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COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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February 21, 2019

IN REPLY PLEASE
REFER TO FILE: **BRC-1**

REQUEST FOR PROPOSALS - INFORMATIONAL UPDATE 1 WATER TRUCK SERVICES (BRC0000048)

Thank you for attending our mandatory Bidders' Conference for Water Truck Services (BRC000048) held on Tuesday, February 12, 2019.

Please note that the deadline for Proposal submission is **Tuesday, February 26, 2019, by 5:30 p.m.**

The following answers are in response to the request for information and clarification submitted by Proposers for the Request for Proposals (RFP) for Water Truck Services (BRC0000048), issued on February 19, 2019. The questions presented in this informational update represents the questions asked by the Proposers in the form and context as submitted.

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

QUESTIONS AND ANSWERS TO WATER TRUCK SERVICES

- Question:** The Current Contract renewing calls out for 4 trucks but we have seen an operational need for up to 6 trucks in North LA county. One truck in Lake LA, Castaic, Canyon Country, Pearblossom and 2 in Quartz Hill. We can provide this service and free up county equipment operators to do other more pertinent work. We have seen as needed operated trucks rented at other yards. And currently one of our trucks in Quartz hill was reassigned to Canyon Country. Currently the DPW works our four drivers four to five 8 hour days. Working the 8 hour day saves the county from paying DIR mandated overtime after 8 hours of work. This also allows a fifth day of work without paying extra overtime until a driver works on a Saturday. The 8 hour day has been used with our drivers to save the county money and avoid extra overtime hours. At 7500 hours working 32 hours a week worked per truck subtracting rain days and holidays this would leave enough hours for adding a 5th truck if needed.

Can PW add water trucks to this contract if there is a need and funding available?

Answer: Yes, Public Works, at its own discretion, may add additional water trucks to this Contract if deems necessary.

2. **Question:** Is there operational need for 6 operated water trucks in north LA county vs the 4 currently in operation?

Answer: At this time, Public Works has determined an operational need for 5 water trucks in north L.A. County.

3. **Question:** Prevailing wage per law is paid on a 8 hour work schedule and does not have a 10 hour 4 day alternative payment option. A 10 hour day would be paid as 8 hours regular time and 2 hours of overtime. A 40 hour week on a 10 hour day would incur 32 hours of regular time and 8 hours of 1.5x overtime per DIR prevailing wage. All work on the 5th day will be 1.5x over time. All Saturday work is 1.5x pay and all Sunday and Holiday work is double time pay. Working 10 hours four days and a 5th days 8 hours OT We would pay DIR wages on 32 hours regular time and 16 hours overtime for a 48 hour week but only be able to bill 40 hours regular and 8 hours overtime. If we are going on a 4/10 schedule 500 hours of overtime may be insufficient.

Is PW going to continue working water trucks on 8-hour days 4 days a week, or should we incorporate the extra 2 hours of overtime pay in our hourly bid price if we are going to work a 4/10 schedule?

Answer: Yes, Public Works will continue to request water trucks on 8-hour days, 4 days a week. As noted in Part I, Section 3, Item S, Wages, Materials, and Other Costs, "it is the responsibility of the Proposer to calculate the Proposal price to take into consideration a possible escalation of wages, materials, and other costs during the Contract period. The Board, County, Public Works, District(s), or Director make no representations regarding future costs or the rate of wages that may become necessary to pay employees of the Contractor for the work performed during the Contract period."

4. **Question:** A 40 hour 4 day week per truck/person is billed as straight time and we have incurred the cost for all time worked over 8 hours in a day due to paying DIR mandated overtime over 8 hours in one day. Currently billing hours per week need to go over 40 hours per person before we can bill for overtime. This requirement has not allowed us to bill for overtime time after working an 8 hour day, but we are required to pay overtime for working over 8 hours in a day per DIR labor law to all employees, but not able to bill the County for these hours.

Can we get a variance to bill for overtime worked over 8 hours in a day to mirror DIR labor law requirements even if total billing hours are 40 hours or less per week per truck / employee? If we are going to stick with 8 hour days we still have the days where Drivers are asked to work 2 to 4 hours over the 8 hour day to get a job completed at the direction of DPW.

