



MARK PESTRELLA, Director

COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE
REFER TO FILE

January 30, 2018

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:

SERVICES CONTRACT
TRANSPORTATION CORE SERVICE AREA
AWARD OF SERVICES CONTRACT FOR
AS-NEEDED FLAGGING SERVICES
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)

SUBJECT

This action is to award a service contract for as-needed flagging services throughout the unincorporated County areas.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the award of the contract in this Board letter is not a project pursuant to the California Environmental Quality Act.
2. Award the contract for as-needed flagging services in an annual sum of \$1.5 million to Myers & Sons Hi-Way Safety, Inc. This contract will be for a term of 1 year commencing on February 23, 2018, or upon the Board's approval and execution by both parties, whichever occurs last, with three 1-year renewal options, and a month to month extension up to 6 months for a maximum potential contract term of 54 months with a maximum potential contract sum of \$6,750,000.
3. Authorize the Director of Public Works or his designee to execute the contract; to renew the contract for each additional renewal option and extension period if, in the opinion of the Director of Public Works or his designee, Myers & Sons Hi-Way Safety, Inc., has successfully performed during the previous contract period and the services are 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 of Public Works or his designee, it is in the best interest of the County to do so.

4. Authorize the Director of Public Works or his 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; and to adjust the annual contract sum for each option year over the term of the contract to allow for an annual Cost-of-Living Adjustment in accordance with County policy and the terms of the contract.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to provide for the use of flaggers and/or pilot drivers at County construction/maintenance sites where barricades and warning signs cannot adequately or safely control the flow of traffic through the site.

Implementation of Strategic Plan Goals

The County Strategic Plan directs the provisions of Strategy II.1, Drive Economic and Workforce Development in the County and Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability. The recommended action enhances opportunities for the business community and supports ongoing efforts in providing these services in an efficient, effective, and fiscally responsible manner and will support Public Works in meeting these goals.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

This contract will be for a term of 1 year commencing on February 23, 2018, or upon the Board's approval and execution by both parties, whichever occurs last, with three 1-year renewal options, and a month-to-month extension up to 6 months for a maximum potential contract term of 54 months with a maximum potential contract sum of \$6,750,000. Funding for these services is included in the Road Fund Fiscal Year 2017-18 Budget. Funding to finance the contract's remaining terms, optional years, and 10 percent additional funding for contingencies will be requested through the annual budget process. Total expenditures for these services will not exceed the contract amount approved by the Board.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The recommended contractor is Myers & Sons Hi-Way Safety, Inc., located in Chino, California. This contract will commence on February 23, 2018, or 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 of Public Works or his designee may renew the contract for three 1-year renewal options, and a month-to-month extension up to 6 months for a maximum potential total contract term of 54 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 of Public Works or his designee executing this contract, the contractor will sign and County Counsel will review it as to form. The recommended contract with Myers & Sons Hi-way Safety, 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. Enclosure C reflects the contractor's minority participation. Data regarding the proposers' minority participation is on file with Public Works. The contractor was selected upon final analysis and consideration without regard to race, creed, gender, or color.

Pursuant to the applicable Memorandum of Understanding, on May 10, 2017, the Request for Proposals (RFP) for this solicitation was submitted 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 contracted services are required on an as-needed and intermittent basis; therefore, Proposition A (County Code Chapter 2.121) and the Living Wage Program (County Code Chapter 2.201) do not apply to this contract.

A Departmentwide contract analysis is currently underway to determine possible alternate service delivery through permanent County labor. We expect to complete our analysis and brief the Board on our findings by the end of March 2018.

The contract includes a Cost-of-Living Adjustment provision, which is in accordance with the Board's Policy approved January 29, 2002.

ENVIRONMENTAL DOCUMENTATION

Approval of the recommended action does not constitute a project subject to the requirements of California Environmental Quality Act (CEQA) in that it can be seen with certainty that the action will not result in a direct or reasonably foreseeable indirect physical change in the environment. Services under this contract will be provided for work that is not subject to CEQA or for projects that have environmental findings required by CEQA.

