

Thunderbird Maintenance, Inc

California Contractor License No. 1117989

221 Air Park Road, Atwater, CA 95301

209-628-0729 / areed@rpdfirm.com

Proposal for Graffiti Abatement Services

City of Merced

March 2024

Lt. Daniel Dabney
City of Merced Police Department
611 West 22nd Street
Merced, CA 95340

March 29, 2024

Dear Lt. Dabney,

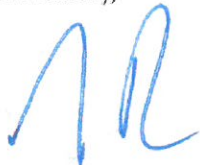
Thunderbird Maintenance, Inc ("TM") is pleased to submit this proposal to the City of Merced for review and consideration. Our graffiti removal services and qualifications are detailed in this proposal.

Thunderbird Maintenance, Inc. is a local Merced County company located in the Castle Commerce Center (formerly Castle AFB) in Atwater. Thunderbird Maintenance provides graffiti removal services to local jurisdictions and private property owners. Our process for graffiti removal includes the use of environmentally friendly chemicals approved for use in the State of California and concealment using latex paints and spray paints. These processes are detailed later in this proposal.

The owners of Thunderbird Maintenance are local and have lifelong ties to Merced County and the City of Merced.

I truly appreciate the opportunity to submit this bid for Graffiti Removal Services and look forward to working with the City of Merced if we are selected. Please feel free to contact me with any questions you may have about our company or the services we provide.

Sincerely,



Adam Reed

Managing Member & COO, Thunderbird Maintenance, Inc.

Mandatory Proposal Items

Statement Confirming Ability to Execute Agreement as Presented

Thunderbird Maintenance Inc. affirms its ability to execute the proposed Agreement for Professional Services (Attachment 1 of RFP) with the City of Merced. Adam Reed, as the COO and Secretary of Thunderbird Maintenance Inc. has the ability to execute the above stated agreement for the corporation.

Local Business Enterprise Policy Statement of Compliance

Thunderbird Maintenance Inc shall comply with the adopted City of Merced Local Business Enterprise Policy requirements. TM meets the definition of a Local Business Enterprise (LBE) as defined in the City of Merced Local Business Enterprise (LBE) Participation requirements. TM will strive to purchase locally for material, supplies, and fuel used for abatement service as we are able to and still maintain contracted pricing with the City of Merced for abatement services.

LBE policy forms are included in Attachment A.

Conflict of Interest Statement

The proposer is aware of and will comply with conflict of interest rules and Government Code Section 1090. Thunderbird Maintenance, Inc. members, employees, or vendors hold no City or Agency board or committee appointment or other relationship. No conflict of interest exists with any member, employee, or vendor of Thunderbird Maintenance, Inc.

Labor Compliance

Thunderbird Maintenance, Inc. shall recognize this work as a public works project and shall comply with the Department of Industrial Relations (DIR) monitoring and reporting requirements. TM shall register and maintain a valid DIR registration number. TM shall pay all workers on all work performed pursuant to the contract, no less than the prevailing wage rate determined by the DIR, for the type of work performed under the contract, pursuant to Labor Code Section 1725.5.

Proposer shall comply with Section 3700 et seq. of Labor Code of the State of California, requiring every employee to be insured against liability for worker's compensation.

Bonding

Thunderbird Maintenance, Inc. shall provide the City of Merced with a payment bond covering the entire contract amount, pursuant to California Civil Code 9550, in a form acceptable to the City of Merced.

Insurance

Thunderbird Maintenance Inc. can and will 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 additional insured.

Licensing

Thunderbird Maintenance, Inc. holds a valid State of California contractor license (C-33), no. 1117989.

Key Personnel

Adam Reed

Adam Reed holds the positions of COO and Managing Member of Thunderbird Maintenance, Inc. Mr. Reed manages day-to-day operations of TM and administers contracts with jurisdictions. Mr. Reed has more than a decade of municipal experience working with various jurisdictions in Merced County and across the State of California. This municipal experience includes serving on the planning commission (City of Atwater) for 5 years and serving on a public board of trustees (Winton Cemetery District) for 5 years. Other experience includes more than a decade of working in the public sector and interacting with municipal staff, elected officials and the public and engaging in negotiations with government agencies.

