



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
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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

23 March 13, 2018

CELIA ZAVALA
ACTING EXECUTIVE OFFICER

March 13, 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
WATER RESOURCES CORE SERVICE AREA
AWARD OF SERVICES CONTRACT FOR
AS-NEEDED EMERGENCY REMOVAL OF HAZARDOUS MATERIAL
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)

SUBJECT

This action is to award a service contract for as-needed emergency removal services of hazardous material throughout the County of Los Angeles.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the contract work is categorically exempt from the provisions of the California Environmental Quality Act for the reasons stated in this letter.
2. Award the contract for as-needed emergency removal services of hazardous material in an annual sum of \$2.5 million to Ocean Blue Environmental Services, Inc., a Local Small Business Enterprise for a term of 1 year commencing upon the Board's approval or 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 \$11.25 million.
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, Ocean Blue Environmental 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 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 award a contract to Ocean Blue Environmental Services, Inc., to provide as-needed emergency collection, transportation, and disposal of hazardous material and contaminated waste at various Department of Public Works facilities and jobsites, including Flood Control District facilities in the manner required by local, State, Federal laws, and regulations governing such activities. This contract provides a specialty service for which Public Works has no trained staff.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Strategy II.2, Support the Wellness of our Communities and Strategy III.3, Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability. The contractor who has the specialized expertise to provide this service 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 \$2.5 million plus 10 percent for unforeseen, additional work within the scope of the contract and a Cost-of-Living Adjustment in accordance with the contract. This amount is based on unit rates quoted by the contractor and our estimated annual utilization of the contractor's service.

This contract will be for a term of 1 year commencing upon the Board's approval or 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 \$11.25 million.

Funding for these services is included in the Fiscal Year 2017 18 Road Fund Budget and Internal Service Fund Budget, which will be reimbursed by the Flood Control District Fund. When the need arises for services under these contracts, financing the required services will be from the appropriate fund source. Total annual expenditures for these services, however, will not exceed the maximum potential contract sum approved by the Board. Funds to finance the contract's optional years and 10 percent additional funding for contingencies will be requested through the annual budget process.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The recommended contractor is Ocean Blue Environmental Services, Inc., located in Long Beach, California. The contractor is certified by the County of Los Angeles as a Local Small Business Enterprise. The contract will commence upon the Board's approval or 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 for up to 6 months for a maximum potential total contract term of 54 months.

This 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 Ocean Blue Environmental 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. Enclosure C reflects the contractors' 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.

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.

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

ENVIRONMENTAL DOCUMENTATION

This service is categorically exempt from the provisions of the California Environmental Quality Act. This service is within a class of projects that has been determined not to have a significant effect on the environment in that it meets the criteria set forth in Section 15301 (c) of the California Environmental Quality Act.

CONTRACTING PROCESS

On July 17, 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 1,377 Local Small Business Enterprises, 55 Social Enterprises, and 134 independent contractors and Community Business Enterprises about this business opportunity.

On August 17, 2017, two proposals were received. The proposals were first reviewed to ensure they met the minimum mandatory requirements in the RFP. All proposals, having met these requirements, were 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/quality assurance program, equipment, and references, utilizing the informed averaging methodology for applicable criteria. Based on this evaluation, it is recommended that this contract

The Honorable Board of Supervisors

3/13/2018

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be awarded to the highest-rated, lowest cost, apparent responsive, and responsible proposer, Ocean Blue Environmental Services, Inc., a Local Small Business Enterprise, located in Long Beach, California.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The award of this contract will not result in the displacement of any County employees as this service is 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 EMERGENCY REMOVAL OF HAZARDOUS MATERIAL
(2017-AN014)

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 Ocean Blue Environmental 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, 2017, hereby agrees to provide services as described in this Contract for As-Needed Emergency Removal of Hazardous Material.

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, Emergency Spills Daily Reporting Form; Exhibit H, Flood Control Maintenance Areas Map; Exhibit I, Flood Maintenance Division Confined Space Manual; 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 \$2.5 million 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's approval, or execution by 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 four years and six 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 upon completion, in arrears, for the work performed during the preceding month. Work performed shall be billed at the hourly rates 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 be sent to the Contractor.

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 terms and conditions as reflected in this AGREEMENT including, but not limited to, Exhibits A through I, inclusive, the COUNTY'S provisions shall control and be binding.

TWELFTH: The CONTRACTOR agrees in strict accordance with the Contract specifications and conditions to meet the COUNTY'S requirements.

