### CITY OF LONG BEACH

CITY COUNCIL MEETING OF NOVEMBER 18, 2014 AT 5:00PM

### PROTEST OF AWARD ANNAUAL TREE MAINTENANCE CONTRACT ITEM # 14-0946 ON CITY COUNCIL AGENDA

TO:

*Mayor*Robert Garcia

Councilmembers
Lena Gonzales
Suja Lowenthal
Suzie Price
Patrick O'Donnell
Stacy Mungo
Dee Andrews
Roberto Uranga
Al Austin
Rex Richardson

City Attorney
Charles Parkin

City Manager
Patrick H. West

City Clerk
Larry Herrera-Cabrera

#### SUBMITTED BY:

GUS K. FRANKLIN, PRESIDENT
UNITED PACIFIC SERVICES, INC.
120 E. LA HABRA BLVD., SUITE 107
LA HABRA, CA 90631
OFFICE: 562.692.4600, ext. 225, FAX: 562.691.8839
gus@unitedpac.com

### UNITED PACIFIC SERVICES, INC. - UPS

120 E. La Habra Blvd., Suite 107 La Habra, CA 90631 (562) 691-4600 office (562) 691-8839 fax gus@unitedpac.com

HONORABLE MAYOR AND CITY COUNCIL City of Long Beach California November 17, 2014

RE: A

AWARD OF ANNUAL TREE MAINTENANCE CONTRACT TO WEST COAST ARBORIST ITEM # 14-0946 ON CITY COUNCIL AGENDA FOR TUESDAY NOVEMBER 18, 2014.

RE: FORMAL PR

FORMAL PROTEST OF AWARD TO PIGGYBACK CONTRACT

Dear Mayor and City Council,

United Pacific Services, Inc. (UPS) has been trimming trees for the City of Long Beach Parks, Recreation and Marine (PRM) since 2001. During the past 13 years we have successfully been the low bidder on four PRM formal bid three-year contracts. Last year our current three-year contract with Long Beach was extended for one additional year. During all four formal bids since 2001 for over the past thirteen years the West Coast Arborists company (WCA) submitted higher bids than United Pacific.

We were looking forward to submitting another bid this year until we found out the City was in the process of combining both the Park & Recreation & Marine with Public Works (PW) into one large tree maintenance contract and than piggybacking on to the City of Tustin contract.

The combined value of this contract is \$2,668,750 per year for two (2) years and with the option to renew for two (2) additional one-year periods. The total value of this contract comes out to \$10,675,000 without the benefit of a competitive bid. The Long Beach contract is more than five times larger than the City of Tustin contract and should receive a sizable discount based on the size of the contract if competitively bid. Piggybacking onto a small city like Tustin does not take into consideration the volume of work to be done for a larger city on a grid trimming basis throughout the city.

I have supervised the completion of over \$100,000,000 in government contracts for over 95 cities in California from 1974 to 2014 INCLUDING THIRTEEN YEARS WITH THE CITY OF LONG BEACH. This included the trimming of 1,234,000 Street and Park trees during the past forty years and the removal of over 125,000 trees without incurring any General Liability Claims, a prefect record. All of these contracts were competitively bid and we were the successful low bidder. Today we our under contract with various cities and county agencies and have received thirty-four (34) endorsement signatures and fifty-seven (57) letters of recommendations dating back to 1977 to 2013. In addition we are working with a National Company, the Davey Tree Expert Company. Davey's sales in

2013 were at \$718,000,000 and they currently employ over 7,400 employees throughout the United States and Canada. Davey has agreed to work as a subcontractor to United Pacific on all large municipal contracts and especially the City of Long Beach.

If the City of Long Beach lets-out a formal bid for the trimming of their trees they will receive extremely favorable and competitive prices based on the size and scope of their contract, a volume discount, therefore we are requesting that the City Council does not piggyback onto the City of Tustin contract and instead let out a formal proposal / bid that would give the city the most competitive prices. In addition we are requesting that all current tree trimming contracts with the city including the current contracts of West Coast Arborists, Trimming Land Company and United Pacific Services be extended for an additional 90 to 180 day interim period until the city lets out a formal bid proposal.

The City of Long Beach contract is valued at over \$10,000,000 for a four year period and to my knowledge is the largest municipal TREE MAINTENANCE contract ever let out in the State of California that has been piggybacked on to another contract with a smaller city that is less then 20% the size of Long Beach.

