



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

November 17, 2022

IN REPLY PLEASE

REFER TO FILE: **BRC-1**

REQUEST FOR PROPOSALS – ADDENDUM 5 FLORENCE AREA ENHANCED MAINTENANCE SERVICES (BRC0000359)

Please note that the deadline for proposal submission has been extended to **Wednesday, December 7, 2022, at 5:30 p.m.**

The deadline to submit written questions for a response has been extended to **Monday, November 28, 2022, at 5:30 p.m.**

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

Please take note of the following revision to the Request for Proposals (RFP). (Note that the changes that have been added are in **boldface** and deleted languages are ~~strikethrough~~).

1. The Notice of Request for Proposals section entitled "Important Notice Regarding Prevailing Wage and Living Wage" which was added as part of Addendum No. 2, Section A, Addendum, Item No. 3 has been revised and reads as follows:

Important Notice Regarding Prevailing Wage and Living Wage:

When preparing your proposal, please note the following:

1. A portion of the proposer's contracted work in this RFP constitutes "public work" as defined in the California Labor Code Section 1720, requiring payment of prevailing wages pursuant to Section 15, Prevailing Wages, of the Florence Area Enhanced Maintenance Services (BRC0000359).
2. The services requested in this RFP require payment of prevailing wage and may include nonprevailing wage work. Proposers must comply with both the Prevailing Wage and County Living Wage Ordinance (LWO) requirements. The contractors must pay prevailing wages in compliance with the California Labor Code appropriate for the prevailing wage work requested and must pay living wage rates in compliance with the LWO.

The contractors must comply with all requirements of the LWO for both prevailing wage and nonprevailing wage work. Please refer to Form LW-1, Living Wage Program.

3. Proposers must always pay the higher rate of either the County's Living Wage rate or the applicable Prevailing Wage rate for each classification used in this contract. **As an example, if a proposer uses any of the prevailing wage classification(s) appropriate for the work as referenced in this notice, which are more than the County's Living Wage of \$17.14 per hour for year 2022, then the proposer must pay one of the DIR's Prevailing Wage rates. Note that both of the Prevailing Wage rates are higher than the County's living wage rate.**
4. Proposers are responsible for determining the appropriate prevailing wage classification needed to perform the work requested. Please refer to California Labor Code, Section 1773.2:

"The body awarding any contract for public work, or otherwise undertaking any public work, shall specify in the call for bids for the contract and in the bid specifications and in the contract itself, what the general rate of per diem wages is for each craft, classification, or type of worker needed to execute the contract.

In lieu of specifying the rate of wages in the call for bids, and in the bid specifications and in the contract itself, the awarding body may, in the call for bids, bid specifications, and contract, include a statement that copies of the prevailing rate of per diem wages are on file at its principal office, which shall be made available to any interested party on request. The awarding body shall also cause a copy of the determination of the director of the prevailing rate of per diem wages to be posted at each jobsite."

Further, please refer to Exhibit B, Section 15, page B.57 of the RFP, Prevailing Wage, which in part states:

The Director of the Department of Industrial Relations (DIR) has established the general prevailing rate of per diem wages for each craft, classification, type of worker, or mechanic needed to execute public works and improvements. The current general prevailing wage rate determinations are available at <https://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>. The

contractor is required to pay its agents and employees the applicable current prevailing wage rate and is responsible for selecting the classification of workers required to perform this service.

The contractor agrees to comply with the provisions of Section 1775 of the California Labor Code relating to the payment of prevailing wages, including the assessment of penalties determined by the California Labor Commissioner.

Copies of the prevailing rate of per diem wages are on file at Los Angeles County Public Works Project Management III Division and will be made available for inspection by request to the Contract Manager. (Note to the ~~bidders~~ **proposers**: During the solicitation process and prior to the award of contract, please direct your inquiries to the Contract Analysts identified in the solicitation document. You may contact the Contract Manager only after the award of contract.) Pursuant to Labor Code Section 1773.2, the County has made these documents available for inspection by the contractor in lieu of the County specifying the general rate of per diem wages for each craft, classification, and type of worker needed to execute the contracted work. Future effective wage rates will be on file with the DIR. The new wage rates shall become effective on the day following the expiration date of the current determinations and apply to the contract in the same manner as if they had been included or referenced in the contract.