CONTRACTING PROCESS

On June 13, 2017, a notice of the RFP was placed on the County's "Doing Business With Us" website (Enclosure B), Public Works' "Business Opportunities" website, Twitter, and an advertisement was placed in the Los Angeles Daily Journal, Los Angeles Sentinel, and La Opinion Advertisement. Also, Public Works informed 1,366 Local Small Business Enterprises, and 63 independent contractors and community business enterprises about this business opportunity.

On July 26, 2017, two proposals were received. The proposals were first reviewed to ensure they met the minimum requirements in the RFP. One proposal was disqualified for not meeting the RFP's minimum requirement. The remaining proposal having met these requirements was then evaluated by an evaluation committee consisting of Public Works staff. The evaluation was based on criteria described in the RFP, which included the price, experience, work plan, and references utilizing the Informed Averaging methodology for applicable criteria. Based on this evaluation, it is recommended that this contract be awarded to the apparent responsive and responsible proposer, Myers & Sons Hi-Way Safety, Inc., located in Chino, California. Public Works determined the contractor's price to be reasonable for the work requested.

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 Board letter to the Department of Public Works, Business Relations and Contracts Division.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Pestrella". The signature is fluid and cursive, with the first name "Mark" and last name "Pestrella" clearly distinguishable.

MARK PESTRELLA

Director

MP:JQ:ep

Enclosures

c: Chief Executive Office (Chia-Ann Yen)
County Counsel
Executive Office

AGREEMENT FOR
AS-NEEDED FLAGGING SERVICES (2017-AN028)

THIS AGREEMENT, made and entered into this ____ day of _____, 2018, 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 MYERS & SONS HI-WAY SAFETY, 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 July 26, 2017, hereby agrees to provide services as described in this Contract for As-Needed Flagging Services (2017-AN028).

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; 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 \$1,500,000 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 on February 23, 2018, or upon the Board's approval and execution between both parties, whichever occurs last. The COUNTY shall have the sole option to renew this Contract term for up to three additional one-year period and six month-to-month extensions, for a maximum total Contract term of 54 months. Each such option shall be exercised at the sole discretion of the COUNTY. The COUNTY, acting through the Director, 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 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 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 hourly rates and 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: If requested by the Contractor, the contract (hourly, daily, monthly, etc.) amount may, at the sole discretion of the County, be increased at the time of contract renewal, if exercised by the County, based on the most recently published percentage change in the U.S. Department of Labor, Bureau of Labor Statistics' Consumer Price Index (CPI) for the Los Angeles-Riverside-Orange County Area for the 12-month period preceding the renewal date, which shall be the effective date for any Cost-of-Living Adjustments (COLAs). However, any increase shall not exceed the general salary movement granted to County employees as determined by the Chief Executive Officer as of each July 1 for the prior 12-month period. Furthermore, should fiscal circumstances ultimately prevent the Board from approving any increase in County employee salaries, no COLAs will be granted. Upon approval of COLAs, a notification will

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

MYERS & SONS HI-WAY SAFETY, INC.

By _____
Its President

Type or Print Name

By _____
Its Secretary

Type or Print Name

Bid Number : PW-BRCD982
Bid Title : AS-NEEDED FLAGGING SERVICES (2017-AN028)
Bid Type : Service
Department : Public Works
Commodity : TRAFFIC CONTROL DEVICES, NON-ELECTRIC
Open Date : 6/13/2017
Closing Date : 7/26/2017 5:30 PM

Notice of Intent to Award : [View Detail](#)

Bid Amount : \$ 1,000,000

Bid Download : [Available](#)

Bid Description : PLEASE TAKE NOTICE that Public Works requests proposals for the contract for As-Needed Flagging Services (2017-AN028). This contract has been designed to have a potential maximum contract term of 4 years, consisting of an initial 1-year term and potential additional three 1-year option renewals. The total annual contract amount of this service is estimated to be \$1 million. The Request for Proposals (RFP) with contract specifications, forms, and instructions for preparing and submitting proposals may be accessed at <http://dpw.lacounty.gov/brcd/servicecontracts/> or may be requested from Ms. Ani Karapetyan at (626) 458-4050 or akarapetyan@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/brcd/servicecontracts>.

