



MARK PESTRELLA, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

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

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ALHAMBRA, CALIFORNIA 91802-1460

June 18, 2020

IN REPLY PLEASE

REFER TO FILE: **BRC-1**

### **INVITATION FOR BIDS - INFORMATIONAL UPDATE 1 LANDSCAPE AND SLOPE MAINTENANCE SERVICES FOR MONTELLANO SLOPE (BRC0000175)**

Thank you for your interest in our Invitation for Bids (IFB) for Landscape and Slope Maintenance Services for Montellano Slope (BRC0000175). Please note the bid submission deadline is **Tuesday, June 30, 2020, at 5:30 p.m.** The last day to submit questions for a response is **Tuesday, June 23, 2020 at 5:30 p.m.**

**As a reminder, submission of bids will only be accepted electronically. Hard copy bid submissions will not be accepted.**

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 Statement of Qualifications (RFSQ), Statement of Qualifications (SOQ) for Landscape and Grounds Maintenance Services (2014-SQPA001 - Formerly 2014-PA039), which pre-established a qualified list of contractors from which this IFB has been solicited to. (Note that the changes that have been added are in **boldface** and deleted language are in ~~strikethrough~~).

#### **ADDENDUM:**

**1. Part I, Section 5, Protest Policy, has been revised to read as follows:**

**A. Protest Policy Review Process**

1. Under Board Policy No. 5.055 (Services Contract Solicitation Protest), any prospective Proposer may request a review of the requirements under a solicitation for a Board-approved services Contract, as described in paragraph C, Solicitation Requirements Review, below. Any Proposer may request a review of a disqualification or of a proposed Contract award under such a solicitation, as described respectively in Sections below. Additionally, any Proposer may obtain copies of Proposals and Public Works

evaluation documents as provided in Part I, Section 3, paragraph H. Under any such review, it is the responsibility of the Proposer challenging the decision of Public Works to demonstrate that Public Works committed a sufficiently material error in the solicitation process to justify invalidation of a solicitation or a proposed Contract award as the case may be.

2. Throughout the review process, the County has no obligation to delay or otherwise postpone an award of Contract based on a Proposer protest. In all cases, the County reserves the right to make an award when it is determined to be in the best interest of the County of Los Angeles to do so.

B. Grounds for **Department Level Reviews**

Unless State or Federal statutes or regulations otherwise provide, the grounds for **levels of review as provided under the protest policy are as follows:** ~~of a solicitation for Board-approved services Contract provided for under Board Policy No. 5.055 (Services Contract Solicitation Protest)~~ are limited to the following:

- Review of Solicitation Requirements **Review**
- Review of a Disqualification Proposal **Review**
- Review of the Proposed Contractor Selection **Review**

C. Solicitation Requirements Review

Any person or entity may seek a Solicitation Requirements Review by submitting a written request for review to Public Works conducting the solicitation as described in this paragraph. A Request for a Solicitation Requirements Review may be denied, in Public Works' sole discretion, if the request does not satisfy all of the following criteria:

1. The request for a ~~Solicitation Requirements Review~~ is made within **the time frame identified in ten business days of the issuance of the solicitation document (generally no later than within ten business days of issuance of the solicitation document)**;
2. The request for a ~~Solicitation Requirements Review~~ includes documentation **(e.g., letterhead, business card, etc.)**, which ~~demonstrates~~ **identifies** the underlying ~~ability~~ **authority** of the person or entity to submit a proposal;

3. The request ~~for a Solicitation Requirements Review~~ itemizes in appropriate detail, each matter contested and factual reasons for the requested review; and
4. The request ~~for a Solicitation Requirements Review~~ asserts that either:
  - a. Application of the minimum requirements, evaluation criteria, and/or business requirements unfairly disadvantages the person or entity; or
  - b. Due to unclear instructions, the process may result in the County not receiving the best possible responses from prospective Proposers.
5. Requests for a Solicitation Requirements Review not satisfying all of these criteria may, in Public Works' sole discretion, be denied;
6. The Solicitation Requirements Review will be completed, and Public Works' determination shall be provided to the requesting person or entity, in writing, within a reasonable time prior to the bid/SOQ due date.

D. Place to Submit Requests for Review

All Requests for Review shall be submitted to the Contract Analyst.

