



## Legislation Text

File #: 2023-0539, Version: 1

### Report to Mayor and City Council

August 1, 2023

Consent

#### **SUBJECT:**

#### **CONSIDER REJECTION OF BIDS FOR RFP NO. 23-004: CITYWIDE CATCH BASIN CLEANING SERVICES**

#### **I. SUMMARY**

The City performs catch basin cleaning three times annually to prevent pollution to the environment and comply with national and state permits. These cleanings typically occur once in from June through September, and twice from October through May. The most recent cleaning occurred in May 2023.

On March 23, 2023, the City of Carson, Department of Public Works issued a request for proposals (RFP) from qualified contractors to provide city-wide catch basin cleaning services.

Three (3) bids were received. Staff discussed the proposals and originally intended to award the contract, issuing a Notice of Intent to Award on May 23, 2023.

The RFP required prevailing wage under the original assumption that the cleaning of catch basins is considered maintenance. City staff consulted with the Department of Industrial Relations and the City Attorney's office and determined that prevailing wage would not be required due to past rulings on catch basin cleaning.

City staff requests that City Council reject all bids and instruct staff to re-advertise without a prevailing wage requirement resulting in more competitive bids.

#### **II. RECOMMENDATION**

Take the following actions:

1. REJECT the bids received for RFP 23-004: CITYWIDE CATCH BASIN CLEANING SERVICES.
2. AUTHORIZE staff to re-advertise to receive competitive and responsive bids.

### III. ALTERNATIVES

1. DO NOT reject the bids.
2. TAKE another action the City Council deems necessary and appropriate currently consistent with the requirements of the law.

### IV. BACKGROUND

On March 23, 2023, the City of Carson, Department of Public Works, issued RFP 23-004 for City-wide catch basin cleaning services (Exhibit 1). The catch basin cleaning contract expired was set to expire on June 30, 2023. The City is required to clean the interior of catch basins, including trash screening devices, as part of regulatory requirements set forth by the National Pollutant Discharge Elimination System permit to prevent pollution to downstream water bodies, including the Dominguez Channel and Machado Lake.

Catch basin cleaning occurs three times per year - once in the dry season (June through September), and twice during the rainy season (October through May). The dry season cleaning is needed to clear the system of any debris introduced by other environmental factors and prepare the system for the rain. This cleaning is typically scheduled for September. The wet season cleanings maintain the system as pollutants are brought in by rain and are usually scheduled in December and April-May. The most recent cleaning was completed on May 25, 2023.

Maintenance triggers prevailing wages under the Labor Code. RFP 23-004 required prevailing wages based on the thought that the sought after services are considered maintenance. An optional pre-bid meeting was held virtually on March 30, 2023 and sealed bids were due on April 20, 2023. Three proposals were submitted by the following contractors:

1. Ron's Maintenance
2. Mattucci Plumbing
3. Anglin Bros Construction

At the time of proposal submission, staff reviewed and discussed the proposals and filed an intent to award the contract to Ron's Maintenance, providing the Notice of Intent to Award to all bidders on May 23, 2023. However, due to the large delta between the Ron's Maintenance bid and the other two bids, the bid amounts were discussed among staff and after contacting the bidders and further investigation, staff determined that Ron's Maintenance did not bid incorporating prevailing wage while the other two bidders did consider prevailing wage in their bids. The result of this inconsistency is that all three bids need to be rejected. The Ron's Maintenance bid must be rejected because it was technically not responsive to the RFP requiring prevailing wages. The other two bids, while responsive to the RFP, must be rejected because the services requested actually do not require prevailing wages because they are not considered to be maintenance by the Department of Industrial Relations (DIR) and instead, are considered to be "cleaning" services which do not trigger prevailing wages.

The determination of whether catch basin services are "cleaning" services turns on the functionality of the catch basins. If the catch basins are self-flushing, the DIR has ruled that

such cleaning services are not maintenance under a 2005 ruling on Public Works Case No. 2005-014 (Exhibit 2) that the cleaning of catch basins is not considered maintenance because removing trash is primarily for environmental purposes, and the catch basins will flush and essentially continue to operate as intended even if trash remains inside the basins. The City Attorney's office confirmed that the 2005 DIR ruling still applies and staff is able to represent the City's catch basins are in fact self-flushing.

Therefore, staff requests that the City Council reject all bids and instruct staff to readvertise the project without a prevailing wage requirement to receive more competitive bids.

## **V. FISCAL IMPACT**

None, rejecting a bid does not have a direct fiscal impact to the City.

## **VI. EXHIBITS**

1. RFP 23-004 CATCH BASIN CLEANING SERVICES
2. DIR Ruling on Catch Basin Cleaning

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