



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <div style="float: right; text-align: right;"> <small>DocuSigned by:</small> <small>47000790F2D7463...</small> </div>		GENERAL MANAGER ACTION REQ'D:		
DATE: 10/19/2023 11/7/2023		BOARD INITIATED ITEM: No		
Originator/Prepared by: Adam Elsibai Dept: M&E Acquisition Support <small>DocuSigned by:</small> <small>E8465F291889471...</small> Signature/Date: <div style="text-align: right;">11/6/2023</div>	General Counsel <small>DocuSigned by:</small> <small>18E837040587403...</small> <div style="text-align: right;">11/6/2023 []</div>	Controller/Treasurer <small>DocuSigned by:</small> <small>EE11C8CEEEA04FD...</small> <div style="text-align: right;">11/6/2023 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <small>DocuSigned by:</small> <small>8128A2EB2F014F3...</small> <div style="text-align: right;">11/6/2023 []</div>

Award of Agreement No. 6M3689 for Bird Abatement Services

PURPOSE:

To authorize the General Manager to award Agreement No. 6M3689 to Falcon Force, Inc. ("Falcon Force"), of La Crescenta, California, to provide on-site bird abatement services in an amount not to exceed 2,685,312 for a base term of three (3) years and up to two (2) one-year options for a maximum term of five (5) years.

DISCUSSION:

The District requires effective bird control due to the abundant pigeon population throughout the District. The pest birds flock in large numbers and roost and feed at stations causing additional pest birds to gather. Droppings on the platforms may cause slippage and this can become a safety hazard for patrons. Pest birds also may cause damage with their droppings to the façade of buildings; as a result, station buildings can begin to look unappealing to patrons. In order to maintain our commitment to our integrated pest management program, this is a cost effective and environmentally-friendly solution to biologically control the bird/pigeon populations throughout the District.

An electronic copy of the Request for Proposal ("RFP") was posted to the District's Procurement Portal on August 30, 2023, and distributed to all registered vendors and all known potential proposers. This included ten (10) prospective firms and, one hundred ten (110), certified Small Businesses. The RFP was also advertised in ten (10) local publications, with the first publications printing on September 2, 2023. The RFP was downloaded by ten (10) prospective firms, with two (2) firms in attendance for the pre-proposal meeting hosted on September 19, 2023. On October 3, 2023, the District received one (1) proposal.

Bidder	Sub-Total	Grand Total
Falcon Force	\$2,685,312	\$2,685,312
Staff's Estimate	\$2,950,870	\$2,950,870

The Source Selection Committee evaluated a proposal chaired by Contract Administration and composed of representatives from Facilities & Buildings, Ways & Facilities, and the Office of Civil Rights. The Source Selection Committee reviewed the technical proposal for compliance with the four (4) minimum technical requirements outlined in the RFP. The Source Selection Committee determined the proposal to be technically acceptable and responsive to the RFP requirements.

The price proposal (for the 3-year base period and two additional option years) was evaluated by the Source Selection Committee shown below and determined to be fair and reasonable to the District.

Base Agreement (Year 1 – Year 3)	\$1,314,240
Optional Years 4 & 5	\$923,520
Allowance for Risk	\$447,552

Based on the advertised RFP's evaluation criteria, the Committee determined that the proposal submitted by Falcon Force is the lowest priced technically acceptable proposal. Examination of the proposer's business experience and financial capabilities has resulted in a determination that the proposer is responsible and that the total price of \$2,685,312 submitted by Falcon Force is fair and reasonable. The proposal price includes a base agreement term of three (3) years, and two (2) additional one (1) year options.

Pursuant to the District's Non-Federal Small Business Program, the Office of Civil Rights set a 5% Small Business Prime Preference for this Agreement for Small Businesses certified by the California Department of General Services. The lowest responsive Proposer, Falcon Force, is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference.

Pursuant to the District's Non-Discrimination Program for Subcontracting, the Availability Percentages for this Agreement are 5.5% for Minority Business Enterprises ("MBEs") and 2.8% for Women Business Enterprises ("WBEs"). Falcon Force committed to 0% MBE and 0% WBE participation. Falcon Force did not meet either the MBE or WBE Availability

Percentages; therefore, Falcon Force was requested to provide the Office of Civil Rights with supporting documentation to determine if it had discriminated on the basis of race, national origin, color, gender, or ethnicity. Based on the review of the information submitted by Falcon Force the Office of Civil Rights found no evidence of discrimination.

FISCAL IMPACT:

To date, \$113,480 has been expensed for this service for the pilot program at the El Cerrito Del Norte station. The subject EDD proposes to expand this service to cover 12 priority stations/facilities. This is a 5-year agreement (3 base years, 2 options years) at a total cost of \$2,685,312 from 01/01/2024 -12/31/2028.

Funds will be budgeted in the Maintenance operating budget (Dept. 0802836-Maintenance Facilities/Building, Account 680210-Buildings & Grounds Maintenance) as follows:

FY24 (January 1, 2024 – June 30, 2024)	\$317,990.00
FY25 (July 1, 2024 – June 30, 2025)	\$513,830.00
FY26 (July 1, 2025 – June 30, 2026)	\$526,311.00
FY27 (July 1, 2026 – June 30, 2027)	\$538,791.00
FY28 (July 1, 2027 – June 30, 2028)	\$461,760.00
FY29 (July 1, 2028 - December 31, 2028)	\$326,630.00
	\$2,685,312.00

Funding for services in this Fiscal Year are included in the Department's existing operating budget. Funding for subsequent years will be included in the proposed annual operating budget, which is subject to Board approval.

This action is not anticipated to have any Fiscal Impact on unprogrammed District reserves in the current Fiscal Year.

ALTERNATIVES:

To not award this Agreement which will leave the District facilities without on-site bird abatement services.

RECOMMENDATION:

It is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award Agreement No. 6M3689 to Falcon Force, Inc., of La Crescenta, California, to provide on-site bird abatement services in an amount not to exceed 2,685,312 for a base term of three (3) years and up to two (2) one-year options for a maximum term of five (5) years.