



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: No		
DATE: 9/14/2022 10/5/2022		BOARD INITIATED ITEM: Yes		
Originator/Prepared by: Adam Elsibai Dept: M&E Acquisition Support <small>DocuSigned by:</small> <small>E8465F291889471...</small> Signature/Date: <div style="text-align: right;">9/30/2022</div>	General Counsel <small>DocuSigned by:</small> <small>F8FD7B3A73E74E8...</small> <div style="text-align: right;">9/30/2022 []</div>	Controller/Treasurer <small>DocuSigned by:</small> <small>EE11C8CEEEA04FD...</small> <div style="text-align: right;">9/30/2022 []</div>	District Secretary <div style="text-align: right;">[]</div>	BARC <small>DocuSigned by:</small> <small>8128A2EB2F014F3...</small> <div style="text-align: right;">9/30/2022 []</div>

Award of Agreement No. 6M3566 for on-call graffiti removal - Systemwide

PURPOSE:

To authorize the General Manager to award Agreement No. 6M3566 to furnish all labor, material, and equipment needed to provide systematic inspection and removal of graffiti for all District stations and facilities to Impec Group, Inc. of Santa Clara, California.

DISCUSSION:

Graffiti removal services are required to maintain the BART assets that are subject to vandalism, such as passenger stations, parking garages, signage, intermodal structures, and maintenance shops. The services proposed under this Agreement will be provided on an as-needed basis for a base term of three (3) years, with options to renew for two (2) additional one (1) year periods.

An electronic copy of the Request for Proposal ("RFP") was posted to the District's Procurement Portal on May 26, 2022, and distributed to all registered vendors and all known potential proposers. This included thirty-nine (39) prospective firms and two hundred fifty-eight (258) certified Small Businesses. The RFP was also advertised in ten (10) local publications on June 1, 2022. The RFP was eventually downloaded by twenty-two (22) interested firms. A pre-proposal meeting was held on June 16, 2022, with eight (8) prospective firms in attendance. On July 12, 2022, the District received three (3) proposals.

	PROPOSER
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CONTRACT TERM	IMPEC GROUP	AIM TO PLEASE JANITORIAL SERVICES	PUMA POWER WASH
BASE TERM (3 Years)	\$2,419,065.00	\$3,987,000.00	\$4,523,400.00
OPTION Year 1	\$886,991.90	\$1,419,000.00	\$1,507,800.00
OPTION Year 2	\$886,991.90	\$1,419,000.00	\$1,507,800.00
TOTAL (5 Years)	\$4,193,048.80	\$6,825,000.00	\$7,539,000.00

The proposals were evaluated by a Source Selection Committee composed of representatives from Maintenance & Engineering, Office of Civil Rights, and Contract Administration. One firm submitted a technical proposal that did not meet the minimum technical requirements rendering their submittal non-responsive. The other two (2) firms, Impec Group and Puma Power Wash submitted responsive proposals.

Based on the advertised RFP's evaluation criteria, the Committee determined that the proposal submitted by Impec Group 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 \$4,193,048.80 total price submitted by Impec Group is fair and reasonable based on adequate price competition.

Staff's cost estimate of \$4,294,458 confirms the lowest bid is fair and reasonable.

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 apparent low Proposer, Impec Group, is not a certified Small Business and, therefore, is not eligible for the 5% Small Business Prime Preference. The apparent second low Proposer, Puma Power Wash, is a certified Small Business, making it eligible for the 5% Small Business Prime Preference for this Agreement for evaluation purposes. After review by the Office of Civil Rights, and application of the 5% Small Business Prime Preferences, Impec Group remains the lowest responsive Proposer.

Pursuant to the District's Non-Discrimination for Subcontracting Program, the Availability Percentages for this Agreement are 5.5% for Minority Business Enterprises ("MBE") and 2.8% for Women Business Enterprises ("WBE"s). Impec Group will not be subcontracting any portion of the Work and therefore, the provisions of the District's Non-Discrimination Program for Subcontracting do not apply.

FISCAL IMPACT:

District expenditures for this contract are estimated as follows:

Proposed Budget	
FY23	\$806,355.00
FY24	\$806,355.00
FY25	\$806,355.00
FY26	\$886,991.90
FY27	\$886,991.90
TOTAL	\$4,193,048.80

This agreement is funded through the Operating Budget, in Department #0805781 (System Service Administration), Account #680210. This agreement will replace an expiring agreement for the same services, which was awarded in FY18. That agreement had a total 5-year value of \$3,643,541; the proposed agreement will represent a \$549,507.80 total cost increase over 5 years. This increase is attributable to labor and material costs increases that have occurred since an agreement for this work was last awarded in 2018.

The Adopted FY23 & FY24 Operating Budget anticipated an increase in the cost of this service, so this agreement will not generate a variance compared to budgeted levels in the Adopted FY23 & FY24 Operating Budget. Funding for the final three (3) years of this agreement is included in the District's projections.

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 would leave the District facilities without graffiti removal services.

RECOMMENDATION:

On the basis of analysis and evaluation by Staff, it is recommended that the Board adopt the following motion.

MOTION:

The General Manager is authorized to award Agreement No. 6M3566, in the not-to-exceed amount of \$4,193,048.80, to furnish all labor, material, and equipment to provide systematic inspection and removal of graffiti for all District stations and facilities to Impec Group ("Impec") of Santa Clara, California, subject to compliance with the District's protest procedures.

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