Mr. Reed performs weekly recording and reporting of abatement activities and is familiar with the process the City of Merced requires for reporting and billing.

Chris Morrow

Chris Morrow is the President of Thunderbird Maintenance, Inc. Mr. Morrow has a long history of working with the City of Merced and other agencies both in Merced County and across the State of California as a developer, contractor, and material supplier. Mr. Morrow is instrumental in the management of TM and is engaged in various aspects of operations including contract negotiations and agency relations.

Scope of Project

TM proposes to provide the City of Merced with graffiti abatement services within the city limits of Merced on public and private property. Abatements performed on public property will be done on a regular schedule and additionally as requested by city staff and residents. Response times to requests from city staff and residents will be determined by daily routes and schedules and will typically be performed the same day but will take no longer than 24 hours during a normal work week.

Abatements performed on private property will be limited to graffiti that is viewable from the public right of way in areas that are accessible to TM staff without having to access graffiti behind fences, shrubs, walls or any other physical barriers. Public requests for abatement on private property may require consultation with city staff prior to abatement. These abatements may require additional time to respond to. Private property abatements will only be performed when given authorization from property owner or authorized representative.

No abatements will be performed, public or private, when a risk to TM staff exists.

TM will provide the City of Merced and its residents with a direct phone number and email to report graffiti for removal. The public phone and email will be monitored Monday through Friday from 5am–2pm. TM will provide city staff with a 24hr emergency number for reporting emergency graffiti removals outside of the public hours for reporting.

TM will document in writing and digital photos, all graffiti abatements, and utilize these records to generate monthly reports to be submitted to the City of Merced. Monthly reporting will include spreadsheets of abatements by district (in a form acceptable to the City of Merced), digital photo records, and invoicing for services.

Term of Agreement

TM anticipates entering into an agreement for a term of 3 years with 2, 1 year options, or as negotiated between the City of Merced and TM. TM has reviewed Exhibit 1, "Agreement for Professional Services" and accepts the content and form of the agreement.

Compensation

TM shall provide the City of Merced graffiti abatement services at a level of service of 120 hours a month. TM can provide additional hours of service as required and approved by the City of Merced. Services are provided at a prevailing flat hourly rate that includes time and material, and a prevailing wage rate for a Journeyman Painter (Index 2023-2), at a rate of \$165.85 an hour. The annual compensation rate is not to exceed \$238,824.00. This would be the proposed not to exceed amount, proposed to the City of Merced for the first year of the agreement.

A change in prevailing wage rates (increase or decrease) determined by the DIR would require adjustment to the hourly rate immediately upon issuance of the determination. TM will notify the City of Merced immediately (within 48 business hours of receiving notice) of any increase or decrease in prevailing wage rate determinations and change to hourly rate of service.

An annual adjustment not to exceed 5% is proposed for increases in operations which may include but not be limited to insurance, fuel, materials, and equipment provided as part of the plate hourly rate of service. This increase would be in addition to adjustments in prevailing wage rate determinations. On or before the annual anniversary of the agreement, TM will notify the City of any increase in the rate of service.

Annual not to exceed amounts:

Year 1	-	\$238,824.00 (\$165.85 hr)
Year 2	-	\$250,761.60 (\$174.14 hr)
Year 3	-	\$263,304.00 (\$182.85 hr)

Monthly billing of services will be submitted to the city by the 5th business day of each month for the prior month of services. Billing will include abatement reporting and digital photo files.

SERVICES

TM will provide the City of Merced with graffiti removal services with qualified employees and state of the art equipment with quality paints and chemicals designed for graffiti abatement. TM will work with the City of Merced to tailor a graffiti abatement program that works for the city while also meeting the needs of the residents to include the following:

- Utilize established routes to monitor graffiti patterns and provide timely and cost-effective abatement services
- Proactive response to graffiti by providing scheduled routes Monday through Friday weekly.
- Provide city staff and residents with cell phone number and email address to report graffiti.
- Provide rapid response times for reported graffiti, no later than 24 hours during normal weekday hours (Holidays and weekends may affect response times).

