



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

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

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
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ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: **AS-0**

July 29, 2009

### **REQUEST FOR PROPOSALS – ADDENDUM 1 EXCLUSIVE FRANCHISE AGREEMENT FOR THE AREA OF HACIENDA HEIGHTS (2009-FA040)**

Thank you for attending our mandatory Proposers' Conference for Exclusive Franchise Agreement for the Area of Hacienda Heights (2009-FA040) held on Wednesday, July 29, 2009. Please take note of the following revisions that have been addressed regarding the Request for Proposals (RFP). (Please note that **bold** text has been added, and any text that has a ~~strikethrough~~ has been deleted from the RFP.).

The deadline to submit proposals is still **Wednesday, August 19, 2009, at 5:30 p.m.**

#### **Changes:**

1. Form PW-13, Representation and Warranty of Chief Administration Officer/Chief Executive Officer or Other Knowledgeable Person, and Form PW-14 are no longer valid. Please use the revised Form PW-13.1, and Form PW-14.1, Representation and Warranty of Chief Administration Officer/Chief Executive Officer or Other Knowledgeable Person (Enclosure A) in your proposal. It is to your benefit to fully review and understand the revision that has been made to each of these forms. The forms were changed to correctly note the following:
  - On page 1 of Form PW-13.1, in the second paragraph, changes were made to the cross references to the RFP. The correct cross references are Part I, Section 3.A.9.a and 3.A.9.b., instead of Section 3.A.5 and Section 3.A.6.
  - On page 1 of Form PW-14.1, in the second paragraph, changes were made to one cross reference to the RFP. The correct cross reference is Part I, Section 3.A.11., instead of 3.A.7.
2. In Part I, Section 3.B., Proposal Submission, on page 1.23, the first paragraph has been changed to read:

1. Proposals shall be submitted with ~~five~~ **six** complete sets (one original, three hard copies, and ~~one~~ **two** electronic ~~copy~~ **copies** on a CD in PDF format) of the proposal and any related information. **On the redacted copy, which should be submitted as one of the electronic copies, please redact any trade secret, confidential, proprietary, or other personal information from the Proposals such as Social Security numbers.** Proposals received after the closing date and time specified in the Notice of Request for Proposals will be rejected by Public Works as nonresponsive.

If you have questions concerning the above information, please contact Ms. Jeanette Arismendez at (626) 458-4050 or Mr. Benjamin Sandoval at (626) 458-7334, Monday through Thursday, 7 a.m. to 5:45 p.m.

Very truly yours,

GAIL FARBER  
Director of Public Works



GHAYANE ZAKARIAN, Chief  
Administrative Services Division

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Enc.

**REPRESENTATION AND WARRANTY OF  
CHIEF ADMINISTRATION OFFICER/CHIEF EXECUTIVE OFFICER  
OR OTHER KNOWLEDGEABLE PERSON**

I represent and warrant as follows:

- (1) I am knowledgeable about the disputes, actions, contests, debarments and environmental history of the Proposer, guarantor of Proposer's obligations under the Franchise Agreement, and/or Proposer's affiliate identified below my printed name below.
- (2) The information provided in Proposer's proposal as required by Part 1, Section 3.A.9.a. and Section 3.A.9.b. of the RFP, "**References; Disputes, Actions, Contests and Debarments; Environmental History**", or any portion of that information specified below, to the best of my knowledge, is true and complete as of the date of submission of Proposer's proposal.

I acknowledge as follows:

- (1) If, *after County has awarded the Franchise Agreement to Proposer but before County has executed the Franchise Agreement*, the County determines that this **warranty is breached** because the information provided in Proposer's proposal is untrue or incomplete, the County may annul the award approval and forfeit and liquidate Proposer's bid guaranty.
- (2) If, *after execution of the Franchise Agreement*, the County determines that this **representation is untrue** because the information provided in Proposer's proposal is untrue or incomplete, then the County may declare a default under the Franchise Agreement and exercise County's remedies under the Franchise Agreement, including termination of the Franchise Agreement.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Office/Title:

- ☐ Chief Administrative Office  
☐ Chief Executive Office  
☐ Other knowledgeable person \_\_\_\_\_

Entity or entities about which officer is knowledgeable:

- ☐ Proposer  
☐ Guarantor of Proposer's obligations under the Franchise Agreement:  
\_\_\_\_\_; or  
☐ Affiliate of Proposer [describe]: \_\_\_\_\_

*Portion of information with respect to finances to which this representation applies:*

\_\_\_\_\_

☐ **All**

☐ The following specified portion: \_\_\_\_\_

I certify that the person named above is the duly appointed incumbent of the office set forth below his or her signature and that his or her signature appearing above is true and genuine.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title (E.g. Secretary, Counsel) \_\_\_\_\_

REPRESENTATION AND WARRANTY OF  
CHIEF FINANCIAL OFFICER OR OTHER KNOWLEDGEABLE PERSON

Complete ONE of the following representations and warranties or alternative warranties:

(1) SUBMISSION OF AUDITED/REVIEWED FINANCIALS WITH PROPOSAL

I represent and warrant as follows:

- (1) I am knowledgeable about the finances of Proposer, guarantor of Proposer's obligations under the Franchise Agreement, and/or Proposer's affiliate identified below my printed name below.
- (2) The information provided in Proposer's proposal as required by Part 1, Section 3.A.11., "**Financial Resources**" or any portion of that information specified below, to the best of my knowledge, is true and complete as of the date of submission of Proposer's proposal.