E. Disqualification Review

4. A bid/SOQ may be disqualified from consideration because Public Works determined it was nonresponsive at any time during the review/evaluation process. If Public Works determines that a bid/Proposal is disqualified due to nonresponsiveness, Public Works shall notify the Proposer in writing **and provide the following information:**
  1. **The specific solicitation requirement(s) the proposal failed to meet;**
  2. **The grounds on which the proposer may request a Disqualification Review, including directions to provide factual support on each ground asserted where the Department's disqualification was erroneous;**
  3. **The specific timeframe within which the proposer must request a Disqualification Review; and**
  4. **The Transmittal form to Request a Disqualification Review.**

2. Upon receipt of the written determination of nonresponsiveness, the Proposer may submit a written request for a Disqualification Review within the timeframe specified in the written determination.
3. A request for a Disqualification Review ~~may, in Public Works' sole discretion, be denied if the request does not satisfy~~ **shall be granted if it satisfies** all of the following criteria:
  - ~~a. The person or entity requesting a Disqualification Review is a Proposer.~~
  - ~~b. 1.~~ The request for a Disqualification Review is submitted **within the timeframe specified in the Disqualification Review.**
  - ~~c. 2.~~ The request for a Disqualification Review asserts that the determination of disqualification due to bid/SOQ nonresponsiveness was erroneous (e.g., factual errors, etc.) and provides factual support on each ground asserted, as well as copies of all documents and other material that support the assertions.

**Requests for a Disqualification Review not satisfying all of these criteria may, in Public Works' sole discretion, be denied.**

**Whenever possible, a Disqualification Review should be performed by one or more departmental representatives with services contracting knowledge or experience, who were not involved to a substantial degree with the solicitation.**

4. The Disqualification Review shall be completed, and the determination shall be provided to the requesting Proposer, in writing, prior to the conclusion of the evaluation process.

F. Debriefing Process

For solicitations where Proposals are evaluated and scored in accordance to Section 4, Evaluation of Proposals, the following provisions shall apply:

1. Upon completion of the evaluation, Public Works will notify the remaining Proposers in writing that Public Works is entering negotiations with another Proposer. Upon receipt of the letter, any nonselected Proposer may submit a written request for a Debriefing within the time frame specified in the letter. A request for a Debriefing may, in Public Works' sole discretion, be denied if the request is not received within the specified time frame.

2. The purpose of the Debriefing is to compare the requesting Proposer's response to the solicitation document with the evaluation document. The requesting Proposer shall be debriefed only on its response. Because Contract negotiations are not yet complete, responses from other Proposers shall not be discussed, although Public Works may inform the requesting Proposer of its relative ranking.
3. During or following the debriefing, Public Works will instruct the requesting Proposer of the manner and time frame in which the requesting Proposer must notify Public Works of its intent to request a Proposed Contractor Selection Review, below, if the requesting Proposer is not satisfied with the results of the Debriefing.

G. Proposed Contractor Selection Review Process

Any Proposer that has timely submitted a notice of its intent to request a Proposed Contractor Selection Review as described in paragraph F, above, may submit a written request for a Proposed Contractor Selection Review in the manner and time frame as specified by Public Works. For low-bid solicitations, where applicable, upon selection of the lowest-cost, responsive and responsible bidder, Public Works will notify the remaining bidders in writing that Public Works is entering negotiations with another bidder. Public Works will instruct the remaining bidders of the manner and time frame in which each remaining bidder must notify Public Works of its intent to request a Proposed Contractor Selection Review, should such remaining bidder desire to have such a review performed.

A request for a Proposed Contractor Selection Review may, in Public Works' sole discretion, be denied if the request does not satisfy all of the following criteria:

- ~~1. The person or entity requesting a Proposed Contractor Selection Review is a Proposer.~~
1. The request for a Proposed Contractor Selection Review is submitted timely (i.e., by the date and time specified by Public Works).
2. The person or entity requesting a Proposed Contractor Selection Review asserts in appropriate detail with factual reasons one or more of the following grounds for review:
  - a. Public Works materially failed to follow procedures specified in its solicitation document. This includes:

