City of Merced

**REQUEST FOR PROPOSALS**

Proposals due April 1st, 2024

***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 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 April 1st 2024.

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

Lt. Daniel Dabney

Police Department

611 West 22nd 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 Lieutenant Daniel Dabney:

Dabneyd@cityofmerced.org

**All proposals shall be submitted in writing**. Any exceptions to the requirements stated herein shall be clearly stated in the submittal and may be grounds for 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 unauthorized graffiti vandalism from public and private properties, digitally recording every graffiti incident, and creating weekly and monthly reports for use in reporting of incidents to the police department for internal tracking purposes.

**SPECIAL ISSUES AND REQUIREMENTS**

**Pricing:** The City requires hourly pricing not to exceed 120 hours a month.

**Wages:** This project is subject to compliance monitoring and enforcement by the California Department of Industrial Relations (DIR). No contractor or subcontractor may be listed on a bid proposal or awarded a contract for a public works project unless registered with the DIR pursuant to Labor Code section 1725.5. Awarded contractor will report certified prevailing wages to the Department of Industrial Relations using a project number that the City will provide to the contractor before contract work begins.

**Bond:** The main contractor will submit a payment bond covering the full amount of the contract prior to commencing work per California State Civil Code 9550. For specific details regarding the form and purpose of the bond, check out Civil Code Section 9554.

**Payment for Services:** The City payment terms are Net 30 days.

**Service Times:** The City requires proactive and reactive service daily, Monday through Friday.

**Response to requests:** Expected response requirement for removals from notification is 24 hours.

**Reports:** Vendor shall submit reports of service by the 5th of each month for the previous month. These reports shall include before and after photos, location along with a Global Positioning System (GPS) coordinate. The technology used for these reports shall have prior approval by the Merced Police Department.

**Private Property Service:** The City requires permission from owner to access private property before service.

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

**Length of Contract:** Proposer shall affirm ability to contract services for three (3) years with an option to renew for two (2), one-year terms.

**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:**

1. Good faith effort. The City Council has adopted Local Business Enterprise Policy (A-19) requiring service providers to make a good faith effort to include local businesses in their contracts with the City. This may include offering an opportunity through subcontracting, if any. Proposers must comply with this policy by filling out and submitting the Certification of Good Faith Effort pages from Policy A-19 in their response.
2. Local Business Preference. The City also offers a 5% preference to local vendors. If the Proposer has offices located within the limits of the City of Merced, the Proposer should fill out and submit the attached Local Business Preference form. 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 response proposal shall include the following items in the order listed:

 Statement confirming ability to execute the Agreement for Professional Services as presented.

 Completed Policy A-19’s Certification of Good Faith Effort.

* Completed Local Business Preference Form if vendor wants to claim local business preference.

 Statement regarding Conflict of Interests

**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 all the following:

• 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 become 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 date and 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**

Potential bidders, proposers, contractors, and sub-contractors wishing to protest or appeal a procurement or contracting decision made by the Purchasing Division must follow the procedures provided by this section. Protests or appeals which are not submitted in accordance with these procedures will not be reviewed.

PROTEST SUBMISSION

1. Any interested party (actual or prospective bidder or proposer) may file a written protest with the Purchasing Supervisor no later than five (5) working days after the date of mailing a Notice of Intent to Award (NIA).
2. The written protest may be delivered in person or via certified mail to the Purchasing Supervisor.
3. The protest must be physically received by the Purchasing Supervisor by 4:00 p.m. PST, by the fifth day during the protest period (Mail Address: 678 W 18th St/Physical address: 2525 O St).
4. The protest filed with the Purchasing Supervisor shall meet the following prerequisites:

**a.** The name, address, and business telephone number of the protestor.   
**b.** Identify the project under protest by name, RFP/quotation/bid number, and RFP/quotation/bid date.   
**c.** Contain a concise statement of the grounds for protest; however, the RFP or bid procedures (including evaluation criteria) shall not constitute grounds for protest. Concerns related to those issues must be raised and addressed prior to the bid or proposal opening date to allow adjustments before evaluation of bids or proposals.   
**d.** Include all supporting documentation, if any. Documentation submitted after filing the protest will not be considered during review of the protest or during an appeal.

PROTEST REVIEW AND APPEAL

1. Upon receipt of a protest, the Purchasing Supervisor shall review all the submitted materials and shall create and retain a written record of the review. The Purchasing Supervisor shall respond in writing at least generally to each material issue raised in the protest not later than ten (10) working days after receipt of the protest.
2. If the protested procurement involves federal funds, the Purchasing Supervisor shall give notice to the interested party that he or she has the right to appeal to the appropriate federal agency which shall be identified by name and address. An appeal hereunder shall be filed with the appropriate agency within five (5) working days of the dispatch of rejection notices to the interested parties.
3. The purchasing supervisor’s decision may be appealed in writing to the City Manager or his or her designee, with a copy to the Purchasing Supervisor, not later than ten (10) working days after the date the Purchasing Supervisor’s decision is mailed to the protesting party. A bid appeal review committee comprised of the City Manager or designee, and any other person(s) he or she selects shall review and decide the appeal based on the grounds and documentation set forth in the original protest to the Purchasing Supervisor. The appealing party may be represented by legal counsel, if desired. Each party shall bear its own costs and expenses involved in the protest and appeal process, including any subsequent litigation. The decision of the bid appeal review committee shall be final.
4. If the protested procurement involves federal funds, interested parties may have the right to appeal to the appropriate federal agency. When applicable, the Purchasing Supervisor shall give notice to the interested party that he or she has the right to such an appeal and shall identify the federal agency by name and address. When applicable, an appeal hereunder shall be filed with the appropriate agency within five (5) working days of the dispatch of rejection notices to the interested parties

Attachments:

1. Professional Services Agreement
2. Policy A-19
3. Local Business Preference Form