

Addendum #2
Community Facilities District No. 1 (CFD 1) Request for Proposals (RFP)
Responses to Question, April 1, 2024

1. What is the protest time period?

Pursuant to OCII's Purchasing Policy (excerpt below), OCII shall notify all potential Contractors who submit a proposal of the intention to award by writing or email, no later than 72 hours prior to the Commission meeting seeking approval of the proposed action. Potential Contractors who wish to protest the award will have the opportunity to address the full Commission via public comment at the aforementioned meeting. OCII strongly encourages any all potential Contractors who intend to protest, or who have questions about the award, to immediately contact OCII staff to gain additional clarity and/or resolve potential concerns.

EXCERPT OCII PURCHASING POLICY: SECTION VI. NOTICE OF PUBLIC HEARING
Except for solicitations under the Competitive Sealed Bids – Public Contract Code Method, which have their own "protest period", all potential Contractors who have submitted a proposal or bid will be notified in writing by letter or email of the proposed action no later than seventy-two (72) hours prior to the Commission meeting on the proposed action and will have an opportunity to be heard by the full Commission during public comment when the item comes up on the agenda.

2. Who is the existing contractor?

Forster & Kroeger, Inc.

3. What is the history of plant replacement?

The plant replacements 2018 to date have been to remove and replace three downed/at-risk trees, shrubs and annual flowers on the circular cement structure at First Plaza.

4. Am I understanding correctly that this item has a ceiling budget of \$110,000?

Yes, the maximum budget for recurring maintenance is \$110,000.

5. Replacements. This is really hard to determine. Would the cost of materials be an extra billing? Is this item to be estimated labor only? When it says, referring to minor replacements, "... except replacement of dead plants and lawn, light bulbs and fixtures.", wouldn't e.g. a dead plant replacement fall into the as needed under \$5,000 category? Where do we draw the line between what is minor recurring and as needed category consideration? Perhaps, because OCII has something in mind and knows the history, it could put in a factor for line item 1B with some clarification of what that means.

Labor and material costs are included in the costs of Recurring Maintenance and As Needed and Capital Services. The Contractor submits a proposal for the work which

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includes labor and materials. For as needed services \$5,000 or more, the Contractor's expenses to comply with the Public Contracting Law are included in the cost of the As Needed/Capital Services.

The As Needed/Capital Repair services we have had since 2018 are as follows:

- Repaired water leak.
- Removed two dead Plaza trees and one street tree.
- Planted annuals in the circular cement structures in front of the South Beach Marina Apartments.
- Re-ballasted light fixtures, rewired sockets, and installed LED lights in Townsend Plaza.
- Repaired lights (two repairs) in Brannan/Beale Plaza.
- Installed trash receptacles in Brannan/Beale Plaza.
- Reset bollards.

Please review the Recurring Maintenance Services, which do not include replacement costs, except for minor replacement. Example of removal would a few dead plants and small sections of lawn and replacement of individual light bulbs that have gone out. These would be minor replacements only. If they were significant, they would be considered As Needed Services, which would include, but not be limited to, removal and replacement of plaza trees and many plants, larger sections of lawns and ground covers, and other replacements. The administration of As Needed Repairs includes the provision: "any defect, damage, failure, or other significant need for repair, replacement, alteration of or to the Facilities that cannot be resolved in the course of Recurring Maintenance Services;..."