Removal Processes

Industry leading processes are used to abate graffiti in either removal or concealment. The removal process utilizes the application of chemicals to breakdown spray paints and markers on smooth non-porous surfaces such as metal and plastic playground equipment, benches, and tables. Pressure washing may be used if required in the chemical process of removal. The concealment process utilizes latex paints for walls, fences, and buildings while spray paints are used for metal surfaces.

TM utilizes 4 primary colors of latex paint for concealment of graffiti. The colors are provided in Attachment B. TM shall work with the City to ensure that the colors are acceptable to the City and will make adjustments to the colors as approved by the City prior to commencement of work.

Removal Equipment

TM uses state of the art equipment to perform graffiti abatement. The equipment starts with a specially designed truck large enough to carry all necessary equipment and materials but small enough to enter and maneuver through parks, bike paths and alleyways with ease.

The truck is highly visible and equipped with safety lighting. The key to this truck is the flat bed graffiti removal system. The flatbed houses the 4 Titan airless sprayers, each connected to large reservoirs of latex paint. Each reservoir holds one of four primary colors, white, brown, gray, and tan. Other paint colors like blue, green, and yellow are kept in 1 gal. cans in storage boxes attached to the flatbed. 4 Titan airless sprayers are fixed to the flatbed and plumbed to each reservoir, with each plumbed to individual hose reels at the rear of the truck. Each hose reel has separate spray guns for each color and are used to apply paint to surfaces with graffiti. Powering the equipment on the flatbed is a ultra-quiet Honda generator. Storage boxes are attached to the flatbed with an assortment of tools and products to use in the graffiti abatement process.

Request For Information

The Request for Proposal (RFP) issued by the City of Merced for Graffiti Abatement Services on March 1, 2024, included information on submitting Requests for Information (RFI) related to the RFP. The RFP lists submission of RFI's should be directed to Lt. Daniel Dabney at his email address, Dabneyd@cityofmerced.org

An RFI was submitted via email on March 11, 2024 and again on March 26, 2024. The RFI requested information that would be pertinent to this RFP. Both emails have not been answered as of April 1, 2024 at 9:00am. The emails are attached as Attachment C.

Except for question 4 and 5 in the RFI we do not anticipate that the cost of services would increase or decrease once the items in the RFI are answered, rather these items would help present a more complete response to the RFP.

We request that these items be addressed during the RFP proposal review period and TM be afforded the opportunity to submit an addendum to the proposal before final determination is made.

Attachment A – LBE Policy Forms



LOCAL BUSINESS PREFERENCE

In accordance with Merced Municipal Code 3.04.215, Ordinance 2485

DECLARATION: bidders claiming local business preference shall submit this form with their bid.

Company Name:

Thunderbird Maintenance, Inc

Local Company Physical Address:

221 Air Park Road, Suite A, Atwater, CA 95301

Company's Corporate Address (if applicable)

Same as above

I, Adam Reed, certify that Thunderbird Maintenance, Inc. has had an
establishment within the ~~City~~ ^{County} of Merced for 0 years 8 months.

City of Merced Local Business Enterprise (LBE) is defined a business with fixed offices within the County of Merced.

City of Merced Business License Number: 24-00067252 Expiration Date: 6/30/24

State Board of Equalization resale license number: n/a Expiration Date: _____

I hereby declare that the information above is true and verifiable as of the date indicated below.

Signature:  Date: 04/01/2024

PURCHASING DIVISION ACTION

Approved ☐

Denied ☐

By: _____

Date: _____

Reason: _____

ADMINISTRATIVE POLICIES AND PROCEDURES

SUBJECT: LOCAL BUSINESS ENTERPRISE (LBE) OUTREACH PROGRAM FOR
USE ON ALL CITY AND PUBLIC FINANCING AND ECONOMIC
DEVELOPMENT AUTHORITY/PARKING AUTHORITY PUBLIC WORKS
PROJECTS

Effective: January 3, 2005 (Replaces policy dated September 1, 1997 and November 1,
1995)

PURPOSE:

The Council adopted a Public Works Local Business Enterprise Outreach Program. This policy is to implement the Council's Outreach Program.

