



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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March 17, 2022

IN REPLY PLEASE

REFER TO FILE: **BRC-1**

REQUEST FOR PROPOSALS – ADDENDUM 1 EXCLUSIVE FRANCHISE CONTRACTS FOR THE AREAS OF ALTADENA/KINNELOA MESA AND SOUTH BAY (BRC0000228)

Thank you for your interest in our Request for Proposals (RFP) for the Exclusive Franchise Contracts for the Areas of Altadena/Kinneloa Mesa and South Bay (BRC0000228).

The deadline to submit the proposals has been extended to **Tuesday, March 22, 2022, at 5:30 p.m.**

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

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

A. Informational Update

The following answers are in response to the request for information and clarification and other questions submitted by proposers for the Exclusive Franchise Contracts for the Areas of Altadena/Kinneloa Mesa and South Bay (BRC0000228). Questions presented in the Informational Update below represent the questions asked by the proposers in the form and context submitted.

1. This is clarification to Question #62 from Informational Update 3. Please see Public Works' revised response below:

Question: Exhibit 3A1(F)(1) and (2) – Please confirm that Contractor is entitled to a rate adjustment for increased costs that relate to a change of facilities under these sections, where such change of facilities is caused either by circumstances outside of Contractor's control or upon a County directed change.

Response: If County implements flow control in item F2 of Exhibit 3A1, then negotiations will be required to determine what the appropriate rate should be, possibly allowing for a higher rate if additional expenses are documented. Changing to a closer or cheaper facility may not justify an increase. **This is already explained in this referenced item in the contract.**

A change of facility beyond the contractor's control may allow for a rate increase but does not mean contractor may select any facility, regardless of rate, and expect the increased cost to be passed along to customers. Negotiations with the County would be required. **Item F1 of Exhibit 3A1 discusses this in more detail. Note that any change in facility requires Director's consent.** ~~The item will be further refined to address both a change of facility and a change of rates at a facility. This will be clarified in a forthcoming addendum to this RFP.~~

2. This is clarification to Question #64 from Informational Update 3. Please see Public Works' revised response below:

Question: Exhibit 5 Part 8 – Will the County permit the assignment of Contractor's obligations under this agreement to an Affiliate of Contractor without payment of the transfer costs under Section C? Transfer of Contractor's obligations to a subsidiary or sister company will have no effect on the quality or timing of services provided.

Response: County will not waive transfer costs **since significant staff time is required to process the transfer** ~~but instead change the fee from \$5 per customer to the actual cost incurred by County to process transfer and any other related cost, including outreach to customers, if necessary. This change will be included in the forthcoming addendum to this RFP.~~ **Note that existing provision includes the following requirement, "COUNTY will return to CONTRACTOR any amounts paid more than the transfer Costs incurred."**

B. Addendum

1. Part 1, Section 3, Item B. Proposal Submission, on Page 1.28, has been revised to include the following:

~~Submission of hard copy proposals will not be accepted.~~

~~PROPOSALS MUST BE SUBMITTED ELECTRONICALLY USING THE FOLLOWING METHOD:~~

~~Proposals must be submitted electronically on www.bidexpress.com, a secure online bidding service website. To submit your proposals electronically, register~~

~~with BidExpress, by the due date. A new registration page must be signed, notarized, and received by BidExpress Customer Support for processing before the due date. There is a nominal service fee to use BidExpress.~~

~~Please note, each upload of file in BidExpress is limited to 10 MB per file up to 50 files for a total of 500 MB. Proposers shall plan ahead and allow sufficient time to account for the file size limitation before the proposal submission deadline to complete the uploading of proposal files. If proposer submits a proposal through BidExpress, proposer should not send hard copies, CDs, or any other materials to the County.~~

~~Proposals received after the closing date and time specified in the Notice of Request for Proposals will be rejected by Public Works as nonresponsive.~~

B. Proposal Submission

1. **Unless the proposals are submitted electronically through www.bidexpress.com, proposals shall be submitted with two complete sets of the Proposal that includes all related information in the following formats:**
 - **Electronic: Two electronic copies on a CD or USB Drive in PDF format as follows:**
 - One original electronic copy.
 - One redacted electronic copy - Proposer shall redact any trade secret, confidential, proprietary, or other personal information from the Proposal such as Social Security numbers.

Please note: Hard copies of proposals will not be accepted.

Proposals received after the closing date and time specified in the Notice of Request for Proposals will be rejected by Public Works as nonresponsive.

