



MARK PESTRELLA, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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April 13, 2023

IN REPLY PLEASE

REFER TO FILE: **BRC-1**

### **REQUEST FOR PROPOSALS – ADDENDUM NO. 1 SECURITY SERVICES FOR VARIOUS PUBLIC WORKS TRANSPORTATION SERVICE AREA FIELD LOCATIONS (BRC0000353)**

Please note that the deadline for proposal submission via BidExpress or Public Works Cashier's Office is **Tuesday, April 18, 2023, at 5:30 p.m.**

All addenda and informational updates will be posted online at the following address, <https://pw.lacounty.gov/brcd/servicecontracts>. Please check the website frequently for any changes to this solicitation.

**Important Notice:** Due to Public Works' operational needs to receive and successfully evaluate proposals for these contracts' award, and the rapidly approaching proposal submission deadline, no additional questions will be accepted. Proposers are strongly recommended to fully read the Request for Proposals (RFP) in its entirety including all addenda and informational updates to address any additional questions or concerns.

Please take note of the following revisions to the RFP. (Note that the changes that have been added are in **boldface** and deleted languages are ~~strikethrough~~). Section A is the Addendum and Section B is the Questions and Answers.

#### **A. ADDENDUM:**

1. Exhibit A, Scope of Work, Section O.6.g., Security Personnel Background and Experience on page A.22 is modified as follows:
  - g. Contractor's security personnel and staff who have been involved in any of the following ~~will~~ **may not** be accepted, **consistent with applicable law**:
    - 1) Any felony conviction.
    - 2) Any misdemeanor conviction involving theft, violence, moral turpitude, or similar convictions.
    - 3) Any military conduct that involved dishonorable discharge, bad conduct, or an undesirable discharge and general discharge involving drug abuse.

- 4) Conduct that would preclude the Contractor from receiving a bond.
- 5) Any pattern of irresponsible behavior, including, but not limited to, unsatisfactory driving or employment record, or any pattern of recent or habitual drug use.

## **B. QUESTIONS AND ANSWERS:**

The following answers are in response to the request for information and clarification and other questions submitted by proposers for the Request for Proposals (RFP) for Security Services for Various Public Works Transportation Area Field Locations (BRC0000353), issued on March 20, 2023. The questions presented in this Section B represent the questions asked by the proposers in the form and context as submitted:

1. **Question:** Our company maintains a self-insured retentions and deductibles on our insurance policies that are commensurate with our financial size and stability, and which cannot be reduced/eliminated with respect to a specific client. Should a client require added security, we will provide a parent company guarantee of losses and expenses that fall within the policy SIRs and deductibles. Will the County revise Contract Exhibit B Section D.10 on page B.36 as follows to reflect that standard?

- Delete the last two sentences and replace with the following: “The County retains the right to require Contractor to provide a parent company guaranty of Contractor’s payment of all deductibles and SIRs, including all related claims investigation, administration and defense expenses.”

**Answer:** No. The proposed modification will not be accepted. Please review Exhibit B.5, Section D, General Insurance Requirements, Item b, for information pertaining to self-insured retentions. Be advised, any exception, modification, additions, deletions, or other alterations to the contract will render the proposal nonresponsive and subject it to disqualification.

2. **Question:** We note that credit checks must be performed on all officers. See Contract Exhibit A Section F.9.f.7 on page A.8. We assume that the Contractor’s compliance with that requirement is intended to be in accordance with applicable law addressing the right of an employer to conduct a credit check. Will the County revise the cited section to add the following as the last sentence?

- “Anything to the contrary notwithstanding, credit checks shall be performed only to the extent permitted by applicable law.”

**Answer:** No. The proposed language is not necessary as the contractor is required to comply with all applicable Federal, State, and local laws, rules, regulations, ordinances, directives, guidelines, policies, procedures, and all provisions required thereby to be included in this Contract as stated in Exhibit B, Section F, Compliance with Applicable Laws. Please note that any exception, modification, additions, deletions, or other alterations to the contract will render the proposal nonresponsive and subject it to disqualification.