The City is committed to insuring a full and equitable participation by LBE's in the provision of public works projects City or Agency.

POLICY:

All Department Managers are responsible for advising and training their respective employees on this policy.

(See attached Local Business Enterprise (LBE) Participation policy.)

APPROVED:


CITY MANAGER

CITY OF MERCED
LOCAL BUSINESS ENTERPRISE (LBE) PARTICIPATION
PROJECT NUMBER
PROJECT NAME

A. GENERAL

This project is subject to the policies and requirements established by the City of Merced. The City is committed to ensuring full and equitable participation by Local Business Enterprises (LBEs) in the provision of all goods and services to the City or Agency on a contractual basis. This outreach program is set forth in these Special Provisions. Bidders shall be fully informed concerning the requirements of this program. Failure to comply with the Good Faith Effort Outreach Program will render the bid non-responsive.

Please note that in accordance with State law, the bidder is required to fill out the list of subcontractors (page ____) at time of bid for any branch of work equal to one-half of one percent of total contract price or \$10,000.00, whichever is greater, that is to be accomplished by persons or companies other than the general contractor. This requirement is considered a totally separate issue from meeting the LBE requirements.

B. POLICY

The subcontracting outreach policy requires the bidder of this project to make a "Good Faith Effort" to obtain sub-bid participation by LBEs which is anticipated by the City to produce the level of LBE participation as shown in the "Notice Inviting Bids".

C. DEFINITIONS

1. Local Business Enterprise (LBE): An LBE is defined as a business firm with a valid non-delinquent City of Merced business license and with fixed offices or distribution points within the County of Merced.
2. Certification as an LBE: A business is automatically considered a certified LBE with the City of Merced if the business has a permanent physical location within Merced County and has an active City business license.
3. Good Faith Effort: The bidder must take affirmative steps prior to bid opening to ensure that a maximum effort is made to recruit LBE sub-bidder/subcontractors. LBEs must be considered along with other business enterprises whenever possible as sources of supplies, construction and other services. The required affirmative steps for Good Faith Effort Certification and Documentation are outlined in Paragraph D herein.

4. Subcontractor: For the purpose of this program, the term "Subcontractor" denotes an agreement between the prime Contractor and an individual, firm or corporation for the performance of a particular portion(s) of the work for which the prime Contractor has obligated itself. Subcontractors must have a valid California Contractor's License or Professional License. For purposes of meeting the LBE requirement, other work including but not limited to trucking, equipment rentals, or any service rendered by local firms for the project shall also be included.
5. LBE Participation Credit: This applies to recognition as an LBE.
 - a. Work performed by a prime contractor who is an LBE is credited 100%
 - b. Work performed by a prime Contractor who is not an LBE will not be considered for credit in computing any expected levels of LBE participation established for this project. The prime Contractor will be required to make good faith efforts to obtain reasonably expected participation levels through subcontracting or materials and supplies acquisition.
 - c. Credit for materials and/or supplies purchased locally shall be considered at 100% of the amount to be paid to the local vendor for such materials/supplies in computing the expected levels of LBE participation.

D. GOOD FAITH EFFORT CERTIFICATION AND DOCUMENTATION

It is the policy of the City of Merced to provide LBEs an equal opportunity to participate in the performance of all City contracts. Bidders shall assist the City in implementing this policy by taking all reasonable steps to ensure that any qualified available business enterprise including LBEs, have an equal opportunity to compete for and participate in City contracts. A bidder's good faith efforts to reach out to LBEs shall be determined from documentation of the level of effort put into achieving the following factors. Certification of Good Faith Effort must be returned with the bid. The low bidder shall submit detailed Good Faith Effort Documentation by 5:00 P.M. within two working days after the bid opening to the Engineering Department, 678 West 18th Street, Merced, California, 95340. Failure to submit the required Good Faith Effort Documentation by 5:00 P.M. within two working days after the day of the bid opening will render the bid non-responsive. Any other bidders who may be considered for award in the event that the low bidder is considered non-responsive shall submit the detailed Good Faith Effort Documentation by 5:00 P.M. within two working days after receipt of a request from the Engineering Department.

