



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

<http://dpw.lacounty.gov>

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

May 03, 2016

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

26 May 10, 2016

LORI GLASGOW  
EXECUTIVE OFFICER

**SERVICES CONTRACT  
AWARD SERVICES CONTRACT FOR AS-NEEDED UNDERGROUND  
STORAGE TANK DESIGNATED OPERATOR SERVICES  
(ALL SUPERVISORIAL DISTRICTS)  
(3 VOTES)**

**SUBJECT**

This action is to award a services contract for as-needed underground storage tank designated operator services for various Department of Public Works locations within the unincorporated area of Los Angeles County and contract cities.

**IT IS RECOMMENDED THAT THE BOARD:**

1. Find that the contract work in this Board letter is not a project pursuant to the California Environmental Quality Act.
2. Award the services contract for As-Needed Underground Storage Tank Designated Operator Services for an annual sum of \$52,850 to Confidence UST Services, Inc. This contract will be for a term of 1 year commencing upon the Board's approval and execution by both parties with four 1-year renewal options and a month-to-month extension up to 6 months for a maximum potential contract term of 66 months with a maximum potential contract sum of \$290,675.
3. Authorize the Director of Public Works or her designee to execute the contract; to renew the contract for each additional renewal option and extension period if, in the opinion of the Director or her designee, Confidence UST Services, Inc., has successfully performed during the previous contract period and the service is still required; to approve and execute amendments to incorporate

necessary changes within the scope of work; and to suspend work if, in the opinion of the Director or her designee, it is in the best interest of the County to do so.

4. Authorize the Director of Public Works or her designee to annually increase the contract amount up to an additional 10 percent of the annual contract sum for unforeseen, additional work within the scope of the contract, if required.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended action is to provide as-needed and intermittent International Code Council certified personnel to serve as underground storage tank designated operators for various Department of Public Works locations within the unincorporated area of Los Angeles County and contract cities. The work to be performed will consist of a monthly update of each site's logbook, a monthly inspection of underground tanks and motor-fuel dispensers, and annual training of Public Works employees. Public Works has contracted for these services since 1992.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness/Fiscal Sustainability (Goal 1), Community Support and Responsiveness (Goal 2), and Integrated Services Delivery (Goal 3). The contractor who has the specialized expertise to provide these services accurately, efficiently, timely, and in a responsive manner will support Public Works in meeting these goals.

### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

The contract is for an annual amount of \$52,850 plus 10 percent for additional work within the scope of this contract with a maximum potential contract sum of \$290,675. This amount is based on the unit prices quoted by the contractor and our estimated annual utilization of the contractor's services.

Funding for these services is included in the Fiscal Year 2015 16 Public Works various fund budgets. When the need arises for services under this contract, financing the required services will be made from the appropriate fund source. Total annual expenditures for these services will not exceed the contract amount approved by the Board. Funds to finance the contract's option years and additional funding for 10 percent contingencies will be requested through the annual budget process.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The recommended contractor is Confidence UST Services, Inc., located in Bakersfield, California. This contract will commence upon the Board's approval and execution by both parties, whichever occurs last, for a period of 1 year. With the Board's delegated authority, the Director or her designee may renew the contract for four 1-year renewal options and a month to month extension up to 6 months for a maximum potential contract term of 66 months.

The contract will be in the form substantially similar to the form previously reviewed and approved by County Counsel (Enclosure A). Prior to the Director or her designee executing this contract, the contractor will sign and County Counsel will review it as to form. The recommended contract with Confidence UST Services, Inc., was solicited on an open-competitive basis and is in accordance with applicable Federal, State, and County requirements.

A standard service contract has been used that contains terms and conditions in compliance with the Board's ordinances, policies, and programs.

Pursuant to the applicable memorandum of understanding, the Request for Proposals (RFP) for these contracted services was submitted on July 22, 2015, to the appropriate union for review. The union has not asked to meet with Public Works regarding this solicitation.

Public Works has evaluated and determined that the Living Wage Program (Los Angeles County Code, Chapter 2.201) does not apply to this recommended contract, which is for services required on an as-needed and intermittent basis; hence, this contract is not a Proposition A contract (Los Angeles County Code, Chapter 2.121).

This contract does not allow for a cost-of-living adjustment for the optional years.

### **ENVIRONMENTAL DOCUMENTATION**

The proposed activity is not a project pursuant to Section 15378(b) of the California Environmental Quality Act (CEQA) guidelines. The proposed action is an administrative activity of government, which will not result in direct or indirect physical changes to the environment.

### **CONTRACTING PROCESS**

On July 23, 2015, a notice of the RFP was placed on the County's "Doing Business With Us" website (Enclosure B), "Public Works Business Opportunities" website, and Twitter. Also, Public Works informed approximately 1,200 local small business enterprises about this business opportunity.