**3. Question:** We assume that the Contractor's compliance with the fitness standards in Contract Exhibit A Section F.9.g on page A.8 and Section F.10.a on page A.9 is intended to be in accordance with applicable law, including the Americans with Disabilities Act. Will the County revise the cited sections as follows to achieve alignment with the parameters of the Americans with Disabilities Act?

- Contract Exhibit A Section F.9.g on page A.8. Please replace with the following: "Security officers shall be physically capable of performing all essential job duties, with or without reasonable accommodation."
- Contract Exhibit A Section F.10.a on page A.9. Please replace with the following: "The Contractor certifies that officers assigned to work at Public Works facilities are physically, psychologically and emotionally capable of performing all essential job duties, with or without reasonable accommodation."

**Answer:** Please refer to the answer to Question 2.

**4. Question:** Bidders are required to confirm compliance with the County's Fair Chance Employment Policy which is designed to remove job barriers for individuals with criminal records. See Section 1.X on page 1.12 and Contract Exhibit B Section 2.QQ on page B.22. EEOC Enforcement Guidance 915.002 (4/25/12) also addresses this issue. We assume that the County's discretion in adjudication of criminal background checks and access authorizations should also be limited by the parameters of applicable law. Will the County revise the sections cited below as follows to achieve alignment with applicable law?

- Contract Exhibit A Section O.6.g on page A.22: On line 2, replace "will not" with "may not."

**Answer:** Please see Addendum Item No. 1. The County maintains sole discretion as to the suitability of all officers assigned to provide services under the contract.

**5. Question:** Will the County revise the section cited below as follows to achieve alignment with applicable law? Contract Exhibit A Section O.6.g, add the following as the last paragraph:

- “Contractor’s determination regarding assignment of such officers shall be based on guidance provided by the U.S. Equal Employment Opportunity Commission Enforcement Guidance 915.002 (4/25/12) and California Government Code Section 12952 regarding use of arrest, conviction and military discharge history in employment decisions which requires a weighing of (a) the nature and gravity of the offense or conduct; (b) the time that has passed since the offense, conduct, discharge or the employee’s completion of any sentence given as a result of the offense; and (c) the nature of the job held or sought.”

**Answer:** No. The proposed language will not be added. As stated in Addendum Item No. 1, “consistent with applicable law” is included to confirm alignment with all applicable laws. Please note that any exception, modification, additions, deletions, or other alterations to the contract will render the proposal nonresponsive and subject it to disqualification.

**6. Question:** Will the County revise the sections cited below as follows to achieve alignment with applicable law? Contract Exhibit B Section 2.HH on pages B.18-B.19. Insert the following as the last sentence:

- “Anything to the contrary notwithstanding, the County’s determination regarding the suitability of officers shall be based on guidance provided by the U.S. Equal Employment Opportunity Commission Enforcement Guidance 915.002 (4/25/12) and California Government Code Section 12952 regarding use of arrest, conviction and military discharge history in employment decisions which requires a weighing of (a) the nature and gravity of the offense or conduct; (b) the time that has passed since the offense, conduct, discharge or the employee’s completion of any sentence given as a result of the offense; and (c) the nature of the job held or sought.”

**Answer:** No. The proposed modification will not be accepted. The County will comply with all applicable laws, guidelines, and regulations. However, the County will not limit the scope of discretion for determining the suitability of contractor’s personnel in accordance with contract requirements, to solely those statutes mentioned above. Please note that any exception, modification, additions, deletions, or other alterations to the contract will render the proposal nonresponsive and subject it to disqualification.

If you have any questions concerning the above information, please contact Mr. Danny Medina at (626) 458-4080 or [dmedina@pw.lacounty.gov](mailto:dmedina@pw.lacounty.gov), or Mr. Eric Fong at (626) 458-4077 or [erfong@pw.lacounty.gov](mailto:erfong@pw.lacounty.gov), Monday through Thursday, 7 a.m. to 5 p.m.

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Very truly yours,

MARK PESTRELLA, PE  
Director of Public Works



for

SOO KIM  
Administrative Services Manager III  
Business Relations and Contracts Division

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