2. **Submit Proposals to the Los Angeles County Public Works Cashier's Office, located on the Mezzanine Floor, 900 South Fremont Avenue, Alhambra, California 91803, in a package that clearly identifies the Proposer and this RFP. Proposals are only accepted when received and time stamped by the Cashier. All other indications of apparent timely delivery may be disregarded.**

3. **It is the responsibility of the Proposer to instruct delivery services, such as United Parcel Service and Federal Express, to deliver Proposals directly to the Cashier. Proposals submitted via facsimile or e-mail will not be accepted.**
4. **Proposals delivered by other means, including United States Postal Service, may be delayed in Public Works' mail system, resulting in untimely delivery to the Cashier and possible failure to meet the Proposal submission deadline. Delays and missed deadlines for submission of Proposals not delivered in strict compliance with this RFP shall be the sole responsibility of the Proposer, not of the County, Public Works, or any Special District.**
5. **In lieu of submitting electronic proposals to the Cashiers Office, you may submit proposals electronically on www.bidexpress.com, a secure online bidding service website. To submit your proposals electronically, register with BidExpress, by the due date. A new registration page must be signed, notarized, and received by BidExpress Customer Support for processing before the due date. There is a nominal service fee to use BidExpress.**

Please note, each upload of file in BidExpress is limited to 10 MB per file up to 50 files for a total of 500 MB. Proposers shall plan ahead and allow sufficient time to account for the file size limitation before the proposal submission deadline to complete the uploading of proposal files. If proposer submits a proposal through BidExpress, proposer should not send hard copies, CDs, or any other materials to the County.

Proposals received after the closing date and time specified in the Notice of Request for Proposals will be rejected by Public Works as nonresponsive.

2. **Part 1, Section 5, Item D, Pass/Fail Review, on page 1.40, has been revised as follows:**
 1. ~~Proposal was submitted electronically using BidExpress method described in Part 1, Section 3.B, Proposal Submission.~~ **Proposal was time stamped by the Cashier or BidExpress prior to the deadline for submission of the Proposal. Any Proposal without a Public Works or BidExpress time stamp verifying that the deadline for submission has been met will be rejected.**

3. The following items listed below have been deleted in its entirety:

- PW-2.1 Schedule of Prices – Altadena/Kinneloa Mesa
- PW-2.2 Schedule of Prices – South Bay

The above Forms are replaced with revised items listed below (See website at: https://dpw.lacounty.gov/contracts/asd_rfp/ProjectDetail.aspx?project_id=BRC0000228)

- PW-2.1.1 Schedule of Prices – Altadena/Kinneloa Mesa
- PW-2.2.1 Schedule of Prices – South Bay

Please use the revised Forms PW-2.1.1 and PW-2.2.1 (Schedule of Prices), (See [website at: https://dpw.lacounty.gov/contracts/asd_rfp/ProjectDetail.aspx?project_id=BRC0000228](https://dpw.lacounty.gov/contracts/asd_rfp/ProjectDetail.aspx?project_id=BRC0000228)), when submitting your proposal for the respective Service Areas.

4. This is clarification to Question #12 from Informational Update 3. Part 1, Sample Contract, Section 3, Item C.3 Fuel/Power, page Section 3-17 has been revised as follows:

3. Fuel/Power

~~[for contracts starting late to allow hauler more time to buy trucks]~~

Within the first ~~12~~ six months after Execution, all Vehicles used for automated Collection must use Liquid Natural Gas (LNG), Compressed Natural Gas (CNG), Renewable Natural Gas (RNG), electric, or other alternatives to diesel fuel, as approved by Director unless Contractor Documentation provides otherwise with respect to Collection at Premises that are difficult to serve as permitted in item O of this Exhibit.

~~To assist COUNTY in complying with procurement requirements in SB 1383, CONTRACTOR must use RNG for 25 percent of its average fuel usage for its Collection fleet. A monthly average less than 25 percent requires approval of Director.~~

CONTRACTOR shall procure RNG derived from recycled Organic Waste that meets SB 1383 regulations Section 18993.1(h)

requirements in the amount of, at least, 25% of their total fuel usage for servicing the Service Area.

CONTRACTOR shall agree that the COUNTY has the sole right to report this RNG procurement towards the COUNTY's fulfilment of its annual recovered Organic Waste product procurement target defined in accordance with 14 CCR Section 18993.1.

CONTRACTOR shall maintain records of all fuel contracts and purchases and provide to **COUNTY** Director upon request in addition to fulfilling reporting requirements stipulated under item A2 of Section 10, Reports.

~~CONTRACTOR will be exempt from this requirement if fuel equivalency used for CONTRACTOR's Collection Vehicles exceeds 75% electric. If CONTRACTOR's fuel equivalency used exceeds 75% electric, then CONTRACTOR's remaining non-electric fuel usage shall be SB 1383 eligible RNG.~~

CONTRACTOR may propose an alternative procurement plan, as listed in item Q of Exhibit 3A1, with justification for why RNG procurement is not feasible or reasonable, provided the plan meets the ~~RNG equivalent of 25% total fuel usage and the 0.08 tons of Organic Waste per resident in the Service Area per year, requirements required of in SB 1383, Article 12 Section 18993.1(c)(h).~~ Implementation of such plan is subject to COUNTY Director approval.