Good faith shall be determined by the following:

1. The bidder has made a good faith effort to obtain sub-bid participation by LBEs that could reasonably be expected to produce a level of participation by LBEs, as called for in the Notice Inviting Bids.

2. The bidder has identified and selected specific work items in the project to be performed by sub-bidders/subcontractors in order to provide an opportunity for participation by LBEs. Upon making this determination, the bidder subdivided the total contract work requirements into smaller portions or quantities to permit maximum active participation of LBEs. If the bidder has identified an amount of subcontracting work less than the proposed LBE goal or intends to do all of the project with his own forces, this shall not disqualify his bid. However, the bidder should make a good faith effort to maximize use of local services.
3. The City will provide a plan holder's list for this project upon request to the Engineering Department, phone (209) 385-6846 and provide outreach to local businesses regarding subcontracting opportunities through the Building Exchanges. However, the bidder should also provide written notice of its interest in receiving sub-bids on the contract to those business enterprises, including LBEs having an interest in participation in the selected work items, through builder's exchanges and the trade press.
4. The bidder has documented efforts to follow-up initial solicitations of sub-bid interest by contacting the affected business enterprises to determine with certainty whether said enterprises were interested in performing specific portions of the project work.
5. The bidder has negotiated in good faith with interested LBEs and did not unjustifiably reject as unsatisfactory bids or proposals prepared by any enterprise, as determined by the Engineering Department. As documentation the bidder must submit a list of all sub-bidders for each item of work solicited, including dollar amounts of potential work for LBEs.

The anticipated levels of LBE participation shall not by itself become the basis for any bidder's disqualification or determination of lack of Good Faith Effort. Adequacy of a bidder's good faith effort will be determined by the City Engineer after consideration of the factors of good faith as set forth above. Attached hereto is a copy of the Certification of Good Faith Effort due with the bid and the detailed evaluation sheet (Good Faith Effort Documentation) used by the City to assist in determining the adequacy of a bidders good faith effort.

All Bidders shall submit a completed Certification of Good Faith Effort with their bid. Detailed Good Faith Effort Documentation may be submitted with the bid or shall be submitted by the low bidder by 5:00 P.M. within two working days after the day of the bid opening. Failure to do so will render the bid non-responsive. The Engineering Department, in its review of the Good Faith Effort Documentation may request additional information to validate and/or clarify that a good faith effort was adequately made. Such information shall be submitted promptly upon request. If the low bid is considered non-responsive, additional bidders will be asked to provide Good Faith effort Documentation by 5:00 P.M. within two days after the day of receipt of request from the Engineering Department.

E. AWARD OF CONTRACT

The City reserves the right to reject any and all bids. The award of a contract will be to the lowest responsible bidder whose proposal complies with all requirements prescribed herein. This includes compliance with the required good faith effort outreach program. A positive and adequate demonstration to the satisfaction of the City of a good faith effort is a condition for being eligible for award of the contract.

In the event that the City considers awarding away from the apparent low bidder because of the bidder's failure to satisfy the City with its good faith efforts, the City shall, if requested, and prior to the award of the contract, afford the bidder an opportunity to present further evidence to the City of the bidder's good faith effort.

(This form must be returned with bid)

**CITY OF MERCED
PROJECT NUMBER**

PROJECT NAME

CERTIFICATION OF GOOD FAITH EFFORT

Bidders are required to initial the underlined space provided to the left of each applicable provision if the bidder achieved compliance and submit this certification checklist with the bid to the Office of the Purchasing Agent, at 2525 "O" Street, Merced, California 95340. Failure to submit the required checklist with the bid will render the bid non-responsive.

