

October 18, 2001

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**ADOPT AND ADVERTISE
PARKWAY TREE TRIMMING, RD 117/517 - 2001/02
SUPERVISORIAL DISTRICTS 1 AND 5
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that this project is exempt from the provisions of the California Environmental Quality Act.
2. Approve the project and adopt the plans and specifications for Parkway Tree Trimming, RD 117/517 - 2001/02, in the vicinities of La Puente and West Covina (1 and 5), at an estimated cost between \$62,000 and \$73,000.
3. Call for bids to be received on November 27, 2001.
4. Instruct the Executive Officer of the Board of Supervisors to advertise the project and to seal and return the plans and specifications to the Department of Public Works for filing.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

This action involves contracting for the trimming of parkway trees.

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This project is part of the Department's ongoing program for the maintenance of parkway trees.

Implementation of Strategic Plan Goals

This project is consistent with the County Strategic Plan Goal of Service Excellence since it will provide for healthier and safer parkway trees which benefit the community.

FISCAL IMPACT/FINANCING

The estimated construction cost is in the range of \$62,000 to \$73,000.

This project is included in the 2001-02 Road Fund Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The enclosed plans and specifications include the contractual provisions, methods, and material requirements necessary for this project. The contract agreement will be in the form previously approved by County Counsel.

As required by your Board, language has been incorporated into the project specifications stating that the contractor shall notify its employees, and shall require each subcontractor to notify its employees, that they may be eligible for the Federal Earned Income Credit under the federal income tax laws.

ENVIRONMENTAL DOCUMENTATION

This project is categorically exempt pursuant to Class 1, Subsection (j), of the revised County Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987.

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CONTRACTING PROCESS

This project will be contracted on an open competitive bid basis. The contract will be awarded to the lowest responsible bidder meeting the criteria established by your Board and the California Public Contract Code.

To increase contractor awareness of our program to contract work to the private sector, this project will be listed on the County Office of Small Business website.

The project specifications contain provisions 1) requiring the contractor to comply with the County's Child Support Compliance Program and 2) requiring the contractor to report solicitations of improper consideration by County employees and allowing the County to terminate the contract if it is found that the contractor offered or gave improper consideration to County employees.

The project specifications also contain a provision that, should the contractor require additional or replacement personnel to fill employment openings, consideration shall be given to hiring qualified participants in the County's Greater Avenues for Independence (GAIN) Program.

To ensure that the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, their civil litigation history, and information regarding prior criminal convictions. The information reported will be considered before making a recommendation to award.

IMPACT ON CURRENT SERVICES

The project is to be completed in 40 working days. It is estimated that the work will start in January and be completed in March 2002. Local residents and businesses will be informed that traffic and local access will be mildly disrupted during the construction.

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CONCLUSION

Please return one approved copy of this letter to the Department of Public Works.

Respectfully submitted,

JAMES A. NOYES
Director of Public Works

TRS:rb

A:\Pkwy Tree Trim RD117-517.wpd

Enc.

cc: Chief Administrative Office
County Counsel
Office of Affirmative Action Compliance

PARKWAY TREE TRIMMING, RD 117/517 - 2001/02
INSTRUCTION SHEET FOR PUBLISHING LEGAL ADVERTISEMENT

From: Department of Public Works
Construction Division

PUBLISHING

In accordance with Section 20392 of the Public Contract Code:

Publish: At least ten consecutive times, prior to the date set for opening bids, in a daily newspaper of general circulation printed and published in the County and designated by the Board, or for at least two consecutive times prior to such date in a weekly newspaper printed and published in the County and designated by the Board.

Time Limitation: To open bids in four weeks

NOTICE INVITING BIDS

Sealed Bids will be received by the Los Angeles County Department of Public Works for the trimming of parkway trees under Project ID No. RMD1946042, Parkway Tree Trimming, RD 117/517 - 2001/02, in the vicinities of La Puente and West Covina.

The Bids must be submitted at the Cashier's Office, west side of main lobby, 900 South Fremont Avenue, Alhambra, California 91803-1331, before 11 a.m. on Tuesday, November 27, 2001. The Bids will then be publicly opened and read in Conference Room C or at the location posted in the main lobby.

The Work shall be done in accordance with the Plans and Specifications on file and open for inspection at the County Board of Supervisors Executive Office and the Department of Public Works. The Work is estimated to cost between \$62,000 and \$73,000 and shall be completed in 40 working days. The Work requires a California Class C27 or C61 (D49) contractor license. Prebid questions regarding the Plans and Specifications should be directed to Mr. Robert Swartz at (626) 458-3113.