In addition, regarding the Posting of Prevailing Wage Rates:

The contractor shall comply with the provisions of Section 1773.2 of the Labor Code. The contractor shall post a copy of the prevailing wage rates at the worksite and comply with applicable laws including posting of jobsite notices required by Title 8 of the California Code of Reg. §16451.

5. **Proposers should also consider DIR research unit's response to Public Works request for a minimum rate of pay determination for Enhanced Maintenance Services on a project in Los Angeles County. A copy of the DIR response is attached as Attachment 1. Please disregard mention of the LED tree rope lights, decorative lights, and painting of arch on Whittier Boulevard as this is in reference to services for the Whittier Blvd Enhanced Maintenance Services.**

6. **Until further clarification from DIR, proposers LW-8.1-8.4, Staffing Plan and Cost Methodology, must identify one of the two classifications identified in DIR's research unit's response to Public Works request for a minimum rate of pay determination for street sweeping work. No other form of wages, such as a collecting bargaining agreement's wage, can be used in lieu of these two rates.**

We also recommend that you review the Division of Labor Standards Enforcement, Public Works Manual in reference to workers performing work under two or more classifications, specifically, Sections 3.2.7.1 and 4.1.4. The manual is accessible at the following link: <https://www.dir.ca.gov/dlse/PWManualCombined.pdf>.

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If you have any questions concerning the above information, please contact Ms. Victoria Frausto at (626) 300-2652 or vfrausto@pw.lacounty.gov, or Ms. Jessica Dunn at (626) 458- 4169 or jdunn@pw.lacounty.gov, Monday through Thursday, 7 a.m. to 5 p.m.

Follow us on Twitter:

We encourage you to follow us on Twitter @[LACoPublicWorks](https://twitter.com/LACoPublicWorks) for information on Public Works and instant updates on contracting opportunities and solicitations.

Very truly yours,

MARK PESTRELLA, PE
Director of Public Works



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

VF

Enc.

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E-MAIL TRANSMISSION

☐ Urgent ☐ Action Needed ☐ Please Call To Discuss ☒ As You Requested ☐ For Your Information

DATE: November 10, 2022

TO: Felisia Chan

COMPANY: Los Angeles County Public Works, Business Relations and Compliance

E-MAIL: fchan@dpw.lacounty.gov

NUMBER OF PAGES (including this cover page): 3

FROM: Jannette Galan, Research Data Analyst

SUBJECT: Prevailing Wage

MESSAGE

This is in response to your e-mail received October 11, 2022, regarding a rate of pay for Enhanced Maintenance Services for two contracts in Los Angeles County: the Florence Area Enhanced Maintenance Services contract with a Request for Proposal Release date of August 22, 2022, and the Whittier Blvd. Enhanced Maintenance Services contract with a Request for Proposals Tentative Date of December 1, 2022 for the following work descriptions below:

- Remove any weeds
- Remove any tree sucker growth
- The Contractor must not be expected to replace any trees unless a tree dies as the result of the Contractor's negligence; replacement of trees
- Haul collected trash/litter from the Service Areas to a legal disposal site and pay any necessary disposal fees. Note that the trash receptacles will be emptied by the County's Garbage Disposal District Contractor and are not part of the Enhanced Maintenance Services under this Contract.
- Repair, clean, and replace worn or broken parts (i.e., bolts, non-bus stop trash receptacles, and benches). Contractor shall not be expected to replace bus stop benches and/or shelters.
- Removal of graffiti based on paint-over method
- Tree trimming
- Installation and maintenance of Light Emitting Diode (LED) tree rope lights and decorative lights, and repair or replace any damaged LED tree rope light; maintenance and repair electrical outlets weatherproof enclosures
- Install, remove, maintain, and store specified decorations, lights, banners, and flags annually. The Contractor will inspect weekly while installed and repair as required.
- Paint at least once per year, inspect quarterly, and touch up as required the arch on Whittier Boulevard
- Monthly visual inspection of electrical outlets utilized by LED tree rope lights and decorative lights. Contractor shall notify the County immediately if there is any damage to the electrical outlets or enclosures. Contractor will not be responsible to repair the electrical outlets or enclosures.

You have contacted the Office of the Director- Legal Unit, and it indicated that the work mentioned above is covered work and subject to prevailing wage requirements.