5. This is clarification to Question #13 and #59 from Informational Update 3. Part II, Scope of Work, Exhibit 3A1, Item C.3 Source Separation and Organic Diversion, page 4, has been revised as follows:

~~In accordance with Section 18984.5 of SB 1383, CONTRACTOR will conduct a route review for Prohibited Container Contaminants on randomly selected Containers in a manner that results in all Collection routes being reviewed annually. This may include CONTRACTOR's driver monitoring the live video screen to look for contamination or reviewing video later to detect such contamination.~~

- ~~• Upon finding Prohibited Container Contaminants, CONTRACTOR shall provide written notice to Occupants.~~
- ~~• CONTRACTOR's written notice to Occupants shall include information regarding how to properly separate materials. The CONTRACTOR shall leave~~

- ~~written notice on the Container, on the door, or mailed/mailed to Occupant so that Occupant receives the notice prior to the next Collection.~~
- ~~• CONTRACTOR shall provide to Director a quarterly Report of the number of Containers reviewed, number of violations noted or observed, the date of the violations, and the locations or routes where violations were noted/observed.~~
 - ~~• For each location with an observed violation, CONTRACTOR is to review that same location during the next scheduled Collection and report any violations to Director.~~
 - ~~○ If a second consecutive violation is noted/observed, CONTRACTOR is to review that same location during the next scheduled Collection and report any violations.~~
 - ~~○ If a third consecutive violation is observed, CONTRACTOR is to review that same location during the next scheduled Collection and report any violations and include photos or videos of the contamination in the Report.~~
6. This is clarification to Question #13 from Informational Update 3. Part I, Sample Contract, Section 10, Item A2g, page Section 10-56, has been revised as follows:

~~g. Route Review Results~~

~~Results of any route reviews performed, as required in item I7 of Exhibit 3A1.~~

g. Occupants with Inadequate Service

Addresses, existing service levels, and suspected issue.

7. This is clarification to Question #23 from Informational Update 3. Part II, Scope of Work, Exhibit 3A2, Item A1b Document, page 36, has been revised as follows by including the following:

b. Document

If Director requests to remove Abandoned Waste at a location but CONTRACTOR is unable to find the item(s), photos must be taken of the area and entered into the TMP.

8. This is clarification to Question #23 from Informational Update 3. Part II, Scope of Work, Exhibit 3A2, Item A6 Payment, page 38, has been revised as follows:

6. Payment

~~COUNTY will pay CONTRACTOR a fee for monitoring, Collecting, transporting, and Disposing of Abandoned Waste as provided in item C of Section 7, even though under County Code the cost of removing Abandoned Waste is the responsibility of the Person, if known, who discards the waste.~~

If CONTRACTOR responds to a request for removal of Abandoned Waste and the CONTRACTOR does not find Abandoned Waste at the location, CONTRACTOR may charge a fee indicated on Attachment 7-3 – Task 2 Service Fees only when it exceeds 5 incidents per month.

9. This is clarification to Question #35 from Informational Update 3. Part II, Scope of Work, Attachment 5-10A Definitions, Page 126, has been revised as follows:

Uncontrollable Circumstances means any of the following events:

- Riots, war, or emergencies, **or health orders resulting from pandemics** ~~that affecting the County~~ declared by the President of the United States or Congress of the United States, the Governor of California, or the Board of Supervisors;
- Sabotage, civil disturbance, insurrection, explosion;
- Natural disasters such as floods, earthquakes, landslides, and fires;
- Strikes, lockouts, and other labor disturbances; or
- Other catastrophic events that are beyond the reasonable control of CONTRACTOR despite CONTRACTOR's exercise of due diligence, excluding:
 - The financial inability of CONTRACTOR to satisfy its Performance Obligations, or
 - Failure of CONTRACTOR to obtain any necessary Permits or the right to use the facilities of any public entity.

10. This is clarification to Question #63 from Informational Update 3. Part II, Scope of Work, Exhibit 3A1, Item G6 Changes in Materials, has been revised as follows:

a. Changes in Materials

~~Director may add or delete materials from the definition upon Notice to CONTRACTOR. Within 14 days of receiving that Notice, CONTRACTOR~~

~~shall give Director a draft Notice informing Customers of changes in materials. Following COUNTY's approval, CONTRACTOR shall distribute those Notices to Customers and Occupants in the manner that Director requests in accordance with Item L4b of this Exhibit.~~

Materials may be added or deleted from the definition upon Notice to CONTRACTOR and upon Reasonable mutual agreement of Director and CONTRACTOR. Within 14 days of receiving that Notice, CONTRACTOR shall give Director a draft Notice informing Customers of changes in materials. Following COUNTY's approval, CONTRACTOR shall distribute those Notices to Customers and Occupants in the manner that Director requests in accordance with Item L4b of this Exhibit.