THIRTEENTH: This Contract constitutes the entire agreement between the COUNTY and the CONTRACTOR with respect to the subject matter of this Contract and supersedes all prior and contemporaneous agreements and understandings.

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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 Carole Suzuki
Deputy

OCEAN BLUE ENVIRONMENTAL
SERVICES, INC.

By [Signature]
Its President
Moonho C- Lee
Type or Print Name

By [Signature]
Its Secretary Treasurer
Justin Lee
Type or Print Name

Enclosure B

Bid Detail Information

Bid Number : PW-BRCD 984
Bid Title : As-Needed Emergency Removal of Hazardous Material (2017-AN014)
Bid Type : Service
Department : Public Works
Commodity : HAZARDOUS MATERIAL AND WASTE SERVICES
Open Date : 7/17/2017
Closing Date : 8/10/2017 5:30 PM
Bid Amount : \$ 2,500,000
Bid Download : Not Available
Bid Description : PLEASE TAKE NOTICE that Public Works requests proposals for the contract for As Needed Emergency Removal of Hazardous Material (2017-AN014). 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 \$2.5 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 Mr. Jairo Flores at (626) 458-4069 or jflores@dpw.lacounty.gov or Ms. Jessica Dunn at (626) 458-4169 or jdunn@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 Countys Local Small Business Enterprise (LSBE), Disabled Veteran Business Enterprise (DVBE), and Social Enterprise (SE) Preference Programs. The Countys 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: Proposer must meet all minimum requirements set forth in the RFP document at the time of submission including, but not limited to:

1. Proposer and proposers on-site operation supervisors/managers must each have 5 years of experience in the removal and disposal of hazardous materials.
2. Proposer must possess all the following active and valid licenses/certifications:
 - a. Class A General Engineering Contractors license with Hazardous Substances Removal Certification
 - b. State of California Highway Patrol Hazardous Materials Transportation License
 - c. State of California License to Transport Hazardous Materials issued by the Department of Motor Vehicles
 - d. Federal Environmental Protection Agency License
 - e. Trauma Scene Waste Management Practitioner License
 - f. Medical Waste Hauler Registration License
 - g. Incident Command System Certification; ICS-200 OR ICS-300
3. All Proposers project managers, supervisors, and workers must have a minimum of 40 hours Hazardous Waste Operations and Emergency Response (HAZWOPER) training and the required annual HAZWOPER refresher course, as specified in 29 Code of Federal Regulation 1910.120 and Title 8 California Code of Regulation 5192, with the appropriate hours completed for their level of responsibilities.
4. The Proposers Field Chemist/Environmental Assessor must meet one of the following:
 - a. A 4-year college degree in Chemistry/Biochemistry and a minimum of 5 years of related experience in the field of hazard material removal and transportation, or
 - b. Forty-hour certification from an accredited school in the same field along with 10 years of experience, or
 - c. Certification as a Registered Environmental Assessor and a minimum of 5 years of related experience
5. The Proposers 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 13, Prevailing Wages. Please note that the services requested in this Contract may include both prevailing wage and nonprevailing wage work. Proposer 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.
6. Subcontracting is not allowed for this service. If a proposer makes reference to a subcontractor or if a proposer includes a list of subcontractors to perform the work requested, the proposal will be immediately disqualified.

A Proposers Conference will be held on Thursday, July 27, 2017, at 2:30 p.m. at Public Works Headquarters, 900 South Fremont Avenue, Alhambra, California 91803, in Conference Room A. ATTENDANCE BY THE PROPOSER OR AN AUTHORIZED REPRESENTATIVE AT THE CONFERENCE IS MANDATORY. Public Works will reject proposals from those whose attendance at the conference 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 Thursday, August 10, 2017, at 5:30 p.m. Please direct your questions to Mr. Flores at (626) 458-4069 or Ms. Dunn at (626) 458 4169.

Selected Bid Information

Contact Name : Jairo Flores

Contact Phone# : (626) 458-4069

Contact Email : jflores@dpw.lacounty.gov

Last Changed On : 7/17/2017 8:57:34 AM

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**COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
 CONTRACTORS UTILIZATION PARTICIPATION FOR
 AS-NEEDED EMERGENCY REMOVAL OF HAZARDOUS MATERIAL**

ENCLOSURE C

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	Ocean Blue Environmental Services, Inc.	✓	✓	✓	✓	✓	n/a
	Large-Sized Business Category Contractor Name						
3	N/A						

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						
5	N/A						
	Large-Sized Business Category Contractor Name						
6	Environmental Logistics Inc.	n/a	n/a	n/a	n/a	n/a	n/a