Not only is this contract one of the largest municipal contracts that has ever been piggybacked onto another contract in California it is one of the LARGEST MUNICIPAL CONTRACTS EVER AWARDED IN THE STATE OF CALIFORNIA WITHOUT GOING OUT TO A PUBLIC BID.

#### IN CLOSING:

The West Coast Arborists Company has provided tree trimming services since 2008 for the City of Long Beach and United Pacific Services has provided tree trimming services since 2001. We are asking the Mayor and City Council to reject the piggyback to the City of Tustin contract and give other companies who have worked for Long Beach for many years an opportunity to submit a bid on one of the largest public works tree maintenance contracts ever bid in the State of California.

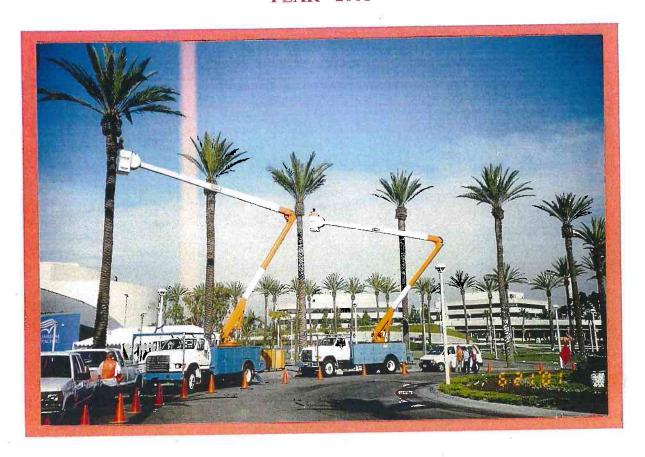
Very Truly Yours

Gus K. Franklin

President

### United Pacific Services, Inc.

#### CITY OF LONG BEACH YEAR - 2001



• United Pacific trimming trees along Shore Line Drive for the City of Long Beach. This is the first phase of a three (3) year contract awarded to United Pacific. The annual budget for this contract is \$75,000 per year.



## CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION AND MARINE

2760 Studebaker Rd. Long Beach Ca. 90815 (5820 570-3100 Fex (562) 570-3109

MAINTENANCE OPERATIONS

January 12, 2004

Matt Earle
Contract Administrator
City of San Diego
P.O. Box 120488
San Diego California 92112-0488

Dear Mr. Earl

United Pacific Services has been the tree-trimming contractor for Queensway Bay, the "Jewel" of Long Beach, for the last 3 years. They are very professional, working safely and leaving the job site clean. I have no problem recommending them fully.

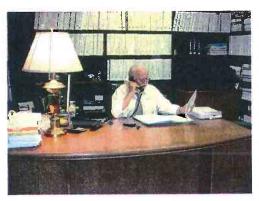
If you have any further questions feel free to call me at 562-570-1592.

Sincerely,

Oscar De Leon Contract Monitor Queensway Bay

### UNITED PACIFIC SERVICES, INC.

Gus K. Franklin, President.



I have been contracting with various cities and counties for tree maintenance work since 1971. For over forty years I have successfully supervised the completion of contracts for 85 municipalities and county agencies at a value exceeding \$92,000,000 dollars. During this time period all contracts were completed on time and to specifications. I have never been charged liquidated damages nor have any claims been filed against my General Liability Insurance. We look forward to adding new clients to our list of satisfied government agencies. Please review the following partial list of our municipal and county clients for

2012 below. I have also received 10 Government Endorsement Signatures rating United Pacific as excellent in 2004 and 14 City Endorsement Signatures in 1981 (see historical information).

#### **GOVERNMENT RECOMMENDATIONS - Year 2012**

The following Government Employees certify that United Pacific Services, Inc. (UPS) has completed all contracts on time and to specifications. They recommend our company as a qualified and knowledgeable firm in the execution of GOVERNMENT tree trimming and removal contracts. We have all the necessary equipment to complete the work in a timely manner and meet contract deadlines. For additional information please contact the listed phone numbers below.