Public Works Business Opportunities Website Registration:

All interested proposers for this RFP are strongly encouraged to register at <http://dpw.lacounty.gov/general/contracts/opportunities/>. Only those firms registered for this RFP through the website will receive automatic notification when any update to this RFP is made. The County does not have an obligation to notify any proposers other than through the Public Works websites automatic notification system.

Doing Business with Local Small Business Enterprise, Disabled Veteran Business Enterprise, and Social Enterprise:

The County strongly encourages participation from firms, primes, and subcontractors, which are certified in the County's Local Small Business Enterprise (LSBE), Disabled Veteran Business Enterprise (DVBE), and Social Enterprise (SE) Preference Programs. The County's LSBE, DVBE, and SE Preference Programs require firms to complete a certification process to receive certain benefits allowed only for LSBE, DVBE, and SE, such as a 15 percent price preference, not to exceed \$150,000, when applicable, and LSBE Prompt Payment Program. The following link provides additional information on being County certified LSBE, DVBE, and SE: <http://dcba.lacounty.gov>.

Minimum Mandatory Requirements: Proposers must meet all minimum requirements set forth in the RFP document including, but not limited to:

1. Proposing entity or its managing employee(s) must have a minimum of 2 years of experience performing flagging services similar or same as described in the Scope of Work.

Important Note: This minimum mandatory requirement must be met by the proposing entity or its managing employee(s) and subcontracting is not allowed.

2. Proposers subcontractor(s), if used, must have a minimum of 2 years of experience performing flagging services similar or same as described in the Scope of Work.

3. Proposers flaggers and/or any subcontractor(s) must possess a valid and active certification by the American Traffic Safety Services Association or an equivalent recognized agency that provides flagger training based on and as required by the California Manual on Uniform Traffic Control Devices latest edition, currently the California Manual on Uniform Traffic Control Devices 2014 Revision 2.

4. The contracted work in this RFP constitutes public works as defined in the California Labor Code Section 1720, requiring payment of prevailing wages pursuant to Section 14, Prevailing Wages, of the RFP. Please note that the services requested in this Contract may include both prevailing wage and non prevailing wage work. Proposer and/or any subcontractor(s) must submit proof of a valid and active State of California Department of Industrial Relations Public Works Contractor Registration pursuant to Labor Code 1725.5. Pending registrations will not be accepted.

There are no mandatory conference and walk-through requirements for this solicitation.

The deadline to submit written questions for a response is Wednesday, July 19, 2017, at 5:30 p.m.

The deadline to submit proposals is Wednesday, July 26, 2017, at 5:30 p.m.
Please direct your questions to Ms. Karapetyan at (626) 458-4050.

Contact Name : Ani Karapetyan
Contact Phone# : (626) 458-4050 Ext: 4050
Contact Email : akarapetyan@dpw.lacounty.gov
Last Changed On : 7/11/2017 5:10:34 PM

[Back to Last Window](#)

[Back to Award Main](#)

ENCLOSURE C

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
 CONTRACTOR'S UTILIZATION PARTICIPATION FOR
 AS-NEEDED FLAGGING SERVICES

SELECTED FIRMS

	Small-Sized Business Category Contractor Name	Local SBE	SBE	Minority	Women	Disadvantaged	Disabled/Vet
1	N/A						
	Medium-Sized Business Category Contractor Name						
2	N/A						
	Large-Sized Business Category Contractor Name						
3	Myers & Sons Hi-Way Safety, Inc.						

NON-SELECTED FIRMS

	Small-Sized Business Category Contractor Name	Local SBE	SBE	Minority	Women	Disadvantaged	Disabled/Vet
4	N/A						
	Medium-Sized Business Category Contractor Name	Local SBE	SBE	Minority	Women	Disadvantaged	Disabled/Vet
5	N/A						
	Large-Sized Business Category Contractor Name						
6	N/A						