Please note that minimum rate of pay determinations are made on a case-by-case basis and an analysis of the specific facts involved in a project. If you have a specific project that requires a rate of pay determination, please send us documents that can assist us in making our determination prior to or within 20 days of the commencement of bids on the project. The documents can include but are not limited to, construction contracts, plans or specifications, and a detailed description of the duties to be performed.

When there are multiple crafts/classifications published in the Director's General Prevailing Wage Determinations at the time of the call for bids for a project that may perform a specific type of work, and a minimum rate of pay decision was not requested or issued in accordance with the deadlines prescribed in Labor Code §1773.4, they may not be altered by a minimum rate of pay decision (*Sheet Metal Workers International Association, Local Union No104 v. John M. Rea (2007), 153 Cal.App.4th 1071, 63 Cal. Rptr.3d 672*). As a result, any information provided will be given in a strictly advisory role.

For work involving the removal of any weeds, the scope of work provisions for the craft(s)/classification(s) of the Landscape Maintenance Laborer may include similar types of work.

For work involving the removal of tree sucker growth, tree trimming, and the occasional replacement of a dead tree as described in your letter, the scope of work provisions for the craft/classification of the Tree Maintenance (Laborer) may include similar types of work. For work involving trimming trees in conflict with utility lines, the scope of work provisions for the craft/classification of the Tree Trimmer (High Voltage Line Clearance) may include similar types of work. For work involving the off-hauling of debris and trash/litter, the scope of work provisions for the craft(s)/ classification(s) of the Driver (on/off-hauling to/from Construction Site) may include similar types of work. For work involving the hauling of debris on-site, the scope of work provisions for the craft(s)/classification(s) of the Teamster may include similar types of work.

For work involving the repair and replacement of worn or broken parts/street furniture (i.e., bolts, non-bus stop trash receptacles, and benches), the scope of work provisions for the craft(s)/classification(s) of the Laborer, Carpenter, Cement Mason, Sheet Metal Worker, and Inside Wireman may include similar types of work. Depending on the type of materials involved (i.e., wood, metal, concrete), there may be other crafts/classifications not mentioned above that may perform similar type of work.

For the contracts that call for graffiti removal to be done solely by paint-over method, the scope of work provisions for the craft(s)/classification(s) of the Painter: Graffiti Removal Worker may include similar types of work.

For work involving installation and maintenance of Light Emitting Diode (LED) tree rope lights and decorative lights, the repair or replacement of any damaged LED tree rope light, maintenance and repair of electrical outlets waterproof enclosures, and monthly visual inspection of electrical outlets utilized by LED tree rope lights and decorative lights, the scope of work provisions for the craft(s)/classification(s) of the Electrician: Inside Wireman may include similar types of work.

For work involving installing, removing, maintaining, and storing specified decorations, lights, banners, and flags annually, the scope of work provisions for the craft(s)/classification(s) of the Carpenter, Painter, Laborer: Group I, Iron Worker, and Electrician: Inside Wireman may include similar types of work.

For work involving painting, painting inspection, and touch ups on the arch on Whittier Boulevard, the scope of work provisions for the craft(s)/classification(s) of the Painter may include similar types of work.

Please note, on-site inspections are subject to prevailing wages when the inspector is taking his/her own measurements and interacting with other construction workers. However, if the inspector is truly engaged only in visual inspection and is not using any tools in the process then the work may not be covered.

In accordance with Labor Code §1773.2, the awarding body shall specify what the general rate of per diem wages is for each craft, classification, or type of worker needed to execute the contract. Please note that the craft listed above may not include all the tasks necessary in the scope of work to perform the type of work in question. If this is the case, the awarding body should refer to the general prevailing wage determinations in effect when the project was advertised for bid and the advisory scope of work provisions posted for the closest craft(s)/classification(s).

The information in this letter is advisory and is based only on the [limited] information provided in your letter. This letter should not be construed as a coverage determination. Public works coverage determinations are made by the Director of Industrial Relations on a case-by-case basis after analysis of the specific facts involved on the project, if you would like to pursue a formal coverage determination, please provide copies of all relevant documents such as construction contracts, plans and specifications to the following address:

Department of Industrial Relations
Office of the Director- Legal Unit
1515 Clay Street, 7th Floor
Oakland, CA 94612

We hope this addresses your concerns in this matter. If you have further questions, please contact the Office of the Director Research Unit at (415) 703-4774. You may also visit our website at <http://www.dir.ca.gov/oprl/DPreWageDetermination.htm> to obtain current prevailing wage information.