**Municipalities and County Agencies** City of Long Beach 1.) Theresa Maceyka, Park Main Supervisor (562) 577-8490 City of Rancho Cucamonga 2.) Rodia, Parks & Landscape Maint. Superintendent (909) 477-2730 ext. 4137 City of Hawthorne 3.) Corrine Strege, Park Maintenance Supervisor (310) 349-1662 County of Riverside 4.) Matt Sayre, Contrad Supervisor (951) 955-6899 5.) City of Fountain Valley Dale A. Schuck, General Services Manager (714) 593-4605 6.) County of Riverside Mark Hughes, Landscape Maint. District (LMD) Supervisor (951) 830-6860 7.) City of Long Beach Contract Monitor (562) 577-8437 8.) County of Los Angeles (562) 861-0316 9.) City of Jurupa Valley (951) 332-6464 10.) City of Goleta Bill Millar, Public Works Manager (805) 968-6848



# UNITED PACIFIC SERVICES, INC. EVALUATION REPORT

The following Government agencies were asked to evaluate United Pacific Services overall performance. This evaluation is based on past and current contracts either completed or in progress. It is based on the following:

Poor - Fair - Satisfactory - Good - Excellent

# **Ten Government Endorsement Signatures January of 2004**

J	Signatures:	Dan A. L.	2 Poor	4 Fair	6 Satisfactory	8 Good	10 Excellent
1.)	Oscar De Leon, _ (562) 570-4886	City of Long Beach		اجا	اسا	<u> </u>	L <sub>M</sub>
2.)	Rene Sanchez, (562) 861-0316	County of Los Angeles					Ø´
3.)	Gary Striker, (310) 732-3890	City of Los Angeles					区
4.)	Larry Williams, (909) 864-8732	June Milliams City of Highland					<b>U</b>
5.)	Tony Tajalli, (626) 695-7292	County of Los Angeles			=		IJ <sup>*</sup>
6.)	Dave Brackin, (909) 387-4043	Acu Breeken County of San Bernardino					
7.)	Del Ortega,	County of Los Angeles					Ą
8.)	John Osollo, (310) 732-3946	City of Los Angeles					Ø
9.)	Saced Samie, (805) 857-7072	State of California					
10.)	Jose Ontiveros, (626) 458-3122	Tra R. County of Los Angele					Ø



### UNITED PACIFIC SERVICES - UPS

Gus K. Franklin

OVER FORTY YEARS OF EXPERIENCE - Since 1974



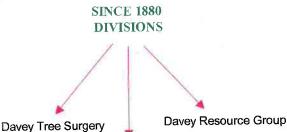
Gus K. Franklin, President and Owner of UPS has supervised the completion of over \$100,000,000 in government contracts for ninety-seven cities and county agencies In California from 1974 to 2014. During this forty year period all contracts were completed on time and to specifications. Mr. Franklin has received thirty-four endorsement signatures from various Municipalities, Counties and State agencies in the years 2012, 2004 and 1981. In addition he received fifty-seven (57) letters of recommendation dating back to 1977 to 2013. Mr. Franklin has also completed the trimming of 1,234,000 Street and Park trees during the past forty years this includes the removal of over 125,000 trees without incurring any General Liability Claims, a perfect record.



### DAVEY TREE EXPERT COMPANY



Larry Abernathy
Vice President - General Manager
Davey Tree Surgery



Davey Institute of Tree Surgery



Dana Karcher, Market Manager (former WCISA President 2013/14) Davey Resource Group

#### Co-operative Agreement

The Davey Tree Expert Company is a National Company and had sales exceeding \$718,000,000 in 2013. Davey currently employs over 7,400 employees throughout the United States and Canada. They are one of the largest employee owned companies in America and in addition to having an excellent reputation they have a proven track record of accomplishments for over ONE HUNDRED YEARS.

The Davey Tree Surgery and Davey Resource Group have agreed to work with United Pacific on some of our Municipal, County and State contracts in a supportive role as a subcontractor. This includes providing line-clearing, tree trimming, tree removal, root pruning, stump grinding, equipment rental with operator, a web based tree inventory the TreeKeeper and advice thru the Davey Tree Institude of Tree Surgery.

United Pacific is one of a few companies throughout the country that meets the high standards of the Davey Company and has been pre-approved by Davey as a qualified Tree Maintenance Firm with a long history in completing government contracts.



Circu 1976 City of La Habra - Gus K. Franklin's Tree Company

#### UNITED PACIFIC SERVICES, INC. FIFTY (50) LETTERS OF RECOMMENDATION

#### GUS K. FRANKLIN

31 YEAR PERIOD (1977 to 2008)

The following letters of recommendation cover a 31 year period of completing over \$60,000,000 in governmental contracts for 70 Municipalities, 7 California Counties and the State of California (Caltrans). From 1977 to 2008 all governmental contracts were completed under the direction and supervision of Gus K. Franklin and represents an

excellent past record of accomplishments of completing Tree, Landscape and Weed Abatement maintenance contracts on time and to specifications in the State of California. Upon request these letters will be made available.