1. AL The bidder is a certified Local Business Enterprise and is therefore automatically qualified for 100% credit. No other portions of this Certification of Good Faith Effort form (except date, signature and contractor name) are required to be filled out and detailed documentation is not required

(If item 1 above is not checked, please proceed)

2. _____ The bidder is not a Local Business Enterprise. The bidder hereby certifies that his actual LBE participation, estimated at _____%, exceeds the goal listed in the Notice Inviting Bids. No other portions of this Certification of Good Faith Effort form (except date, signature and contractor name) are required to be filled out. Within two days after bid opening, only item 7 of the detailed Good Faith Effort Documentation, listing LBEs who will be subcontractors on this project, is required if bidder is the low bidder. (If the bidder has checked this item and after the bids are opened, it is determined that the bidder has not actually met the goal, the bidder must submit a new certification form completely documenting the bidder has made a good faith effort as required below.)

(If item 1 or 2 in not checked, you must complete the remainder of this form)

3. _____ The bidder has made a good faith effort to obtain sub-bid participation by LBEs which could reasonably be expected to produce a level of participation by LBEs as called for in the Notice Inviting Bids.

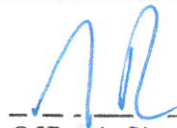
4. _____ The bidder has identified and selected specific work items in the project to be performed by subbidder/subcontractors in order to provide an opportunity for participation by LBEs. Upon making this determination, the bidder subdivided the total contract work requirements into smaller portions or quantities to permit maximum active participation of LBEs. If the bidder's total identified opportunities for subcontracting are less than the requested participation, this shall not disqualify the bid. However, bidder must make a good faith effort on all identified subcontracting.
5. _____ The bidder has documented efforts to follow-up initial solicitations of sub-bid interest by contacting the affected business enterprises to determine with certainty whether said enterprises were interested in performing specific portions of the project work.
6. _____ The bidder has negotiated in good faith with interested LBEs and did not unjustifiably reject as unsatisfactory bids or proposals prepared by any enterprise, as determined by the City. As documentation due after the bid, the bidder must submit a list of all sub-bidders for each item of work solicited, including dollar amounts of potential work for LBEs.
7. _____ The bidder estimates that his total LBE participation will be _____%. (Actual amount to be provided with detailed documentation due after bid).

CERTIFICATION

I have used this checklist and certify that positive steps were taken and documented to ensure that all available LBEs have had an equal opportunity to compete for and participate in this project. I am submitting this Certification of Good Faith Effort checklist herewith as evidence of the "Good Faith Effort" made. I understand that if I am the low bidder I am required to submit detailed documentation (unless I am a certified LBE or only the list of LBE's if I have met the goal) by 5:00 P.M. within two working days after the day of the bid opening or if my bid is to be considered for award, I am required to submit detailed documentation by 5:00 P.M. within two working days after receiving the request from the Engineering Department. I understand that if my documentation does not demonstrate that I have complied with the requirements of the "Good Faith Effort Outreach Program" as required by these bid specifications or if I do not submit adequate documentation, that my bid will be deemed non-responsive by the City.

04/01/2024

Date



Officer's Signature

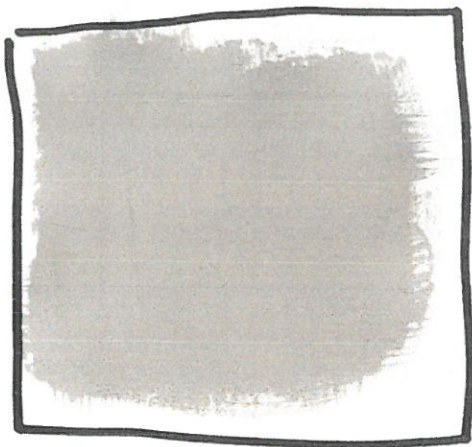
Thunderbird Maintenance, Inc.