The Bids must be submitted on the Proposal forms included in the Bidder's package of the Contract Documents, which may be purchased for \$15.00, including postage and handling if mailed, at the aforementioned Cashier's Office, (626) 458-6959, Monday through Thursday between 7 a.m. and 5:30 p.m.

Each Bid must be accompanied by a certified check, cashier's check, or surety bond payable to Los Angeles County in an amount equal to at least 10 percent of the Bid to guarantee that the Bidder will enter into the Contract if it is so awarded.

All persons performing the Work shall be paid not less than the General Prevailing Wage Determination prepared by the Director of Industrial Relations pursuant to the California Labor Code. Copies of these wage rates are available at the Department of Public Works.

Prior to the date and time of submission of Bids, Bidders shall submit separately to the District Attorney a completed Principal Owner Information (POI) form if such form is not currently on file with the District Attorney. Bidders shall certify, in accordance with Section 2.200.600 of the County Code, that: 1) the POI form has been appropriately completed and provided to the District Attorney with respect to the Contractor's principal owners; 2) the Contractor has fully complied with all applicable State and Federal reporting requirements relating to employment reporting for its employees; and 3) the Contractor has fully complied with all lawfully served Wage and Earnings Assignment Orders and Notices and will continue to maintain compliance. Such certification must be submitted on the Child Support Compliance Program (CSCP) Certification form included as one of the Proposal forms. Failure by a Bidder to submit the CSCP Certification (which includes certification

that the POI form has been submitted to the District Attorney) shall be grounds for finding a Bid nonresponsive (County Code Section 2.200.070).

The Bid must provide full disclosure of False Claims Act violations and civil/criminal legal actions as provided for on the three forms included as part of the Proposal. Failure to complete these forms may result in a determination that the Bidder is nonresponsive and/or not responsible.

Prior to award of the Contract, the Contractor shall submit an affidavit stating that the Contractor has an Injury and Illness Prevention Program (IIPP) and Code of Safe Practices (CSP), and that the Contractor's employees and the employees of its listed subcontractors and suppliers who will be assigned to the Work site will be trained on the IIPP and CSP prior to the commencement of their participation in the construction, and will be caused to fully comply with the provisions of the IIPP and CSP during the duration of their participation in the Contract.

As a threshold requirement for consideration for award of the Contract, Bidders shall demonstrate a proven record of hiring GAIN participants or shall attest to a willingness to consider GAIN participants for any future employment opening if they meet the minimum qualifications for that opening. Additionally, Bidders shall attest to a willingness to provide employed GAIN participants access to the Bidders' employee mentoring program, if available, to assist these individuals in obtaining permanent employment and/or promotional opportunities.

The Contract, if awarded, will be awarded to the lowest responsive and responsible Bidder; however, the Board of Supervisors reserves the right to reject any and all Bids.

A responsible Bidder is a Bidder who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity, and experience to satisfactorily perform the Contract. It is the County's policy to conduct business only with responsible contractors.

Bidders are hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may determine whether the Bidder is responsible based on a review of the Bidder's performance on any contracts, including but not limited to County contracts. Particular attention will be given to violations of labor laws related to employee compensation and benefits, and evidence of false claims made by the Bidder against public entities. Labor law violations which are the fault of subcontractors and of which the Bidder had no knowledge shall not be the basis of a determination that the Bidder is not responsible.

The County may declare a Bidder to be nonresponsive for purposes of this Contract if the Board of Supervisors, in its discretion, finds that the Bidder has done any of the following: (1) committed any act or omission which negatively reflects on the Bidder's quality, fitness,

or capacity to perform this Contract with the County or a contract with any other public entity, or engaged in a pattern or practice which negatively reflects on same, (2) committed an act or omission which indicates a lack of business integrity or business honesty, or (3) made or submitted a false claim against the County or any other public entity.

If there is evidence that the apparent low Bidder may not be responsible, the Department will notify the Bidder in writing of the evidence relating to the Bidder's responsibility and its intention to recommend to the Board of Supervisors that the Bidder be found not responsible. The Department will provide the Bidder with an opportunity to present evidence as to why the Bidder should be found to be responsible and to rebut evidence which is the basis for the Department's recommendation. If the Bidder fails to avail itself of the opportunity to rebut the Department's evidence, the Bidder may be deemed to have waived all rights of appeal.