	AGENCY	RECOMMENDATION BY:	<b>YEAR</b>
1.)	Alliant Driver Commercial Group / Bonding	Jay P. Freeman, CPCU	2008
2.)	City of Santa Clarita	Robert Sartain, Urban Forestry Supervisor	2007
3.)	Orange County Sanitation District	James D. Ruth, Interim General Manager	2006
4.)	County of Los Angeles	Raymond Low, Internal Audit Group	2006
5.)	City of Highland	Sam Racadio, City Manager	2005
6.)	Department of Transportation	Jeff Morales, Director	2004
7.)	City of Long Beach	Oscar De Leon - Contract Monitor	2004
8.)	City of Highland	Larry M. Williams - Public Works Manager	2004
9.)	County of San Bernardino	David Brakin - Abatement Supervisor	2004
10.)	City of Los Angeles	Gary Striker - Park Maintenance Supervisor	2004
11.)	City of Pico Rivera	Steven Castellanos - Asst. Deputy Director	1998
12.)	City of Highland	Larry M. Williams - Public Works Manager	1998
13.)	Averbeck Company / Bonding	Jay P. Freeman - Account Executive	1998
14.)	State of California - Caltrans	Jeff C. Morgan - Superintendent II	1998
15.)	City of Norco	Christopher L. Sorensen - Mayor	1998
16.)	Kellogg Supply, Inc.	H. Clay Kellogg IV - President	1998
17.)	City of Norco	Joesph S. Schenk - Director	1996
18.)	City of Arcadia	Robert A. Lang - Park Supertindent	1996
19.)	City of Simi Valley	City Council Meeting	1996
20.)	City of Santa Fe Springs	Luis F. Collazo - Planning and Development	1995
21.)	Union Bank	Kelly J. Cooke - Assistant Vice President	1994
22.)	Amwest Surety / Bonding	Pat Dolan - Branch Manager	1994
23.)	City of Santa Fe Springs	Ronald S. Kernes - Mayor	1993
24.)	Congress of the United States	Estaban E. Torres - Member of Congress	1991
25.)	City of Garden Grove	Walt E. Donovan - Mayor	1990
26.)	UltraPower Malaga-Fresno	R.C. Rodenbach - Fuel Manager	1990
27.)	Sequoia Forest Industries	El Kessler - Fuel Procurement	1990
28.)	City of West Hollywood	John Heilman - Mayor	1985
29.)	S.O.S. Coral Tree Society	James A. Thomas - President	1985
30.)	Peridian Group	Vincent Rie Takeuchi - Project Manager	1984
31.)	Los Angeles Olympic Committee	Tak Fujii - Associate Vice President	1984
32.)	Veterans Administration	Juanita D. Walker - Director	1983
33.)	United States District Court	Terry J. Hatter Jr Federal Judge	1983
34.)	City of Newport Beach	Jack Brooks - Park Superintendent	1982
35.)	City of Beverly Hills	Don Boynton - Public Works Inspector	1981
36.)	City of Yorba Linda	Louie Gomez - Street Supertindent	1981
37.)	City of Carson	Howard B. Homan	1981
38.)	City of La Habra	Manuel Torres - Tree Maintence Foreman	1981
39.)	City of Buena Park	Gordon Smith - Supervisor/Street Trees	1981
40.)	Surety Insurance Company / Bonding	Madelaine Gentry - Assistant Manager	1981
41.)	City of Garden Grove	Lou Hertz - Park Superintendent	1981
42.)	City of Fountain Valley	David L. Christensen - Supervisor / Parkway Maintenance	1981
43.)	City of Whittier	Emmett A. May - Tree Maintenance Supervisor	1981
44.)	City of Fullerton	Kathy A Greco - Development Coordinator	1981
45.)	City of San Fernando	Fred L. Morgan - Director	1980
46.)	City of Lynwood	Don V. Snavely - Director of Parks	1980
47.)	City of Lynwood	Don V. Snavely - Director of Parks	1978
48.)	City of Santa Ana	Robert E. Gresham - Director	1978
49.)	City of Los Angeles	Joseph L. Louthau - Supertendent	1977
50.)	City of La Habra	Manuel F. Torres - Tree Maintenance Foreman	1977

