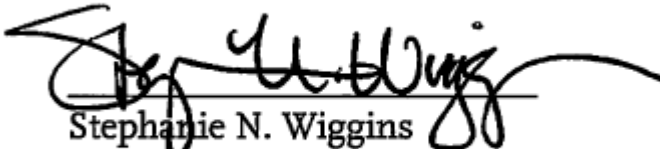
Upon approval by the Board, staff will execute Contract Modification No. 3 to Contract No. OP729180008370 with Link-Nilsen Corp. for systemwide Reg. 4 and fire-life safety testing, repair, and certification services effective October 1, 2024.

ATTACHMENTS

Attachment A - Procurement Summary
Attachment B - Contract Modification/Change Order Log
Attachment C - DEOD Summary

Prepared by: Lena Babayan, Executive Officer, Operations Administration (Interim), (213) 922-6765
Carlos Martinez, Director, Facilities Contracted Maintenance Services, (213) 922-6761
Shahrzad Amiri, Deputy Chief Operations Officer, Shared Mobility, (213) 922-3061
Debra Avila, Deputy Chief Vendor/Contract Management Officer, (213) 418-3051

Reviewed by: Conan Cheung, Chief Operations Officer, Transit Operations,
(213) 418-3034



Stephanie N. Wiggins
Chief Executive Officer

PROCUREMENT SUMMARY

FIRE-LIFE SAFETY SYSTEMS TESTING, REPAIR AND CERTIFICATION
SERVICES/OP729180008370

| | | | |
|----|---------------------------------------------------------------------------------------------------------------|-----------|-------------------------------------------------------------------|
| 1. | Contract Number: OP729180008370 | | |
| 2. | Contractor: Link-Nilsen Corp | | |
| 3. | Mod. Work Description: Exercising two-year Option, Adding Locations | | |
| 4. | Contract Work Description: Conduct Fire-Life Safety Systems Testing, Repair and Certification Services | | |
| 5. | The following data is current as of: 6/5/2024 | | |
| 6. | Contract Completion Status | | Financial Status |
| | Contract Awarded: | 6/24/2021 | Contract Award Amount: \$3,911,744 |
| | Notice to Proceed (NTP): | 10/1/2021 | Total of Modifications Approved: \$0 |
| | Original Complete Date: | 9/30/2024 | Pending Modifications (including this action): \$2,692,732 |
| | Current Est. Complete Date: | 9/30/2026 | Current Contract Value (with this action): \$6,604,476 |
| 7. | Contract Administrator: Ana Rodriguez | | Telephone Number: (213) 922-1076 |
| 8. | Project Manager: Marisol Cabral | | Telephone Number: (213) 922-5021 |

A. Procurement Background

This Board Action is to approve Contract Modification No. 3. to exercise a two-year option in the not-to-exceed (NTE) amount of \$1,990,280, and add testing locations in the NTE amount of \$702,452, increasing the total NTE amount from \$3,911,744 to \$6,604,476, and extending the period of performance from September 30, 2024 to September 30, 2026.

This Contract Modification will be processed in accordance with Metro's Acquisition Policy and the contract type is a firm fixed unit rate.

On June 24, 2021, Metro Board of Directors authorized the award of a firm fixed unit rate Contract No. OP729180008370 to Link-Nilsen Corp to provide systemwide fire-life safety systems testing, repair, and certification services, effective October 1, 2021 inclusive of a three-year base and one, two-year option.

Refer to Attachment B – Contract Modification/Change Order Log

B. Cost/Price Analysis

The recommended price of the option and modification for additional locations, have been determined to be fair and reasonable based upon firm fixed unit rates that were evaluated and established as part of the current contract awarded in June 2021. The contract was awarded as a result of a competitive IFB that included evaluation of the base period and two-year option. The award was made to the lowest responsive, responsible bidder. Approving this option and modification using the firm fixed unit rates already established is in the best interest of Metro as resoliciting this requirement is expected to result in a higher price for these services.

| Proposal Amount | Metro ICE | Negotiated Amount |
|------------------------|------------------|--------------------------|
| NTE \$2,692,732 | NTE \$2,692,732 | NTE \$2,692,732 |

CONTRACT MODIFICATION/CHANGE ORDER LOG

FIRE-LIFE SAFETY SYSTEMS TESTING, REPAIR AND CERTIFICATION
SERVICES/OP729180008370

| Mod. no. | Description | Status (approved or pending) | Date | \$ Amount |
|-----------------|-----------------------------------------|-------------------------------------|-------------|--------------------|
| 1 | Modification to the Statement of Work | Approved | 12/21/2021 | \$0.00 |
| 2 | Revised List of Locations | Approved | 9/30/2022 | \$0.00 |
| 3 | Exercise Option 1, Add Locations | Pending | | \$2,692,732 |
| | Modification Total: | | | \$2,692,732 |
| | Original Contract: | | | \$3,911,744 |
| | Total: | | | \$6,604,476 |

DEOD SUMMARY

**FIRE-LIFE SAFETY SYSTEMS TESTING, REPAIR AND CERTIFICATION
SERVICES/OP729180008370****A. Small Business Participation**

The Diversity & Economic Opportunity Department (DEOD) did not establish a Disadvantaged Business Enterprise (DBE) goal for this project due to the lack of certified firms available to provide the required services. Link-Nilsen Corporation listed one non-DBE subcontractor to perform on this contract.

B. Local Small Business Enterprise (LSBE) Preference

The LSBE preference is not applicable to federally funded procurements. Federal law (49 CFR § 661.21) prohibits the use of local procurement preferences on FTA-funded projects.

C. Living Wage and Service Contract Worker Retention Policy Applicability

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

D. Prevailing Wage Applicability

Prevailing Wage requirements are applicable to this modification. 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).

E. 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.

Fire-life Safety Systems Testing, Repair and Certification Services

Recommendation

- Authorize the Chief Executive Officer to execute Contract Modification No. 3 to Contract No. OP729180008370 with Link-Nilsen Corp, for Fire-Life Safety Systems Testing, Repair and Certification Services to:
 - Exercise the one, two-year option in the Not-To-Exceed (NTE) amount of \$1,990,280,
 - Add testing locations in the NTE amount of \$702,452
 - Increase the total contract NTE amount from \$3,911,744 to \$6,604,476, including the three-year base period
 - Extend the period of performance from September 30, 2024, to September 30, 2026
- The existing contract's three-year base term expires on September 30, 2024

Summary

- Under the existing contract, the contractor Link-Nilsen Corp. has been providing satisfactory services
- Under the existing contract's three-year base term, the contractor's responsibilities have expanded to include locations maintained by others and system expansion projects at:
 - Gateway Headquarters Building & Union Station East Portal
 - K Line (C/LAX)
 - Regional Connector
- During the one, two-year option the responsibilities will further expand to include:
 - Airport Metro Connector (AMC)
 - A Line (Blue) Foothill Extension 2B
 - Metro D Line (Purple) Extension Phase I