If the Bidder presents evidence in rebuttal to the Department, the Department will evaluate the merits of such evidence, and based on that evaluation, make a recommendation to the Board of Supervisors. The final decision concerning the responsibility of the Bidder shall reside with the Board of Supervisors.

These terms shall also apply to proposed subcontractors of Bidders on County contracts.

The Bidder is hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may debar the Bidder from bidding on other County contracts for a specified period of time, not to exceed three years, and the County may terminate any or all of the Bidder's existing contracts with County, if the Board of Supervisors finds, in its discretion, that the Bidder has done any of the following: (1) violated any term of a contract with the County, (2) committed any act or omission which negatively reflects on the Bidder's quality, fitness, or capacity to perform a contract with the County or any other public entity, or engaged in a pattern or practice which negatively reflects on same, (3) committed an act or offense which indicates a lack of business integrity or business honesty, or (4) made or submitted a false claim against the County or any other public entity.

If there is evidence that the apparent low Bidder may be subject to debarment, the Department will notify the Bidder in writing of the evidence which is the basis for the proposed debarment, and will advise the Bidder of the scheduled date for a debarment hearing before the Contractor Hearing Board.

The Contractor Hearing Board will conduct a hearing where evidence on the proposed debarment will be presented. The Bidder will be given an opportunity to submit evidence at that hearing. After the hearing, the Contractor Hearing Board will prepare a proposed decision which will contain a recommendation regarding whether the Bidder should be debarred and, if so, the appropriate length of time of the debarment. If the Bidder fails to avail itself of the opportunity to submit evidence to the Contractor Hearing Board, the

Bidder may be deemed to have waived all rights of appeal.

A record of the hearing, the proposed decision, and any other recommendation of the Contractor Hearing Board will be presented to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny, or adopt the proposed decision and recommendation of the Contractor Hearing Board.

These terms shall also apply to proposed subcontractors of Bidders on County contracts.

If awarded the Contract, the successful Bidder shall certify that it will: 1) not knowingly supply any products, goods, supplies, or other personal property produced or manufactured in violation of child labor standards set by the International Labor Organization through its 1973 Convention Concerning Minimum Age for Employment, 2) upon request, identify the country/countries of origin of any products, goods, supplies, or other personal property the successful Bidder supplies, and 3) upon request, provide the manufacturer's certification of compliance with all international child labor conventions.

The successful Bidder understands and agrees that, if awarded the Contract and the County discovers that any products, goods, supplies, or other personal property supplied by the successful Bidder to the County are produced in violation of any international child labor conventions, it will immediately provide an alternative, compliant source of supply.

The successful Bidder further understands and agrees that failure to comply with the foregoing provisions will be grounds for immediate termination of the Contract.

The successful Bidder will be required to submit a faithful performance bond, payment bond, liability insurance, and workers' compensation insurance with the Contract.

As provided for in Section 22300 of the California Public Contract Code, the Contractor may substitute securities for any monies withheld by the Department of Public Works to ensure performance under the Contract, or enter into an escrow agreement for payment of such monies to an escrow agent.

It is improper for any County officer, employee, or agent to solicit consideration, in any form, from a Bidder with the implication, suggestion, or statement that the Bidder's provision of the consideration may secure more favorable treatment for the Bidder in the award of this Contract or that the Bidder's failure to provide such consideration may negatively affect the County's consideration of the Bidder's Bid. A Bidder shall not offer or give, either directly or through an intermediary, consideration, in any form, to a County officer, employee, or agent for the purpose of securing favorable treatment with respect to the award of this Contract.

A Bidder shall immediately report any attempt by a County officer, employee, or agent to

solicit such improper consideration. The report shall be made either to the County manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (213) 974-0914 or (800) 544-6861. Failure to report such a solicitation may result in the Bidder's Bid being eliminated from consideration.

Among other items, such improper consideration may take the form of cash, discounts, service, the provision of travel or entertainment, or tangible gifts.

Para mas informacion con relacion a esta noticia, por favor llame a este numero (626) 458-3118. Nuestras horas de oficina son de 7 a.m. a 5:30 p.m. de lunes a jueves.

Each person by submitting a response to this Notice Inviting Bids certifies that such Bidder and each County lobbyist and County lobbying firm, as defined by Los Angeles County Code Section 2.160.010, retained by the Bidder, is in full compliance with Chapter 2.160 of the Los Angeles County Code.

The County supports and encourages equal opportunity contracting.

By order of the Board of Supervisors of the County of Los Angeles, State of California.

Dated October 30, 2001.

Violet Varona-Lukens
Executive Officer
of the Board of Supervisors

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