I acknowledge as follows:

- (1) If, *after County has awarded the Franchise Agreement to Proposer but before County has executed the Franchise Agreement*, the County determines that this **warranty is breached** because the information provided in Proposer's proposal is untrue or incomplete, the County may annul the award approval and forfeit and liquidate Proposer's bid guaranty.
- (2) If, *after execution of the Franchise Agreement*, the County determines that this **representation is untrue** because the information provided in Proposer's proposal is untrue or incomplete, then the County may declare a default under the Franchise Agreement and exercise County's remedies under the Franchise Agreement, including termination of the Franchise Agreement.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Office/Title:

- ☐ Chief Financial Officer  
☐ Other knowledgeable person \_\_\_\_\_

Entity or entities about which officer is knowledgeable:

- ☐ Proposer  
☐ Guarantor of Proposer's obligations under the Franchise Agreement: \_\_\_\_\_; or  
☐ Affiliate of Proposer [describe]: \_\_\_\_\_

Portion of information with respect to finances to which this representation applies:

\_\_\_\_\_

☐

All

☐

The following specified portion: \_\_\_\_\_

I certify that the person named above is the duly appointed incumbent of the office set forth below his or her signature and that his or her signature appearing above is true and genuine.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title (E.g. Secretary, Counsel) \_\_\_\_\_

**DELIVERY OF AUDITED/REVIEWED FINANCIALS TO COUNTY**

**I warrant that Proposer will deliver to County the Proposer's audited financial statements for County review at County offices, at a time agreeable to County.**

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Office/Title:

☐ Chief Financial Officer

☐ Other authorized person: \_\_\_\_\_

I certify that the person named above is the duly appointed incumbent of the office set forth below his or her signature and that his or her signature appearing above is true and genuine.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title (E.g. Secretary, Counsel) \_\_\_\_\_

**SUBMISSION OF A WRITTEN STATEMENT TO SECURE A PERFORMANCE BOND,  
LETTER OF CREDIT, AND ADDITIONAL BUSINESS HISTORY AND/OR OTHER  
INFORMATION WITH PROPOSAL**

I represent and warrant as follows:

- (1) The written statement is signed by an authorized agent of a California-admitted surety with an A.M. Best Rating of not less than A:VII establishing that the surety is presently willing to issue a performance bond of 30% of the Proposer's proposed annual rate utilizing the monthly rated per customer from Form PW-2, Schedule of Prices.
- (2) The written statement presently able to secure a letter of credit of 30% of the Proposer's proposed annual rate utilizing the monthly rates per customer Form PW-2, Schedule of Prices. The statement must be issued by a financial institution with one of the following minimum ratings:

Moody's	A2 or better LT Issuer Credit and B or better for Bank Financial Strength
Standard and Poor's	A or better for LT Issuer Credit
Bauer Financial	4 Stars or better
TheStreet.com Ratings	B or better
- (3) Additional business history, and/or other information to demonstrate financial resources and viability, verified by an independent, reliable third party such as a CPA, a credit agency, or a financial institution, or by means of reliable audit reports from other governmental agencies, etc.
- (4) I am knowledgeable about the financial stability of Proposer, guarantor of Proposer's obligations under the Franchise Agreement, and/or Proposer's affiliate identified below my printed name below.
- (5) The information provided in Proposer's proposal as required by Part 1, Section 3.A.11., "**Financial Resources**" or any portion of that information specified below, to the best of my knowledge, is true and complete as of the date of submission of Proposer's proposal.



I acknowledge as follows:

- (1) If, *after County has awarded the Franchise Agreement to Proposer but before County has executed the Franchise Agreement*, the County determines that this **warranty is breached** because the information provided in Proposer's proposal is untrue or incomplete, the County may annul the award approval and forfeit and liquidate Proposer's bid guaranty.
- (2) If, *after execution of the Franchise Agreement*, the County determines that this **representation is untrue** because the information provided in Proposer's proposal is untrue or incomplete, then the County may declare a default under the Franchise Agreement and exercise County's remedies under the Franchise Agreement, including termination of the Franchise Agreement.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Office/Title:

- ☐ Chief Financial Officer  
☐ Other knowledgeable person \_\_\_\_\_

Entity or entities about which officer is knowledgeable:

- ☐ Proposer  
☐ Guarantor of Proposer's obligations under the Franchise Agreement: \_\_\_\_\_; or  
☐ Affiliate of Proposer [describe]: \_\_\_\_\_

Portion of information with respect to finances to which this representation applies:

- \_\_\_\_\_  
☐ All  
☐ The following specified portion: \_\_\_\_\_

I certify that the person named above is the duly appointed incumbent of the office set forth below his or her signature and that his or her signature appearing above is true and genuine.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title (E.g. Secretary, Counsel) \_\_\_\_\_