

# City of Merced

## REQUEST FOR PROPOSALS

Proposals due August 28th, 2023

### *Graffiti Abatement Services*

The City of Merced (City) Police Department is seeking proposals for a graffiti abatement service provider to remove graffiti from properties within the City limits of the City of Merced. Proposals are to be prepared pursuant to the specifications provided herein.

### **PROPOSAL SUBMISSION**

Two (2) copies of the complete proposal must be submitted no later than 4:00 PM on Monday August 28, 2023.

Proposals shall be submitted in a sealed envelope marked "Proposal for Graffiti Abatement Services" and delivered to:

Lt. Daniel Dabney  
Police Department  
611 West 22<sup>nd</sup> Street  
Merced, CA 95340

### **INQUIRIES**

Questions pertaining to the RFP should be directed in writing only, no later than 72 hours prior to proposal submission to:

Daniel Dabney, Lieutenant, [Dabneyd@cityofmerced.org](mailto:Dabneyd@cityofmerced.org)

**All submittals shall be submitted in writing.** Any exceptions to the requirements stated herein shall be clearly stated in the submittal and may be grounds for the proposal being declared non-responsive. All costs for preparation of the submittals shall be borne by the applicant, and submittals received shall become the property of the City, whether accepted or rejected. Incomplete submittals may be rejected as non-responsive. The City reserves the right to reject any and all proposals submitted in response to the RFP.

## SCOPE OF PROJECT

The City of Merced is seeking a firm to provide graffiti abatement services which include the removal or concealment of graffiti from public and private properties, digitally recording the graffiti incidents, and creating weekly and monthly reports for use in reporting of incidents to the police department for tracking.

## SPECIAL ISSUES AND REQUIREMENTS

**Form of contract:** Proposers shall affirm in its response their ability to execute a contract with the City of Merced (Exhibit 1). In the absence of such a statement, the proposal may be deemed incomplete.

**Labor Code:** Proposers shall comply with Sections 3700 et seq. of Labor Code of the State of California, requiring every employer to be insured against liability for worker's compensation.

**Insurance:** Proposers shall also meet the insurance requirements in Section 10 of the contract, including liability insurance in the amount of \$1,000,000, naming the City of Merced, its officers, agents and employees as additionally insured.

**Local Business Enterprise Policy:** The City Council has adopted a Local Business Enterprise Policy requiring service providers to make a good faith effort to include local businesses in their contract with the City or Agency. This may include offering an opportunity through subcontracting, if any. Proposers must respond to this policy in their proposal. If the Proposer has offices located within the City of Merced, the Proposer should state this as satisfaction of this requirement.

**Conflicts of Interest:** Proposers must be aware of and comply with conflict of interest rules included in the California Political Reform Act, and Section 1090 et. seq. of the Government Code. The Political Reform Act requires City/Agency officers and committee members to file statement of interest and abide by a Conflict of Interest Code. Section 1090 limits or prohibits a public official from contracting with a body of which an official is a member. Section 1090 applies even where the officer only reviews the contract for the approving body. If the Proposer holds no City or Agency board or committee appointment or other relationship, the proposal should simply state that in response to this item.

## FORM AND CONTENTS OF A FULL PROPOSAL

Each proposal shall include the following items in the order listed:

- Statement confirming ability to execute agreement as presented
- Local Business Enterprise Policy Statement of compliance
- Conflict of interest statement

## **PROPOSAL SELECTION**

This RFP does not commit the City to enter into a contract, nor does it obligate the City to pay for any costs incurred in preparation and submission of proposals or in anticipation of a contract. The City reserves the right, without qualification, to:

- Select any proposal when such action is considered to be in the best interest of the City;
- Reject any and all proposals;
- Issue subsequent Requests for Proposals.
- Postpone opening for its own convenience.
- Approve or disapprove the use of particular subconsultants/vendors.
- Accept other than the lowest offer.
- Exercise discretion and apply its judgment with respect to selection of any proposals submitted.
- Waive informalities and minor irregularities in the Proposals.
- Negotiate with any, all or none of the Proposers.
- Select proposals, based on initial proposals received, without discussion or after detailed discussions or contract negotiations.
- Enter into an agreement with another Proposer in the event the originally selected Proposer defaults or fails to execute an agreement with the City.

An agreement shall not be binding or valid with the City unless and until it is executed by authorized representatives of the City and of the Proposer.

## **PUBLIC RECORD**

Responses to this RFP become the exclusive property of the City of Merced. All proposals received in response to this RFP becomes a matter of public record and shall be regarded as public records, except for those elements in each proposal which are defined by the Proposer as business or trade secrets and plainly marked as “Confidential,” “Trade Secret,” or “Proprietary”. The City shall not in any way be liable or responsible for the disclosure of any such proposal or portions thereof, if they are not plainly marked as “Confidential,” “Trade Secret,” or “Proprietary” or if disclosure is required under the Public Records Act. Any proposal which contains language purporting to render all or significant portions of the proposal “Confidential,” “Trade Secret,” or “Proprietary” shall be regarded as non-responsive.

Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the City of Merced may not accept or approve that the information that a Proposer submits is a trade secret. If a request is made for information marked “Confidential,” “Trade Secret,” or “Proprietary,” the City shall provide the Proposer who submitted the information with reasonable notice to allow the Proposer to seek protection from disclosure by a court of competent jurisdiction.

## **WITHDRAWAL OF PROPOSALS**

A Proposer may withdraw its proposal at any time before the expiration of the time for submission of proposals as provided in the RFP by delivering a written request for withdrawal signed by, or on behalf of, the Proposer.

## **PROTEST PROCESS**

A vendor that submits a proposal that is disqualified may challenge the disqualification by filing a protest within seven (7) calendar days of the date of the City's notice of disqualification. An unsuccessful vendor may file a protest no later than seven calendar days after the award recommendation is posted for city council approval, except for protests regarding disqualification, which must be protested within seven days of the disqualification notice. All protests shall be in writing, filed with the Purchasing Supervisor Julio Marquez, and include the following:

- RFP Name.
- The name, address and telephone number of the protester.
- A detailed statement describing the legal and factual grounds for the protest, including copies of relevant documents.
- The form of relief requested.
- The signature of the protester or its authorized representative.

The Purchasing Supervisor will render a written decision within 30 days after the protest is filed. The City will not request authorization to award the contract until the protest process is completed.

Attachments:

1. Professional Services Agreement