#### The above letters of recommendations are from the following:

1.	Mayors (4)	10.	Tree Supervisors (3)	19	Branch Managers (2)
2.	Director of Public Works (3)	11.	Park & Tree Superintendent (1)	20.	Park Maint. Supervisor (1)
3.	Vice Presidents (3)	12.	Project Manager (1)	21	Public Works Manager (1)
4	Presidents (2)	13.	Public Works Inspector (1)	22.	Contract Monitor (1)
5.	Congressmen (1)	14.	Planning Coordinator (1)	23	City Manager (1)
6.	Federal Judge (1)	15.	Community Coordinator (1)	24.	Other (4)
7.	Fuel Managers (2)	16.	Asst. Director of Public Works (1)		
8	Parks & Grounds Superintendent (3)	17.	Street Superintendents (4)		
9.	Field Supervisors (2)	18.	Director of Parks (3)		

### City Endorsement Signatures

Gus K. Franklin 1981

To Whom it May Concern:

Re

During the past twenty-five years I supervised the completion of over \$50,000,000 in contracts for more than 70 southern California municipalities. All contracts were completed on time and to specifications. There has never been a claim on our Liability Insurance, nor has any complaint been filed against our State Contractors License. During this same period of time I supervised and completed numerous contracts for the counties of San Bernardino, Riverside, Ventura, Orange, Kern, San Diego and Los Angeles. I am recognized in California as one of the foremost contractors in the performance and completion of Governmental maintenance Contracts. Upon my request the following city officials recognized by accomplishments and Outstanding performance in the Organization, Direction, Supervision, Safety Programs and Completion of their contracts by their signed endorsements below.

Completion of their contracts by their s	signed endorsements below.
epectively:	$\Omega \parallel =$
1. CITY OF GARDEN GROVE	Lou Nierz, Park Superviser
2. CITY OF YORBA LINDA	Louie Gomez, Street Superintendant
3. CITY OF CARSON	Howard B Homen Howard Homan, Park Director
4. CITY OF SANTA ANA	Clint Jones, Tree Supervisor
5. CITY OF LYNWOOD	Don Snavely Park Director
6. CITY OF FOUNTAIN VALLEY	Dave Christenson, Tree Supervisor
7. CITY OF LA HABRA	Manuel Torres Manuel Torres Manuel Torres, Tree Supervisor
8. CITY OF LOS ANGELES	Meil Denering, Straet Tree Superintendent
9. CITY OF FULLERTON	Kathy Greco Park Co-orginator
10. CITY OF WHITTIER	Emmitt May, Tree Supervisor
11. CITY OF PARAMOUNT	Roge Kretzer, Tree Spervisor
12. CITY OF SAN FERNANDO	David Saldebar
13. CITY OF SO. EL MONTE	Dave Salabar, Street Superintendent
14. CITY OF BUENA PARK	Gordon Smith. Tree Supervisor

### PURCHASE ORDER

BPO ID: BPPR11000009 PRINT DATE: 12/20/2013

\*\* REVISED \*\*

UNITED PACIFIC SERVICES INC

120 E LA HABRA BLVD, STE 107 LA HABRA CA 90631-2310

AS SPECIFIED ON INDIVIDUAL ORDERS

PLEASE REFER ALL QUESTIONS CONCERNING THIS ORDER TO:

ANNE TAKII

TEL: (562)570-6362 \_\_\_\_\_\_\_

EXPR DATE F.O.B. POINT DISCOUNT TERMS CONTRACT AMOUNT 06/01/2014 DESTINATION NET 30 886,000.00

TERMS:

REVISION FIVE DATED 12/18/13:

PER COUNCIL LETTER DATED NOVEMBER 19, 2013, EXTENDING CONTRACT TO 6/1/14; NO PRICE CHANGES. ADDING \$50,000 FOR A NEW TOTAL OF \$886,000 PER AMENDMENT NO. THREE.

REVISION FOUR DATED 10/21/13: ADDING \$214,000 FOR A NEW TOTAL OF \$836,000.

REVISION THREE IS ISSUED TO INCORPORATE THE FOLLOWING CHANGE: SECOND RENEWAL OPTION IS HEREBY EXERCISED EXTENDING PO ANOTHER 12 MONTHS TO 12/8/13; NO PRICE CHANGES. ADDING \$174,000 FOR A NEW PO TOTAL OF \$622,000 PER AMENDMENT NO. TWO.