Firm Name:

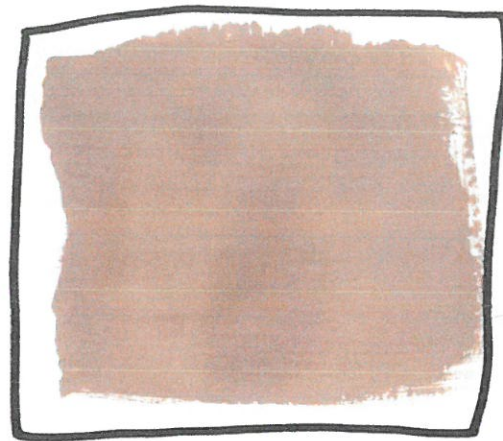
Adam Reed, Managing Member

Officer's Name and Title (Type or Print)

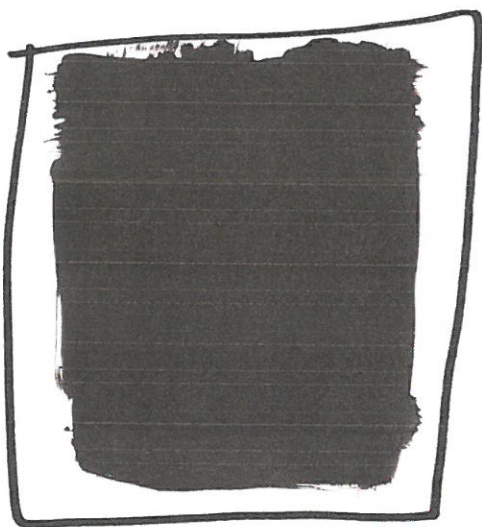
Attachment B – Color Samples



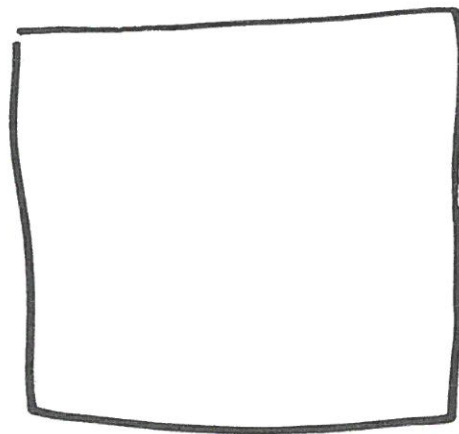
Gray



Tan



Brown



White

Thunderbird Maint.

Stock Colors

4-1-24

Attachment C – Request for Information

Adam Reed

From: Adam Reed
Sent: Monday, March 11, 2024 7:09 PM
To: Dabney, Dan
Subject: Graffiti RFI

Good Morning Dan,

I am working on my proposal for the Graffiti Abatement RFP and have a few questions.

1. Are MID and PGE transformers and other facilities owned by those utilities required to be abated?
2. What method of abatement does the City want for sidewalks and other concrete walking surfaces?
 - a. Cover with paint
 - b. Chemical treatment and pressure washing
3. What is the limit of graffiti abatement when it comes to private property? Does the City want all graffiti removed within public view even if it is 50' or more from the roadway or sidewalks?
4. If graffiti is present at a level higher than 8 feet from finish grade will the City allow for change orders for equipment rentals such as man lifts and reaches?
5. In areas with homeless encampments, will the City clear those areas for graffiti abatement?

Adam Reed
Planner – Designer
RHYOLITE DEVELOPMENT
221 Air Park Road, Suite A
Atwater, CA 95301
Ph. 209-628-0729
Email areed@rhyolitedevelopment.com



Adam Reed

From: Adam Reed
Sent: Tuesday, March 26, 2024 9:42 AM
To: Dabney, Dan
Cc: Mora, Tonya
Subject: RE: Graffiti RFI

Dan,

I am sure you are waiting to respond to these until you have RFI from everyone. Can you confirm you have received this?

Adam

From: Adam Reed <areed@rhyolitedevelopment.com>
Sent: Monday, March 11, 2024 7:09 PM
To: Dabney, Dan <DabneyD@cityofmerced.org>
Subject: Graffiti RFI

Good Morning Dan,

I am working on my proposal for the Graffiti Abatement RFP and have a few questions.

1. Are MID and PGE transformers and other facilities owned by those utilities required to be abated?
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