11. This is clarification to Question #67 from Informational Update 3. Part II, Scope of Work, Attachment 5-10A Definitions, Page 121, has been revised as follows:

~~Organic Waste or Organic Waste means both of the following:~~

- ~~• Organic waste defined in AB 1826, and~~
- ~~• Organic waste defined in SB 1383 selected by Director and Noticed to CONTRACTOR, and includes Food Waste and Green Waste.~~

Organic waste as defined in SB 1383 means solid wastes containing material originated from living organisms and their metabolic waste products including, but not limited to, food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges.

12. This is clarification to Question #68 from Informational Update 3. Part I, Sample Contract, Section 3, C.11 Scales, Page Section 3-20, has been removed in its entirety:

11. Scales No Longer Used

~~Within 6 months of Director's request, all Automated Collection Vehicles are to have the ability to weigh each Container as it Collects from each Occupant's Set-Out Site. This data is to be connected to each service address and submitted upon Director's request.~~

13. This is clarification to Question #70 from Informational Update 3. Part I, Sample Contract, Section 3, Item C9a Video Equipment, has been revised as follows:

~~(1) Forward Facing Camera~~

~~CONTRACTOR's automated Collection Vehicles shall be equipped with functioning, forward facing, or angled slightly to the right, video recording equipment to validate service complaints such as missed Collections and other items that may be of interest to Director.~~

~~(2) Waste Collection Facing~~

~~CONTRACTOR's automated Collection Vehicles shall be equipped with functioning, video recording equipment to validate Occupant compliance with County Disposal practices and applicable laws. Camera is to face forward on a front loading Vehicle and toward the curb/passenger side for side loading Vehicles. Video may be of interest to Director for use in conducting route reviews and contamination investigations required under SB 1383.~~

~~CONTRACTOR is to conduct a route review for prohibited Container contaminants on randomly selected Containers in a manner that results in all Collection routes being reviewed annually. This may include CONTRACTOR's driver monitoring the live video screen or office staff reviewing recordings, looking for contamination and tag/mark each video for further investigation by Director. CONTRACTOR is to include a plan for Director's approval to accomplish this requirement within 60 calendar days of CONTRACT Execution.~~

(1) Forward Facing Footage

CONTRACTOR's automated Collection Vehicles shall be equipped with a video camera capable of capturing images that are forward facing, or angled slightly to the right, to validate service complaints such as missed Collections and other items that may be of interest to Director.

(2) Waste Collection Facing Footage

CONTRACTOR's automated Collection Vehicles shall be equipped with a video camera to validate Occupant compliance with County Disposal practices and applicable laws. Footage is to face forward on a front-loading Vehicle and toward the curb/passenger side for

side-loading Vehicles. Video may be of interest to Director for use in conducting route reviews and contamination investigations.

14. Part II. Scope of Work, Exhibit 3A1, Item P2 Food Waste Container, Page 33, has been revised as follows:

2. Food Waste Container

To encourage Occupant's participation in diverting Organic Waste from Landfills, CONTRACTOR is to provide an in-home container that is attractive enough to place on a kitchen counter and small enough to place in a dishwasher. It is anticipated that Occupants would use the container to regularly transfer food waste from their kitchen to the Green Waste Container and eliminate the need for a plastic bag. ~~While the first container is to be provided at no additional charge, CONTRACTOR must allow the purchase of additional containers for the fee indicated in Form PW-2, Task 1 Service Fees of Exhibit 7.~~

15. Part II, Scope of Work, Exhibit 3A1, Item D15 Occupants with Inadequate Service, Page 14, has been added:

15. Occupants with Inadequate Service

CONTRACTOR shall inform Director of any Occupants that has an inadequate level of service. This includes confirmed issues such as frequently overloaded Containers and missing Containers (no Recyclables or Green Cart) and suspected issues such as only one 64-gallon Recyclables Cart at a large office building.

CONTRACTOR shall Report this information quarterly, as required in item A2 of Section 10.

If you have any questions concerning the above information, please contact Messrs. David Pang at (626) 458-7167 or Danny Medina at (626) 458-4080, Monday through Thursday, 7 a.m. to 5 p.m.

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Very truly yours,

MARK PESTRELLA, PE
Director of Public Works

A handwritten signature in black ink, appearing to read 'J. Quevedo', written over a horizontal line.

for

JOSE M. QUEVEDO, PE
Assistant Deputy Director
Business Relations and Contracts Division

DP

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