REVISION TWO IS ISSUED TO INCORPORATE THE FOLLOWING CHANGE: CONTINUED, NEXT PAGE

RINTERCA FIRM DWOMEN 12/19/10: Lucka -

THE GRADULT AND THE PROPERTY OF

### PURCHASE ORDER

BPO TD: BPPR11000009

PRINT DATE: 12/20/2013

\*\* REVISED \*\*

ADDING \$100,000 FOR A NEW PO AMOUNT OF \$448,000.

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REVISION ONE IS ISSUED TO INCORPORATE THE FOLLOWING CHANGES: FIRST RENEWAL OPTION IS HEREBY EXERCISED EXTENDING PO AN ADDITIONAL 12 MONTHS TO 12/08/12; NO PRICE INCREASE. (PO AMT INCREASED BY \$174K) NEW PO TOTAL = \$348,000

TERM ORDER FOR THE PERIOD COMMENCING 12/08/10 TO 12/08/11 FOR PROVIDING TREE TRIMMING SERVICES TO THE CITY OF LONG BEACH AT THE LOCATIONS INDICATED UNDER SECTION 2 - BEACH AREAS, SECTION 3 -MARINAS, AND SECTION 4 - MTA RIGHT-OF-WAY, IN ACCORDANCE WITH BID SPECIFICATIONS #PA-03010 AND PRICES SET FORTH IN CONTRACT AGREEMENT #31906.

VENDOR CONTACT: GUS FRANKLIN

PHONE: 562-691-4600 X.225

FAX: 562-691-8839 EMAIL: GUS@UNITEDPAC.COM

ITEM COMMODITY ID

\* U/M \*

UNIT COST

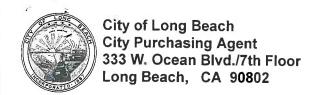
THIS BLANKET PURCHASE ORDER IS BEING SENT TO YOU FOR YOUR FILES. EACH DEPT THAT USES THE BPO WILL CREATE THEIR OWN PO RELEASE AGAINST THE BPO. PO RELEASE WILL BE SENT TO YOU EITHER VIA US MAIL OR FAX. THE CITY PURCHASING AGENT'S SIGNATURE WILL NOT APPEAR ON THE RELEASE; AN AUTHORIZED PERSON IN THAT DEPT WILL SIGN THE RELEASE. SHIPMENT OR SERVICE SHALL BE MADE AGAINST THE RELEASE PO NUMBER.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\* THIS BPO NUMBER SHOULD NOT BE USED ON THE INVOICE. ONLY THE PO NUMBER PROVIDED BY THE USING DEPARTMENT SHOULD BE USED. FAILURE TO OBTAIN THE PO NUMBER AND PROVIDE THAT NUMBER TO THE CITY ON ALL INVOICES

WILL RESULT IN DELAYS IN PAYMENT. \*

THE GENERAL CONDITIONS ARE HEREBY INCORPORATED BY REFERENCE. \*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

QUESTIONS REGARDING THIS BLANKET PURCHASE ORDER SHOULD BE DIRECTED TO CONTINUED, NEXT PAGE



### **PURCHASE ORDER**

BPO ID: BPPR11000009

PRINT DATE: 12/20/2013

PAGE .

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\*\* REVISED \*\*

THE BUYER AS SHOWN ON THE BPO.

ISSUANCE OF THE PURCHASE ORDER BY THE CITY CONSTITUTES ACCEPTANCE OF SUPPLIER'S OFFER ON THE TERMS AND CONDITIONS STATED HEREIN AND IN ANY ADDENDUM HERETO.

TOTAL ESTIMATED EXPENDITURES (CONTRACT AMOUNT) ARE NOTED HEREIN. THE CONTRACT AMOUNT SHALL NOT BE EXCEEDED, INCLUDING TAX, WITHOUT WRITTEN AUTHORIZATION.

PRICES SHALL BE IN ACCORDANCE WITH THOSE EXTENDED TO OTHER GOVERNMENTAL AGENCIES. APPLICABLE STATE AND COUNTY SALES TAX WILL BE ADDED TO INVOICE.

THIS PURCHASE ORDER AMOUNT IS ONLY AN ESTIMATE. THE CITY NEITHER WARRANTS NOR GUARANTEES THAT THE TOTAL PURCHASE ORDER AMOUNT WILL BE REACHED.

AUTHORIZED SIGNATURE:

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