On August 17, 2015, five proposals were received. The proposals were first reviewed to ensure they met the minimum requirements in the RFP. This review determined that all five proposals met these minimum requirements and were then evaluated by an evaluation committee, which consisted of Public Works staff. The evaluation was based on criteria described in the RFP, which included the price, experience, work plan, references, and utilizing the informed averaging methodology for applicable criteria. Based on this evaluation, it is recommended that this contract be awarded to the highest-rated, apparent responsive, responsible, and lowest cost proposer, Confidence UST Services, Inc.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The award of this contract will not result in the displacement of any County employees as these services are presently contracted with the private sector.

**CONCLUSION**

Please return one adopted copy of this letter to the Department of Public Works, Architectural Engineering Division.

Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The signature is written in a cursive, flowing style.

GAIL FARBER  
Director

GF:JQ:so

Enclosures

c: Chief Executive Office (Rochelle Goff)  
County Counsel  
Executive Office

AGREEMENT FOR  
AS-NEEDED UNDERGROUND STORAGE TANK DESIGNATED OPERATOR  
SERVICES (2015-AN009)

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the COUNTY OF LOS ANGELES, a subdivision of the State of California, a body corporate and politic (hereinafter referred to as COUNTY) and CONFIDENCE UST SERVICES, INC., a CALIFORNIA CORPORATION (hereinafter referred to as CONTRACTOR).

WITNESSETH

FIRST: The CONTRACTOR, for the consideration hereinafter set forth and the acceptance by the Board of Supervisors of said COUNTY of the CONTRACTOR'S Proposal filed with the COUNTY on August 17, 2015, hereby agrees to provide services as described in this Contract for As-Needed Underground Storage Tank Designated Operator Services.

SECOND: This AGREEMENT, together with Exhibit A, Scope of Work; Exhibit B, Service Contract General Requirements; Exhibit C, Internal Revenue Service Notice 1015; Exhibit D, Safely Surrendered Baby Law Posters; Exhibit E, Defaulted Property Tax Reduction Program; Exhibit F, Performance Requirements Summary; Exhibit G, Underground Storage Tank (UST) Inventory; Exhibit H, Designated UST Operator Monthly Visual Inspection Checklist; Exhibit I, Owner Statements of Designated UST Operator and Understanding of and Compliance with UST Requirements; the CONTRACTOR'S Proposal, all attached hereto; the Request for Proposals; and Addenda to the Request for Proposals, all of which are incorporated herein by reference, are agreed by the COUNTY and the CONTRACTOR to constitute the Contract.

THIRD: The COUNTY agrees, in consideration of satisfactory performance of the foregoing services in strict accordance with the Contract specifications to the satisfaction of the Director of Public Works, to pay the CONTRACTOR pursuant to the Schedule of Prices set forth in the Proposal and attached hereto as Form PW-2, an amount not to exceed \$52,850 per year or such greater amount as the Board may approve (Maximum Contract Sum).

FOURTH: This Contract's initial term shall be for a period of one year commencing upon Board approval and execution by both parties. The COUNTY shall have the sole option to renew this Contract term for up to four 1-year renewal options and a month-to-month extension up to 6 months for a maximum potential Contract term of 66 months. Each such option shall be exercised at the sole discretion of the COUNTY. The COUNTY, acting through the Director or her designee, may give a written notice of intent to renew this Contract at least ten days prior to the end of each term. At the sole discretion of the COUNTY, in lieu of renewing the Contract for the full one year, this Contract may be renewed on a month-to-month basis, upon written notice to the CONTRACTOR at least ten days prior to the end of a term. The Director or her

designee will provide a written notice of nonrenewal at least ten days before the last day of any term, in which case this Contract shall expire as of midnight on the last day of that term. Where all option years have been exercised, the Director or her designee will not provide a written notice of nonrenewal.

FIFTH: The CONTRACTOR shall bill monthly, in arrears, for the work performed during the preceding month. Work performed shall be billed at the unit prices quoted in Form PW-2, Schedule of Prices.

SIXTH: Public Works will make payment to the CONTRACTOR within 30 days of receipt and approval of a properly completed and undisputed invoice. However, should the CONTRACTOR be certified by the COUNTY as a Local Small Business Enterprise, payment will be made in accordance with Board of Supervisors Policy No. 3.035, Small Business Liaison and Prompt Payment Program. Each invoice shall be in triplicate (original and two copies) and shall itemize the work completed. The invoices shall be submitted to:

County of Los Angeles Department of Public Works  
Attention Fiscal Division, Accounts Payable  
P.O. Box 7508  
Alhambra, CA 91802-7508

SEVENTH: In no event shall the aggregate total amount of compensation paid to the CONTRACTOR exceed the amount of compensation authorized by the Board. Such aggregate total amount is the Maximum Contract Sum.

EIGHTH: The CONTRACTOR understands and agrees that only the designated Public Works Contract Manager is authorized to request or order work under this Contract. The CONTRACTOR acknowledges that the designated Contract Manager is not authorized to request or order any work that would result in the CONTRACTOR earning an aggregate compensation in excess of this Contract's Maximum Contract Sum.

