

CLEAN LAKES INC.

Aquatic Ecosystem Restoration & Maintenance

January 24, 2023

Robert Yalda, Public Works Director
Via email: ryalda@cityofcalabasas.com
Heather Melon, Landscape District Maintenance Manager
Via email: hmelton@cityofcalabasas.com
City of Calabasas
100 Civic Center Way
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Subject: Formal Bid Award Protest Notice - Request for Proposals (RFP) for Lake Maintenance Services for Special Landscape Maintenance District

Clean Lakes, Inc. (CLI) recently participated in a Request for Proposal issued by the City of Calabasas, Department of Public Works, per the above subject. We are a fully licensed professional contracting company that provided a proposal that came in second for cost.

It has come to our attention that a recommendation to award a contract was made for the entering into a Professional Service Agreement with what appears to be a noncompliant firm. This raises some concern regarding the potential to award a contract for this work to a company that is not properly licensed to perform these services in California.

The lowest cost bidder is a company known as Bio Aquatic Lake Management, Inc. Based on various public records searches, it appears this company does not have the qualifications to enter into a Professional Services Agreement, per the RFP specifications, for work requiring the payment of Prevailing Wages that is normally paid to bidders who are "Public Works Contractors".

The California Department of Industrial Relations (DIR) Labor Code states:

- Under the Labor Code, public works in general refers to:
 - Construction, alteration, demolition, installation, maintenance, or repair work,
 - Done under contract, and
 - Paid for in whole or in part out of public funds
- A public works contractor is anyone who bids on or enters into a contract to perform work that requires the payment of prevailing wages.
- Contractors who are required to register but fail to do so are ineligible to bid or work on a public works contract and can be removed from any public works project on which they currently are working.

CLI staff have reviewed publicly available regulatory agency websites and found that Bio Aquatics Lake Management is lacking the following required licenses;

1. No Contractors licensed as specified in RFP Appendix A, Item 1. Go to California State License Board website, contractor lookup at <https://www.cslb.ca.gov/OnlineServices/CheckLicenseII/CheckLicense.aspx>
2. No CA Department of Industrial Relations registration number as required for contractors for public works projects for prevailing wage projects in California, as specified in Appendix B, Item 19. Go to CA DIR Contractor Registration lookup at <https://cadir.secure.force.com/ContractorSearch>
3. No CA Department of Pesticide Regulation (DPR) Pest Control Business license as specified in Appendix A, Item 4. Go to CA DPR Business license lookup at <https://www.cdpr.ca.gov/docs/license/currlic.htm>

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4. Since Bio Aquatics Lake Management is not registered with the CA DPR as a Pest Control Business then they have not registered with the Los Angeles County Agriculture Commissioner's office as is required for all Pest Control Operators in the county of Los Angeles.
5. There is also the requirement in the RFP for CA DPR licensed Pest Control Adviser (PCA), or a consultant.

CA Department of Industrial Relations states that "Registration is required to bid or work on public works projects that are subject to the prevailing wage requirements of the State of California". Based on the California laws and regulations, from our knowledge, Bio Aquatic Lake Management, Inc. is not qualified per the RFP specifications, nor the Professional Services Agreement, and the firm's bid should be rejected as noncompliant.

Again, "Contractors who are required to register but fail to do so are ineligible to bid or work on a public works contract and can be removed from any public works project on which they currently are working".

As outlined above, it would appear that any agreement entered into with a noncompliant firm would not be long lasting, nor in the public's best interests, as the regulations state"... the contractor would be removed from any public works project on which they currently are working".

Thank you in advance for your review of this matter. As a licensed California Professional Contracting firm, we feel it is essential that all firms have the responsibility to follow the operating rules and regulations imposed on our industry, as they were designed to protect the interests of all parties, the public and the contractors, and ensure operations are on a level playing field.

Let me know if this letter satisfies the formal bid protest requirements, or there if there is another formal bid protest process, or if the City is relying on some form of exemptions that may exist in awarding contracts.

I can be reached at tmcnabb@cleanlake.com or via mobile phone at 925-766-8862.

Sincerely,

CLEAN LAKES INC.



Thomas J. McNabb, President

cc:

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