- i. Failure to correctly apply the standards for reviewing the SOQ/bid format requirements.
    - ii. Failure to correctly apply the standards, and/or follow the prescribed methods, for evaluating the SOQs/bids as specified in the solicitation document.
    - iii. Use of evaluation criteria that were different from the evaluation criteria disclosed in the solicitation document.
  - b. Public Works made identifiable mathematical or other errors in evaluating bids/Proposals, resulting in the Proposer receiving an incorrect score, and not being selected as the recommended Contractor.
  - c. For applicable solicitations where responses are evaluated and scored, a member of the Evaluation Committee demonstrated bias in the conduct of the evaluation.
  - d. Another basis for review as provided by State or Federal law.
3. The request for a Proposed Contractor Selection Review sets forth sufficient detail to demonstrate that, but for Public Works' alleged failure, the Proposer would have been the lowest-cost, responsive and responsible bid or the highest-scored Proposal, as the case may be.

**The assertions included in a request for a Proposed Contractor Selection Review may be with respect to the requesting proposer's proposal and/or with respect to the recommended proposer's proposal provided the request for the Proposed Contractor Selection Review satisfies all of the criteria identified above. Requests for a Proposed Contractor Selection Review not satisfying the above criteria may, in Public Works' sole discretion, be denied.**

**Whenever possible, a Proposed Contractor Selection Review is performed by one or more departmental representatives with services contracting knowledge or experience, who did not participate to a substantial degree with the solicitation in question.**

Upon completing the Proposed Contractor Selection Review, Public Works representative shall issue a written decision to the Proposer within a reasonable time following receipt of the request for a Proposed Contractor Selection Review, and always before the date the Contract award recommendation is to be heard by the Board. The written decision shall additionally instruct the Proposer of the



manner and time frame for requesting a review by a County Independent Review, paragraph H, below.

H. County Independent Review

4. Any Proposer that is not satisfied with the results of the Proposed Contractor Selection Review may submit a written request for a County Independent Review in the manner and time frame specified by Public Works in Public Works' written decision regarding the Proposed Contractor Selection Review.
2. 1. A request for a County Independent Review may, in the County's sole discretion, be denied if the request does not satisfy all of the following criteria:
  - a. ~~The person or entity requesting review by a County Independent Review is a Proposer.~~
  - a. The request for a review by a County Independent Review is submitted timely (i.e., by the date and time specified by Public Works).
  - b. The person or entity requesting review by a County Independent Review has limited the request to items raised in the Proposed Contractor Selection Review and new items that (a) arise from Public Works' written decision and (b) are one of the appropriate grounds for requesting a Proposed Contractor Selection Review as listed in paragraph G above.
2. Proposer that request a County Independent Review may not add new assertions or documentation to the assertions presented in their Proposed Contractor Selection Review. Proposers may remove assertions presented in their Proposed Contractor Selection Review if they feel that the department response has resolved their assertion.
3. Upon completion of the County Independent Review, Internal Services Department will forward its report to Public Works, which will provide a copy to the Proposer **within five business days**.

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.

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If you have any questions concerning the above information, please contact Messrs. Danny Medina at (626) 458-4080 or Eric Fong at (626) 458-4077, Monday through Thursday, 7 a.m. to 5 p.m.

**Follow us on Twitter:**

We encourage you to follow us on Twitter @LACoPublicWorks for more information on Public Works and instant updates on contracting opportunities and solicitations.

Very truly yours,

MARK PESTRELLA  
Director of Public Works



for. JOSE QUEVEDO  
Assistant Deputy Director  
Business Relations and Contracts Division

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## TRANSMITTAL FORM TO REQUEST A SOLICITATION REQUIREMENTS REVIEW

***Proposers/Bidders requesting a Solicitation Requirements Review must submit this form to the County within the timeframe identified in the solicitation document***

Proposer Name:	Date of Request:
Solicitation Title:	Solicitation No.

A **Solicitation Requirements Review** is being requested because the Proposer asserts that they are being unfairly disadvantaged for the following reason(s): *(check all that apply)*

- € Application of **Minimum Requirements**
- € Application of **Evaluation Criteria**
- € Application of **Business Requirements**
- € Due to **unclear instructions**, the process may result in the County not receiving the best possible responses

For each area contested, Proposer must explain in detail the factual reasons for the requested review. *(Attach supporting documentation as necessary.)*

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Request Submitted By:

\_\_\_\_\_

(Name)
(Title)

***For County use only***

Date Transmittal Received by County: \_\_\_\_\_ Date Solicitation Released: \_\_\_\_\_

Reviewed by:

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