

COMMUNITY ACTION PARTNERSHIP OF KERN

1300 18th Street, Suite 200, Bakersfield, California 93301

NOTICE TO PROPOSERS NO. 2

Conflict-of-Interest Inquiry — Listing of the Landscape Architect of Record as a Subcontractor

Solicitation	RFP OPS 2026-006 — General Contractor Services
Project	Ramkabir Permanent Supportive Housing Project — Homekey+
Location	901 Union Avenue, Bakersfield, California 93307
Date of issuance	October 2, 2026
Issued by	Elizabeth Garcia-Vargas, Procurement Supervisor — procurement@capk.org
To	All prospective proposers and all holders of the Contract Documents

PURPOSE OF THIS NOTICE

This Notice responds to an inquiry received from a prospective proposer concerning whether a conflict of interest would arise if the Landscape Architect of Record were listed as a subcontractor. **This Notice does not modify the RFP or the Contract Documents. It changes no requirement applicable to any proposer, it adds no proposal-content requirement, and it does not change the Proposal Due Date.**

1. INQUIRY RECEIVED

A prospective proposer advised CAPK that Landscape Development, Inc. appears on and is stamped on the landscape drawings for the Project, that the firm had expressed interest in submitting a subcontract proposal, and asked whether a conflict of interest would arise if the firm were listed as a subcontractor in a proposal.

CAPK confirms that Landscape Development, Inc. is the Landscape Architect of Record for the Project. Sheet LCS of the Site Bid Set dated August 10, 2026 identifies the firm as Landscape Architect, and the landscape sheets LCS, LC.01 through LC.02, LCD.01 through LCD.04, LI.01 through LI.02, LP.01 through LP.02, LSR.01, LD.01 through LD.03, LS.01 and LS.02 were prepared by that firm.

2. DETERMINATION

Section III of the RFP, under the heading “Conflicts of Interest and Ethical Conduct,” provides in relevant part:

“Consistent with the CAPK’s Code of Conduct in Purchasing, firms and their affiliates that participated in developing the specifications or requirements for this Project, including the Project architect, are not eligible to submit a proposal.”

That provision, and the corresponding certification at Attachment F, are directed to the Proposer and its affiliates. A subcontractor is not the Proposer and, absent common ownership or control, is not an affiliate of the Proposer.

Accordingly, Landscape Development, Inc. is not barred from this Project in a subcontractor capacity, and a proposer may list that firm as a subcontractor. The firm remains ineligible to submit a proposal as a prime contractor, and remains ineligible to be listed where it is an affiliate of the Proposer.

3. TERMS APPLICABLE TO ALL PROPOSERS

a.	Landscape Development, Inc. is available to any proposer on equal terms. No proposer may claim or rely upon an exclusive arrangement with that firm, and no exclusive arrangement will be recognized by CAPK.
b.	Section VI.C of the RFP already requires each proposal to include a subcontractor and self-perform plan. A proposer intending to use Landscape Development, Inc. should identify the firm and its scope of work in that plan, as it would any other subcontractor. This Notice imposes no additional submittal.
c.	The firm's role as Landscape Architect of Record does not relieve the general contractor of full responsibility for the landscape work, and creates no contractual relationship between CAPK and that firm.
d.	CAPK retains its rights under the Contract Documents to inspect the Work at any time, and retains its prerogative as Owner to engage an independent landscape architect of its own selection to perform or verify landscape submittal review, pre-placement approvals, job-site observation, punch-list preparation, and landscape closeout. Engagement of such a consultant would be at CAPK's expense and would not alter the Contract Time, the Contract Sum, the scope of the Work, or the liquidated-damages provisions of the Contract.

4. PROPOSAL DUE DATE UNCHANGED

The Proposal Due Date remains 2:00 p.m., Wednesday, October 7, 2026, as established by Addendum No. 5, Item 1. The place and manner of delivery are unchanged. Proposals received after that date and time will not be accepted.

The Proposal Due Date is firm. Each proposer shall prepare and submit its proposal for delivery on October 7, 2026. CAPK reserves the right, in its sole discretion, to extend the Proposal Due Date by addendum; no proposer shall assume or rely upon any extension, and no proposal may be conditioned upon one.

5. QUESTION PERIOD REMAINS CLOSED

The question period closed at 5:00 p.m. on Thursday, September 10, 2026 and was not reopened. This Notice does not reopen it. CAPK has responded to this inquiry because it concerns proposer eligibility rather than a technical clarification of the Contract Documents, and because the response is owed equally to every proposer. Questions submitted after the deadline will not be answered.

Section XIV of the RFP, Prohibited Activity, remains in full force. All communications regarding this solicitation shall be directed to procurement@capk.org and to no other person.

6. EFFECT OF THIS NOTICE

This Notice is interpretive and administrative. It states CAPK's determination on the application of an existing provision of the RFP and does nothing else. No acknowledgment of this Notice is required, and the absence of an acknowledgment will not affect the responsiveness of any proposal. All terms and conditions of RFP OPS 2026-006, as modified by Addendum No. 1 through Addendum No. 6, remain unchanged and in full force.