Answer: No, the Contractor can only bill based on the hourly rates quoted on each year's Form PW-2. As stated on Form PW-2, overtime can only be billed in excess of a normal working day as defined in the Scope of Work, in excess of an average 40 hours per week based on a consecutive two-week period, Saturday, Sunday, or holidays. The Proposer rates shall include all administrative costs, labor, supervision, overtime, materials, transportation, taxes, equipment, and supplies unless stated otherwise in the RFP.

The Contractor will be required to comply with all Local, State, and Federal law and pay the necessary wages to perform the task, as stated in Exhibit B, Section 5.A, Independent Contractor Status.

5. **Question:** If we work 32 hours in 4 days and then work a 8 hour day on a Saturday for 40 hours, the DIR mandates Saturday employee pay at the overtime rate of \$75.675 per hour. Currently the county would not be billed overtime due to 40 hours in a week.

Can we bill the county at our overtime rate for all DIR mandated overtime pay under and over 40 hours in a week?

Answer: No, please see response to question 4 above.

- 6. Question:** Living wage states employees must work 35 hours to be considered full time employees. Working for DPW we have consistently worked four 8 hour days for 32 hours a week per the needs of DPW because the county has reserved the right to curtail the Contractor's hours of service as per Exhibit A section F. This is 3 hours less than the living wage requirement for full time employment. Employees are paid DIR prevailing wage for work currently \$60.13 per hour up to 8 hours per day and \$75.675 for all time and a half work over 8 hours a day and all day on Saturday. The DIR supersedes Living wage and is based on Teamster union collective bargaining agreements. The current Living wage exemption form LW2 does not address DIR prevailing wage contracts only collective bargaining agreements.

Can we get an exemption or variance for requiring living wage full time employment if we will be consistently working 8 hour days four days a week at the direction of DPW vs the DPW 4/10 hour work schedule due to the county having the right to curtail the Contractor's hours of service as per Exhibit A section F ?

Answer: The Living Wage Ordinance requires full-time employment for your firm, which is a minimum of 40 hours worked per week, but in no event, less than 35 hours worked per week as is defined on Form LW-1 of the RFP, page 1 of 4, under Section 2.201.20, Definitions, Item D. An employee does not have to work full-time for the County.

If your firm cannot offer full-time employment to your employee, at any time during this contract, your firm can make a request for part-time employment with a justification as to why full-time employee cannot be offer to the Living Wage monitors for their review and approval. Please note, part-time exemption may be denied.

- 7. Question:** We have been asked a few times to work Sundays and Holidays during emergency's in the past 10 years and have declined the work due to no double time billing provision in the contract, we will ask to be exempt from working these days as there is no provision for working double time or for billing in the contract for Sundays and Holidays. The DIR mandates double time pay at \$91.78 per hour for any work done on these days.

Will there be a provision for double time during emergency's, Flood, Earthquake ect?

Answer: No, please see response to question 4 above.

8. Question: Prevailing wage has increased from \$35 a hour to \$60.13 per hour over the course of the former contracts.

If the DIR prevailing wage increases substantially can we ask for increase in the contract?

Answer: No, the hourly rate quoted on each PW-2 is fixed for each contract term. Please see Part I, Section 3, Item S, Wages, Materials, and Other Costs, which states "it is the responsibility of the Proposer to calculate the Proposal price to take into consideration a possible escalation of wages, materials, and other costs during the Contract period. The Board, County, Public Works, District(s), or Director make no representations regarding future costs or the rate of wages that may become necessary to pay employees of the Contractor for the work performed during the Contract period. "

If you have any questions concerning the above information, please contact Ms. Amber Turner at (626) 458-4199 or Ms. Jessica Dunn at (626) 458-4169, Monday through Thursday, 7 a.m. to 5 p.m.

February 21, 2019
Page 6

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Very truly yours,

MARK PESTRELLA
Director of Public Works



for: JOSE M. QUEVEDO
Assistant Deputy Director
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