NINTH: The CONTRACTOR shall not perform or accept work requests from the Contract Manager or any other person that will cause the Maximum Contract Sum of this Contract to be exceeded. The CONTRACTOR shall monitor the balance of this Contract's Maximum Contract Sum. When the total of the CONTRACTOR'S paid invoices, invoices pending payment, invoices yet to be submitted, and ordered services reaches 75 percent of the Maximum Contract Sum, the CONTRACTOR shall immediately notify the Contract Manager in writing. The CONTRACTOR shall send written notification to the Contract Manager when this Contract is within six months from expiration of the term as provided for hereinabove.

TENTH: No cost-of-living adjustments (COLAs) shall be granted for the optional renewal periods.

ELEVENTH: In the event that terms and conditions, which may be listed in the CONTRACTOR'S Proposal, conflict with the COUNTY'S specifications, requirements, and



IN WITNESS WHEREOF, the COUNTY has, by order of its Board of Supervisors, caused these presents to be subscribed by the Director of Public Works, and the CONTRACTOR has subscribed its name by and through its duly authorized officers, as of the day, month, and year first written above.

COUNTY OF LOS ANGELES

By \_\_\_\_\_  
Director of Public Works

APPROVED AS TO FORM:

MARY C. WICKHAM  
County Counsel

By \_\_\_\_\_  
Deputy

CONFIDENCE UST SERVICES, INC.

By \_\_\_\_\_  
Its President

\_\_\_\_\_  
Type or Print Name

By \_\_\_\_\_  
Its Secretary

\_\_\_\_\_  
Type or Print Name



## ENCLOSURE B

## Bid Detail Information

**Bid Number :** PW-AED951  
**Bid Title :** As Needed Underground Storage Tank Designated Operator Services (2015-AN009)  
**Bid Type :** Service  
**Department :** Public Works  
**Commodity :** LEAK DETECTION AND VAPOR MONITORING EQUIPMENT FOR TANKS  
**Open Date :** 7/23/2015  
**Closing Date :** 8/17/2015 5:30 PM  
**Bid Amount :** \$ 100,000  
**Bid Download :** Not Available  
**Bid Description :** PLEASE TAKE NOTICE that Public Works requests proposals for the contract for As-Needed Underground Storage Tank Designated Operator Services (2015-AN009). This contract has been designed to have a potential maximum contract term of 5 years, consisting of an initial 1-year term and four potential additional 1-year option renewals. The total annual contract amount of this service is estimated to be \$100,000. The Request for Proposals (RFP) with contract specifications, forms, and instructions for preparing and submitting proposals may be accessed at <http://dpw.lacounty.gov/asd/contracts> or may be requested from Mr. Erik Macias at (626) 458-2530 or [emacias@dpw.lacounty.gov](mailto:emacias@dpw.lacounty.gov), Monday through Thursday, 7 a.m. to 5 p.m.

PLEASE CHECK THE WEBSITE FREQUENTLY FOR ANY CHANGES TO THIS SOLICITATION. ALL ADDENDA AND INFORMATIONAL UPDATES WILL BE POSTED AT <http://dpw.lacounty.gov/asd/contracts>.

Minimum Requirement(s): Proposers must meet all minimum requirements set forth in the RFP document including, but not limited to:

Subcontractors are not allowed for these services.

- 1.Proposer or its managing employee must have three years of experience performing underground storage tank inspection, certification, and/or maintenance services.
2. Proposer must submit a copy of valid and active certificates issued by the International Code Council (ICC) indicating that they have successfully passed the California Underground Storage Tank System Operator Exam for three or more individuals.
- 3.Proposer must also demonstrate the capacity to assign a minimum of three field service individuals at any given time with one staff person assigned as the coordinator.

Please Note: No contractor may be employed by Public Works in more than one of the following services: Designated Operator Services, UST/AST Certification, UST/AST Maintenance and Repairs, or any other contract for underground tank services.

In addition, in any case of acquisitions, mergers, or any other changes in the contractor's entity that results in the common ownership of the contract or interest of the contractor providing this solicited service and any other contract for services pertaining to Underground Storage Tank Designate Operator Services, UST/AST Repairs, or UST/AST Certification by the same person and/or entity at the Director of Public Works or her designee's sole discretion, this contract may be immediately terminated or suspended without liability to the County.

A Proposers' Conference will be held on Monday, August 3, 2015, at 10 a.m. at Public Works Headquarters, 900 South Fremont Avenue, Alhambra, California 91803, in Conference Room D. A walk-through will be conducted after the conference. ATTENDANCE BY THE PROPOSER OR AN AUTHORIZED REPRESENTATIVE AT THE CONFERENCE AND WALK THROUGH IS MANDATORY. Public Works will reject proposals from those whose attendance at the conference and walk-through cannot be verified. Attendees should be prepared to ask questions at that time about the specifications, proposal requirements, and contract terms. After the conference, Proposers must submit questions in writing and request information for this solicitation within three business days from the date of the conference.

The deadline to submit proposals is Monday, August 17, 2015, at 5:30 p.m. Please direct your questions to Mr. Macias at the number listed on the previous page.

**Contact Name :** Erik Macias  
**Contact Phone# :** (626) 458-2530  
**Contact Email :** [emacias@dpw.lacounty.gov](mailto:emacias@dpw.lacounty.gov)  
**Last Changed On :** 7/23/2015 7:26:17 AM